

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE SEPTEMBER 19, 2013 REGULAR MEETING**

The meeting was called to order by Planning Commission Chairman Bianca at 5:30 p.m.

ATTENDEES

PLANNING COMMISSION MEMBERS

Planning Commission Chairman

DAMIAN BIANCA, C.A.P.Z.O. PRESENT

Planning Commission Vice Chairman

STEPHEN BROOKS ABSENT

City Council Member

MICHAEL POTTER, C.A.P.Z.O. PRESENT

TIM COWLES PRESENT

CYNTHIA MCCOLLUM, C.A.P.Z.O. PRESENT

STEVEN RYDER, C.A.P.Z.O. PRESENT

CAMERON GROUNDS, C.A.P.Z.O. PRESENT

LEWIE L. BATES, III, C.A.P.Z.O. ABSENT

TROY WESSON, C.A.P.Z.O. PRESENT

PLANNING STAFF PRESENT

AMY BELL, DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING; KELLY BUTLER, CITY ATTORNEY; JOHNNY BLIZZARD, A.I.C.P, CHIEF PLANNER; GARY CHYNOWETH, P.E., CITY ENGINEER; GINA ROMINE, PLANNER I AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Michael W. Haynes, Matthew Gillespie, Rachel Brown, Terry McDonald, Rick Campbell, Mike McKenzie, James Collins, Andrea Cushing, Dorothy Newman, illegible name, Tim Holcombe, Donna Blue, Dani Jo Davis, Sam Davis, Don Spencer, Jr., Mike Stafford, Tim Morris, John Bausher, Karen Rice, Gary McWhorter, and Garry Whitsitt.

ACCEPTANCE OF AGENDA

Chairman Bianca accepted the agenda as presented and proceeded with regular business.

APPROVAL OF MINUTES

Approval of minutes of the August 15, 2013 Regular Meeting.

Motion: Councilmember Potter to approve the minutes as written. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Approval of minutes of the August 23, 2013 Special Called Meeting.

Motion: Councilmember Potter to approve the minutes as written. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Abstain
Tim Cowles	Aye

Motion carried

PUBLIC COMMENT

Chairman Bianca opened the floor to public comment.

There being no public comment, Chairman Bianca closed the floor for public comment.

OLD BUSINESS

There being no old business, Chairman Bianca proceeded with public hearings.

PUBLIC HEARINGS

Zoning Amendments

1. Public hearing to consider Rachel Brown Homes LLC's request to zone two contiguous parcels of land located north of Heatherwood Subdivision, west of Slaughter Road and east of Magnum Lane to *R-3A, Single-Family Detached Residential District* and *B-2, Community Commercial District*.

Applicant Request: Rachel Brown of Rachel Brown Homes, LLC presented the request and

showed the commission a slideshow of her vision for the future development of the property. Ms. Brown stated that the proposed plan consists of 21 residential lots and 2 commercial lots fronting Slaughter Road and she has the vision of Main Street USA with craftsman or bungalow style homes and for the commercial buildings to play off the residential architecture.

Staff Report: Chief Planner Blizzard presented the staff report and stated the subject properties are located west of Slaughter Road and north of Heatherwood Drive. The subject properties were not provided a land use designation on the Future Land Use Map. Therefore, the proposed zonings are neither contrary nor complaint with the Future Land Use Map.

Staff and the Technical Review Committee recommend approval of the City of Madison's request to the zone the Rachel Brown Homes Properties to *R-3A, Single-Family Detached Residential* and *B-2, Community Commercial*.

Public Comments: Michael Haynes, 105 Southwood Drive, asked if the ditch would be relocated and if he would continue to have access to Magnum Lane. Matthew Gillespie stated the ditch was outside of the property and will remain the way it is. Director Bell stated the City and County must coordinate on the issue of Magnum Lane. Dorothy Newman, 117 Heatherwood Drive, asked if there were any proposed tenants for the commercial tracts. Ms. Brown responded she did not have any tenants at this time. Andrea Cushing, 104 Intracoastal Drive, endorsed the R-3A zoning on behalf of the Highland Lakes homeowner's association however the City needs to change their policy that R-3A cannot abut R-1A zoning. Ms. Cushing also expressed concerns regarding the condition of Magnum Lane, the overcrowding of Rainbow Elementary School and questioned whether screening would be required since the neighborhood was concerned about the noise and visual disturbance from Slaughter Road if the trees were removed. Attorney Butler stated the R-3A abutting R-1A was not an issue. Doyle Hill, 103 Southwood Drive, asked if construction traffic would enter off of Magnum Lane. Ms. Brown stated a construction entrance would be created off of Slaughter Road.

Board Comments: Councilmember Potter asked if the portion of Magnum Lane that is to be annexed into the City would have to be upgraded. Matthew Gillespie stated they have met with Commissioner Haraway to improve Magnum Lane beyond the subject property to current County standards.

Motion: Mr. Ryder moved to approve Rachel Brown Homes LLC's request to zone two contiguous parcels of land located north of Heatherwood Subdivision, west of Slaughter Road and east of Magnum Lane to *R-3A, Single-Family Detached Residential District* and *B-2, Community Commercial District*. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye

Motion carried

Subdivision Plats

2. *Crown Pointe, Phase IV, Preliminary Plat*

Location: Northeast corner of Gillespie Road and Balch Road

Representative: 4-Site, Inc.

Owner/Applicant: Spencer Farms, LLC

Lots: 39 and 1 Tract

Acreage: 14.0

Applicant Request: Don Spencer, Jr. representing Spencer Farms, LLC presented the request.

Staff Report: Chief Planner Blizzard stated Crown Pointe Subdivision is located north of Gillespie Road and east of Balch Road. The applicant's is requesting preliminary plat approval for *Crown Pointe, Phase IV* for the development of 39 additional lots. The smallest lot will be 10,800 square feet and the largest lot will be 20,983.57 square feet. The average lot size will be 12,983.57 square feet. Chief Planner Blizzard also discussed the need for two entrances into the subdivision until the final phase is completed. Mr. Spencer and Deputy Fire Chief Cary Sadler have been working on a temporary resolution to this issue.

Staff and the Technical Review Committee recommend approval of the preliminary plat for *Crown Pointe, Phase 4* with the following contingencies:

1. Need the following notes: ADEM permit, engineering pre-con, construction manual, Alabama Handbook on Erosion Control
2. Relocate SWI 325/339 closer to intersection
3. Provide drainage at north hammer head
4. Add street names to intersection sight distance table
5. Label the name of each street on all applicable sheets.
6. Label handicapped ramps of all applicable sheets
7. Signatures:
 - A. Madison Utilities
 - B. Huntsville Utilities
 - C. North Alabama Gas
 - D. Phone
 - E. Cable
 - F. Sight Intersection Certificate

Public Comments: Mr. Spencer stated that a farm road was located in the far eastern corner of the property and was an all-weather road. Deputy Chief Sadler stated that the tie to Graythorne Drive was acceptable as a temporary access.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve *Crown Pointe, Phase IV, Preliminary Plat* subject to satisfaction of the outstanding contingencies. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

3. *Grove Park, Phase 3, Final Plat*

Location: South of Dock Murphy Drive and on the south side of Grove Park Lane

Representative: Smith Engineering Co. Inc.

Owner/Applicant: Enfinger Steele Development LLC.

Lots: 18

Acreage: 3.43

Applicant Request: No comments.

Staff Report: Chief Planner Blizzard stated the subject property is located south of Dock Murphy Road and Liberty Middle School. The property is east of Liberty Square Subdivision and north of Gillespie Road. In April of 2013, the Planning Commission approved a preliminary plat for *Grove Park, Phase 3*. The approval of the plat allowed for the consolidation of thirty-one (31) lots into eighteen (18) lots and the approval of construction plans to remove the vacated alleys and realignment of utilities to service the new lots. The applicant is requesting approval of the final plat for *Grove Park, Phase 3*. The proposed final plat is consistent with the approved preliminary plat, except a change in the location of side and rear property lines for Lots 1-5. The reason for the modification is to remove the lots from a Special Flood Hazard Area, so mandatory flood insurance would not be required for those lots. The other change between the preliminary plat and final plat is the removal of the decorative fencing previously required between the rear lot lines and the adjoining wetlands for Lots 1-5 since the lots no longer adjoin the wetland boundary.

Staff and the Technical Review Committee recommend approval of the final plat for *Grove Park, Phase 3*.

Public Comments: No comments.

Board Comments: No comments

4. **Motion:** Mr. Cowles moved to approve *Grove Park, Phase 3, Final Plat*. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

1. *Spencer Place, Phase 3, Certified Plat*

Location: Northwest of the intersection of Brogan Drive and Hughes Road

Representative: 4-Site, Inc.

Owner/Applicant: Don Spencer

Lots: 3

Acreage: 30.74

Applicant Request: Don Spencer, Jr. presented the request.

Staff Report: Chief Planner Blizzard stated that subject property is located north of Brogan Drive and west of Hughes Road. The subject property is located within two zoning districts. The northern portion of the property is zoned *R-4, Multi-Family Residential* and the southern part is zoned *B-3, General Business*. The adjoining properties to the south and west that are located in the City of Madison are zoned *B-3, General Business*. The applicant is requesting that *Lot 3, of Spencer Place, Phase 2* be resubdivided into two (2) lots and one (1) tract. It is noted on the plat that Tract A will not be developed until all utilities are available. This portion of the property does not have access to sanitary sewer presently. The primary reason for the resubdivision is to divide the southern portion of the property, located in the *B-3, General Business District*, into lots for sale.

Staff and the Technical Review Committee recommend approval of the certified plat for *Spencer Place, Phase 3* with the following contingencies:

Variance Request:

The applicant is requesting a variance to Section 5-6 of the Subdivision Regulations which states that side lot lines shall be at right angles to the streets, except on curves where they shall be radial. The variance requests are as follows:

- A. The property line between Lot 2 and Lot 3, is non-radial to Hughes Road. The reason for this property line follows the zoning district line. Lot 3 to the north is zoned *R-2, Multi-Family Residential* and Lot 3 south of the line is zoned *B-3, General Business*.

Staff recommends approval.

- B. The property line between Lot 2 and Lot 3 is non-radial. The reason for this request is because this configuration will result in a side lot line that is closer to being perpendicular with the rear lot lines of Lot 1 and Lot 2, thus providing for a more uniform lot configuration. This will be beneficial to the parking lot layout of Lot 1, also, the proposed side lot line will be closer to parallel with the existing 100' wide utility and drainage easement.

Staff recommends approval

1. Sheet 1: Label the minimum finished flood elevations.
2. Note on site plan: No development Tract A until wetlands delineated

Public Comments: No comments.

Board Comments: No comments.

Motion: Ms. McCollum moved to approve the variance request to Section 5-6 of the Subdivision Regulations which states that side lot lines shall be at right angles to the streets, except on curves where they shall be radial to allow a non-radial lot line to allow the property line between Lot 2 and Lot 3 to be non-radial to Hughes Road . Councilmember Potter seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Ms. McCollum moved to approve the variance request to Section 5-6 of the Subdivision Regulations which states that side lot lines shall be at right angles to the streets, except on curves where they shall be radial to allow a non-radial lot line to allow the property line between Lot 2 and Lot 3 to be non-radial. Councilmember Potter seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye

Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Mrs. McCollum moved to approve *Spencer Place, Phase 3, Certified Plat* subject to the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

(Public Hearings Closed)

Site Plans

1. Madison AL Stake Center

Location: 28374 Powell Road

Representative: Gonzalez-Strength and Associates, Inc.

Owner/Applicant: Turner Batson

Acreage: 6.58

Applicant Request: Jamie Collins representing Turner Batson presented the request.

Staff Report: Chief Planner Blizzard stated the subject property is located at the southwest corner of Powell Road and Segers Road. The subject property is zoned *AG, Agriculture*. The adjoining property to the north was recently zoned to *R-3A, Single-Family Detached Residential*. The adjoining properties to the east, south and west are within unincorporated Limestone County and not zoned. The applicant is requesting approval of a site plan to construct an 18,741 square foot church on the subject property. The off-street parking facility will include 257 parking spaces.

Staff and the Technical Review Committee recommend approval of the site plan for *Madison AL Stake Center* with the following contingencies:

1. Note the flood zone, FIRM panel number and date.
2. Add truncated mattes to Site Legend Note (W)

Board Comments: No comments

Motion: Mr. Ryder moved to approve *Madison AL Stake Center, Site Plan* subject to satisfaction of the outstanding contingencies. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

2. Heritage Assisted Living Facility

Location: Northwest corner of Watterson Way and County Line Road

Representative: Mullins, LLC

Owner/Applicant: Dr. Rao Chimata

Acreage: 4.89

Applicant Request: Rick Campbell representing Mullins, LLC presented the request.

Staff Report: Chief Planner Blizzard stated the subject property is located west of County Line Road and north of Watterson Way. The applicant is requesting approval to construct an assisted living facility. The facility will be 35,150 square feet and provide for 32 beds.

Staff and the Technical Review Committee recommend approval of the site plan for *Heritage Assisted Living Facility* with the following comments:

1. Wavier Request:

The applicant is requesting the requirement for a five (5) concrete sidewalk along County Line Road be waved as authorized in Section 5-18A-2 of the Zoning Ordinance.

County Line Road is scheduled for widening and improvements under the Alabama Transportation Repair and Improvement Program (ATRIP) administered by the State of Alabama. A multi-use path will be constructed along County Line Road as part of the scheduled project. Director Bell clarified that payment in lieu is requested for the future installation of sidewalks at this location.

2. Note the fire flow data.

3. The flood note references incorrect information.

4. Note occupancy type of the proposed building.

5. Label the name and address of each adjoining property owner deed book page or document number.

6. Trees may not be removed in 100' landscape buffer unless land space plan reflects the trees in the buffer be replaced.
7. Provide radii on site plan
8. Provide correct address on elevation plan

Board Comments: Mr. Cowles asked Director Bell if this was considered a less than desirable use. Director Bell stated that the lot was not adjacent to County Line Road. Ms. Romine asked for clarification on the amount that should be collected for the fee in lieu of sidewalks. After discussion between the Board and staff it was decided that \$25.00 per linear foot of sidewalk would be collected as fee in lieu.

Motion: Mr. Cowles moved to approve *Heritage Assisted Living Facility, Site Plan* subject to satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

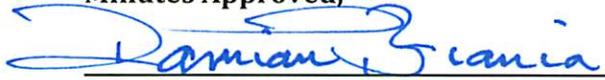
Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:26 p.m.

Minutes Approved,



 Damian Bianca, Chairman

ATTEST:



 Gina Romine, Planning Commission Secretary