

CITY OF MADISON, ALABAMA  
PLANNING COMMISSION  
MINUTES OF THE FEBRUARY 20, 2014 ANNUAL ORGANIZATIONAL AND REGULAR MEETING

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

ATTENDEES  
PLANNING COMMISSION MEMBERS

<b>Planning Commission Chairman</b> DAMIAN BIANCA, C.A.P.Z.O.	PRESENT
<b>Planning Commission Vice Chairman</b> STEPHEN BROOKS	ABSENT
<b>City Council Member</b> 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.	PRESENT
TROY WESSON, C.A.P.Z.O.	PRESENT

PLANNING STAFF PRESENT

Amy Bell, Director of Planning & Economic Development; Kelly Butler, City Attorney; Johnny Blizzard, A.I.C.P, Senior Planner; and Gary Chynoweth, P.E., City Engineer.

REGISTERED PUBLIC ATTENDEES

Tim Morris, Rokichia D. Haywood, Mike Callahan and Alison Callahan.

ACCEPTANCE OF AGENDA

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

APPROVAL OF MINUTES

Approval of minutes of the December 19, 2013 Regular Meeting.

**Motion:** Mr. Bates moved 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
Steve Ryder	Aye
Cameron Grounds	Aye

Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Abstain

**Motion carried**

**ELECTION OF OFFICERS**

Chairman Bianca opened the floor for nominations for Planning Commission Chairman.

**Motion:** Mr. Bates moved to nominate Mr. Bianca as Chairman. Mr. Ryder seconded the motion and with no further nominations from the Board the vote was as follows:

**Final Vote:**

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

**Motion carried**

Chairman Bianca opened the floor for nominations for Planning Commission Vice-Chairman.

**Motion:** Mr. Cowles moved to nominate Mr. Brooks as Vice-Chairman. Mr. Wesson seconded the motion and with no further nominations from the Board the vote was as follows:

**Final Vote:**

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

**Motion carried**

**PUBLIC COMMENT**

Chairman Bianca opened the floor to public comment. There being no public comments, 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 Linda Haney's request to zone property located north of Powell Road, south of Huntsville-Browns Ferry Road and west of Burgreen Road to *R-3A, Single-Family Detached Residential District*.

**Staff Report:** Director Bell stated the subject property is located west of Burgreen Road and north of Powell Road. The City's Growth Plan, adopted by the Planning Commission and City Council a few years ago guides that "neighborhood creation" rather than unplanned, conventional subdivision development, should be the focus of the city as development is presented. Included in the creation of neighborhoods is civic amenities including parks, recreation, schools and shopping. However it also notes that single-family neighborhood development will continue to be the most compatibility and highest and best use for much of the Western Development Key Development Area. The proposed annexation for a new neighborhood and the requested zoning is in compliance with the goals of the Growth Plan. Staff will continue to present to the Planning Commission, the elements of future layout plans for this and other development proposals to ensure we are creating amenity-rich neighborhoods, and connected, walkable and bikable streets and paths. The subject property and surrounding properties to the north, south and west have a land use designation of *R, Residential*. This designation recommends the property be zoned to one of the zoning districts permitting single-family detached dwellings but does not recommend density. The adjoining properties to the east have land use designations of *RM, Residential Medium Density* and *OS, Open Space*. As part of the application process, the applicant is requesting the subject property be zoned *R-3A, Single-Family Detached Residential*. *Smith Engineering Company* has submitted a conceptual layout. *Pearson Homes* plans to subdivide the property into lots for single-family detached dwellings, a community club house and an area for open space. An interior street system will also be provided for circulation and access. *Pearson Homes* plans to develop the subdivision in two phases. *Smith Engineering Company* provided a *conceptual* plan that subdivides the property into 108 residential lots. The total property contains 47.41 acres of land, resulting in a 2.2 dwelling unit per (gross) acre density. The average lot size is 14,899.76 square feet. This density of neighborhood is more consistent with *R-1B, Low Density Residential* standards than *R-3A, Single-Family Detached Residential*. The developer is following a familiar trend requesting *R-3A, Single-Family Detached Residential* because of the smaller setback requirements. The existing zoning in the area is for single-family development. The setbacks in the *R-3A, Single-Family Detached Residential District* are: front yard 25 feet; interior side yard, 8 feet; side yard adjoining a street right-of-way, 20 feet and rear yard, 25 feet. A dwelling may not cover more than thirty-three (33%) percent of the lot in this district. The layout proposed will maintain a generally consistent density compared to the surrounding area. In January of 2013, forty-eight (48) of the lots in *Morris Estates Subdivision* were annexed into the City of Madison and zoned *R-1A, Low Density Residential*. This zoning district was most compatible with the characteristics of this existing subdivision. The adjoining properties to the east are zoned *R-2, Medium Density Residential* and *R-3A, Single-Family Detached Residential*. The minimum lot size in *R-2, Medium Density Residential* is 10,500 square feet and the minimum lot size is 7,500 square feet in *R-3A, Single-Family Detached Residential*. The property zoned *R-3A; Single-Family Detached Residential* is the location of *Baker's Farms Subdivision* approved by the Planning Commission in December of 2013. The average lot size in *Baker's Farm Subdivision* is 16,218 square feet. The requested zoning of *R-3A, Single-Family Detached Residential* is the same as

*Baker's Farm Subdivision* and the conceptual plan submitted indicates the property will be developed in a manner similar to *Baker's Farms Subdivision*. The proposed zoning is similar to those properties zoned *R-1A, Low Density Detached Residential* and *R-2, Medium Density Residential* in that each district permits only single-family detached dwelling and the subject property will be developed at lower densities than allowed for in *R-3A, Single-Family Detached Residential*. Therefore, the proposed zoning will not create an isolated district. The trend in the Western Growth Area has been the approval of zonings or rezoning to *R-3A, Single-Family Detached Residential* with densities more consistent with medium to low density residential districts. The shorter setbacks widths and increased lot coverage are what makes the *R-3A, Single-Family Residential District* appealing to developers and builders. The applicant has submitted a conceptual plan with a 108 lot on 36.59 acres of developable land and yields an average lot size of 14,899.76. This is consistent with previous zonings and rezoning in east Limestone County.

Staff recommends approval of the annexation of the Haney Property and zoning designation of the property to *R-3A, Single-Family Detached Residential* with appropriate conditions imposed on the annexation petition when it goes to City Council in March and thorough review by staff and Planning Commission to the elements in this report when a layout plat is reviewed in the future.

**Public Comments:** No comments.

**Board Comments:** Councilmember Potter asked if staff will recommend a maximum number of lots on the annexation when presented to Council. Director Bell stated yes. Mrs. McCollum asked about the open space on the conceptual drawing. Director Bell stated that it is likely that the open space will relocate to a different area of the development. Councilmember Potter asked about the potential blue line stream and the effect that would have on the layout plat. Director Bell stated they would have to redesign the layout plat.

**Motion:** Mr. Cowles moved to approve Linda Haney's request to zone property located north of Powell Road, south of Huntsville-Browns Ferry Road and west of Burgreen Road to *R-3A, Single-Family Detached Residential District*. 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion carried**

**Subdivision Plats**

1. *Crown Pointe, Phase V, preliminary plat*

Location: Northeast of the intersection of Gillespie Road and Balch Road

Representative: 4 Site Inc.  
Owner/Applicant: *Spencer Farms, LLC*  
Lots: 21 and 1 tract  
Acreage: 15.96

**Applicant Request:** Tim Morris representing 4 Site, Inc. presented the request.

**Staff Report:** Senior Planner Blizzard stated the subject property is part of *Crown Pointe Subdivision* which is located at the northeast corner of Gillespie Road and Balch Road. The applicant is requesting preliminary plat approval for *Crown Pointe, Phase V* adding 21 additional lots, with an average lot size of 21,356.28 square feet. The largest lot will be 29,500 square feet and the smallest lot size will be 16,500 square feet. The average lot size exceeds the minimum lot size of 18,000 square feet required in the *R-1A, Low Density Residential District*. *Crown Points, Phase V* will also have four (4) common areas totaling 2.43 acres. The majority of common area platted with this phase will be located inside the traffic circle, which will be constructed during this phase, and is intended to preserve existing mature trees on the property. Tract 1 will remain undeveloped and contains 75.48 acres. *Crown Pointe, Phase V* will also incorporate *Tract 2, of Spencer Green Subdivision* in order to accommodate several lots located around the traffic circle that extend into this property. The consolidation of this *Tract 2* into *Crown Pointe Subdivision* will be accomplished with a certified plat titled, *Crown Pointe East*. This plat has also been submitted for approval at the February Planning Commission meeting. To date, the Planning Commission has approved final plats for three phases of *Crown Pointe Subdivision* totaling 119 lots in *Crown Pointe Subdivision* and 39 additional lots have received preliminary plat approval.

Staff and the Technical Review Committee, recommends approval of the preliminary plat and construction plans for *Crown Pointe, Phase V* with the following contingencies:

1. New street names must be approved by the Engineering Department
2. Sheet 4: Easement between Lots 122/123 must be 20 feet
3. Sheet 4: Easement between Lots 125/126 must be 20 feet
4. Sheet 26: Show closest existing fire hydrant
5. Show handicap ramps for access to circle common area and common area 11
6. Prefer connection of STR 508 to STS 511
7. Adjust pipes at lots 118, 124 and 125
8. Sloped paved headwalls shall match grade slope. If this is an issue then use flared end sections.

**Public Comments:** No comments.

**Board Comments:** Mr. Wesson stated that he found in July of 2010 variances were granted for sidewalks to be deleted which answered his questions regarding sidewalks. Mr. Wesson also had questions regarding access to Spencer Green and the common area bike paths do not have handicap ramps.

**Motion:** Mr. Bates moved to approve *Crown Pointe, Phase V, preliminary plat* subject to satisfaction of the outstanding contingencies. 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion carried**

2. *Crown Pointe East, certified plat*

Location: Northeast of the intersection of Gillespie Road and Balch Road

Representative: 4 Site Inc.

Owner/Applicant: Spencer Farms, LLC

Lots: 1 tract

Acreage: 91.44

**Applicant Request:** Tim Morris representing 4 Site, Inc. presented the request.

**Staff Report:** Senior Planner Blizzard presented the staff report and stated that the subject properties are part of two existing subdivisions: *Crown Pointe Subdivision*, located east of Balch Road and north of Gillespie Road; and *Spencer Green Subdivision* located west of Wall-Triana Highway and north of Gillespie Road. The applicant is requesting approval of a certified plat *Crown Pointe East Subdivision*. The subdivision will consolidate *Tract C of Crown Pointe, Phase III, Part 2* and *Tract 2, Spencer Green, Phase 1* into *Tract 1*. A preliminary plat for *Crown Pointe, Phase V* was also submitted for approval at the February, Planning Commission meeting. The purpose of this certified plat is because proposed lots 123 and 124 shown on that preliminary plat will exceed into *Tract 2, of Spencer Green Subdivision*.

Staff and the Technical Review Committee, recommends approval of the certified plat for *Crown Pointe East*.

**Public Comments:** Michael Callahan, 120 Corrine Drive had concerns regarding the access from Spencer Green on the north end just east of the wooded area. City Engineer Chynoweth stated that he would need to research that issue.

**Board Comments:** No comments

**Motion:** Mrs. McCollum moved to approve *Crown Pointe East, certified plat*. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

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

**Motion carried**

3. *Hughes Road Commercial Park, Phase 3, certified plat*

Location: Southeast corner of Lanier Road and Will Halsey Way

Representative: Mullins, LLC

Owner/Applicant: Bland Warren & E. Wayne Bonner

Lots: 2

Acreage: 5.99

**Staff Report:** Senior Planner Blizzard stated that staff requests that this item be tabled to the March Planning Commission meeting. Staff discovered that this property does not have access to sewer and therefore the applicant will have to provide a preliminary plat for a sewer line extension.

**Public Comments:** No comments.

**Board Comments:** No comments.

**Motion:** Mr. Cowles moved to table *Hughes Road Commercial Park, Phase 3, certified plat* to the March Planning Commission meeting. 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion carried**

4. *Joe Phillips Subdivision, Phase 2, certified plat*

Location: west of Corrine Drive and north of Joe Phillips Road

Representative: Big Spring Surveyors and Company

Owner/Applicant: Michael Callahan  
Lots: 2  
Acreage: 1.51

**Applicant Request:** Michael Callahan presented the request for certified plat approval.

**Staff Report:** Director Bell presented the staff report and stated that the subject property is located west of Corrine Drive and south of Freedom Way. The subject property and the adjoining properties to the north, south and east are zoned *R-1A, Low Density Residential* and the adjoining properties to the west are zoned *R2, Medium Density Residential*. Tract 10 is occupied by a single-family detached dwelling near the street and the rear (western) portion of the subject property is mostly wooded. It also may have soils and/or vegetation with wetland characteristics. Wetlands were previously confirmed by the *US Army Corps of Engineers* along the eastern boundary of *Stone Crest Subdivision*, immediately west. An investigation has not been conducted on the subject property to determine if wetlands are present. A site assessment is a requirement of a subdivision, but none has been submitted by the applicant. The applicant is requesting permission to subdivide *Tract 10 of Joe Phillips Subdivision* into two lots of record, Tract 10A and 10B. Tract 10A is proposed to be 0.97 acres having no direct access to a public street which would require a variance from Subdivision Regulations. A ten (10) foot access easement is proposed on the plat to give Lot 10A access to Corrine Drive. The access easement is proposed along the north boundary of Lot 10B. Staff understands the applicant plans to sell Tract 10B and retain ownership of Tract 10A. The applicant recently provided a written request for the waivers to the Subdivision Regulations 5-6(c) and 4-7-2(16) & (17).

Section 9-1 of the Subdivision Regulations states where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case in relation to the criteria described in a-e below (excerpted from Subdivision Regulations 9-1(a-e)).

**Variance Request #1**

A variance request to Section 5-6(c) of the Subdivision Regulations which states each residential lot shall front upon a dedicated street having not less than a fifty (50) foot of right-of-way. The applicant is requesting that Tract 10A not be required to have frontage on the dedicated street and instead has proposed a note on the plat indicating that any improvements (permits, construction) on that parcel would first require access and also a site assessment. Staff recommends denial of this request since not all criteria have been satisfied to grant a variance based on the findings for each below:

- a. **The granting of the variance will not be detrimental to the public safety, health, or welfare injurious to other property**

*The granting of the variance request should not cause such negative effects in the immediate future. The applicant owns and resides at 120 Corrine Drive located on Tract 11 which adjoins the north boundary of the subject property. The applicant plans to leave Tract 10A in a natural state. However, staff has concern that in the future when the applicant no longer owns the properties, it could become an isolated remnant of land and become a nuisance to adjoining properties since it would not necessarily be owned by an adjoining owner.*

- b. The condition upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property**  
*Variations are typically granted when a natural feature of the land or historic land subdivision prevents the property owner from developing the property in a manner consistent with the regulations. Nothing unique about the property prevents the applicant from complying with Section 5-6 of the Subdivision Regulations to provide access to a street, other than the applicant's desire to preserve the property and subdivide it. As staff has recommended, the applicant could consolidate Tract 10A into his property at Tract 11, Joe Phillips Subdivision. Once the property is consolidated, it is part of a lot with frontage on a public street.*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or diminution of economic value, if the strict letter of these regulations are carried out**  
*There is nothing about the particular geometry or topography that would cause the property owner an undue hardship. The property could be consolidated into Tract 11, instead of remaining a separate tract of land with no street frontage.*
- d. The hardship claimed has in no way been caused by the land owner**  
*The applicant plans to subdivide Lot 10 in order to sell the portion shown as Tract 10B, but retain ownership of the portion shown as Tract 10A. The applicant by this intent has caused his own hardship. This is especially true considering the portion in Tract 10A can easily be consolidated into the applicant's property at 120 Corrine Drive.*
- e. The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or other adopted plans, policies, and regulation of the City**  
*Section 5-7 of the Zoning Ordinance makes no provisions that a lot must have frontage on a public street unless the lot is occupied by a structure, in which case, the lot must have frontage and access to all basic utilities. Since no development is existing or proposed on Tract 10A, the proposed variance request does not vary the Zoning Ordinance.*

### **Variance Request #2**

Variance to Section 4-7-2 (16) of the Subdivision Regulations which requires the submittal of a site assessment report and map with each submittal of a certified plat, unless one was submitted and approved with a layout plat (which was not done previously). The applicant is requesting a variance to be relieved of this requirement. Staff recommends denial of this request since not all criteria have been satisfied to grant a variance based on the findings for each below:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property**  
*Site assessments are used to investigate a particular property and identify the natural and manmade characteristics of the site. A site assessment may reveal soil conditions, springs,*

wetlands or caves, etc. and such manmade features as dump sites, wells and existing fills or excavations. The site assessment provides necessary data to those responsible for the development of subdivision infrastructure in a manner that is safe for the future residents of the subdivision and adjoining property owners. Subdivisions of record are part of the legal process for the sale of real property. This ensures that an accurate survey has been provided and the property is in compliance with Subdivision Regulations and the Zoning Ordinance. The site assessment provides essential information to potential buyers of subdivided property. The applicant has no plans to develop Tract 10A but indicates he plans to sell the portion known as Tract 10B. The site assessment provides the potential buyer of Tract 10B with information about the property they are interested in buying. If wetlands are present on the property, they may extend into the portion described as Tract 10B. The dwelling on Tract 10B is serviced by a private septic tank system and the site assessment would show the location of the system field lines. For these reasons the site assessment is important to the health and safety of the public.

- b. The condition upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property**  
*Site assessments are required at the time of layout approval for major subdivisions. They are also required for all certified plats when no site assessment has been approved with a previous layout or where no site assessment has been conducted within a period of five years. When Joe Phillips Subdivision was approved and developed, the subdivision regulations did not require site assessments. Therefore, a site assessment was not submitted or approved for the subject property at the time the subdivision was approved nor has one been approved within the last five years. There is nothing unique about this situation that would prevent the applicant from submitting a site assessment in a manner consistent with other such certified plats.*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or diminution of economic value, if the strict letter of these regulations are carried out**  
*There is nothing about the natural features of the property that would prevent the applicant from submitting a site assessment. In fact, the natural features of the property indicate the possibility that Tract 10 may have characteristics associated with wetlands.*
- d. The hardship claimed has in no way been caused by the land owner**  
*The property owner has plans to sell a portion of Tract 10 and retain the rest. This action required that a certified plat be approved by the Planning Commission. The requirement for a site assessment is a result of the applicant's desire to subdivide the property.*
- e. The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or other adopted plans, polices, and regulations of the City**  
*The provisions of other regulations within the City of Madison would not be violated with the granting of the variance.*

Staff and the Technical Review Committee have reviewed the plat and the request for the two variances. Staff does not support either variance (see details pages 3-5) and therefore recommends disapproval of the Joe Phillips Subdivision certified plat that does not meet the requirements of the regulations. Staff has provided the following recommendations before and during the formal review process that would result in a plat that complies with the City Subdivision Regulations:

1. Submit a site assessment.

2. Tract 10A does not have frontage on a dedicated street. Staff recommends Tract 10A be consolidated in Tract 11.
3. The flood hazard note references an incorrect Federal Insurance Rate Map (FIRM), panel number and date. This must be corrected.
4. Show all existing utilities. This may be drawn on the site assessment .
5. Provide a certificate for the Madison County Health Department.
6. Signatures:
  - a. Dedication
  - b. Notaries Acknowledgement
  - c. Certificate of Accuracy
  - d. Flood Certificate

**Public Comments:** Michael Callahan, 120 Corrine Drive stated that the hardships includes the possible installation of a bridge for access and conducting a site assessment on the property are out of scale for only a change of ownership. Mr. Callahan stated that plat notes were provided to ensure that tract 10A would not be developed.

**Board Comments:** Councilmember Potter asked how tract 10A would have access. Mr. Callahan stated that there was an access easement along tract 10B or he could provide access along his property at 120 Corrine Drive. After further discussion between the Board and Mr. Callahan regarding his property rights and potential solutions for tract 10A the Commission informed Mr. Callahan they were not in favor of allowing tract 10A to not have access on a public street due to Mr. Callahan residing on the adjacent property to the north. Senior Planner Blizzard informed the Commission that if Mr. Callahan consolidated tract 10A into tract 11 additional adjoining property owners would need to be notified as required by state law.

**Motion:** Mr. Cowles moved to table *Joe Phillips Subdivision, Phase 2, certified plat* to the March Planning Commission meeting. 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion carried**

***(Public Hearings Closed)***

## Site Plans

1. *Independent Living Apartments for CHS Properties, Inc.*

Location: North of US Hwy 72 and west of Wall-Triana Highway

Representative: LBYD, Inc.

Owner/Applicant: Tim Barron

Acreage: .76

**Applicant Request:** Tim Roberts representing LBYD, Inc. presented the request.

**Staff Report:** Senior Planner Blizzard presented the staff report and stated the subject property is located north of U.S. Highway 72 and west of Wall-Triana Highway. The property owner is *CHS Properties* and the design firm is *LBYD, Inc.* The property contains 10.20 acres of land and the new building area will be 33,105 sf. The property is currently occupied by a nursing home and assisted living facility. The subject property and the adjoining property to the south are zoned *AG, Agriculture*. The adjoining properties to the east are zoned *B-3, General Business* and the remaining adjoining properties are within unincorporated Madison County and not zoned. Assisted Living is a permitted use in the Agricultural District (*Section 4-11-1*). The proposed building meets all of the regulations of the district. The applicant is requesting permission to construct a new 13,000 square foot building for 12 assisted living units.

Staff and the Technical Review Committee recommend approval of the site plan for *Independent Assisted Living* with the following contingencies:

1. Provide the distance of the proposed building to the fifteen (15) foot public utility and drainage easement along the southern wall of the building
2. Provide a document acceptable to the City Attorney relieving the City of Madison of any liability for damage to the building caused by work being conducted in the fifteen (15) easement along the southern wall
3. Note the number of staff and number of rooms in the parking calculations
4. Note the proposed occupancy type and load based on classifications in adopted building code
5. Note proposed type and extent of installed fire protection systems including flows
6. Show correct FIRM Panel information on plans
7. Show detention area and provide calculations
8. Provide additional information for staging and clean-out area

**Board Comments:** No comments

**Motion:** Mr. Bates moved to approve *Independent Assisted Living, 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion carried**

**New Business**

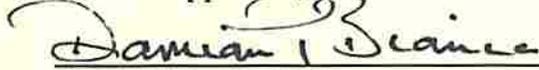
*1. Update of amendments to the Official Zoning Map for calendar year 2013*

Director Bell reported to the Planning Commission the status of each request for a zoning map amendment that the Commission considered during 2013.

**ADJOURNMENT**

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:41 p.m.

Minutes Approved,

  
\_\_\_\_\_  
Damian Bianca, Chairman

ATTEST:

  
\_\_\_\_\_  
Gina Romine, Planning Commission Secretary