

CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE APRIL 17, 2014 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	PRESENT
City Council Member MICHAEL POTTER, C.A.P.Z.O.	ABSENT
TIM COWLES	PRESENT
CYNTHIA MCCOLLUM, C.A.P.Z.O.	PRESENT (Arrived at 5:37 p.m.)
STEVEN RYDER, C.A.P.Z.O.	ABSENT
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 Planning & Economic Development; Johnny Blizzard, A.I.C.P, Senior Planner; and Gary Chynoweth, P.E., City Engineer.

REGISTERED PUBLIC ATTENDEES

Amanda Spenard, Jodi Meder, Jonathon Payne, Caroline Payne, Randy Tisor, Jeff Mullins, Jennifer Colee, and Steve Simmons.

ACCEPTANCE OF AGENDA

Ms. Romine requested the addition of the April 3, 2014 Special Called meeting minutes be added to the agenda for approval. Chairman Bianca accepted the agenda with the requested change and proceeded with regular business.

APPROVAL OF MINUTES

Approval of minutes of the April 3, 2014 Special Called Meeting.

Motion: Mr. Wesson moved to approve the minutes as written. Vice-Chairman Brooks seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye

Cameron Grounds	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 the City of Madison's request to amend *Article I, Title; Article II Purpose & Authority; Article IV, Section 4-13 Flood Damage Prevention – deleting, previously superseded by Ordinance 2010-324 ; Article V, Section 5-13A Telecommunications Towers; Section 5-13C Broadcast/TV/Radio Tower Use Regulations; and Article X, Zoning Board of Adjustments and Zoning Compliance of the Madison Zoning Ordinance.*

Staff Report: Director Bell stated the amendments to the Zoning Ordinance included reversing the order of Articles I & II with the Title being the first Article of the Zoning Ordinance. Article II Purpose and Authority was revised to include the suggestions provided to staff by the Planning Commission Review Committee and the Technical Review Committee. Article IV, Section 4-13, Flood Damage Prevention Ordinance was deleted from the Zoning Ordinance. In 2010, the City Council adopted a new flood prevention ordinance that was not included in the Zoning Ordinance but was included in the City of Madison's Code of Ordinances. This ordinance is codified as Ordinance 2010-324 and is currently being used by City of Madison staff. Article V, Section 5-13A telecommunications Towers and Article V, Section 5-13C, Broadcast/TV/Radio Tower Use Regulations were amended to provide regulations more streamline and consistent with federal guidelines. This amendment was included because of the submittal of several applications for new telecommunications towers. These are the first applications for new towers the City of Madison has received in about five years. Article X, Zoning Board of Adjustments and Zoning Compliance was been updated to be more consistent with State Law and language deleted that was more appropriate in the Board's by-laws. These sections are administrative in nature and pose no real policy changes in the land use regulations found in the Zoning Ordinance.

Public Comments: No comments.

Board Comments: Mrs. McCollum asked if there were any changes made to what was provided to the Commission would it be brought back to them. Director Bell stated no. Chairman Bianca asked when the public hearing would be held at City Council. Director Bell stated she would be requesting a the City Council to set a public hearing at the April 28th meeting and the public hearing

should be held sometime in late May.

Motion: Mrs. McCollum moved to approve the City of Madison's request to amend *Article I, Title; Article II Purpose & Authority; Article IV, Section 4-13 Flood Damage Prevention – deleting, previously superseded by Ordinance 2010-324 ; Article V, Section 5-13A Telecommunications Towers; Section 5-13C Broadcast/TV/Radio Tower Use Regulations; and Article X, Zoning Board of Adjustments and Zoning Compliance of the Madison Zoning Ordinance.* Mr. Grounds seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Abstain
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Subdivision Plats

1. *Hill Top Ridge Subdivision, Layout Plat*

Location: South of Henderson Circle and west of Burgreen Road

Representative Busbin Engineering Company

Owner/Applicant: W. Steve Simmons

Lots: 63

Acreage: 29.85

Applicant Request: Steve Simmons presented the request for layout approval.

Staff Report: Senior Planner Blizzard stated the subject property is located south of Henderson Circle and *West Haven Subdivision*, and west of Burgreen Road. The applicant is *Community Developers, LLC* and the property owners are *Community Developers, LLC and Dewanda B. Black*. The property consists of 29.85 acres of land. The Planning Commission considered a rezoning request for the subject property at their March 20, 2014 Planning Commission Meeting. The property was identified as the *Simmons's Property* on the March Planning Commission Agenda. The Planning Commission recommended rezoning from *AG, Agriculture* to *R3A, Single-Family Detached Residential*. The City Council has not acted on this request as of the date of this report and the approval of this layout is contingent on the City Council approving the rezoning request. The adjoining properties to the north are located in *West Haven Subdivision* and zoned *R3A, Single-Family Residential*. The properties along the east side of the subject property, located in the City of Madison are within *Heritage Provence Subdivision* and zoned *R3A, Single-Family Detached Residential*. The remaining adjoining properties are within unincorporated Limestone County and not zoned. The applicant is requesting layout approval in order to subdivide the subject property into 63 lots and related streets and utilities. The proposed layout has two changes from the concept plan submitted with the rezoning. The drive accessing Burgreen Road has been shifted to the north and the configuration of several of the lots along the eastern boundary also changed because of the shift of the access drive. The number of lots is still sixty-three (63) as was shown on the concept

plan.

Staff and the Technical Review Committee, recommends approval of the layout plan for *Hilltop Ridge Subdivision* with the following contingencies:

1. The rezoning request from *AG, Agriculture to R3A, Single-Family Detached Residential* must be approved by the City Council before the *layout plat* can be signed. (The public hearing is set for May 27, 2014.)
2. Show detention areas.
3. Show center turn lane on Burgreen Road.
4. Note: No access allowed from individual lots to Burgreen Road.
5. Clarify offset of boundary line with West Haven Subdivision.

Public Comments: Johnny Payne, 12390 Burgreen Road expressed concerns regarding the turn lane and the effects it would have on the properties on the east side of Burgreen Road. City Engineer Chynoweth stated that it is preferred that the turn lanes are centered because a twelve foot shift is more difficult than a six foot shift. City Engineer Chynoweth also stated that all of the work would be done within the 30 foot right-of-way that was already established. Mr. Simmons added that this property is south of the entrance and he moved his entrance to the subdivision to not disturb Mr. Payne's driveway.

Board Comments: Vice-Chairman Brooks asked for an explanation of the block length issue. Senior Planner Blizzard explained how block length was determined and how hopefully in the near future a rewrite of the regulations will exclude the phrase "twelve times the lot width as prescribed by the zoning district" would alleviate these issues in the future.

Motion: Mr. Cowles moved to approve a variance request to Section 5-5 (b) of the Subdivision Regulations to increase the block length. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Mr. Cowles moved to approve Hilltop Ridge, *layout 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
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye

Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

2. *Moore's Creek Subdivision, Layout Plat*

Location: West of Segers Road and south of Powell Road

Representative: Mullins, LLC

Owner/Applicant: Smart Living, LLC

Lots: 107

Acreage: 56.54

Applicant Request: Jeff Mullins representing Mullins, LLC presented the request for layout approval.

Staff Report: Senior Planner Blizzard presented the subject property is located west of Segers Road and south of Powell Road. The applicant and property owner is the *Breland Company* and the design firm is *Mullins, LLC*. The property consists of 56.54 acres. In December of 2012, the Planning Commission approved a certified plat for *Moore's Creek Farm Subdivision*. The certified plat divided the property into two tracts. In June of 2013, the Planning Commission recommended that *Tract 1 of Moore's Creek Farm Subdivision* be rezoned from *AG, Agriculture* to *R3A, Single-Family Detached Residential*. In July of 2013, the City Council voted to approve the zoning change to *R-3A, Single-Family Detached Residential*. The applicant has also submitted a preliminary plat for *Moore's Creek, Phase 1*. The applicant is requesting approval of a layout plan for 107 lots and supporting streets and infrastructure. A bridge will be necessary in order to access the western portion of the property. There is an area in a regulatory floodway that will be dedicated to the City of Madison for flood protection, greenways and park land. The applicant is also providing ingress/egress to *Tract 1 of Moore's Creek Farms Subdivision*.

Staff and the Technical Review Committee, recommends approval of the layout plan for *Moore's Creek Subdivision* with the following contingencies:

1. Dedication of floodway note: Delete "Parks & Recreation" and indicate the property will be dedicated with final plat.
2. Variance request to Section 5-5 (b) of the Subdivision Regulations to increase the block length from 720 feet to 1,150 feet. Staff recommends approval of this variance based upon the unusual configuration of the tract. The property is also encumbered by a large floodway that effects how the lots and streets are laid out.
3. Note all variances approved on the sketch plat.

Public Comments: Amanda Spenard, 112 Maplebrook Drive expressed concern regarding the tree line and whether or not it would be removed and whether or not this subdivision would connect to Stillwater Cove. Mr. Mullins stated that most of the trees will remain. Mr. Mullins also explained that there was a ten foot strip that will not allow the subdivisions to connect at this time. Randy Tisor, 114 Maplebrook Drive also expressed concerns regarding the tree line. Jennifer Colee, 116 Maplebrook Drive asked if this subdivision would use the Stillwater Cove amenities. Mr. Mullins stated not to his knowledge. Mr. Mullins stated that he was directed to name this a different name so that it was not considered part of the Stillwater Cove Subdivision.

Board Comments: Mrs. McCollum questioned the subdivisions not joining. Director Bell stated that there was a ten foot easement the length of the property that was owned by someone else and until it is public right-of-way there was nothing that could be done.

Motion: Vice-Chairman Brooks moved to approve a variance request to Section 5-5 (b) of the Subdivision Regulations to increase the block length. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Mr. Cowles moved to approve *Moore's Creek, layout plat* subject to satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

3. *Moore's Creek Subdivision, Preliminary Plat*

Location: West of Segers Road and south of Powell Road

Representative: Mullins, LLC

Owner/Applicant: Smart Living, LLC

Lots: 43 & 1 Tract

Acreage: 56.54

Staff Report: Senior Planner Blizzard stated that the subject property is located west of Segers Road and south of Powell Road. The applicant and property owner is the *Breland Company* and the design firm is *Mullins, LLC*. The subject property consists of 56.54 acres. The applicant is requesting *preliminary plat* approval for the development of 43 lots. The average lot size is 13,969.39 square feet and the smallest lot is 12,884 square feet. The subdivision plat is noted to restrict development on Lot 22 until such time the well site is remediated and removed.

Staff and the Technical Review Committee, recommends approval of the *preliminary plat* for

Moore's Creek Subdivision with the following contingencies:

1. Submit street names to the Madison Engineering Department
2. Dedication of floodway note: Delete "Parks & Recreation" and indicate the property will be dedicated with final plat.

Public Comments: No comments.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve *Moore's Creek, preliminary plat* subject to satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

4. *Millstone Subdivision, Phase 5, Vacation of Certified Plat*

Location: North of Mill Road and east of Balch Road

Representative: Jeff Benton Homes, LLC

Owner/Applicant: Jeff Benton Homes, LLC, Sang See Lee & So Yeong KU

Lots: 2

Acreage: 0.57

Staff Report: Senior Planner Blizzard presented the staff report and stated that the subject properties are located in *Millstone Subdivision* which is located north of Mill Road and east of Balch Road. The applicant is *Jeff Benton Homes* and the property owners include *Jeff Benton Homes* for Lot 116 and *Sang See Lee* and *So Yeong Ku* for Lot 115. The subject property and all the adjoining property owners are zoned *R3A, Single-Family Detached Residential*. In March of 2013, the Planning Commission approved a *certified plat* for *Millstone, Phase 5*. The result of the approval shifted the adjoining side yard property line 3.50 feet to the south. The shift decreased the area of Lot 115 from 13,598 square feet to 13,146 square feet and increased the area of Lot 116 from 11,551 to 12,000 square feet. *Sang See Lee* and *So Yeong Ku* purchased Lot 115 as it was shown in the previous subdivision plat, *Millstone, Phase 2*. The certified plat for *Millstone, Phase 5* was recorded at approximately the same time. The applicant *Jeff Benton Homes* is requesting that *Millstone, Phase 5* be vacated. This action will make the subdivision plat null and void and all lot dimensions will revert back to those shown on the previously recorded plats for the subject properties. The lots will revert back to their original lot configuration with the vacation of *Millstone, Phase 5*.

Staff and the Technical Review Committee, recommends approval of the vacation of the *certified plat* for *Millstone Subdivision, Phase 5*.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mrs. McCollum moved to approve the vacation of the *certified plat* for *Millstone, Phase 5*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
Cynthia McCollum	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

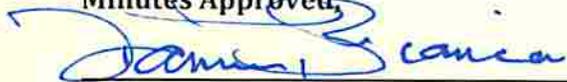
Motion carried

(Public Hearings Closed)

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:15 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary