

**CITY OF MADISON  
PLANNING COMMISSION  
MINUTES OF THE JULY 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 ABSENT

**City Council Member**

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

TIM COWLES PRESENT

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

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

CAMERON GROUNDS PRESENT

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

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

**PLANNING STAFF PRESENT**

Johnny Blizzard, A.I.C.P, Senior Planner; Beverly Zendt, A.I.C.P, Senior Planner; Gary Chynoweth P.E., Director of Engineering

**REGISTERED PUBLIC ATTENDEES**

Lois J. Ferrer, Tim Morris, Ed Collins, Leena Jacobs, Jonathan McGee, Minnie Everard

**ACCEPTANCE OF THE AGENDA**

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

**APPROVAL OF THE MINUTES**

Approval of the July 17, 2014 Regular Minutes

**Motion:** Mr. Wesson moved to approve the minutes as written. Mr. Cowles seconded the motion and the vote was as follows

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	

City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	
Troy Wesson	Aye
Tim Cowles	Aye

**PUBLIC COMMENT**

Leena Jacobs, 121 Crown Ridge Drive, addressed the Planning Commission about a new subdivision platted as *Cedar Acres Subdivision* and the property owner was marketing the subdivision as *Cambridge West Subdivision*. Mrs. Jacobs resides in *Cambridge Subdivision* and opposes any attempt to rename of *Cedar Acres Subdivision* to *Cambridge West Subdivision*.

**OLD BUSINESS**

Chairman Bianca opened the floor to old business. There being none, Chairman Bianca closed the floor for old business.

**PUBLIC HEARINGS**

**Zoning Ordinance Amendment**

Public Hearing to consider the City of Madison’s request to amend *Section 4-6, Neighborhood Commercial District; Section 4-7, Community Commercial District; Section 4-7A, B-2/S-1 Community Commercial Special District 1; Section 4-8, Section 4-8A, B-3, General Business District; MC (Medical Center) District Regulations; Section 4-8A-6 Permitted Uses for B1, B2, B2/S1, B3, and MC of the Madison Zoning Ordinance*

**Board Comments:** Chairman Bianca indicated to the Planning Commission that Johnny Blizzard had informed him additional changes related to signage was being incorporated into the revisions and recommends the commission table this amendment until the August meeting.

**Motion:** Mr. Cowles moved to table this item until the August 21<sup>st</sup> Planning Commission meeting. Mr. Wesson seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	
City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye

Lewie Bates  
Troy Wesson Aye  
Tim Cowles Aye

**Motion Carried**

**Subdivision Regulation Amendments**

Public hearing to consider the City of Madison’s request to adopt certain revisions to *the City of Madison Subdivision Regulations* tabled from the June 19<sup>th</sup> Planning Commission meeting.

**Staff Report:** Johnny Blizzard requested the Planning Commission table this item to a future meeting after the Engineering Department has completed their update of the MS-4 Stormwater and Sediment Control Plan.

**Motion:** Mr. Ryder moved to table this item until such time as the Engineering Department has updated the MS-4 Stormwater and Sediment Control Plan. Mrs. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca Aye  
Vice-Chairman, Stephen Brooks  
City Council Member, Mike Potter  
Cynthia McCollum Aye  
Steven Ryder Aye  
Cameron Grounds Aye  
Lewie Bates  
Troy Wesson Aye  
Tim Cowles Aye

**Motion Carried**

**Subdivision Plats**

*Crown Pointe, Phase VI, Preliminary Plat*  
Location: East of Balch Road and north of Gillespie Road  
Representative: 4-Site, Inc.  
Owner/Applicant: Spencer Farms, LLC  
Lots: 16 Lots and 1 Tract  
Acres: 61.23

**Applicant Request:** Tim Morris, representing 4-Site, Inc. presented the request for a preliminary plat for *Crown Pointe, Subdivision, Phase VI*

**Staff Report:** Mr. Blizzard stated the subject property was located north of Gillespie Road and east of Balch Road. He informed the Commission that the property was zoned *R3A, Single-Family Detached Residential*. Mr. Blizzard said that sixteen additional lots will be added with this phase of *Crown Pointe Subdivision*. The average lot size will be 18,564 square feet providing a density of 2.34 dwelling units per acre. Mr. Blizzard stated that the construction of *Crown Pointe Phase VI* would be dependent the completion of *Crown Pointe Phase V*, which was recently approved by Planning Commission. Mr. Blizzard stated all the contingencies for *Crown Pointe Phase V* had not been resolved but was confident they would be shortly. Mr. Blizzard recommended of *Crown Pointe Phase VI* approval with the following contingencies:

1. Need additional easement at boundary of Lot 66
2. Correct sewer profile on sheet 10
3. Manhole 185 is incorrect on sheet 9
4. The following signs must be provided
  - a. (5) Stop/Street
  - b. (4) Round A Bout/Traffic Circle
  - c. (3) Type 3 Barricade
5. Signatures:
  - a. Huntsville Utilities

**Public Comments: No Comments**

**Board Comments: No Comments**

**Motion:** Mr. Wesson moved to approve the preliminary plat for Crown Pointe Phase VI. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	
City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	
Troy Wesson	Aye
Tim Cowles	Aye

**Motion Carried**

*Crown Pointe, Phase VI, Final Plat*

Location: East of Balch Road and north of Gillespie Road

Representative: 4-Site, Inc.

Owner/Applicant: Spencer Farms, LLC  
Lots: 30 Lots and 1 Tract  
Acres: 91.44

**Applicant Request:** Tim Morris, representing 4-Site, Inc presented the request for a final plat for *Crown Point Subdivision, Phase IV*

**Staff Report:** Mr. Blizzard stated the subject property was located north of Gillespie Road and east of Balch Road. He informed the Commission that the property was zoned *R3A, Single-Family Detached Residential*. Mr. Blizzard indicated the final plat would provide for 30 lots with an average lot size of 12, 937.57 square feet achieving a density of 3.35 dwelling units per acre. Mr. Blizzard recommended approval of *Crown Pointe Phase VI* with the following contingencies:

1. Sign Fees
2. Performance Bonds
3. Signatures:
  - a. Huntsville Utilities
  - b. North Alabama Gas

**Public Comments: No Comments**

**Board Comments: No Comments**

**Motion:** Mr. Ryder moved to approve the preliminary plat for Crown Pointe Phase VI. Mr. Wesson seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	
City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	
Troy Wesson	Aye
Tim Cowles	Aye

**Motion Carried**

*Resubdivision of Lot 19, Shiloh Run*

Location: South of Coach Lamp Lane and west of Shiloh Creek Drive

Representative: Mullins, LLC

Owner/Applicant: D.R. Horton, Inc.

Lots: 1

Acers: 0.462

**Applicant Request:** Jeff Mullins, representing Mullins, Inc. presented the certified plat to the Planning Commission. He stated the only change in Lot 19 the front minimum building line was being reduced from forty feet to twenty-five feet.

**Staff Report:** Mr. Blizzard stated the subject property was located south of Coach Lamp Drive and west of Shiloh Creek Drive. He stated the subject property was zoned *R2, Medium Density Residential* but that had not always been the case. Originally, the lots west of Shiloh Creek Drive, including Lot 19, were zoned *R1B, Low Density Residential* but were rezoned in July of 2012 in order to make the zoning uniform throughout the entire subdivision. Mr. Blizzard informed the Commission that even though the zoning was changed to *R2, Medium Density Residential*, which has a minimum front setback of twenty-five feet; the subdivision plat shows a forty foot front minimum building line. The front minimum setback in *R1B, Low Density Residential District* has a minimum front setback of forty feet and the plat was recorded as such. Mr. Blizzard stated that plot plans were submitted with building permits to construct houses in this area of the subdivision positioned at the twenty-five feet from the front property line. This is consistent with the Zoning Ordinance but violated the subdivision plat. The house plans were denied. Since the subdivision plat requires a forty foot front yard minimum building line or setback. The applicant requested that the forty (40) foot minimum building line be deleted by affidavit, since the *R2, Medium Density Residential District* regulations only requires a twenty-five (25) foot front yard setback. Staff reviewed the request and could not support it. Since a sufficient number of lots were occupied by houses that conformed to the forty (40) foot minimum building line. To allow the remaining lots to have houses constructed at a minimum building line of twenty-five (25) feet would cause an uneven and unattractive offset of houses with some setback forty (40) feet and others twenty-five (25) feet. However, staff did make an exception for Lot 19 and thought it merited consideration from the Planning Commission. The reason for this decision is because Lot 19 is encumbered by a fifty (50) foot utility and drainage easement running parallel to the rear yard property line. The easement overlays a jurisdictional stream and no portion of the easement can be vacated back to the property owner. Mr. Blizzard indicated that this request is similar to those considered by the *Zoning Board of Adjustments and Appeals*, except the platted minimum building line was not a zoning restriction but a plat restriction. Mr. Blizzard said the Planning Commission had jurisdiction concerning subdivision plats. Mr. Blizzard stated that he had received several e-mails and telephone calls from residents who opposed the reduction of the minimum building line to twenty-five feet.

**Public Comments:** *The President of D.R. Horton Homes Jonathan McGee* addressed the Commission and requesting the minimum building line be reduced to the same as the twenty-five foot zoning setback line. He indicated the small building footprint would not allow him to construct a home in compliance with homeowner's association regulations.

**Board Comments:** The board questioned the *Mr. McGee* about whether a two-story dwelling could be constructed on Lot 19 that would be in compliance with the forty foot minimum building line and still meet the home's association regulations. He indicated they could.

**Motion:** Mrs. McCollum moved to approve the certified plat for *Resubdivision of Lot 19, Shiloh Run*. Mr. Grounds seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Nay
Vice-Chairman, Stephen Brooks	
City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Nay
Cameron Grounds	Aye
Lewie Bates	
Troy Wesson	Nay
Tim Cowles	Nay

**Motion Denied**

*Stillwater Cove, Phase IV*

Location: North of Chesnut Heath Court and Elmberry Lane

Representative: Mullins, LLC

Applicant: D.R. Horton, Inc.

Owners: D.R. Horton, Inc., Jim Karnes, Kelli Karnes

Lots: 2

Acers: 0.91

**Applicant Request:** Jeff Mullins, representing Mullins, Inc., presented the certified plat for Stillwater, Phase IV. He indicated the driveway on Lot 68 was constructed one foot over the property line.

**Staff Report:** Mr. Blizzard stated the subject property was located north of Chestnut Heath Court and west of Elmberry Lane. He stated the property was zoned *R3A, Single-Family Residential*. Mr. Blizzard affirmed Mr. Mullins earlier statement that the driveway was constructed across the property line. He informed the Commission the only change with the certified plat was to move the property line one foot to ensure the driveway would be within Lot 68. He stated that both Lot 67 and Lot 68 would still be in compliance with all zoning and subdivision regulations.

**Public Comments: No Comments**

**Board Comments: No Comments**

**Motion:** Mr. Wesson moved to approve the Certified Plat for Stillwater Cove, Phase IV. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	
City Council Member, Mike Potter	
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	
Troy Wesson	Aye
Tim Cowles	Aye

**Motion Carried**

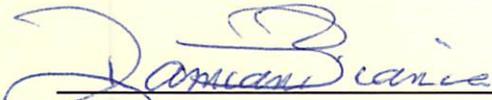
**NEW BUSINESS**

Chairman Bianca opened the floor to new business. There being none, Chairman Bianca closed the floor for new business.

**ADJOURNMENT**

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:51 p.m.

**Minutes Approved,**

  
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**Damian Bianca, Chairman**

**ATTEST:**

  
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