



Planning Commission
Minutes of the September 18, 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, CAPZO Present

Planning Commission Vice Chairman

Stephen Brooks Absent

City Council Member

Michael Potter, CAPZO Present

Tim Cowles Present

Cynthia McCollum, CAPZO Present

Steven Ryder, CAPZO Present

Cameron Grounds Present

Lewie L. Bates, CAPZO Present

Troy Wesson, CAPZO Present

Planning Staff Present

Amy Sturdivant, Director of Planning and Economic Development; Beverly Zendt, AICP, Senior Planner; Gary Chynoweth P.E., Director of Engineering

Public Attendees

Mike Friday; Tim Morris; Dan Knight; Jim Wright; Kim Wright; William A. Haley; Jeff Apple; Ed Collins; Wayne P. Blaxton; Tim Holcombe; Pat Glenn; Howell Lee; Janet Kendrick; Mary Walton; Wes Alford; Sharon Gilbreath-Heard; Daisy Scott; Clara Davis; Mary L. Leslie; Debi Peterson; Jonathan McGee; Arabel Diamant; Alan Diamant

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF THE MINUTES

Approval of the August 21, 2014 Regular Minutes

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

Vote:

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

PUBLIC COMMENT

Ed Collins, 303 Cambridge Drive, addressed the Planning Commission and asked if he could address the Commission under new business, Chairman Bianca agreed to the request.

PUBLIC HEARINGS

Zoning Map Amendments

1. Public hearing to consider Smart Living LLC, a Delaware limited liability company's request to zone property located north of Powell Road and west of Morris Drive, *R-3A, Single-Family Detached Residential District*

Applicant Comments: Jeff Mullins, a representative of Smart Living LLC, provided a brief overview of the zoning request to the Planning Commission.

Staff Comments: Amy Sturdivant, Director of Planning and Economic Development briefly described the particulars of the case naming the applicant, providing the general location and size of the subject property, and summarizing the surrounding land uses, zoning classifications, and compliance with existing plans. In conclusion, Ms. Sturdivant indicated that staff recommended approval of the zoning request.

Public Comments: None.

Motion: Mr. Bates moved to approve the request to zone property located north of Powell Road and west of Morris Drive to *R-3A, Single-Family Detached Residential District*. 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	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion Carried

2. Public hearing to consider Smart Living LLC, a Delaware limited liability company's request to rezone property north of Powell Road and west of Morris Drive from AG, Agriculture to R-3A, Single-Family Detached Residential District

Applicant Comments: Jeff Mullins, a representative of Mullins, LLC, provided a brief overview of the zoning request to the Planning Commission.

Staff Comments: Director Sturdivant briefly described the particulars of the case naming the applicant, providing the general location and size of the subject property, and summarizing the surrounding land uses, zoning classifications, and compliance with existing plans. In conclusion, Ms. Sturdivant indicated that staff recommended approval of the zoning request

Public Comments: None.

Motion: Ms. McCollum moved to approve the request to rezone property north of Powell Road and west of Morris Drive from AG, Agriculture to R-3A, Single-Family Detached Residential District rezoning. 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	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion Carried

Subdivision Plats

Layout Plats

3. **Burgreen Farms Subdivision** (Tabled at August 21st Planning Commission Meeting)
Location: The northwest corner of Powell Road and Burgreen Road
Representative: Smith Engineering Company
Owner/Application: Mungo Homes of Alabama Inc.
Lots: 273
Acreage: 108

Applicant Comments: Wayne Blaxton, a representative of Mungo Homes of Alabama Inc. provided a brief project overview of the proposed layout plat to be considered by the Planning Commission.

Staff Comments: Ms. Sturdivant briefly described the particulars of the case naming the applicant, providing the general location and size of the subject property, and summarizing the staff contingencies and recommendations which included the following:

1. A request for an additional connection on the north property boundary;
2. A dedication of 2.2 acres of parkland or fee-in-lieu
3. Improvements to Burgreen and Powel Road.

Motion: Mr. Ryder moved to approve the Burgreen Farms Subdivision Layout with the remaining contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion Carried

4. Nature's Trail Subdivision

Location: North of Powell Road and west of Morris Drive

Representative: Mullins, LLC.

Owner/Applicant: Smart Living, LLC, a limited liability company

Lots: 122

Acreage: 56.54

Public Comments: Jeff Mullins, a representative of Mullins, LLC, provided a brief project overview to the Planning Commission.

Staff Comments: Beverly M. Zendt, summarized the project details to the Planning Commission. Ms. Zendt identified the project location and size of the subject property and the anticipated lot count for the proposed subdivision. Ms. Zendt indicated that the subdivision was directly south from the approved recently approved, Traditional Neighborhood Development (TND) to the north. Ms. Zendt identified proposed open space for the subject property drawing particular attention to an anticipated pedestrian easement along an existing creek that traverses the property. Ms. Zendt indicated that the applicant intended to dedicate approximately one acre of land on the eastern boundary of the property and an additional twenty-five (25) feet of right-of-way that would allow for improved pedestrian access to the site.

Board Comments:

City Council Member Potter asked if the proposed northern connection would align with the southern road connection of the TND. Ms. Zendt indicated that the applicant had been provided the final layout drawings and that they anticipated making the connection. Mr. Mullins confirmed

that the road would align but indicated that the final design for the TND may require an adjustment.

Ms. Zendt summarized the following pending staff recommendations and contingencies:

1. Correction to the name Natures Trail – adding an apostrophe
2. Approval of annexation and zoning by City Council
3. A connection to Powell Road that accommodates the LDS Center on the south side of Powell Road
4. Note on Sketch Plat: A certified plat will be required for the division of the property before the preliminary plat will be accepted
5. A second access to be provided after 51 lots are platted.

Mr. Ryder asked why the city was accepting one acre of land donation. Ms. Zendt indicated that staff believed there would be an opportunity to acquire more land at that site and that the location on the east property boundary would allow a future acquisition to combine with the park dedication. Ms. Zendt further indicated that this would be a method staff would likely utilize in the future for developing neighborhood parks.

Mr. Wesson asked if the twenty-five foot right-of-way would allow construction vehicles to access the site. Ms. Zendt indicated that future acquisition and development would likely provide vehicular access to the site and that the right-of-way would likely serve for pedestrian access only.

Motion: Mr. Ryder made a motion to approve the Nature’s Trail Subdivision layout with the remaining outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion Carried

5. Kimball Farms Subdivision

Location: East of Segers Road and south of Powell Road

Representative: 4-Site, Inc.

Owner/Applicant: Ralph & Carol Kimball

Lots: 50.00

Acreage: 29.01

Applicant Comments: Mike Friday, a representative of 4-Site, Inc. addressed the Commission and provided a brief overview of the project. Mr. Friday addressed a request from staff that the developer connect to an existing 40' right-of-way on the south property boundary. Mr. Friday asserted that the proposed connection would present a great hardship for the city to create any connectivity in the future as the 40' right-of-way would need to be widened and improved at great cost to the city. Mr. Friday proposed an alternate route which could be established with later development and which would provide more affordable and enhanced roadway connectivity in this general area.

Staff Comments: Beverly M. Zendt, summarized the project details to the Planning Commission. Ms. Zendt identified the project location and size of the subject property and the anticipated lot count for the proposed subdivision. Ms. Zendt summarized the following pending staff comments and contingencies requesting that the developer:

1. Provide a street connection to the existing 40 ft. right-of-way to the south;
2. Provide is 17,511.12 square feet of public parkland or a fee in lieu (approximately \$20,000) as part of the final plat approval;
3. Label each common area as Tract A, Tract B, etc. and describe the purpose and intended use of each;
4. Provide improvements to Segers Road will be required, including but not limited to dedication of additional ROW;
5. Provide a street connection to the existing 40 ft. right-of-way to the south
6. Based upon a ratio of 3 acres of parkland per 1,000 residents and an estimated population 134 based on 2.69 per household, the proposed subdivision is required to provide is 17,511.12 square feet of public parkland or a fee in lieu (approximately \$20,000) as part of the final plat approval.
7. Label each common area as Tract A, Tract B, etc. and describe the purpose and intended use of each
8. Improvements to Segers Road will be required, including but not limited to dedication of additional ROW. Please clarify proposed ROW dedication
9. Layout approval is contingent upon Council approval of R-3A zoning.
10. Consider entrance to the north to align with Moore's Creek Subdivision entrance
11. Provide resolution on stream

Public Comments:

Mr. Jeff Apple, 10424 Segers Road addressed the Commission expressing concern about increased post development drainage from the site. Director of Engineering Gary Chynoweth indicated that drainage would be fully addressed in the preliminary platting process.

Mr. Tim Morris, of 4-Site Inc. also addressed the Commission, indicating that the existing stub is to the south of the property was short of the property line and that future improvements would require crossing a jurisdictional stream further adding to Mr. Friday's assertion that the south connection/extension would be cost prohibitive.

Board Comments:

City Council Member Potter asked if the staff could support the north-south local connection being east of this development, thereby not requiring the connection to the south.

Ms. Zendt indicated that both planning staff and engineering staff has agreed to remove the requirement for a southern connection to the forty (40) foot right-of-way and that the staff was also withdrawing the request for the relocated entrance to the north as certain topographical impediments exist at that location.

Motion: Ms. McCollum made a motion to approve the Kimball Farms Subdivision layout with the remaining outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion Carried

Preliminary Plats

6. **Moore's Creek Subdivision, Phase 2**

Location: West of Segers Road and South of Powell Road

Representative: Mullins, LLC.

Owner/Applicant: Smart Living LLC, a Delaware limited liability company

Lots: 21 & 1 Tract

Acreage: 39.79

Applicant Comments: Jeff Mullins, a representative of Mullins LLC, provided a brief overview of the proposed preliminary plat to the Planning Commission. Mr. Mullins indicated that the applicant was seeking a variance from the Subdivision regulations requiring the provision of a second entrance after 50 lots. The applicant indicated that a total of 64 lots were proposed.

Staff Comments: Ms. Sturdivant briefly described the particulars of the case naming the applicant, providing the general location and size of the subject property, and summarizing the staff contingencies and recommendations which included the following:

1. Approval of a required variance to Section 5-6 (b) of the Subdivision Regulations to increase the number of lots before a second entrance is required from 51 lots to 64 lots. Staff and the Technical Review Committee recommend approval of the variance request to Section 5-6 (b)

- of the Subdivision Regulations with the condition no new lots will be approved until the second entrance is provided. This position is endorsed by the Fire Department and Police Department.
2. That the pad elevation must be labeled on the preliminary plat
 3. That the following note must be labeled on preliminary plat: Design finished floor elevation will be ½ foot pad elevation
 4. That appropriate signatures are obtained
 5. That drainage structures may be required to ensure drainage across greenway trail
 6. Signature:
 - a. Phone
 - b. Cable
 - c. Athens Utilities
 - d. North Alabama Gas
 - e. Limestone County Sewer and Water Authority

Board Comments: Chairman Bianca asked about the ten (10) foot strip preventing connectivity of with Golden Ashe in the adjacent subdivision. Chairman Bianca asked if the city would acquire it my means of Eminent Domain. City Attorney Kelly Butler indicated that that was an option the city would have although not a preferred option.

Motion #1: Mr. Ryder made a motion to approve the variance. Mr. Cowles seconded the motion and the votes was as follows:

Final Vote:

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

Motion Carried

Motion #2: Mr. Bates made a motion to approve the Moore's Creek Subdivision Phase 2 Preliminary Plat the remaining outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

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

Tim Cowles
Motion Carried

Aye

Certified Plats

7. Blasingame Properties, Phase I

Location: South of West Dublin Drive and west of Arlington Drive
Representative: Mullins, LLC.
Owner/Applicant: Blasingame Professional Properties, LLC
Lots: 2
Acreage: 1.93

Public/Applicant Comments Jeff Rawlins, a representative of Smart Living LLC, provided a brief overview of the proposed preliminary plat to the Planning Commission.

Staff Comments: Director Sturdivant briefly described the particulars of the case naming the applicant, providing the general location and size of the subject property, and summarizing the staff contingencies and recommendations which included the following items are finalized on the preliminary plat:

1. Signatures
2. Dedication
3. Notaries Acknowledgement

Board Comments:

Motion: Mr. Ryder made a motion to approve the Blasingame Properties, Phase I Certified Plat with the remaining outstanding contingencies. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion Carried

NEW BUSINESS

8. Discussion of a request to rename Cedar Acres Subdivision to Cambridge West Subdivision

Public/Applicant Comments: The following individuals addressed the Planning Commission regarding the proposed name change.

Speaker	Address	Comments
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Lena Jacobs	121 Cambridge Drive Madison Al,	Ms. Jacobs spoke against the proposed name change indicating that the similarity to the existing subdivision name would create confusion and that the two subdivisions were too close to have such similar names. Ms. Jacobs indicated that she would support a name change that did not involve the Cambridge name. Ms. Jacobs indicated that Whitworth Farms would be a more appropriate name because of the proximity of that subdivision.
Jim Wright on behalf of Mullins LLC	3000 Kincaid Hampton Cove Al.	Mr. Wright expressed his interest in changing the name of the Cedar Acres Subdivision to Cambridge West subdivision. Mr. Wright stated that the name change would not represent any significant problem or disadvantage to the existing Cambridge subdivisions and that he was the developer for more than one phase of the current Cambridge Subdivisions.
Ed Collins	303 Cambridge Drive	Mr. Collins indicated that the closed proximity of the two subdivisions with similar names might create unintended consequences.
Kim Russell Wright	3000 Kincaid Hampton Cove Al.	Ms. Wright stated that in Hampton Cove, the name Hampton and Cove were used for multiple subdivisions and developments without any conflict or difficulty. Ms. Wright indicated that the objections seemed to her to be based on a feeling of superiority on the part of the current Cambridge subdivision residents.
Bob Mahan	117 Landsdown Drive	Mr. Mahan indicated that he wanted to preserve the uniqueness of the Cambridge subdivision by not using the name for other subdivisions. Mr. Mahan objected to the accusations of snobbery.
Arabelle Diamant	Brentwood Drive Heritage Plantation	Ms. Diamant indicated that she thought that Cambridge West was to be an extension of her existing subdivision because the name implies that it is and this is problematic.

Board Comments:

Mr. Potter asked for Legal Department’s determination on the regulations regarding the subdivisions name change. City Attorney Kelly Butler indicated that city regulations prohibited subdivision names that were too closely related either by spelling or by phonetic sound but ultimately allowed the Planning Commission to make the final determination on the matter.

Motion: Mr. Cowles made a motion to approve request to rename Cedar Acres Subdivision to Cambridge West Subdivision. City Council Member Potter seconded the motion and the vote was as follows:

Final Vote:

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

Motion Fails

8. Introduction to the revisions the Subdivision Regulations, particularly Section 6-1-5 Neighborhood Recreation Areas

Senior Planner Beverly Zendt Provided a brief overview of a proposed parkland dedication ordinance to be presented at the next Planning Commission Meeting. Ms. Zendt indicated that the ordinance represents best practices and what is legally permissible under state law and federal case law. Ms. Zendt indicated that staff was working with both the City's legal staff and the legal staff from the Alabama League of Municipalities to develop a solid defensible ordinance that was fair and balanced and met the community's needs.

Ms. Zendt summarized the basic provisions of the ordinance to include its compliance and conformity with the adopted Parks and Recreation Master Plan. Ms. Zendt explained that the new ordinance would allow for the following options:

1. Dedication of land for neighborhood park use or payment of a fee in lieu thereof;
2. Dedication of land for community parks or payment of a fee in lieu thereof;
3. Payment of a park improvement fee for neighborhood parks or construction of the neighborhood park improvements to which such fee relates;
4. Payment of a park improvement fee for community parks or construction of the community parks improvements to which such fee relates.

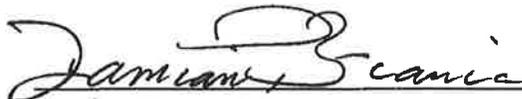
Ms. Zendt summarized the key provisions of the ordinance to include the following:

1. Formula for calculating dedication
2. Suitability (acceptability) requirements of land offered for dedication
3. Standards for determining fee-in-lieu of land dedication
4. Proposed park improvement fee options
5. Management of Common areas

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 7:10 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Amy Sturdivant, Director of Planning & Economic Development