City of Madison ALABAMA

**Planning Commission**
**Minutes of the October 20, 2016 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-Chair** | |
| Troy Wesson, CAPZO | Present |
| **City Council Member** | |
| Michael Potter, CAPZO | Present |
| Tim Cowles, CAPZO | Present |
| Cynthia McCollum, CAPZO | Present |
| Steve Ryder, CAPZO | Absent |
| Cameron Grounds, CAPZO | Present |
| Lewie L. Bates, CAPZO | Present |
| Stephen Brooks, CAPZO | Absent |

**PLANNING STAFF PRESENT**
Gary Chynoweth P.E., Director of Engineering; Mary Beth Broeren, Director of Planning and Economic Development; Ross Ivey, Assistant Planner; Kelly Butler, City Attorney; Megan Zingarelli, Assistant Attorney

**REGISTERED PUBLIC ATTENDEES**
Minnie Everhard, Rick Campbell, Darren & Mary Gregory, Tom Boiland, Joey Ceci, Gary Gray, Mark and Cindy Treski, Nelta McBride, Troy Woodis, Jason Freeman, William Rice, David Hall, Brenda Bushmann, Terri Johnson, Paul Shaw, Jeremy Bain, Ranae Bartlett, John Roberts, Charlotte Cloud, Linda Martin-Bagley, Anthony Wheeler, Troy Holcombe, Jay Palerpa, Teddy Powell, Jeremy Green

**ACCEPTANCE OF THE AGENDA**
Chairman Bianca accepted the agenda as presented.

**APPROVAL OF THE MINUTES**
Mrs. McCollum moved to approve the minutes of the September 13, 2016 Regular Meeting. Mr. Cowles seconded the motion.

| Final Vote: | |
|---|---|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Abstain |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |
| **Motion Carried** | |

**OLD BUSINESS**

There was no Old Business to discuss.

**PUBLIC COMMENTS**

Charlotte Cloud, 122 Brass Oak Drive, expressed concerns with homes in older neighborhoods and particularly the need for sidewalks in these neighborhoods. She asked the Commission if there were any improvements scheduled for Wall Triana and if there were ways to increase funding.
Councilman Potter answered that there were no improvements scheduled that are currently funded and that it would require acquisition of right of way. He discussed the budget and how the city is "doing more with less" and that the city must prioritize projects in regards to funding.

**PUBLIC HEARINGS**

**Zoning Map Amendments**

**Atkinson Property Rezoning Request**

Zoning Map Amendment request to rezone 58.85 acres from AG (Agriculture District) to R2 (Medium Density Residential District), an amendment to the original request of R3A (Single-Family Detached Residential District). (Tabled at the August 25, 2016 Planning Commission Meeting).
Location: Generally southeast of Hardiman Road and west of Ashbury and Oxford Subdivision
Applicant: Phillimond S. Smith

**Applicant Comments:**

Paul Shaw, 505 Brenda Drive, presented the request to the Commission and discussed how the proposed layout had been amended and that the current proposed layout had accommodations for a greenway trail and a clubhouse. Mr. Shaw briefly discussed the R-1 vs. R-3 zoning. He stated that this would be the largest lot yield subdivision within the City of Madison.

**Staff Comments:**

Mrs. Broeren informed the Commission that the area of the rezoning request is 58.85 acres. The applicant had originally requested R3A zoning but amended their request after the August Planning

Commission meeting. Because the rezoning request is inconsistent with the West Side Master Plan Vision Map, the request includes an amendment to that Map. Mrs. Broeren discussed that the application requires an amendment to the West Side Master Plan Vision Map from RTA (Rural & Transition Areas) and PNA (Park & Natural Area) to SSF (Suburban Single-Family). The concept plan submitted with this rezoning request proposes 143 lots with a density of 2.42 units per acre. The RTA place type recommends a maximum of one dwelling per acre, and the PNA place type does not allow residential development.

Mrs. Broeren discussed in detail Guideline #2 *"Expansions to what is shown for the SSF (Suburban Single-Family) place type are discouraged. There is currently a significant amount of this type already developed in the West Side."*

The West Side encompasses approximately 16 square miles, which makes up 25% of the total land area of Madison, and land designated with the SSF (Suburban Single Family) place type accounts for 29% of the 16 square miles. There are currently 1,143 lots that have been approved in the WSMP area that have not yet been developed. Of these, 54% are designated SSF on the Vision Map and are essentially the same size as is what is shown in the proposed R2 zoning concept plan submitted by the applicant. (The remaining approved lots are part of the Village at Oakland Springs, which is designated as Town Center on the Vision Map.) On average, the City issues 30 building permits each month for new residential construction. Using this absorption, the City has three years of built in growth in the WSMP area of the same type of development as proposed by the applicant.

She also discussed Guideline #4 *"Where smaller pockets of the Rural & Transitional place type contain no agriculture uses and are adjacent to urbanizing areas, it may make sense for them to transition to a more urban place type. Appropriate place types for consideration include any covered by this Plan except Suburban Single-Family."*

The subject property along with the property at the eastern side of the south boundary is currently used for agriculture. The proximity of the subject property to the developed areas in Ashbury Subdivision may not be compatible with some forms of agriculture, such as raising livestock. Therefore, in discussions with the applicant, staff proposed the applicant consider other rezoning options including rezoning a portion of the subject property R1 (Low Density Residential), which sets a minimum lot area of 45,000 square feet and restricts agriculture to crops, residential gardens and landscaping. This zoning district emphasizes many of the characteristics of the original development patterns for the west side and is consistent with the RTA place type.

After consideration of staff's recommendations, the applicant amended their original request for the R3A zoning to R2 and submitted the attached concept plan that will provide for 143 lots and two common areas. The smallest lots proposed will be 10,500 square feet and the largest lot will be 29,975 square feet. The overall density of the proposed subdivision would be 2.42 dwelling units per acre, which is consistent with R1A zoning. The concept plan shows a 30 foot wide pedestrian easement along the eastern property line to accommodate a trail; however, the pathway runs across the rear of residential lots, and staff would recommend it not be located on individual lots. The applicant is also proposing a 1.53 acre common area located at the northeast corner of the property, which may be wetlands, a 0.59 acre common area at the south end, and shows a 1.64 acre clubhouse area.

Mrs. Broeren concluded with Guideline #6, *"Changes to the location of facilities such as schools or public safety stations are permitted based on service area, land availability, and access as determined necessary by the City ",* which she said in this instance was not applicable.

Staff is not supportive of R2 zoning for the site or the submitted concept plan. However, because the application was filed prior to the draft Vision Map being available for public review, staff does think that residential development is reasonable to consider. Staff recommends the Planning Commission approve the zoning amendment request with the following changes:

1. The area shown on the WSMP Vision Map as PNA be preserved as AG zoning. This is approximately 2.5 acres. Staff would recommend that this area have public access to the extent feasible.
2. The area provided for the trail along the easterly property line not be part of the private back yards. From a zoning perspective, staff would recommend this area be preserved as AG zoning. The area for the trail is approximately 1.63 acres.
3. The Common Area at the northeast corner, 1.57 acres, also be preserved as AG zoning and have public access. This may be limited if the applicant intends to use some of this area for detention.
4. The remainder of the site be zoned R1B. This allows for 2.90 units/acre, which is a greater density than what the applicant's concept plan depicts. The minimum lot size for this zoning is 15,000 square feet. Approximately 53.15 acres would be available for residential development, and at 2.90 acres, could yield up to 154 units.

In association with the zone change, the WSMP would need to be amended to show SSF on the non-AG area.

**Public Comments:**

Terri Johnson, School Board President, stated that the school system is currently adding 250-300 students per year and asked the Commission to slow the growth. She discussed the need for portable buildings at current schools and stated that they currently do not have the money in their budget to build a new elementary school. She highlighted Guideline #1 in the staff report and mentioned that the schools cannot accommodate the new growth. She asked the Planning Commission to wait on this rezoning as they continue mediation.

Brenda Buschmann, 107 Benoir Trail, stated that the city is currently operating at a max with limited funds. She expressed concerns with Hardiman Road and the impact of development on the City. She asked the Planning Commission not to approve the high density residential zonings.

Bill Rice, 115 Benoir Trail, discussed concerns with growth on services. He stated that the Limestone County tax issue cannot continue.

**Commission Comments**:

Mrs. McCollum asked for clarification on the proposed trail and if it would be in the homeowners' back yards. Mr. Wesson added that it would need to be at least 30 feet and that it should be fenced or restricted.

Mrs. McCollum asked if the motion would automatically amend the West Side Master Plan. Mary Beth Broeren answered that 2 separate motions would need to be made, and that the amendment of the West Side Master Plan would be conditional on the zoning being approved by the City Council.

Councilman Potter stated that this request was submitted before the School Board request to temporarily hold rezoning's and annexations. He stated the R1B zoning would yield less lots.

Mr. Wesson asked if the motion would include the areas to be remain zoned AG (Agriculture). Mrs. Broeren discussed Guideline #6 in the staff report and showed the area to remain zoned AG.

**Motion:**
Mr. Cowles motioned to approve the request to rezone the subject property with modifications to R-1B with the southwest corner remaining AG, as well as the northeast corner, and the 30' north-south pathway remaining AG because the application was received before the West Side Master Plan. The motion included that the southeast area remain AG to match the WSMP for parks and natural area. Mr. Wesson seconded the motion.

Final Vote:

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

**Motion Carried**

Councilman Potter motioned to approve an amendment to the West Side Master Plan Vision Map for the subject property as a conditional action. Mr. Bates seconded the motion.

Final Vote:

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

**Motion Carried**

**Shelton Hill Commercial Zoning Request**
Zoning Map Amendment request to rezone 2.01 acres from R1B (Low Density Residential District) and R2 (Medium Density Residential District) to B2 (Community Business District).
Location: Northeast corner of Shelton Road and Old Madison Pike
Applicant: Colonnade Communities, LLC

**Applicant Comments:**
There were no comments from the applicant.

**Staff Comments:**
Mr. Ivey informed the Commission that the request was to rezone 2.01 acres located at the northeast corner of Shelton Road and Old Madison Pike from R1B (Low Density Residential District) and R2 (Medium Density Residential District) to B2 (Community Business District). Mr. Ivey stated that the Future Land Use Map shows the property as RL, which reflects the original zoning of the property. Also, the property is part of the Old Madison Pike KDA. The Growth Plan recommends the subject property and Miller Plaza to be redeveloped as mixed use retail with office and/or residential. Although the property is not strictly mixed-use, the preliminary plat approved in September has begun the process of initiating new development into the area and this rezoning request would allow for new commercial. Mr. Ivey added that the traffic counts along Old Madison Pike between Highland Drive and Shelton Road are currently 16,230 trips per day, which makes the corner piece of property more suitable for commercial development than residential. Mr. Ivey concluded that the B2 zoning would be more suitable with the commercial development to the immediate north and that staff recommends approval.

**Public Comments:**
Don Boiland, 1119 Woodbine Road, stated that he feels that the commercial development would be dangerous for the existing residential neighborhood due to increased traffic. He feels that sidewalks are needed along Shelton Road. He wanted to know the specific type of commercial use and how it would affect his property values. Mr. Boiland concluded that he supports new residential development in the area, but not commercial.

Linda Martin-Bagley, 1106 Woodbine Road, expressed the need for sidewalks and crosswalks on Shelton Road. She added that the intersection of Shelton Road and Old Madison Pike is an extremely dangerous intersection.

Nelta McBride, 1111 Woodbine Road, discussed the need for sidewalks and stated that she does not agree with commercial development for safety reasons. She said that she is against the commercial rezoning.

Jeff Enfinger, developer for the project, discussed that the homes for sale would be in the $280,000-$350,000 price range. He said that the Planning Department required that a 5 foot sidewalk be constructed with the plans along Shelton Road. Mr. Enfinger said that the commercial tenant is planned to be an employee owned local grocery store with a high end deli. He stated that the grocery store also intends to have a couple of fuel pumps. Mr. Enfinger concluded that he feels the commercial and residential development will ultimately improve the existing property values.

Nelta McBride 1111 Woodbine Road, asked if Old Madison Pike would be widened as a result of the commercial development and stated she feels a turn in is needed. Councilman Potter answered that the site plan will go through the Tech Review process and that it must be compliant and meet all of the required safety regulations.

**Commission Comments**:
Councilman Potter stated that he believes the commercial development will increase the neighboring residential values.

**Motion**:
Mr. Wesson motioned to approve the rezoning request from R1B (Low Density Residential District) and R2 (Medium Density Residential District) to B2 (Community Business District) and forward to the City Council for adoption. Mr. Grounds seconded the motion.

| Final Vote: | |
|---|---|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |
| **Motion Carried** | |

**Subdivision Plats**
**Crown Pointe Subdivision**
Layout Amendment to add eight additional lots and modify the street configuration
Location: East of Balch Road and north of Gillespie Road. The specific area of the layout to be amended is east of Elmswell Court and south of West Highlands Subdivision
Applicant/Owner: Jeff Benton Homes

**Applicant Comments**:
David Hall presented the layout amendment request and the variance request to Section 5-4-1 of the Subdivision Regulations (46' right of way in lieu of 50') and Variance to Section 5-6 (f) of the Subdivision Regulations allowing for non-perpendicular and non-radial lot lines between eight lots.

**Staff Comments:**
Mrs. Broeren informed the Commission that the subject property is located east of Balch Road and north of Gillespie Road. The specific area of the layout to be amended is east of Elmswell Court and south of West Highlands Subdivision. The applicant is requesting approval to amend the layout for Crown Pointe Subdivision to add an additional eight lots and modify the street configuration. She concluded that staff

recommends approval of the additional eight lots and the modified street configuration, as well as the two variance request.

**Public Comments:**
There were no comments from the public.

**Commission Comments:**
Mr. Wesson asked if adding eight new lots would affect the school system. Mrs. Broeren answered that the zoning approval was conditioned to 300 units in 2009, and that the 8 new lots would bring the total lot count to 277 units.

Councilman Potter asked if the water pressure issue had been resolved in Crown Pointe. Mrs. Broeren answered that the Fire Department and Madison Utilities have been studying and analyzing the fire flow and water pressure and have a solution to be implemented within the next 3 weeks. Madison Utilities currently has the part needed to fix the problem in hand.

**Motion:**
Councilman Potter motioned to approve the variance to Section 5-4-1 and Section 5-6 of the Subdivision Regulations. Mr. Bates seconded the motion.

| Final Vote: | |
|---|---|
| Chairman, Damian Bianca | Nay |
| Vice-Chairman, Troy Wesson | Nay |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |
| **Motion Carried** | |

Mrs. McCollum motioned to approve the amendment for the Crown Pointe Subdivision layout. Councilman Potter seconded the motion.

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

**Motion Carried**

**Crown Pointe, Phase VIII**
Preliminary Plat for 34 lots
Location: East of Balch Road and north of Gillespie Road
Applicant/Owner: Jeff Benton Homes

**Applicant Comments**:
David Hall presented the request for the Crown Pointe, Phase VIII Preliminary Plat containing 34 lots.

**Staff Comments:**
Mrs. Broeren informed the commission that this request is for an additional 34 lots and an extension of Fernbridge Boulevard and construction of "Street A", to be named at a later date. She discussed the contingencies listed in the staff report and concluded that staff recommends approval based on those contingencies.

**Public Comments:**
Mark and Cynthia Treski, Lot 131 Spencer Green, were told by their home builder that development would not take place in their back yard because of the wetland located behind their house. They also expressed issues related to drainage and current water pressure.

Minnie Everard, 127 Spencer Green, expressed concerns with the proposed development located behind her house. She addressed a 30 foot conservancy easement on her lot. She concluded that there needs to be improvements made regarding drainage in the area.

Mary Gregory, 137 Spencer Green, discussed an area that she was told by her home builder was a "protective wildlife area" that would never be built on. She added that the current water pressure is bad and feels the new development will only make it worse. She concluded that she feels she was ethically and morally mislead by Woodland Homes regarding future development behind her property.

Charlotte Cloud, 122 Brass Oak, echoed concerns with the area being protected against development. She asked that the Planning Commission postpone their decision.

Gary Chynoweth told the concerned residents that Phase 8 will not add to the drainage problem that currently exists. He said the area originally submitted by the developer as part of this phase included a portion that would require a Wetland Permit from the Corps of Engineers, but that is not being considered at this time. He discussed conservation easements and said that they are done on a plat by plat area and that they do not have formal wetland designation, although this scenario has all of the typical wetland characteristics.

**Commission Comments:**
Chairman Bianca informed the public that the Planning Commission would not approve anything that they feel would make the existing situation any worse.

**Motion:**
Councilman Potter motioned to approve the preliminary plat for Crown Pointe, Phase 8 with the following contingencies:

**Planning Department**

1. Cover Sheet: Signatures:
   1) Phone
   2) Cable
   3) North Alabama Gas
   4) Huntsville Utilities

**Engineering Department**

1. Label the required driveway locations on plat and the construction drawings.
2. Correct rear yard drainage on lots 249 thru 274.

**Fire Department**

1. Fire hydrant spacing is exceeds code requirements.
2. Label fire flow information.

Mr. Cowles seconded the motion.

Final Vote:

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

**Motion Carried**

**Clift Acres, 2nd Addition**
Certified Plat to consolidate 4 lots into 1 lot
Location: 400 Carter Drive, 402 Carter Drive, 404 Carter Circle, & 137 Hughes Road (East of Hughes Road and north of Portal Lane)
Applicant/Owner: Mary Margaret Long, Sharon Carmichael, and Darrell Carmichael

**Applicant Comments:**
Troy Holcomb, representing J.W. Kennedy Land Survey, presented the request on behalf of the owner.

**Staff Comments:**
Mr. Ivey informed the Commission that the request is to consolidate 4 lots into 1 lot for future development. The total acreage of the combined lots is 1.67 acres. The property is located at the northeast corner of Hughes Road and Portal Lane. The property was rezoned from B1 to B2 at the January Planning

Commission meeting. The current Land Use Map designation is C, Commercial. Mr. Ivey concluded that the plat is in order and that staff recommends approval.

**Public Comments:**
There were no comments from the public.

**Commission Comments:**
There were no comments from the Commission.

**Motion:**
Mr. Cowles motioned to approve the certified plat for Clift Acres, 2nd Addition. Mr. Bates seconded the motion.

Final Vote:

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

**Motion Carried**

**Hospital Park, Phase 3**
Certified Plat for 3 lots
Location: East of Balch Road and south of U.S. Highway 72 W
Applicant/Owner: Wesley Moffet, James Durham, Doris Jeanette, Johnson Whatley

**Applicant Comments**:
There were no comments from the applicant.

**Staff Comments:**
Mr. Ivey informed the Commission that the request is for a Certified Plat for 3 lots with a combined total acreage of 2.41 acres. The property is located east of Balch Road and south of U.S. Highway 72 W. The property is currently zoned MC, Medical Center District. The applicants are requesting to re-subdivide the property into 3 lots for the purpose of developing each with dental related offices. The lots will have reciprocal access and parking easements.

Mr. Ivey continued that the project complies with all applicable regulations of the Zoning Ordinance and Subdivision Regulations except Lots 2 and 3 will not have access to sanitary sewer until it is constructed

as part of the site plan. Madison Utilities supports this arrangement and the lots will be restricted for development until the sanitary sewer is in place.

Mr. Ivey concluded that staff recommends approval of a variance to the Subdivision Regulations to allow an irregular side lot line between Lot 1 & 2 for development purposes. Staff also supports the variance to provide a landscape buffer easement between Lot 1 & 2 as this will be used mostly for parking. Finally, staff recommends approval with the contingencies listed in the staff report.

**Public Comments:**
There were no comments from the public.

**Commission Comments:**
There were no comments from the Commission.

**Motion:**
Mr. Cowles motioned to approve the variance request for an irregular lot side line between Lot 1 &2 and the variance to provide a landscape buffer between Lot 1&2. Mrs. McCollum seconded the motion.

Final Vote:

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

**Motion Carried**

Mr. Cowles motioned to approve Hospital Park, Phase 3 Certified Plat with the following contingencies:
**Planning Department**

1. Submit a title opinion
2. Signatures
   1) Dedication
   2) Mortgage Holder
   3) Notary's Acknowledgments

Mrs. McCollum seconded the motion.

Final Vote:

| | |
|---|---|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |

| | |
|---|---|
| Cynthia McCollum | Aye |
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |

**Motion Carried**

**Shelton Hill Subdivision**
Certified Plat for 3 lots
Location: 8006 Old Madison Pike (Northeast corner of Shelton Road and Old Madison Pike)
Applicant/Owner: Miller Properties Inc. and Colonnade Communities

**Applicant Comments**:
There were no comments from the applicant.

**Staff Comments:**
Mr. Ivey informed the Commission that the Certified Plat request is to subdivide 21.34 acres into 3 lots. The property is located at the northeast corner of Shelton Road and Old Madison Pike. The current zoning is R2, R1-B, and B2. The certified Plat will create 3 lots with Lot 1, 6.19 acres; Lot 2, 2.01 acres; and Lot 3, 15.5 acres. Mr. Ivey concluded that the certified plat meets all of the regulations and that staff recommends approval with the contingencies listed in the staff report.

**Public Comments:**
There were no comments from the public.

**Commission Comments:**
There were no comments from the Commission.

**Motion**:
Mr. Bates motioned to approve the certified plat for Shelton Hill Subdivision given the following contingencies:
**Planning Department**

1. Correct garbled text along west property line.
2. Include the deed recording number with the of property owner information.

Mr. Wesson seconded the motion.

Final Vote:

| | |
|---|---|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |

| | |
|---|---|
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |

**Motion Carried**

**Zoning Ordinance Amendments**

Zoning Ordinance Amendment to amend Section 4-6A-1, Table 1, Permitted Uses in Commercial & Medical Districts & amend Section 4-6A-5, Standards for Approval of Conditional Uses, Subsection 14, Health Clubs

Applicant: City of Madison

**Applicant & Staff Comments**:

Mrs. Broeren informed the Commission that the City of Madison is requesting amendments to the B2 District provisions to change Indoor Commercial Recreation and Health Club uses from a Conditional Use to a Permitted Use and to delete the maximum square footage requirement of 15,000 square feet for Health Clubs. She explained that the main reason staff supports the change of health club facilities from a conditional use to a permitted use and the deletion of the restriction to limit the area of such uses to 15,000 square feet in the B2 District is because this restriction applies to no other use in the B2 District. There is no rationale to support the limitation of square footage for health clubs as opposed to other assembly type uses including indoor entertainment, fraternal organizations and worship centers.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion**:

Councilman Potter motioned to approve the amendments to Section 4-6A-1, Table 1 and Section 4-6A-5 (14) of the Zoning Ordinance and forward to the City Council for adoption. Mr. Bates seconded the motion.

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

Tim Cowles Aye
**Motion Carried**

**Subdivision Regulations Amendments**
Subdivision Regulation Amendment to amend Section 5-3-9 of the Subdivision Regulations
Applicant: City of Madison

**Applicant & Staff Comments**:
Mrs. Broeren informed the Commission that the City of Madison is requesting an amendment to Section 5-3-9 of the Subdivision Regulations to delete subsection (3), which relates to access requirements for subdivisions with 51 or more lots. The request is in response to concerns raised by developers that the current regulation does not provide sufficient flexibility and take into consideration variables that might make strict interpretation of the regulation unwarranted.

Mrs. Broeren provided a little bit of background indicating that Section 5-3-9 (3) of the Subdivision Regulations was adopted by the Planning Commission on July 15, 1999, who had requested staff create a regulation that would establish a second way into a subdivision to ensure access if catastrophe blocked one of the entrances. In response to developer concerns earlier this year, city staff met with Building Industry Association representatives and developers to discuss the existing regulations. This topic was also discussed with the City Council at their Work Session on April 30, 2016.

Subdivision access in Madison is governed by the subject section of the City's Subdivision Regulations and the International Fire Code. The City Council adopted elements of the 2009 International Fire Code at their March 14, 2011 meeting, which included Appendix D, related to Fire Apparatus Access Roads (Attachment No. 1).

Section 5-3-9 (3) of the Subdivision Regulations establishes the 51 lot limit with no built in exceptions. The only way to allow for more than 51 lots without a second access is the approval of a variance as authorized in Article IX of the Subdivision Regulations, which requires evidence of a hardship before a variance can be granted by the Planning Commission.

Appendix D has two primary provisions that address access and includes language that allows for exceptions.

Section D107.1

- Requires projects with 30 or more units to have more than one access
  Exceptions: Units are equipped with sprinkler systems
  The project will connect with future development

Section D104.3

- Requires that when two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property to be served, measured in straight line between accesses.

Mrs. Broeren concluded Staff of the Engineering, Fire and Planning Departments support deleting Section 5-3-9 (3) of the Subdivision Regulations because the regulations in Appendix D provide as much protection, but reasonable flexibility, and cover a greater range of development types than just subdivisions. Appendix D provides requirements for a second access at commercial and industrial sites, and multi-family sites as well. Although Section D107.1 has a lower threshold of only 30 lots without a second entrance, it does allow the fire code official to approve additional lots when future road connections will be provided that will prevent the creation of a dead-end situation with no means of apparatus turn-around. Appendix D instructs the fire code official to consider phased developments of an individual project or adjacent projects. This exception gives the fire official the discretion to allow more lots where there is confidence a second entrance will be provided in another phase or via the development of an adjacent property. Staff discussed its recommendation with the City Council and the Building Industry Association representatives and there was concurrence with staff's recommended approach.

**Public Comments:**
There were no comments from the public.

**Commission Comments:**
Chairman Bianca stated that the current 51 lot waivers can be granted by the Planning Commission. He asked if with this new proposal anything over 31 lots would require a waiver be issued.

Cary Sadler answered that the Fire Code allows an increase in lots on a case by case basis. He added that collateral water flow and connectivity with adjoining property are factors in allowing the increase in the number of lots.

Councilman Potter discussed the diagonal and remoteness issues that occurred with the Dublin Farms Subdivision.

Cary Sadler further explained remoteness.

**Motion:**
Councilman Potter motioned to approve the request to delete subsection (3) from Section 5-3-9 of the Madison Subdivision Regulations. Mr. Cowles seconded the motion.

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

Tim Cowles Aye

**Motion Carried**

(PUBLIC HEARING CLOSED)

**Site Plans**
**The Palladian @ Promenade**
Site Plan for 55 duplexes with 110 dwellings
Location: North of U.S. Highway 72 and west of Hughes Road
Applicant/Owner: Tommy Ward

**Applicant Comments:**
There were no comments from the applicant

**Staff Comments:**
Mr. Ivey informed the Commission that the site plan request is for 55 duplexes with a total of 110 dwelling units, a clubhouse with a pool, and the associated infrastructure. The location of the development is north of U.S. Highway 72 W and west of Hughes Road. The property is zoned R-4, Multi-family. The neighboring property is primarily in the City of Huntsville and is zoned R-2, which is very similar to the City of Madison's R-4 zoning.

The project will preserve a regulatory wetland in the north, which will serve as a detention area, and will also have emergency fire access to Uptown Drive.

The subject property is in the Hwy 72 Corridor Key Development Area spelled out in the Growth Plan. This Growth Plan specifically calls for this area to be developed with multi-family housing to add support to the businesses along the U.S. Highway 72 Corridor. Mr. Ivey added that the duplexes will have a mix of two and three bedroom units with some units being 2 stories and the others remaining one story. The rental units will have individual garages and yard space that provide a desirable apartment development type and help diversify the housing mix in Madison. Mr. Ivey concluded that staff recommends approval with the contingencies listed in the staff report.

**Commission Comments:**
There were no comments from the Commission.

**Motion:**
Mrs. McCollum motioned to approve The Palladian @ Promenade site plan with the following contingencies:
**Planning Department**

1. 100 ft. Public Utility & Drainage Easement must be vacated before site plan can be signed.
2. Label distance of proposed buildings to curb

**Engineering Department**

1. The applicant must submit an approved ADEM and USACOE permit.
2. The applicant must submit payment of $750.00 for the street sign at Hughes Road.
3. Provide gutter spread on each grate inlet.

**Fire Department**

1. Submit an application to deed additional ingress/egress for emergency access to Uptown Drive located on Lot 2, Spencer Place.
2. Restrict the on street parking to one side of street.
3. Need fire flow info shown on plans.
4. Change reference to IBC to IRC

Mr. Bates seconded the motion.

| Final Vote: | |
|---|---|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | ----- |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | ----- |
| Tim Cowles | Aye |
| **Motion Carried** | |

**New Business**
Mr. Wesson presented Resolution 2016-002-PC recognizing Chairman Bianca's service to the Commission.

**Resolution 2016-002-PC**

**WHEREAS**, Damian Bianca has held the position of Planning Commissioner for the City of Madison from 2008 to 2016, and

**WHEREAS**, the City of Madison has during that period experienced extremely rapid growth with all the challenges that it implies, and

**WHEREAS**, to further contribute to the orderly growth of the City, Damian Bianca took a leadership role as Chair of the Planning Commission from 2012 to 2016, and

**WHEREAS**, Damian Bianca through devotion to the public purpose, advocated for sound planning that furthers the City's goals, and

**WHEREAS**, he has been a key participant in making Madison a successful community during the past eight years,

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADISON, ALABAMA,**

**First**, that this Commission expresses its sincere gratitude to Damian Bianca for his work as a Planning Commissioner, and

**Second**, that this Commission confers upon Damian Bianca its highest commendation for years of faithful and conscientious service and that each member of this Commission wishes him well in all of his future endeavors.

**READ, PASSED AND ADOPTED THIS 20TH DAY OF OCTOBER 2016 BY THE PLANNING COMMISSION OF THE CITY OF MADISON.**

## ADJOURNMENT

Chairman Bianca adjourned the meeting at 7:37 p.m.

**Minutes Approved**

**Troy Wesson, Vice Chairman**

**ATTEST:**

**Ross Ivey, Assistant Planner and Recording Secretary**