



## PLANNING COMMISSION

CITY OF MADISON, ALABAMA

### MINUTES OF THE DECEMBER 17, 2009 REGULAR MEETING

Meeting was called to order at 5:30 p.m. by Chairman Charlie Brown

#### ROLL CALL

##### Planning Commission Board Members

<u>Planning Commission Chairman</u>	PRESENT
CHARLIE BROWN, C.A.P.Z.O.	
<u>Planning Commission Vice Chairman</u>	PRESENT
STEPHEN BROOKS	
<u>City Council Member</u>	PRESENT
TIM COWLES	
CYNTHIA MCCOLLUM	ABSENT
STEVEN RYDER, C.A.P.Z.O.	PRESENT
CAMERON GROUNDS, C.A.P.Z.O.	PRESENT
DAMIEN BIANCA	PRESENT
LEWIE L. BATES, III, C.A.P.Z.O.	PRESENT
MICHAEL POTTER, C.A.P.Z.O.	PRESENT

#### PLANNING STAFF PRESENT

JOHNNY BLIZZARD, AICP, CFM, CHIEF PLANNER; KELLY BUTLER, CITY ATTORNEY; GARY CHYNOWETH P.E., CITY ENGINEER; KEITH CONVILLE, ENGINEERING TECHNICIAN; AND SHERRI BLAIR, CFM, C.A.P.Z.O., ZONING ADMINISTRATOR AND RECORDING SECRETARY.

#### REGISTERED PUBLIC ATTENDEES

William M. Congo; Rudy Flores; Tracy Flores; Ramon Ortiz; Steve Krueger; Paul Finley; Tim Holcombe; David E. Michal; R. L. King; Don Spencer, Jr.; Christine Glover; John Hughes; Ivan Lee Witbracht; Kerry Straub; Jason Bold; Jacinta Malaugh; Margene Boutwell; Robbie Smith; Elaine J. Farley; Estelle Maples; Jim Malaugh; Zhijiang Dong; Alison Austin; Ann McClain; Robert Hall; Susan Nelson; George Nelson; Kevin Copeland; Craig A. Dimeler; W. C. Fuller; Joe Murphy; John Glasz; Ramesh Kantety; Sydney Holtzclaw; Jim Gibson; Bill Holtzclaw; Don Tatum and 3 illegible signatures.

**MINUTES APPROVAL**

**October 15, 2009 Minutes of Regular Meeting**

Chairman Brown stated the minutes were approved as submitted.

**PUBLIC COMMENTS**

Chairman Brown opened the floor to public comment. There being no public comment, Chairman Brown closed the floor.

**REQUESTED REVISION TO THE CITY OF MADISON'S  
ZONING ORDINANCE**

1. The City of Madison's Planning Commission held a public hearing to consider Don Spencer Jr.'s request to rezone land located east of Balch Road and north of Gillespie Road from AG, Agricultural to B-2, Community Commercial.

**Staff Report:** Johnny Blizzard explained the requested rezoning. He stated that the character of the area is changing; that it is within a mile of 3 commercial districts. Further, the owner of the property is also developing the adjacent residential property and therefore will be mindful of the commercial influence. The city will benefit from sales tax income produced by a commercial property.

**Developer Comments:** Don Spencer Jr. stated that his family has owned the property for over 3 generations. He is seeking a community commercial rezoning because he believes it will be a good fit. A convenience store owner has approached him and expressed interest. A business in that location will provide much needed revenue to the city. When the future land use map was created 13 years ago the surrounding roads had not been extended. Traffic will increase on those roads whether the property is developed or not. He plans to provide sidewalks in the new subdivision to the school. Since the adjacent property that he owns and plans to develop as a subdivision, he is also concerned about property values. His goal is to keep the commercial use compatible with community business. His research has shown that property values increased near the new Publix on County Line Road. He discussed the differences in the intersection of Gillespie and Balch compared to Gillespie and Wall-Triana.

**Public Comments:** The following people spoke in opposition to the rezoning request: Rudy and Tracy Flores; William Congo; Rob King; Allison Austin; Jason Bold; Lee Witbracht; Jim Malaugh; Christine Glover; Zhijiang Dong; Ramesh Kantety; George Nelson; Ramon Ortiz; Kerry Straub. Their concerns were: decrease in property values; lack of adherence to city's master plan and future land use map; increased traffic; external lighting; teenagers hanging out; increased crime; unpleasant view. Tim Holcombe explained that when the 1995 master plan was created, all four corners of the intersection of Balch and Gillespie were in the county. The city cannot plan for land outside its boundary.

**Board Comments:** Mr. Brooks asked for an explanation of previous rezoning request of southwest corner of Balch Road. Johnny Blizzard stated the B-2 request was denied. He explained the details of the lighting ordinance and the "no trespass rule". Mr. Brooks explained that rezoning requests are made by property owners and not something the City asks for. Groups show up for public hearings angry at the city for proposed rezoning. Mr. Potter questioned the future land use map and comprehensive plan functionality if it cannot be referred to before buying property and the legality of changing one without updating the other. Johnny Blizzard stated that future land use map is an advisory document. If the map is amended then so too is the comprehensive plan. He stated that changes should not be arbitrary and that the ramifications to the surrounding area should be considered. Gary Chynoweth stated that he has a draft of the

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road plan. Balch Road, from Brown's Ferry to Gooch, will be 3 lanes; from Gooch to 72 it will be 5 lanes; Gillespie Road will remain 2 lanes with a turn lane. It is expected that the intersection of Gillespie and Balch will have twice the traffic as it does now. Stores are destinations and do not cause an increase in traffic. Residential developments cause an increase in traffic. The residents of Walden Preserve also protested the subdivision that will be across Gillespie. Madison has only ½ the number of needed gas stations. Half of those are on Madison Boulevard. Mr. Grounds stated that based on current gas prices and usage, a gas station will pay 10-25k in taxes per year. Amy Furfori stated that residential property would bring in approximately \$400-\$600 annually. Kelly Butler stated that the process has been appropriately followed – no steps have been skipped. There is no mention in the master plan that the land use map must be updated with each rezoning. Mr. Bianca questioned the proposed traffic circle at the intersection and Gary Chynoweth stated that the space is adequate to handle it.

**Motion:** Mr. Cowles moved to approve Don Spencer Jr.'s request to rezone land located east of Balch Road and north of Gillespie Road from AG, Agricultural to B-2, Community Commercial. Mr. Brooks seconded.

**Final Vote:**

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Nay
Planning Commission Member – Lewie L. Bates III	Nay
Planning Commission Member – Michael Potter	Aye

**Motion carried.**

2. The City of Madison's Planning Commission held a public hearing to consider Don Spencer Jr.'s request to rezone land located east of Balch Road, north of Gillespie Road and west of Wall-Triana Highway from AG, Agricultural to R-3A, Single Family Detached Residential.

**Staff Report:** Johnny Blizzard explained the reason Mr. Spencer requested R3-A zoning is because of the wetlands and streams on the property. He has requested 276 lots which is R-1A density. R-3A allows the houses to be clustered together and open space for preservation of wetland areas.

**Developer Comments:** Mr. Spencer stated that his motives are the same as anyone else's. His past, present and future are in Madison. Asked for R-3A zoning so side entry garages can be built and wetland areas can be avoided and preserved. The current lift station will be removed and improved; new sewer lines will be installed; storm water will flow into retention ponds; 20 acres will be preserved and given to the Land Trust or to the city for a park. The Land Trust would like a sidewalk connecting the school. He intends to begin development next year (2010) in phases – 30 to 40 lots at a time. He will schedule building as the market dictates. Lots will have 93' width and will be consistent with surrounding price points. Mr. Cowles questioned the flexibility of the plan and Mr. Spencer's agreement to the lot limit. Mr. Spencer said he would agree to a 300 lot cap.

**Public Comments:** The following appeared in support: Rob King; Wendell Elrod.

**Board Comments:** Mr. Brown questioned how the B-2 lot will connect to the R-3A area and the commercial building façade. Mr. Spencer stated that there would only be pedestrian access into the subdivision and the area will be heavily screened. He mentioned a boulevard entrance similar to Heritage Provence. Mr. Brooks stated that the Publix on County Line Road was not popular at the time but is now appreciated.

**Motion:** Mr. Bianca moved to approve Don Spencer Jr.'s request to rezone land located east of Balch Road, north of Gillespie Road and west of Wall-Triana Highway from AG, Agricultural to R-3A, Single Family Detached Residential, with a maximum of 300 homes. Mr. Bates seconded.

**Final Vote:**

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

**Motion carried.**

V. Other Business:

1. Amy Furfori – Economic Development update: Ms. Furfori provided a slide show depicting new strategic development including infill and enhancement of existing area. Her plan includes filling vacant buildings and land already zoned commercial. She proposes a municipal enterprise method uniting with city staff and officials as well as the Chamber of Commerce; retail recruitment - spreading the word about the City's desirable benefits (Rocket City United Soccer, I-565 frontage, Huntsville International Airport, western access to I-65, hospital, 2<sup>nd</sup> high school, YMCA, Wann commercial property); and growth partnering businesses, property owners, developer, bankers/brokers, city officials and staff.
2. Gary Chynoweth – Major Street Plan update – Gary Chynoweth introduced and explained the first draft of the Major Street Plan. Greenbrier Road extending north will be a minor arterial. East and west routes will remain collector roads meant to accommodate traffic. Huntsville Brown's Ferry will be a minor arterial and will be more like Highway 72 in 30-50 years. The included traffic study provides the numbers of cars on the roads to help better understand which ones need improvement. He stated that Old Madison Pike and Hughes Roads should have been 5 lanes. Hughes Road and Wall-Triana can be widened. Madison Boulevard traffic is needed for businesses to survive and therefore needs to be 6 lanes. He believes that traffic volumes on the west side will increase dramatically over the next decade. He stated that the plan presented needs further revisions.
3. Johnny Blizzard – Planning Department update and Overview of Article 52 of the Code of Alabama - Powers & Duties of Planning Commission – **To be presented at a later date.**

There being no other business for discussion Chairman Brown closed the floor.

**ADJOURNMENT**

With no additional business to discuss Chairman Brown adjourned the meeting at 8:11 p.m.

**Minutes Approved,**



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**Charlie Brown, C.A.P.Z.O., Chairman  
Madison Planning Commission**

**ATTEST:**



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**Sherri Blair, CFM, C.A.P.Z.O., Zoning Administrator**