

**PLANNING COMMISSION  
CITY OF MADISON, ALABAMA  
MINUTES OF THE JULY 21, 2011 REGULAR MEETING**

**The meeting was called to order at 5:30 p.m.**

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

**Planning Commission Chairman**

CHARLIE BROWN, C.A.P.Z.O. ABSENT

**Planning Commission Vice Chairman**

STEPHEN BROOKS ABSENT

**City Council Member**

TIM COWLES PRESENT

CYNTHIA MCCOLLUM PRESENT

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

CAMERON GROUNDS, C.A.P.Z.O. PRESENT

DAMIEN BIANCA ABSENT

LEWIE L. BATES, III, C.A.P.Z.O. PRESENT UNTIL 6:02 P.M.

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

**PLANNING STAFF PRESENT**

AMY FURFORI, DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING; JOHNNY BLIZZARD, CHIEF PLANNER; KELLY BUTLER, CITY ATTORNEY; GARY CHYNOWETH, CITY ENGINEER AND SHERRI BLAIR, ZONING ADMINISTRATOR AND RECORDING SECRETARY

**REGISTERED PUBLIC ATTENDEES**

Jackie Whitaker; George Nelson; Vasant Patel; Adam Collins; Dave Slifka; Tom Briggs; Tom Baxter; Shirley Dykes; Glenn Dykes; Milau Patel; Willie Wright; Trevor Bowers; Johnny McAlpine; Phillip Metcalf; David Kennedy; Saumya Shah; Jay Patel; Manish Patel; Brooke Burcham; Nikalas Rakoff; Jennifer Fea; Tim Holcombe; Ed Collins; Leanne Ogden; Tommy Besteda; Robert King; David Jackson; Stacie Elmore; Brenda Hancock; Robert Akins; Vivek Monashi; Kelly Jackson; Dinesh Sheth; Ed Peters and two (2) illegible signatures.

**ELECTION OF CHAIR PRO TEMPURE**

**Motion:** Ms. McCollum moved to elect Michael Potter as Chair Pro Tempure in the absence of Chairman Charlie Brown and Vice-Chair Stephen Brooks. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Aye
Michael Potter	Aye

**Motion carried.**

**ACCEPTANCE OF AGENDA**

Chief Planner Johnny Blizzard stated that the second item under Zoning Amendments, *Wann Properties*, South of Huntsville-Browns Ferry Road and west of County Line Road was withdrawn at the request of the applicant. Further, public notices were mailed for *Hospital Park* but the item is not on the agenda. Chair Pro Temp Potter accepted the changes to the agenda and proceeded with regular business.

**APPROVAL OF MINUTES**

The first order of regular business was the approval of minutes of the June 16, 2011 Regular Meeting. Chair Pro Temp Potter asked members for changes/corrections. There being no requested changes and/or corrections Chair Pro Temp Potter stated the minutes would be approved, as presented.

**PUBLIC COMMENT**

Chair Pro Temp Potter opened the floor to public comment. Leena Jacobs, president of the Heritage Plantation HOA, addressed the Commission voicing concerns about the barricades being removed at the Braxton Road entrance into new phase of the subdivision. City Engineer Gary Chynoweth stated he would see they were replaced.

There being no further public comment, Chair Pro Temp Potter closed the floor.

**OLD BUSINESS**

Planning Director Amy Furfori addressed the Commission with an update on the creation of new definitions/descriptions for property currently described as "common area". She presented methodology and stated everyone will be better informed when purchasing a lot in a subdivision with planned improvements. Mr. Potter complimented Director Furfori's forward thinking. He further stated that after adoption of the changes, a developer would be required to gain Planning Commission approval to change the planned improvements.

There being no further old business to consider, Chair Pro Temp Potter proceeded with agenda items.

## PUBLIC HEARING

### ZONING AMENDMENTS

1. *Tract A2a, Leathertree Estates, Third Addition*

Applicant: Uasant & Anjana Patel

Owner: Uasant & Anjana Patel

Acreage: 3.50

From: General Business (B-3) "restricted" and Low Density Residential (R-1A)

To: General Business (B-3)

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The Technical Review Committee does not recommend approval of the zoning change from Low Density Residential R-1A and General Business (B-3) with conditions to General Business (B-3). General Business (B-3) is better suited along arterial roadways, away from residential neighborhoods. This district allows uses that are not compatible with neighborhoods and would limit privacy and ability to live in an environment free from noise, glare and smells associated with more intense business activities. He further stated that Staff recommends rezoning the property to Community Commercial (B-2) which is more compatible with surrounding residential neighborhoods. Businesses in this district are restricted primarily to indoor sales and services. Therefore, adjacent properties are not directly affected by the business activity. Community Commercial (B-2) should allow the property owner better use of his land, as well. In most cases, uses allowed in Community Commercial (B-2) that are adjacent to residential neighborhoods, have been allowed by the Madison Planning Commission to substitute the required buffer for a 6 foot privacy fence and 5 foot landscape buffer, allowing more of the tract of land to be developed. Director Furfori informed Commission members that three (3) emails had been received and were made a part of their meeting packet.

**Developers Comments:** No comments

**Public Comments:** No Comments.

**Board Comments:** Mr. Ryder confirmed with Staff that property would have Wal-Triana ingress/egress and not tie into adjacent residential subdivision.

**Motion:** Mr. Ryder moved to approve the rezoning of *Tract A2a, Leathertree Estates, Third Addition*, from Low Density Residential (R-1A) to Community Commercial (B-2), as recommended by Staff and agreed to by applicant. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye

Cynthia McCollum	Abstain
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Aye
Michael Potter	Aye

**Motion carried.**

2. *Wann Properties*

Location: South of Huntsville-Browns Ferry Road and west of County Line Road

Applicant: GBT Realty

Owner: Gayle Wann Guy and William Wann

Acreage: 5.41

From: Community Commercial (B-2)

To: Multi-Family Residential (R-4)

**Removed from the agenda at the request of the applicant.**

**PRELIMINARY PLAT APPROVAL**

1. *Crown Point Subdivision, Phase I*

Location: east of Balch Road and north of Gillespie Road

Representative: Jackie Whitaker PE, 4-Site, Inc.

Owner: DBS Properties II, LLC

Lots: 43

Acreage: 150.82

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant submitted an amended version of the preliminary plat originally submitted as *Gillespie Place, Phase I*. The new version changed the subdivision name to *Crown Pointe, Phase I*. One lot originally approved in *Gillespie Place, Phase I* will not be included in *Crown Pointe, Phase I*. The lot will be included in *Crown Pointe, Phase II*. However, all other infrastructure will remain a part of *Crown Pointe, Phase I*. He further stated that Staff and Technical Review Committee recommend approval of the preliminary plat for *Crown Pointe, Phase I*, contingent on the completion of the following items:

1. Closure tape should be in a degrees, minutes and seconds format.
2. Provide signature-North Alabama Gas.
3. Provide signature-Madison Utilities.
4. Correct labeling of Pedestrian easement to Pedestrian ROW
5. Clarify easements overlapping CA which have blanket PUDE.

**Developers Comments:** No comment

**Public Comments:** No comment

**Board Comments:** No comment

**Motion:** Ms. McCollum moved to approve the Preliminary Plat of *Crown Point Subdivision, Phase I*, contingent on the completion of outstanding Staff comments. Mr. Cowles seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Absent
Michael Potter	Aye

**Motion carried.**

2. *Crown Point Subdivision, Phase II*

Location: east of Balch Road and north of Gillespie Road

Representative: Jackie Whitaker PE, 4-Site, Inc.

Owner: DBS Properties II, LLC

Lots: 30

Acreage: 132.20

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant requested approval of a preliminary plat for *Crown Point, Phase II*. Approval of the plat will authorize the development of 30 lots, which includes the one lot removed from *Crown Point, Phase I*. *Crown Point, Phase II* and will make provision for the reservation of future right-of-way. The reservation may be beneficial for any future development of land located southeast of *Crown Pointe*. Further he stated, Staff and Technical Review Committee recommend approval of the Preliminary Plat for *Crown Pointe, Phase II* contingent on the completion of the following items:

1. The boundaries described in the closure tape must match the boundaries of the subdivision.
2. The close tape must be in a degrees, minutes and seconds format.
3. Provide signature-North Alabama Gas.
4. Provide signature-Madison Utilities.
5. Add intersection equations to Farmall Lane profile sheet.
6. Clarify ROW at end of Farmall Road.
7. Correct details depicting required sod on ditches.
8. Remove Note 4 from sheet 3.
9. Correct the spelling of title on sheet 10 of 20.
10. Correct spelling of title on sheet 14 of 20.

**Developers Comments:** No comment

**Public Comments:** No comment

**Board Comments:** No comment

**Motion:** Mr. Ryder moved to approve the Preliminary Plat of *Crown Point Subdivision, Phase II*, contingent on the completion of outstanding Staff comments. Mr. Grounds seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Absent
Michael Potter	Aye

**Motion carried.**

3. *Waterford Subdivision, Phase VI*

Location: west of Burgreen Road and east of Watterson Way

Representative: Jennifer Trice PE, Trice PC

Owner: Heritage Plantation, Inc.

Lots: 15

Acreage: 9.16

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant requested approval of a preliminary plat for *Waterford, Phase VI* to develop 17 lots and accompanying infrastructure. The preliminary plat is consistent with the approved layout. Further he stated Staff and Technical Review Committee recommend approval of the preliminary plat for *Waterford, Phase VI* contingent on the completion of the following items:

1. Provide a closure tape.
2. Listed normal pool elevation is 698.00. The pipe must be raised for free discharge or show trail water on pipe system because pond elevation rises during rainfall events.
3. Delete Madison Utilities administrative certificate from the preliminary plat.
4. In addition to the sidewalks required by the Madison Subdivision Regulations, five foot sidewalks may also be required by the Planning Commission on any public right-of-way physically adjoining the subdivision. The Planning Commission may consider additional sidewalks along the east side of Burgreen Road.

Mr. Blizzard stated that none of the comments were "showstoppers" and Commission members should not be concerned by them. Sidewalks have not been requested on Burgreen because the City doesn't have the ability to plan beyond its limits. Attorney Butler stated that the City's planning jurisdiction doesn't extend beyond its City limits.

**Developers Comments:** Jeff Enfinger questioned the need and fairness of the developer adding the sidewalks to a collector road. Historically developers were not requested or required to install subdivision sidewalks on collector roads.

**Public and Board Comments:** Leena Jacobs, president of Heritage Plantation HOA stated children will walk down Burgreen Road. She stated further that Whitworth Farms and Stillwater Cove have sidewalks on collector roads.

Ed Collins, 303 Crowridge Drive, sited safety issues and that Limestone County would not object to Madison City installing sidewalks on their property. An easement could be on the backs of the lots and sidewalks installed in them.

Councilmember Tim Holcombe, 215 Walden Glen questioned sidewalk requirements. Director Furfori stated the subdivision regulations state that the Planning Commission may require sidewalks along any ROW. Mr. Potter stated that sidewalks can't be installed in the ROW.

Councilmember Steve Haraway, 138 Joe Phillips, questioned the City's ability to require a road but not sidewalks.

Leena Jacobs asked the location of the City's property line. Johnny Blizzard stated that it is at property line, not middle of the road.

Mr. Ryder asked if, at a minimum, escrow could be required for later installation of sidewalks along Burgreen.

Ms. McCollum questioned the process for determining fees for escrowing.

Mr. Enfinger stated that if an escrow is set up, a time limit set of three (3) to five (5) years should be included so that the money could be refunded to him if the sidewalks weren't installed. Attorney Butler stated the time limit would need to be addressed.

Leena Jacobs stated they should be required to put sidewalks in.

**Motion:** Mr. Cowles moved to table the Preliminary Plat of *Waterford Subdivision, Phase VI*, in order to further consider escrow issue for sidewalk construction and to further determine a time limit for installation and subsequent refund to developer. Mr. Ryder seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent

Lewie L. Bates III  
Michael Potter

Absent  
Aye

**Motion carried.**

**FINAL PLAT APPROVAL**

1. *Waterford Subdivision, Phase V*  
Location: west of Burgreen Road and east of Watterson Way  
Representative: Gerald Martin PLS, Gerald Martin Surveying Company  
Owner: Heritage Plantation, Inc.  
Lots: 19  
Acreage: 21.46

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant is requesting approval of a final plat for Waterford, Phase V. The recording of this plat provides 19 news lots available for purchase. The subdivision is compliant with the approved layout and preliminary plat for *Waterford, Phase V*. The need for a performance bond is not anticipated as the infrastructure is ready for final inspection. Therefore, Staff (and Technical Review Committee) recommends approval of the final plat for *Waterford, Phase V*.

**Developers Comments:** No comment

**Public and Board Comments:** Leena Jacobs, president of Heritage Plantation HOA questioned when sidewalks will go in if not during development stage? She asked Commission reconsider sidewalks.

Mr. Potter asked if the Commission can require sidewalks to which Director Furfori stated Staff has given consideration to sidewalks and high school access. Further Mr. Potter stated access to the new high school is currently unknown. He wants to make sure there is safe access.

**Motion:** Mr. Cowles moved to approve the Final Plat of *Waterford Subdivision, Phase V*, as presented. Ms. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Absent
Michael Potter	Aye

**Motion carried.**

**CERTIFIED PLAT APPROVAL**

1. *A ReSubdivision of Tract F, Heritage Provence Phase 8*

Location: The subject property is east of Burgreen Road and north of Huntsville-Browns Ferry Road

Representative: Sarah Ray, Goodwyn, Mills and Cawood

Owner: Enfinger Development, Inc.

Lots: 2

Acreage: 2.89

**Staff Report:** Chief Planner Johnny Blizzard presented the request stating: The applicant requested approval to divide the subject property into two individual lots of record. The proposed Lot 1 will contain 1.57 acres and Lot 2 will contain 1.32 acres. Staff and Technical Review Committee recommend approval of the certified plat for *A ReSubdivision of Tract F Heritage Provence Phase 8*.

**Developers Comments:** No comment

**Public Comments:** No Comment

**Board Comments:** No Comment

**Motion:** Mr. Cowles moved to approve the Certified Plat of *A ReSubdivision of Tract F, Heritage Provence Phase 8*, as presented. Mr. Ryder seconded the motion and the vote was as follows:

**Final Vote:**

Charlie Brown	Absent
Stephen Brooks	Absent
Tim Cowles	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Damien Bianca	Absent
Lewie L. Bates III	Absent
Michael Potter	Aye

**Motion carried.**

**NEW BUSINESS**

Chair Pro Temp Potter opened the floor to new business. There being no new business for discussion Chair Pro Temp Potter closed the floor.

ADJOURNMENT

With no additional business to discuss Chair Pro Temp Potter adjourned the meeting at 6:54 p.m.

**Minutes Approved,**

A handwritten signature in black ink, appearing to read "Michael Potter", written over a horizontal line.

**Michael Potter, Chair Pro Tempore**

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Sherri Blair", written over a horizontal line.

**Sherri Blair, Recording Secretary**