

**CITY OF MADISON
ZONING BOARD OF ADJUSTMENTS AND APPEALS
BOARD MINUTES OF THE JULY 7, 2011 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regular meeting on July 7, 2011 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Chairperson Betty Fletcher called the meeting to order at 5:30 pm. Attendance was as follows:

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|------------------------------------|----------------|
| Betty Fletcher, Chairperson | Present |
| John Horch, Vice Chair | Absent |
| Troy Wesson | Present |
| Fredrick Davey | Present |
| Ted Whitney | Present |
| Supernumeraries | |
| Tim Malueg | Absent |
| Mary Hudson | Present |

Staff Present: Amy Furfori, Director, Community Development and Planning; Kelly Butler, City Attorney, Johnny Blizzard, Chief Planner and Sherri Blair, Zoning Administrator and Board Secretary

PUBLIC ATTENDEES

Stephen H. Gaines, Greyhound Lines, Inc.; Chris Donnelly, Architect; Councilmember Jerry Jennings; and one illegible signature

INTRODUCTION

Chairperson Betty Fletcher stated: This Board is composed of five persons (with two supernumeraries), is empowered by the Alabama State Legislature, but appointed by the City Council, and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof, for Variances and Special Exceptions, rests with the petitioner. Any party aggrieved by any decision of this Board may, within fifteen days, file a written notice of appeal to the Circuit Court.

In the absences of Dr. Horch and Mr. Malueg, Mrs. Fletcher requested Ms. Hudson move from Supernumerary Position 2 to that of a voting member.

APPROVAL OF MINUTES

The first order of business was the approval of minutes from the June 2, 2011, Regular Meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Mrs. Fletcher entertained a motion.

Motion: Mr. Davey moved to approve the minutes of the March 3, 2011, Regular Meeting, as written. Mr. Whitney seconded the motion and the vote was as follows:

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| Betty Fletcher | Aye |
| Troy Wesson | Aye |
| Fredrick Davey | Aye |
| Ted Whitney | Aye |
| Mary Hudson | Aye |

Motion Carried.

PETITIONS AND FORMAL REQUESTS FOR ACTION

1. **Case #1070 – 8530 Madison Boulevard - A Special Exception to Section 4-8-1 of the City of Madison Zoning Ordinance, to allow a bus passenger station in a General Business (B-3) District**

Applicant’s Comment: Architect Chris Donnelly presented the request stating: The applicant, Greyhound Bus Lines was seeking a special exception to convert the existing carwash, located behind the convenience store, into a bus depot. Customers would purchase tickets from this location. Buses en route north to Nashville and south to Birmingham, would stop for passengers to purchase snacks at the convenience store. Restroom facilities will be available inside Greyhound’s facilities. Trash cans would be provided at the bus loading area. Passengers would also embark/disembark from this location. Greyhound is now choosing sites in more populated areas instead of inner cities. Buses would enter the site from the light at Lanier.

Steve Gaines with Greyhound stated that 200 passengers a day go through Huntsville. He further stated that Greyhound does not allow overnight or extended parking at their sites. Mansfield Oil has a working agreement with Greyhound to establish larger stations in urban areas and close many of the old sites nationwide.

Public Comment: Councilmember Jerry Jennings stated he was against using this location as it is too small to accommodate two uses. Police Chief Larry Muncey stated that Greyhound provides a wonderful service but that their sites attract homeless people and criminals and that crime is a common theme. Councilmember Tim Holcombe echoed Mr. Jennings traffic concerns and access to Madison Boulevard.

Staff Recommendation: Planning Director Amy Furfori presented staff's recommendation stating: based on the application and information available prior to the public hearing, staff does not recommend approval of the special exception request to construct a bus terminal facility.

The City is currently concluding its Growth Plan, its comprehensive plan, which recommends enhancement to the Madison Boulevard corridor. The Plan recommends that regulations and redevelopment efforts focus on the recruitment of higher quality retail, services and professional offices. It is the City's goal to create a gateway workplace and shopping environment in terms of aesthetics and business uses.

The subject property was designed to accommodate a convenience store and accompanying gas islands. Staff contends that the site is not designed to adequately accommodate both uses, specifically bus maneuvering and bus passenger vehicle parking.

Public safety is another concern. During its review, Madison Police Department obtained data indicating that, over the past year, approximately 130 public safety calls were dispatched to the Huntsville Public Bus Station located 11.2 miles away.

If the Board of Adjustments does grant the special exception request, staff recommends the following conditions:

- 1) Submittal of a site plan for administrative review by the Planning Department which includes but is not limited to:
 - a) Bus ingress/egress and circulation routes;
 - b) Amount of circulation area reserved for patrons of Chevron;
 - c) Adequate customer parking for customers of the bus station;
 - d) Signage delineate bus terminal use from Chevron use;
 - e) Additional lighting to ensure passenger and public safety;
- 2) Customer amenity package to include refuse receptacles for use by bus terminal passengers.

Motion: Mr. Wesson moved to approve case #1070 – 8530 Madison Boulevard - A Special Exception to Section 4-8-1 of the City of Madison Zoning Ordinance, to allow a bus passenger station in a General Business (B-3) District, contingent upon the satisfaction of staff comments. Mr. Whitney seconded the motion and the vote was as follows:

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|-----------------------|------------|
| Betty Fletcher | Aye |
| Troy Wesson | Aye |
| Fredrick Davey | Nay |
| Ted Whitney | Nay |
| Mary Hudson | Nay |

Motion Denied.

OLD BUSINESS

- A. City Attorney Kelly Butler - process for rescinding prior approval: Attorney Butler and Zoning Administrator Blair presented background and information which concluded it was not necessary to formally rescind the approval of case number 1055. The contingencies placed upon the approval were specific to the applicant and would not be met by anyone other than him. Further, the property has since been purchased and subdivided making the contingencies physically impossible to meet.

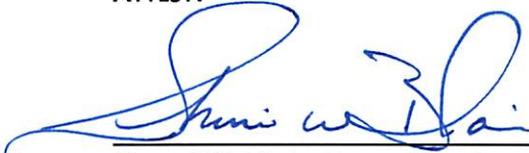
With no further business before the Board, the meeting was adjourned.

APPROVED:



Betty Fletcher, Chairperson
Zoning Board of Adjustments and Appeals

ATTEST:



Sherri W. Blair, Recording Secretary