

**PLANNING COMMISSION  
CITY OF MADISON, ALABAMA  
MINUTES OF THE AUGUST 16, 2012 REGULAR MEETING**

**The meeting was called to order by Chairman Mike Potter at 5:30 p.m.**

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

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

**PLANNING STAFF PRESENT**

AMY BELL, DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING; GARY CHYNOWETH, P.E., CITY ENGINEER; GINA ROMINE, PLANNER I AND RECORDING SECRETARY.

**REGISTERED PUBLIC ATTENDEES**

Minnie M. Everard, Juanita Williams-Smith, Denise Mack, Ed Collins, Lyn R. Knox, Tim Morris, Chelsea Knox, Mike Effinger, Howell Lee, and one illegible name.

**ACCEPTANCE OF AGENDA**

Chairman Potter accepted the agenda as presented and proceeded with regular business.

**APPROVAL OF MINUTES**

The first order of regular business was the approval of minutes of the July 19, 2012 Regular Meeting.

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye

Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Cameron Grounds	Abstain

#### PUBLIC COMMENT

Chairman Potter opened the floor to public comment.

Ed Collins gave a presentation regarding homeowner's associations and voiced concern over a maintenance issue in the Stonecrest Subdivision. Chairman Potter, stated that a legal opinion would be needed to determine whether a bill could be sent for maintenance and the possibility of fines. Mr. Collins stated that this issue needs to be addressed prior to occurrence. Chelsea Knox, Stonecrest resident voiced concerns regarding the issue of there being no homeowner's association. Ms. Knox stated that she had contacted Adams Homes without success.

There being no further public comment, Chairman Potter closed the floor for public comment.

#### OLD BUSINESS

There being no old business Chairman Potter preceded to the public hearings.

#### PUBLIC HEARINGS

##### **Requested Revision of the City of Madison's Zoning Ordinance (Map)**

1. *The City of Madison Planning Commission held a public hearing to consider Mike Effinger's request to zone property located at 203 High Road to R-1B, Low Density Residential District.*

**Applicant Request:** Mike Effinger stated that he had requested annexation and that the zoning was a step required for annexation.

**Staff Report:** Director Bell stated the subject property is located in *Skyline Acres* subdivision and is identified as Lot 4, Block 7. Director Bell also stated that approximately half of the lots in *Skyline Acres* are within the corporate limits of the City of Madison and the rest are within unincorporated Madison County. Staff recommends approval of the request to zone the subject property to Low Density Residential (R-1B).

**Public Comments:** Richard Handley, 204 High Road asked for clarification on his property's zoning designation. Mr. Blizzard clarified the difference between AG, Agricultural District and R-1B, Low Density Residential District.

**Board Comments:** No comments.

**Motion:** Mr. Ryder moved to approve *Mike Effinger's request to zone property located at 204 High Road to R-1B, Low Density Residential District*. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Cameron Grounds	Aye

**Motion carried**

2. *The City of Madison Planning Commission held a public hearing to consider the repeal of all development fees located in the City of Madison Zoning Ordinance, Subdivision Regulations and Madison Code of Ordinances and replace with an updated fee schedule for development fees in the Madison Code of Ordinances with approval by City Council*

**Staff Report:** Director Bell stated that the request is to consolidate development fees into one location and to simplify the calculation of fees. Director Bell stated that the proposed fee schedule is comparable to the current fees in place. Director Bell discussed each proposed change and provided examples. Director Bell requested that the Commission take actions on the following items:

1. Staff requests that the Planning Commission vote on the amendment to the *Subdivision Regulations* to repeal the fees set forth in said regulations with the contingency that these fees are replaced with fees established by the City Council in the *Madison Code of Ordinances*. (In order to coordinate timing, staff proposes that the amendments provide an effective date of October 8, 2012 or when the Madison Code of Ordinance development fee schedule is adopted by the Madison City Council, whichever is later.
2. Staff requests that the Planning Commission vote to recommend to the City Council that the development fees in the Madison Zoning Ordinance also be repealed, but only effective upon October 8, 2012 or on the date the Madison Code of Ordinance development fee schedule is adopted by the Madison City Council, whichever is later.

**Public Comments:** Ed Collins stated that more of the community should have been reached out to regarding this proposed change.

**Board Comments:** Chairman Potter stated that he likes the fees located in one place and that

the fees have not increased much however, they will be paid at the time of application. Mr. Potter commended Ms. Romine for her hard work on this revision and stated that she had done a great job. Mr. Ryder asked for clarification on the advertisement fees. Mr. Cowles asked for clarification of the annexation fee and suggested the removal of that specific fee.

**Motion:** Mr. Ryder moved to amend the Subdivision Regulations to repeal the fees set forth in said regulations with the contingency that these fees are replaced with fees established by the City Council in the *Madison Code of Ordinances* providing an effective date of October 8, 2012 or when the Madison Code of Ordinance development fee schedule is adopted by the Madison City Council, whichever is later. Mr. Bianca seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Cameron Grounds	Aye

**Motion carried**

**Motion:** Mr. Cowles moved to recommend to the City Council that the development fees in the Madison Zoning Ordinance also be repealed, but only effective upon October 8, 2012 or on the date the Madison Code of Ordinance development fee schedule is adopted by the Madison City Council, whichever is later excluding the proposed annexation fee. Mr. Bates seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Cameron Grounds	Aye

**Motion carried**

**Preliminary Plat**

**3. Crown Pointe, Phase 3**

Location: Northeast corner of Gillespie Road and Balch Road  
Representative: 4Site In.  
Owner/Applicant: Spencer Farms, LLC  
Lots: 46 lots, 1 common area and 1 tract  
Acreage: 85.32

**Applicant Request:** Tim Morris representing 4Site Inc. presented the report for the preliminary plat.

**Staff Report:** Chief Planner Blizzard stated that the applicant is requesting approval of a preliminary plat for Crown Pointe, Phase 3. Mr. Blizzard stated the proposed preliminary plat is the third phase of Crown Pointe Subdivision. Crown Point Phase I has received final plat approval and home are being constructed there. Crown Pointe Phase II has also received preliminary plat approval. The proposed Crown Pointe, Phase III preliminary plat consists of 85.32 acres into 46 single family residential lots, 1 common area and 1 tract. The average lot size is 12, 352 square feet, which the smallest lot being 10,800 square feet and the largest lot being 22, 266 square feet. Staff (and the Technical Review Committee) recommends approval of the preliminary plat for Crown Pointe, Phase 3, with the following contingences:

1. The new legal descriptions do not correctly mark the point of beginning and contains errors between the description and the map.
2. Label the name, plat book/page or document number of all adjoining subdivisions.
3. Label and provide the width of all easements depicted on the drawing.

**Developers Comments:** No comments.

**Public Comments:** Minnie Everard requested that the construction entrance be changed. Tim Morris stated that he was unaware that this was occurring and he would look into the situation. Gary Chynoweth stated he would also follow up on this issue and contact the homeowner.

**Board Comments:** No comments.

**Motion:** Mr. Bates moved to approve the preliminary plat for Crown Pointe, Phase 3 subject to the satisfaction of the outstanding contingencies. Mrs. McCollum seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Lewie Bates	Aye
Cameron Grounds	Aye

**Motion carried**

Mr. Bates left the meeting at 6:35 p.m.

**(PUBLIC HEARINGS CLOSED)**

**NEW BUSINESS**

**1. Review and Adoption of revised Bylaws of the Planning Commission**

**Board Comments:** Chairman Potter commended Mr. Ryder for his hard work on the revisions.

**Motion:** Mr. Ryder moved to approve the *revised Bylaws of the Planning Commission*. Mr. Bianca seconded the motion and the vote was as follows:

**Final Vote:**

Chairman, Mike Potter	Aye
Tim Cowles	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Damian Bianca	Aye
Cameron Grounds	Aye

**Motion carried**

**2. Introduction and discussion of proposed draft residential zoning districts.**

**Staff Comments:** Chief Planner Blizzard Johnny Blizzard pointed out the names of each residential district has been modified to better reflect the type residential district. He stated that both R-1A and R-1B are currently called "Low Density Residential District." The proposed names would be Single-Family Estate District (R1A) and Single-Family Traditional District (R1B). These districts represent development patterns from earlier times and Madison's history. Mr. Blizzard stated that Medium Density Residential (R-2) is proposed to be called Single-Family Neighborhood (R2) and Zero Lot-Line District (RZ) is proposed to be called Single-Family Patio District (RZ). Mr. Blizzard explained that as the districts become denser, they become more integrated into the surrounding land use pattern. Mr. Blizzard stated that two new districts have been added to the residential districts. Multi-Family Residential (R4A) is a new district exclusively for apartments and a district has been created for manufactured homes. Mr. Blizzard explained that currently manufactured homes are special exception uses in every residential district. Mr. Blizzard added that the Agriculture District (AG) has been included as a residential district as well. Mr. Blizzard stated that R3A, R4, and RZ zoning district have been classified as Medium Density Residential instead of high density residential and R3 and R4A, which allowed attached housing are classified as high density residential. Mr. Blizzard explained that much of the general provisions found in Article V of the current zoning ordinance have been moved to both the residential, commercial and manufacturing districts. The reason being that of the current language does not address the specifics of each type district, plus the information is easier to find.

Mr. Blizzard proposed that side yard setback be modified to not extend to the rear yard property line and terminate at the rear yard setback line. He stated that for corner lots, the side yard adjoining the right-of-way will continue to extend to the rear yard property line.

Mr. Blizzard explained that the new regulations for fences and walls have been added. Fences and walls now have a height limitation and require a permit. Decorative fences across the front yard would be allowed if not higher than 3.5 feet. Mr. Blizzard stated that any wall four feet in height or greater is classified as a retaining wall and must be designed and inspected by an engineer.

Mr. Blizzard stated that standards for the exterior treatments of residential dwellings have been added to the revision. For single-family detached dwellings and duplexes, the regulation will prevent someone from constructing such a dwelling without an exterior treatment. Mr. Blizzard added that the exterior treatment for multi-family dwellings does provide substantial regulations to prevent unattractive multi-family developments. Mr. Blizzard presented the table of permitted uses and explained that home occupations have been included. The home occupation regulations follow the table in the proposed ordinance. The home occupation ordinance currently is found in Article 14 of the Zoning Ordinance.

Mr. Blizzard explained that the Agricultural District (AG) has been modified to continue to preserve agricultural activities but become more conforming for the single-family dwelling annexed into the City of Madison and zoned Agriculture (AG). The new regulation will establish a principle agricultural use that will continue to have a three acre lot minimum and establish a principle residential use with a 15,000 square feet minimum.

Mr. Blizzard presented the proposed lot dimension table and explained that interior side yard setbacks have been reduced to eight feet in Medium Density Residential and the rear yard setback reduced to thirty feet.

Mr. Blizzard noted that rear yard averaging section has been moved from Article V to the Section 4, with the other dimensional requirement specifications. Mr. Blizzard stated that several new diagrams have been added as examples for determining the rear yard.

Mr. Blizzard introduced a table establishing maximum building heights. The table adds height restrictions for accessory buildings and fences.

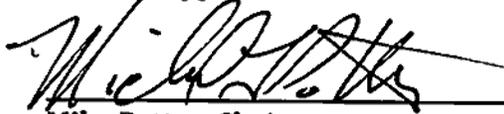
Mr. Blizzard introduced a section on private improvement lots, which will replace the current term of common area and add greater restriction. This section will classify private improvement lots into three categories for open space, recreation and infrastructure. Mr. Blizzard displayed a table that showed where such private improvement may be located.

Director Bell stated that staff would have a meeting to discuss the proposed changes and gather feedback from stakeholders. Director Bell also stated that the commercial sections would be provided to the Commission at the September meeting for discussion and a public hearing will be held in October for both the Residential and Commercial Zoning Sections.

**ADJOURNMENT**

With no additional business to discuss Chairman Potter adjourned the meeting at 7:25 p.m.

**Minutes Approved,**



**Mike Potter, Chairman**

**ATTEST:**



**Gina Romine, Planning Commission Secretary**