

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE APRIL 18, 2013 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, C.A.P.Z.O.	PRESENT
Planning Commission Vice Chairman STEPHEN BROOKS	PRESENT
City Council Member MICHAEL POTTER, C.A.P.Z.O.	PRESENT
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
LEWIE L. BATES, III, C.A.P.Z.O.	ABSENT
TROY WESSON, C.A.P.Z.O.	PRESENT

PLANNING STAFF PRESENT

CITY ATTORNEY, KELLY BUTLER; JOHNNY BLIZZARD, A.I.C.P, CHIEF PLANNER; GARY CHYNOWETH, P.E., CITY ENGINEER; GINA ROMINE, PLANNER I AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Majid Babai, Tim Holcombe, Billy H. Smith, Richard & Judith Hayes, Chris Carpenter, JoAnn L. Couch, James Ellis, Jon Rasmussen, Jeff Mullins, Wayne Blaxton, and Carey Daniel.

ACCEPTANCE OF AGENDA

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

APPROVAL OF MINUTES

Approval of minutes of the March 21, 2013 Regular Meeting.

Motion: Council Member Potter moved to approve the March 21, 2013 minutes as written. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Abstain
City Council Member, Mike Potter	Aye

Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Abstain

Motion carried

PUBLIC COMMENT

Chairman Bianca opened the floor to public comment.

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

OLD BUSINESS

There being no old business, Chairman Bianca proceeded with public hearings.

PUBLIC HEARINGS

Zoning Amendments

1. The City of Madison Planning Commission held a public hearing to consider Richard and Judith Hayes' request to zone property located at 221 Foy Road to *R-1B, Low Density Residential District*.

Applicant Request: Richard Hayes, petitioner presented the request for zoning approval.

Staff Report: Chief Planner Blizzard stated the subject property is Lot 22 of *Skyline Acres, 3rd Addition, Plat Book 2, Page 108* and contains 15,200 square feet. The subdivision plat was recorded in the Office of Probate, Madison County, Alabama in July of 1960. 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. The existing land use pattern within *Skyline Acres* is low density residential and developed with single-family detached dwellings. The nearby lots within the corporate limits of the City of Madison are zoned *Agricultural (AG)* and was given that designation upon annexation. The subject property contains an area of 15,200 square feet and meets the lot dimension requirements for *Low Density Single Family (R-1B)*. The majority of the lots within *Skyline Acres* are approximately 15,000 square feet. Therefore, *Low Density Residential (R-1B)* is the most appropriate zoning classification for the subdivision as a whole including the subject property.

The Planning Staff and the Technical Review Committee recommend approval of the request to zone the subject property to *Low Density Residential (R-1B)*.

Public Comments: No comments.

Motion: Mr. Cowles moved to approve Richard and Judith Hayes' request to zone property located at 221 Foy Road to *R-1B, Low Density Residential District*. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

2. The City of Madison Planning Commission held a public hearing to consider Majid and Judith Babai's request to rezone property located at 205 Browns Ferry Road from *R-2, Medium Density Residential District and R-4, Multi-Family Residential District to B-2, Community Commercial District*.

Applicant Request: Majid Babai, petitioner presented the request for rezoning approval and stated the intention was to convert into a commercial property.

Staff Report: Chief Planner Blizzard stated the subject property is occupied by a single-family detached dwelling. In May of 2012, the Planning Commission approved a certified plat for *Parvin Estates* dividing 20.04 acres into two (2) lots. The subject property is Lot 2 of *Parvin Estates* and outlined in red on *Figure 2*. Lot 2 contains 1.50 acres. The applicant is requesting that the subject property be rezoned from *Medium Density Residential (R-2)* and *Multi-Family Residential (R-4)* to *Community Commercial (B-2)*. The existing land use pattern is very similar to that shown on the *Future Land Use Map*. The adjoining properties to the west and south are zoned *Medium Density Residential (R-2)*. The properties to the east are zoned *Community Commercial (B-2)*. The subject property is zoned both *Multi-Family Residential (R-4)* and *Medium Density Residential (R-2)*. The requested zoning is compatible with the surrounding land uses and would not hinder development or redevelopment on adjoining or nearby properties. The *Zoning Ordinance* has safeguards such as landscaping, open space and screening buffers to minimize the impact of a commercial activity. The *Zoning Ordinance* requires the exterior elevations to be of a quality and aesthetically pleasing material. Drainage, outdoor lighting and signage are also regulated by the *Zoning Ordinance*.

Staff and the Technical Review Committee recommend the approval of the change from *Multi-Family Residential (R-4)* and *Medium Density Residential (R-2)* to *Community Commercial (B-2)*.

Public Comments: JoAnn Couch, 259 Browns Ferry Road stated that she was opposed to the proposed rezoning and had issues regarding the property lines. Mr. Babai explained the property

line issue.

Comments from the Commission: The Commission asked for clarification on the property line issue in question. Ms. Romine stated that the legal description was obtained from the Babai's recorded deed for the property.

Motion: Mrs. McCollum moved to approve Majid and Judith Babai's request to rezone property located at 205 Browns Ferry Road from *R-2, Medium Density Residential District and R-4, Multi-Family Residential District to B-2, Community Commercial District*. Mr. Grounds seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

Subdivision Plats

3. *Burgreen Place, Layout Plat*

Location: West of Burgreen Road and south of US Highway 72

Representative: Smith Engineering Co. Inc.

Owner/Applicant: Wright Homes LLC.

Lots: 62 and 4 common areas

Acreage: 23.08

Applicant Request: Billy Smith, representing Smith Engineering Co. Inc., presented the request for layout plat approval.

Staff Report: Chief Planner Blizzard stated the subject property is located west of Burgreen Road and north of Huntsville Browns Ferry Road. The applicant is requesting layout approval for *Burgreen Place Subdivision*. The layout plans for sixty-two (62) lots, four (4) streets and four (4) common areas. The average lot size will be 12,512.58 square feet, with the smallest lot being 10,032 square feet and the largest lot being 22,422 square feet.

Staff and the Technical Review Committee recommend approval of the layout for *Burgreen Place Subdivision*, with the following contingencies:

1. The vicinity map submitted does not depict the subject property.
2. The layout of the subdivision must be inserted into the vicinity map.
3. The site assessment map must be included in the layout plan. The vicinity map, sketch plat & site assessment must all be included in the layout plan, in this order.
4. The text in the site assessment must be cleaned-up so that delineations are readable.
5. Clarify the wetland boundaries.
6. Note that a homeowners association will be formed for this subdivision.
7. Show the location of the five (5) foot concrete sidewalk along Burgreen Road.
8. Identify the location of all proposed easements.
9. Submit a detention plan for the western portion of the subject property that will be developed in a second (2nd) phase.
10. Identify traffic calming features for Canyon Drive.
11. The following note must be added to the sketch plat:
12. Driveway access at corner lots and tee intersection lots shall be limited to the lot line furthest from the intersection

Developers Comments: No comments.

Public Comments: Tim Holcombe, 215 Walden Glen Road, indicated that the common area should be label on the layout and the preliminary plats.

Board Comments: Council member Potter asked if there would be a Homeowner's Association. Billy Smith, Smith Engineering stated yes there would be one formed.

Motion: Mrs. McCollum moved to approve the layout plat for *Burgreen Place* with the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

4. *Grove Park, Phase 3, Preliminary Plat*

Location: South of Doc Murphy Drive and on the south side of Grove Park Lane

Representative: Smith Engineering Co. Inc.

Owner/Applicant: Enfinger Steele Development LLC

Lots: 18

Acreage: 24.41

Applicant Request: Billy Smith, representing Smith Engineering Co. Inc., presented the request for preliminary plat approval.

Staff Report: Chief Planner Blizzard stated the subject property is located south of Dock Murphy Road and Liberty Middle School. The property is east of *Liberty Square Subdivision* and north of Gillespie Road. The subject property and the adjoining properties to the west are zoned *High Density Residential (R-3A)*. The adjoining property to the north is Liberty Middle School and it is zoned *Agriculture (AG)*. The property to the east is zoned *Single-Family Detached Residential (R-3)*. The adjoining property to the south is within unincorporated Madison County and not zoned. In March of 2013, the Planning Commission approved an amendment to the layout for *Grove Park, A Townhome Village*. With this approval, the following variances were granted to: *Section 5-6 (g) of the Subdivision Regulations*, to reduce the minimum lot size below 7,500 square feet and *Section 5-6 (h)*, to reduce the minimum depth below 125 feet for single-family lots. The Planning Commission also made a formal recommendation to the City Council to vacate Alley A and Alley C. The City Council vacated Alleys A and Alley C at the March 25, 2013 Council meeting. In April of 2013, the Zoning Board of Adjustments approved the following variance request: *Section 4-4-3 of the Zoning Ordinance* to reduce the minimum lot width; *Section 4-4-3 of the Zoning Ordinance*, to increase the lot coverage from thirty (30%) percent to sixty (60%) percent; and *4-4-3 of the Zoning Ordinance* to reduce the minimum lot area below 7,500 square feet. The applicant is requesting approval of a preliminary plat for the purpose of consolidating thirty-one (31) lots into eighteen (18) lots and approval of construction plans to remove the vacated alleys and realign utilities to service the new lots.

Staff and the Technical Review Committee recommend approval of the preliminary plat for *Grove Park, Phase 3* with the following contingencies:

1. Note the variances to the Subdivision Regulations granted by the Planning Commission and any conditions imposed.
2. Note the variances to the Zoning Ordinance granted by the Zoning Board of Adjustment and any conditions imposed.
3. The easement located at the rear of Lot 1 must be modified.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Cowles moved to approve the preliminary plat for *Grove Park, Phase 3* with the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye

City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

5. *Millstone, Phase 6, Preliminary Plat*
 Location: South and east of Mill Walk Court
 Representative: Smith Engineering Co. Inc.
 Owner/Applicant: Mill Road Developers LLC
 Lots: 34
 Acreage: 13.31

Applicant Request: Billy Smith, representing Smith Engineering Co. Inc., presented the request for preliminary plat approval.

Staff Report: Chief Planner Blizzard stated the subject property and adjoining properties to the north, east and west are all zoned *Single-Family Detached Residential (R-3A)*. The adjoining properties to the south are zoned *Agriculture (AG)*. The applicant is requesting approval of a preliminary plat to complete *Mill Walk Court* and *Mill Village Drive*; and approve the construction of *Legend Mill Drive*. The land will be subdivided into thirty-four (34) lots bringing the total number of lots in *Millstone Subdivision* to 200 lots.

Staff and the Technical Review Committee recommend approval of a preliminary plat for *Millstone Subdivision, Phase 6* with the following contingencies:

1. Label the existing sidewalk along Balch Road and Mill Road on the construction plans.
2. A north arrow must be affixed to Sheet 4 of the construction plans.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Cowles moved to approve the preliminary plat for *Millstone, Phase 6* with the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye

Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

6. Ashbury, Phase 4, Preliminary Plat

Location: West of Ashbury Subdivision, Phase 3 and south of Brighton Park Subdivision

Representative: Trice P.C. / Martin Surveys

Owner/Applicant: Ashbury Development & Properties, LLC

Lots: 81

Acreage: 22.82

Applicant Request: Gerald Martin, representing Martin Surveys, presented the request for preliminary plat approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting approval of a preliminary plat for *Ashbury Subdivision, Phase 4*. When finalized, *Ashbury Subdivision, Phase 4* will create an additional eighty-one (81) lots which will bring the total number of lots to 321. This will be the last phase of development for the 122.89 acre tract of land.

Staff and the Technical Review Committee recommend approval of the preliminary plat for *Ashbury Subdivision, Phase 4* with the following contingencies:

1. The drainage report does not specify how pipe sizes are justified.
2. Correct the contour labeling error and pipe slope error on sheet 8.
3. Signatures:
 - A. Athens Utilities
 - B. North Alabama Gas
 - C. Phone
 - D. Cable
 - E. Engineer

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve the preliminary plat for *Ashbury, Phase 4* with the satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye

City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

7. Lot 31A, Shiloh Run Subdivision, Certified Plat

Location: South of Coach Lamp Drive and west of Shiloh Creek Drive

Representative: Mullins, LLC

Owner/Applicant: Mark E Harris Homes, LLC

Lots: 1

Acreage: 0.81

Applicant Request: Jeff Mullins, representing Mullins, LLC, presented the request for certified plat approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting permission to consolidate lots 30 and 31 of Shiloh Run Subdivision. The new lot will contain 35,283.60 square feet or 0.81 acres of land.

Staff and the Technical Review Committee recommend approval of the certified plat for *Lot 31A, Shiloh Run Subdivision* with the following contingencies:

1. Delete the word "periphery" in Note 3.
2. The easement parallel with the deleted common property line must be vacated.

Public Comments: No comments.

Board Comments: Chairman Bianca asked if the vacation of easement was on the agenda for the next City Council meeting. Ms. Romine stated that signatures are still being obtained.

Motion: Mr. Cowles moved to approve the certified plat for *Lot 31A, Shiloh Run Subdivision* with the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye

Troy Wesson
Tim Cowles

Aye
Aye

Motion carried

8. Resurvey Lot 1 of Jack Clift Subdivision, 2nd Addition, Certified Plat

Location: North of the intersection of Highway 72 and Wall-Triana Highway

Representative: Gonzalez-Strength and Associates, Inc.

Owner/Applicant: Greg P. Wooten

Lots: 1

Acreage: 6.3

Applicant Request: Jon Rasmussen, representing Gonzalez-Strength and Associates, Inc., presented the request for certified plat approval.

Staff Report: Chief Planner Blizzard stated the subject property as well as the adjoining property to the north are zoned *Agriculture (AG)*. The adjoining properties to the south and east are zoned *General Business (B-3)* and the properties to the west are within unincorporated Madison County and are not zoned. The subject property is a *Lot 1 of Jack Clift Subdivision, Second Addition*, which was approved by the Planning Commission in April of 1994. Lot 1 contains 6.296 acres of land. The subdivision plat included a thirty (30) foot minimum building line along the north and south side yard property lines of Lot 1. However, the required minimum side yard setback for lots within an *Agriculture District (AG)* is fifteen (15) feet. The applicant is requesting the thirty (30) foot minimum building lines be deleted from the subdivision plat and the fifteen (15) feet setback established in the *Zoning Ordinance* apply. This reason for this request is to allow for an addition of *Valley View Nursing and Rehabilitation Center*, which occupies Lot 1, to be constructed within fifteen (15) of the north property line.

Staff and the Technical Review Committee recommend approval of the certified plat for the *Resurvey of Lot 1 of Jack Clift Subdivision, Second Addition*, with the following contingencies:

1. Provide the deed book/page of all adjoining property owners.
2. Provide a legal description of the external boundaries of the subdivision.
3. Label the right-of-way for Wall-Triana Highway
4. Provide the name, address and deed book & page or document number of the property owner.
5. The flood note has incorrect information
6. Change title block to indicate "Resurvey of Lot 1 of Jack Clift Subdivision, Second Addition"
7. Note: acreage and lots being subdivided
8. The Certificate of Approval of the Director of Planning has a duplication of the word "hereby"
9. Signatures:
 - A. Dedication
 - B. Mortgage Certificate
 - C. Notaries Acknowledgement
 - D. Flood certificate
 - E. Surveyor's Certificate

F. Certificate of Accuracy

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve the certified plat for a *Resurvey Lot 1 of Jack Clift Subdivision, 2nd Addition* with the satisfaction of the outstanding contingencies. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

(PUBLIC HEARINGS CLOSED)

Site Plans

1. *Valley View Health and Rehabilitation*

Location: North of the intersection of Highway 72 and Wall-Triana Highway

Representative: Gonzalez-Strength and Associates, Inc.

Owner/Applicant: Greg P. Wooten

Acreage: 6.3

Applicant Request: Jon Rasmussen, representing Gonzalez-Strength and Associates, Inc., presented the request for site plan approval.

Staff Report: Chief Planner Blizzard stated the applicant is requesting approval to construct a 24,117 square foot addition to the existing facility. The addition will include new building space and additional parking spaces. The additional building space will not be used to accommodate additional residents but will add space for the current residents and outpatient rehabilitation services.

Staff and the Technical Review Committee recommend approval of the site plan for *Valley View Health and Rehabilitation*, with the following contingencies:

1. Must a copy of the recorded plat prior to site plan approval.

Board Comments: No comments.

Motion: Mr. Cowles moved to approve the site plan for *Valley View Health and Rehabilitation* with the satisfaction of the outstanding contingencies. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

2. *7th Day Adventist Church*

Location: South and west of Shelton Road

Representative: Martin Surveys

Owner/Applicant: South Central Conference Association of the 7th Day Adventist

Acreage: 21.04

Applicant Request: Gerald Martin, representing Martin Surveys, presented the request for site plan approval.

Staff Report: Chief Planner Blizzard stated the subject property lies south and west of Shelton Road; and is located north of Madison Boulevard. The subject property and the property to the south are within the *General Business District (B-3)*. The properties to the north and west are within the *Multi-Family Residential District (R-4)* and the adjoining properties to the east are within the City of Huntsville. The subject property is part of a two-lot subdivision titled *Mary Margaret Lanier Frost Long Subdivision*, which was approved by the Planning Commission in July of 1997. Both lots are owned by *South Central Conference Association of Seventh Day Adventist* and the new proposed sanctuary will be constructed on Lot 1. The applicant is requesting approval of a site plan to construct a new sanctuary at their campus. The new sanctuary will consist of two (2) stories and occupy a total area of 50,394 square feet. The first floor area is 45,594 square feet and the upper floor area is 4,800 square feet. An additional off-street parking facility will be constructed with the approval of this site plan, containing 381 parking spaces.

Staff and the Technical Review Committee recommend approval of the site plan for *7th Day Adventist Church* with the following contingencies:

1. A five (5) concrete sidewalk is required along the adjoining portion of Shelton Road.
2. Show the location of required service lanes on Sheet 1.
3. Show the location of any proposed signage on Sheet 1.
4. The fire projection line feeding into the proposed fire hydrant must be eight (8) inches in diameter.
5. A fire hydrant must be installed at the FDC at Shelton Road.
6. Note the fire flow information on the utility plan.
7. It appears from aerial photography that several existing trees may be removed. They must be noted as such on the landscape plan.
8. An outdoor lighting plan must be submitted for this project.
9. Clarify the location of the construction entrance.
10. Show the location of construction barricades to prevent traffic flow.
11. Provide an outlet control structure for detention pond that limits 2, 5, 10, 50, 100 year storm events to pre-existing discharge.
12. Submit an executed cross-use agreement for the construction of a detention pond on the adjoining property to the south.
13. The building height exceeds 35'. The applicant may apply for a special exception authorized by Section 4-8-3 of the Zoning Ordinance. The Special Exception authorizes a height limit up to sixty (60) feet. If the Special Exception is granted by the Zoning Board of Adjustments, the following restrictions automatically apply:
 - For every structure with a height in excess of 35 feet, the required side yard shall be thirty (30) feet, plus one (1) foot for every foot in building height, in excess of thirty-five (35) feet
 - For every structure with a height in excess of thirty-five (35) feet, the required rear yard shall be fifteen (15) feet, plus one (1) foot for every foot in building height in excess of thirty-five (35) feet.
 - Required rear and side yards shall be increased by fifteen (15) feet, along any side lot line adjoining a right-of-way or a residential district.

Board Comments: No comments.

Motion: Mrs. McCollum moved to approve the site plan for *7th Day Adventist Church* with the satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried

NEW BUSINESS

1. *Applewood Subdivision* waiver request to *Section 5-6 (f)* of the *Subdivision Regulations* requirement for side lot lines being radial to the street lines.

Staff Report: Chief Planner Blizzard presented the request and stated that the requested waiver is due to a development change order that is being requested by Madison Utilities.

Staff and the Technical Review Committee recommend approval of the waiver request to *Section 5-6 (f)* of the *Subdivision Regulations* requirement for side lot lines being radial to the street lines with the following contingency:

1. The fence owned by the Walden Homeowner's Association that has been removed during construction must be replaced prior to final plat approval.

Board Comments: No comments.

Motion: Council Member Potter moved to approve waiver request to *Section 5-6 (f)* of the *Subdivision Regulations* requirement for side lot lines being radial to the street lines with the satisfaction of the outstanding contingency. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

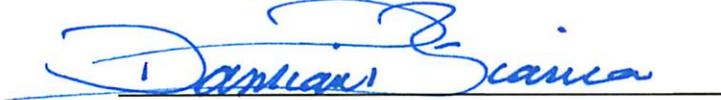
Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Troy Wesson	Abstain
Tim Cowles	Aye

Motion carried

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 6:20 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary