

**CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE JUNE 20, 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	ABSENT
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.	ABSENT
CAMERON GROUNDS, C.A.P.Z.O.	ABSENT
LEWIE L. BATES, III, C.A.P.Z.O.	PRESENT
TROY WESSON, C.A.P.Z.O.	PRESENT

PLANNING STAFF PRESENT

JOHNNY BLIZZARD, A.I.C.P, CHIEF PLANNER AND GARY CHYNOWETH, P.E., CITY ENGINEER.

REGISTERED PUBLIC ATTENDEES

Glenda Neill, Johnnie Neill, Jim Enaunt, Matthew Gillespie, Linnie McMillan, Lars Holst, Ed Collins, Steve Busch, Ivan Lee Witbracht, Fred Cole, Sonya Inman, Phil Riddick, Ian Panton, Ricky Robinson, Jeff Mullins, Wayne Benson, Tim Holcombe, Tim Messer, J.B. Smith, Christina Leigh, Laura List, Stan McDonald, Joy Chang, and Don Spencer Jr.

ACCEPTANCE OF AGENDA

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

APPROVAL OF MINUTES

Approval of minutes of the May 16, 2013 Regular Meeting.

Motion: Mr. Bates stated that the minutes indicated he was absent and he was present at the meeting. Council Member Potter moved to approve the May 16, 2013 minutes with the correction of Mr. Bates attendance. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

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. Public hearing to consider Steven & Susan Busch's request to zone property located at 12163 Burgreen Road to *R-1A, Low Density Residential District*.

Applicant Request: Steven Busch, petitioner presented the request for zoning approval and stated that he purchased the property to live at the residence.

Staff Report: Chief Planner Blizzard stated the subject property is currently occupied by a single-family detached dwelling. The applicant has requested the property be annexed into the City of Madison and plans to use the property as a residence. The applicant is requesting the subject property be zoned *Low Density Residential (R-1A)*. The property is designated as *(C), Commercial on the Future Land Use Map* and the requested zoning of *R-1A, Low Density Residential* is not consistent to what was forecasted in the plan. However, the amount of land designated as *(C), Commercial on the Future Land Use Map* exceeds realistic expectations. Also, the applicant is not changing the use of the property but simply requesting the property be included in the zoning district that best fits that use. Chief Planner Blizzard also stated that the subject property is most compliant with the dimensional requirements established in the *R-1A* zoning district which also allows for septic tank systems which the property utilizes.

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

Public Comments: No comments.

Motion: Mr. Bates moved to approve Steven & Susan Busch's request to zone property located at 12163 Burgreen Road to *R-1A, Low Density Residential District*. Mrs. McCollum seconded the motion and the vote was as follows:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

2. Public hearing to consider Ian S. & Linda J. Panton's request to zone property located north and west of Hardiman Road to *R-3A, Single Family Detached Residential District*.

Applicant Request: Jeff Mullins, representing the petitioner Smart Living LLC presented the request for zoning approval.

Staff Report: Chief Planner Blizzard stated the subject properties were located east and north of the bend in Hardiman Road and was approximately ½ mile from the wetland area of Oxford Subdivision. The subject properties consist of 3 lots totaling 39.97 acres. Chief Planner Blizzard informed the Commission that a jurisdictional stream runs east/west the northern portion of the properties and possible wetlands may exist in the northeast corner. Chief Planner Blizzard stated that the proposed zoning was not compliant with the designation of Commercial (C) on the future land use map but stated that 160 acres designated for Commercial (C) in the area was excessive. He explained to the Commission that R-3A zoning would allow for 5.81 dwelling units per acre and with the subtraction of 20% of the total acreage for infrastructure and 4.9 acres for the jurisdictional stream and wetlands provided for 27.08 acres suitable for lots. This would yield approximately 160 lots.

The Planning Staff and the Technical Review Committee recommend approval of the request to zone the subject property to *Single Family Detached Residential District (R-3A)*.

Public Comments: Glenda Neill expressed concern regarding a reference to an ingress/egress easement in the legal description that was mailed to her. The easement is theirs and she did not understand why it was in the legal description for this property. Chief Planner Blizzard explained that the easement was less and excepted out of the legal description referenced to a larger original tract of land and excluded the ingress/egress easement in the zoning.

Planning Commission Comments: The Planning Commission expressed some concerns about the number of lots that could be platted with R-3A zoning. The Commission asked if R-2 would be a better zoning designation. Chief Planner Blizzard stated that most of the new developments have R-

3A zoning and the subdivisions on these properties are not built to maximum density. He explained that setbacks are main reason developers request R-3A zoning. Chief Planner Blizzard stated that some of the most recent zonings provided a layout and suggested the applicant provide one before the zoning proceeds to City Council.

Motion: Mr. Wesson moved to approve Ian & Linda J. Pantan's request to zone property located at north and west of Hardiman Road to *R-3A, Single-Family Detached Residential District* with the contingency that a layout plan must be submitted prior to the City Council public hearing. Mr. Bates seconded the motion and the vote was as follows:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

3. Public hearing to consider James Powell Cole's request to rezone property located north of Powell Road and west of Segers Road from AG, Agriculture District to *R-3A, Single-Family Detached Residential District*.

Applicant Request: Jeff Mullins, representing the petitioner Smart Living LLC presented the request for zoning approval.

Staff Report: Chief Planner Blizzard stated the subject property is located north of Powell Road and west Segers Road. Chief Planner Blizzard stated that the property has 3 land use designations; the southern portion is designated a *Commercial (C)* and the majority of the remaining property is designated as *Residential (R)*, with no density designation, and a portion of the property running north/south through the western side of the property is designated as *Open Space*. Chief Planner Blizzard indicated that the requested zoning of *R-3A* is not compatible with the *Commercial (C)* designation but that existing land use patterns do not validate the need for the amount of commercial designated on the future land use map. Chief Planner Blizzard further explained that the requested zoning was compatible with the *Residential (R)* designation, since no density was provided. There is no zoning district that is solely *Open Space* but other mechanisms such as federal regulations for flood zones serve to protect such areas. Chief Planner Blizzard stated the property will be divided into two tracts, Tract A will be developed, while Tract B will not. The applicant plans to subdivide Tract A into 186 lots which yield a density of 4.65 dwelling units per acre or an average lot size of 9,350 square feet.

The Planning Staff and the Technical Review Committee recommend approval of the request to zone the subject property to *Single Family Detached Residential District (R-3A)*.

Public Comments: No comments.

Motion: Mr. Bates moved to approve James Powell Cole's request to rezone property located north of Powell Road and west of Segers Road from *AG, Agricultural* to *R-3A, Single-Family Detached Residential District*. Mr. Wesson seconded the motion and the vote was as follows:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

4. Public hearing to consider Smart Living Homes, LLC's request to rezone *Tract 1, Moore's Creek Farm Subdivision* from *AG, Agriculture District* to *R-3A, Single-Family Detached Residential District*.

Applicant Request: Jeff Mullins, representing the petitioner Smart Living LLC presented the request for zoning approval.

Staff Report: Chief Planner Blizzard stated the subject property is located west of Segers Road and south of Stillwater Cove Subdivision and contains 56.54 acres. Chief Planner Blizzard stated that the property had 3 land use designations including *Residential (R)*, *Open Space (OS)* and *Mixed Use (MU/TND)*. The requested zoning is consistent with the land use designation of *Residential (R)*. The *Open Space (OS)* designation will be addressed by other mechanisms than zoning. Federal regulations governing floodplains is an example of such. Chief Planner Blizzard told the Commission the requested zoning does not match the designation for *Mixed Use (MU/TND)*.

The Planning Staff and the Technical Review Committee recommend approval of the request to zone the subject property to *Single Family Detached Residential District (R-3A)*.

Public Comments: Stan McDonald addressed the Commission and requested that a stub be built to his property which lies to the south of the proposed subdivision property. Mr. Mullins stated that he does not see an issue with that request. A citizen addressed the Commission and stated that he lived in the Stillwater Cove Subdivision and wanted to know if this would be an addition or another phase of Stillwater Cove. Jeff Mullins stated that he could not speak on that issue as he was not aware of any plans at this time. Chief Planner Blizzard stated that homeowner's associations are civil contracts and the City does not have any authority to govern those. Ed Collins, 203 Crown Ridge Drive, discussed the homeowner's association amenity sizing requirements in regards to pools and clubhouses. Mr. Collins expressed concerns for the City to look at the sizing requirements for these facilities. Councilman Potter asked where these regulations would be put if they were decided to be considered by the City. Chief Planner Blizzard stated in the Subdivision Regulations. Councilman Potter stated that if parking is being controlled then if a homeowner's association was planning to have a pool as an amenity then it is something that the City should be looking at. He is further making this a recommendation to staff. An unnamed citizen expressed concerns regarding

the added population density to the amenities within the subdivision in which they originally purchased into.

Motion: Mrs. McCollum moved to approve Smart Living Homes LLC's request to rezone Tract 1, Moore's Creek Farm from *AG, Agricultural* to *R-3A, Single-Family Detached Residential District* with the following contingencies: 1. A stub street is to be provided to the south to the McDonald property. 2. No more than 130 lots are to be platted. Mr. Bates seconded the motion and the vote was as follows:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Subdivision Plats

1. *Applewood Subdivision, Layout Amendment*

Location: South of Gillespie Road & West of Balch Road

Representative: Goodwyn, Mills & Cawood, Inc.

Owner/Applicant: Newcastle Enterprises, LLC

Lots: 75, 1 Parcel, & 3 Common Areas

Acreage: 28.59

Applicant Request: Eric Lane, representing Goodwyn, Mills & Cawood, Inc., presented the request for layout plat amendment approval.

Staff Report: Chief Planner Blizzard stated the subject property is located south of Gillespie Road and west of Balch Road. The applicant is requesting an amendment to the approved layout for *Applewood Subdivision* in order to create a space for a clubhouse and swimming pool. The area of the amendment is the northeast corner of the subdivision and will consolidate Lot 71 and the portion of Parcel 1 east of Lot 71 into a single common area, identified as *Common Area 1*. The existing *Common Area 1*, which is designated for the subdivision identification sign at the northwest corner of Idared Lane, will also be consolidated into the proposed *Common Area 1*. Once consolidated *Common Area 1* will have two (2) zoning districts. Subdivision clubhouses and swimming pools are not listed as a permitted use in any zoning district, except *R-3, High Density Residential*. However, they have been permitted in residential subdivisions as an accessory use to the subdivision. The setbacks and dimensional requirements for *B-2, Community Commercial* is more restrictive than those for *R-3A, Single-Family Detached Residential*. Staff recommends that if the amendment is approved, the Planning Commission require that *Common Area 1* meet all dimensional and landscape requirements for *B-2, Community Commercial*. This can be accomplished with a plat restriction on the layout amendment and the final plat for *Applewood Subdivision*.

Staff and the Technical Review Committee recommend approval of the amendment to the layout for *Applewood Subdivision* with the following contingencies.

1. The bubble area of changes does not include the entire area

Public Comments: Ed Collins, 203 Crown Ridge Drive, expressed concerns regarding the homeowner's association maintaining the ingress/egress and over the clubhouse and/or pool and the proximity to Balch Road.

Board Comments: Mr. Wesson asked about the ingress/egress easement. Chief Planner Blizzard explained the ingress/egress easement. Mrs. McCollum asked if the street could be taken into the City's maintenance program. City Engineer Chynoweth addressed those concerns. The Commission discussed possible solutions for the maintenance of the ingress/egress easement.

Motion: Mr. Cowles moved to table the layout plat amendment for *Applewood Subdivision* until the July meeting to provide other alternatives as discussed. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

2. *Applewood Subdivision, Final Plat*

Location: South of Gillespie Road & West of Balch Road

Representative: Goodwyn, Mills & Cawood, Inc.

Owner/Applicant: Newcastle Enterprises, LLC

Lots: 75, 1 Parcel, & 3 Common Areas

Acreage: 28.59

Staff Report: Chief Planner Blizzard stated the developer has requested that this item be tabled until the July meeting.

Motion: Councilman Potter moved to table *Applewood Subdivision final plat* until the July meeting as requested by the developer. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
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City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

3. *Crown Pointe, Phase III, Part 2, Final Plat*

Location: North of Gillespie Road and East of Balch Road

Representative: 4-Site, Inc.

Owner/Applicant: Spencer Farms, LLC

Lots: 33, 1 tract and 1 common area

Acreage: 80.53

Applicant Request: No comments.

Staff Report: Chief Planner Blizzard stated the subject property is located north of Gillespie Road and east of Balch Road. The applicant is requesting approval of a final plat for *Crown Pointe, Phase III, Part 2*, which will provide for 33 additional lots. This phase will bring the total number of lots to 123 lots. The smallest lot in *Crown Pointe, Phase III, Part 2*, has an area of 10,783 square feet and the largest lot contains 22,061 square feet. The average lot size for this phase of *Crown Pointe Subdivision* is approximately 10,800 square feet.

Staff and the Technical Review Committee recommend approval of the final plat for *Crown Pointe, Phase III, Part 2* with the following contingencies:

1. Provide performance bonds

Public Comments: Tim Holcombe, 215 Walden Glen Road expressed gratitude to Mr. Spencer for the development of the soccer fields at Columbia Elementary which Mr. Spencer had provided the fill dirt for from this development and provided a walking path to connect this subdivision to the school.

Board Comments: No comments

Motion: Mr. Bates moved to approve the final plat for *Crown Pointe, Phase III, Part 2* with the satisfaction of the outstanding contingencies. Councilman Potter seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye

Troy Wesson Aye
Tim Cowles Aye

Motion carried

4. Foxfield Phase III, Certified Plat

Location: South of Huntfield Drive & East of Fox Field Drive

Representative: 4-Site, Inc.

Owner/Applicant: Jacqueline J. Raines, Brad & Brenda Travis, & Foxfield Development, LLC

Lots: 2

Acreage: 1.05

Staff Report: Chief Planner Blizzard stated the developer has requested that this item be tabled until the July meeting.

Motion: Mr. Cowles moved to table *Foxfield Phase III, certified plat* until the July meeting as requested by the developer. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca Aye
City Council Member, Mike Potter Aye
Cynthia McCollum Aye
Lewie Bates Aye
Troy Wesson Aye
Tim Cowles Aye

Motion carried

5. Lot1A, Stillwater Cove, Certified Plat

Location: South of Golden Ash Court & West of Maple Brook Drive

Representative: Mullins, LLC

Owner/Applicant: Smart Homes, LLC

Lots: 1

Acreage: 0.63

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

Staff Report: Chief Planner Blizzard stated the subject property is located in *Stillwater Cove Subdivision*, which is west of Segers Road. The subject property is south of Golden Ash Court and west of Hardin Oak Drive. In June of 2010, the Planning Commission approved a final plat for *Stillwater Cove, Phase I*. The subject property was designated as *Common Area 1 (Clubhouse Lot)* on the subdivision plat. This designation restricted the use of the subject property to a clubhouse and recreation. In August of 2011, the Planning Commission approved as certified plat for *A Resubdivision of Lots 2 & 3 of Stillwater Cove, Phase I*. The purpose of this resubdivision was to

consolidate the two (2) lots into one (1) lot for the purpose of constructing a clubhouse and swimming pool. The same month an administrative site plan was approved by the *Technical Review Committee* for a clubhouse and swimming pool on the newly consolidated lots. The clubhouse and swimming pool is located on Maplebrook Drive. The applicant is requesting that the designation of *Common Area 1 (Clubhouse Lot)* be removed, which will allow the subject property to be occupied by a single-family detached dwelling. There are no other changes to the subject property.

Staff recommends approval of the certified plat for *Lot 1A, Stillwater Cove Subdivision* with the following contingencies:

1. Note the name, address and deed number of the property owner
2. The Federal Insurance Rate Map (RIRM) has an incorrect date
3. Remove the phrase "to be vacated" on 15 ft. ingress/egress easement
4. A 5 ft. concrete sidewalk must be constructed in the 15 ft. ingress/egress easement

Public Comments: Tim Messer, Stillwater Cove resident expressed concerns regarding information that had been provided to the residents concerning amenities that had been promised by the developer. Mr. Messer also expressed concerns regarding the lot configuration and asked if this item could be tabled.

Board Comments: Mr. Cowles discussed the vacation of easement which would allow no access to the common area with the exception of the few adjoining homeowners, Mr. Cowles stated that as a minimum he believes a 5 ft. sidewalk should be constructed to access the common area. Mr. Bianca asked for clarification on tabling the item. Chief Planner Blizzard stated that the regulations state that action must be taken within 30 days; however the Board has the authority to table the item. The Board discussed issues regarding the developer and the homeowner's association issues.

Motion: Mrs. McCollum moved to approve the certified plat for *Lot 1A, Stillwater Cove* with the satisfaction of the outstanding contingencies. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

6. *Brazelton Commercial, Phase III, Certified Plat*

Location: South of Madison Boulevard & West of Zierdt Road

Representative: Mullins, LLC

Owner/Applicant: Safe Mini Storage of Huntsville, LLC

Lots: 3

Acreage: 2.94

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

Staff Report: Chief Planner Blizzard stated the subject property is located south of Madison Boulevard and west of Zierdt Road. The subject property is zoned *B-3, General Business*. The properties to the east and west are also zoned *B-3, General Business* and the properties to the north and south are zoned *M-1, Restricted Manufacturing*. *Brazelton Commercial, Phase II* was approved by the Planning Commission in April of 2002. The subdivision divided 3.92 acres of land into three (3) lots of record. The applicant is requesting approval to resubdivide *Lot 2C* and *Lot 2B* of *Brazelton Commercial, Phase II* into three (3) lots of record. Lot 1 will contain an area of 25,739 square feet; Lot 2 will have an area of 23,319 square feet and the Lot 3 will have an area of 78,915 square feet.

Staff and the Technical Review Committee recommend approval of the certified plat for *Brazelton Commercial Subdivision, Phase III* with the following contingencies:

1. Provide a certificate of accuracy
2. Provide a site assessment with larger scale
3. Provide closure tape that matches legal and drawing
4. Signatures:
 - A. Certificate of Accuracy

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve the certified plat for *Brazelton Commercial, Phase III* with the satisfaction of the outstanding contingencies. Mr. Wesson seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

(Public Hearings Closed)

New Business

Joy Chang of Joy's Dance Wear & Aerobic Apparel is requesting that the twenty (20) feet landscape buffer required between *B-1, Neighborhood Commercial District* and *R-1B, Low Density Residential District* be substituted with a six (6) foot opaque privacy fence and a five (5) foot landscape buffer at *8461 Old Madison Pike*.

Applicant Request: Felton Berger presented the requested for twenty (20) feet landscape buffer required between *B-1, Neighborhood Commercial District* and *R-1B, Low Density Residential District* be substituted with a six (6) foot opaque privacy fence and a five (5) foot landscape buffer at *8461 Old Madison Pike*.

Staff Report: Chief Planner Blizzard provided an overview of the project and location and stated that staff and the Technical Review Committee recommend approval of the requested for twenty (20) feet landscape buffer required between *B-1, Neighborhood Commercial District* and *R-1B, Low Density Residential District* be substituted with a six (6) foot opaque privacy fence and a five (5) foot landscape buffer at *8461 Old Madison Pike*.

Board Comments: No comments.

Motion: Mrs. McCollum moved to approve the requested for twenty (20) feet landscape buffer required between *B-1, Neighborhood Commercial District* and *R-1B, Low Density Residential District* be substituted with a six (6) foot opaque privacy fence and a five (5) foot landscape buffer at *8461 Old Madison Pike*. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

ADJOURNMENT

With no additional business to discuss Chairman Bianca adjourned the meeting at 7:30 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary