

CITY OF MADISON, ALABAMA
PLANNING COMMISSION
MINUTES OF THE MARCH 20, 2014 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. ABSENT

STEVEN RYDER, C.A.P.Z.O. PRESENT at 6:15 p.m.

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

LEWIE L. BATES, III, C.A.P.Z.O. PRESENT

TROY WESSON, C.A.P.Z.O. PRESENT

PLANNING STAFF PRESENT

Amy Bell, Director of Planning & Economic Development; Kelly Butler, City Attorney; Johnny Blizzard, A.I.C.P, Senior Planner; Gary Chynoweth, P.E., City Engineer and Gina Romine, Assistant Planner and Recording Secretary.

REGISTERED PUBLIC ATTENDEES

Johnny and Joi Fuller, Tim Holcombe, Ralcy Velazco, Toby Stanch, Cody Edger, Barbara Biles, Steve Simmons, Patricia Tipton, Michael Tipton, J. Nelson Jordan, Ricky Robinson, Herman Neese, Anton Sensenberger, Jeff Mullins, Becky Friar, Jill Jones, Mike Callahan, Alison Callahan, James Vanderweir, Howell Lee, Marcus B. Glover, Carolyn Glover, Claudia Shar, Robert Shar, and Rick Owens.

ACCEPTANCE OF AGENDA

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

APPROVAL OF MINUTES

The Minutes of the February 20, 2014 Annual Organizational and Regular Meeting were not ready for approval. No action taken.

PUBLIC COMMENT

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

OLD BUSINESS

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

PUBLIC HEARINGS

Specific Development Plan, Downtown Redevelopment Incentive District (DRI)

1. *18 Main Street*

Representative: Mullins, LLC

Owner/Applicant: Sensenberger Properties, LLC

Applicant Request: Jeff Mullins representing Mullins, LLC presented the request for the *specific development and site plan approval*.

Staff Report: Director Bell stated the subject property is located south of Main Street, east of Sullivan Street, north of Martin Street and is within the boundary of the Madison Station Historic District. Applicant requests approval of a Specific Development Plan as authorized in *Section 4-15* of the *Madison Zoning Ordinance*, which allows for special site plan development within the *Downtown Redevelopment Incentive (DRI) District*. The applicant's development includes constructing a single story, 2,800 square foot building. Although not required, the plan proposes eleven (11) off-street parking spaces at the rear of the site, accessible from Martin Street. The applicant also plans to provide a five (5) foot wide sidewalk along the west side of the property that will connect Main Street to Martin Street. The *Downtown Redevelopment Incentive (DRI) Overlay District* affords additional development opportunity over that provided by the underlying zoning regulations. The DRI overlay is intended to encourage development by enabling mixed-use development, higher development density and intensity, and relief from other development restrictions in the Zoning Ordinance. Regulations that define and govern the decisions of the HPC, state new development should blend with the historic character of the surrounding buildings, with regard to materials and building design. Additionally, *Design Review Guidelines* adopted by the HPC, provide a historical summary of contributing buildings and stress the importance of compatibility with the massing, size, scale, and architectural features, in order to protect the historic integrity of the property and its environment.

The building plan as submitted is well suited in proportion and height, the colors and materials are compatible, and the name *Memphis & Charleston Railway* has historic precedence and contributes to the character of the historic district. Staff recommends approval of the site plan & Specific Development Plan with the following contingencies:

1. Note the Madison Station Historic Preservation Commission approved a Certificate of Appropriateness, for case number 2014-02, proposed building and future signage placement, at its March 12, 2014 regular meeting with the following conditions imposed by the HPC:
 - a. Submit four-sided elevation detail of proposed building. The HPC's assessment that the long, expanse of brick at the west elevation will not provide architectural detail or

interest when viewed from the courtyard of the Clay House or peripherally from Main and Martin streets, resulted in the requirement for decorative, recessed brick panels which will provide depth and interest and the illusion of bricked-in window frames.

- b. Submit a screening detail demonstrating the HVAC unit, walk-in cooler, and dumpster will not be viewable from any vantage point.
- c. Certificate of Appropriateness for signage materials and design required prior to installation.

Public Comments: No comments.

Board Comments: Vice-Chairman Brooks asked if the Historic Preservation Commission had to specifically approve the plan. Director Bell stated yes it has to meet certain requirements of the historic district.

Motion: Vice-Chairman Brooks moved to approve the *Specific Development Plan and site plan for 18 Main Street*. Mr. Bates 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Zoning Amendments

1. Public hearing to consider Steve Simmons' request to rezone property located north of Huntsville-Browns Ferry Road and west of Burgreen Road from *AG, Agricultural* to *R-3A, Single-Family Detached Residential District*.

Applicant Request: Steve Simmons presented the request for rezoning from *AG, Agricultural* to *R-3A, Single-Family Detached Residential District*.

Staff Report: Senior Planner Blizzard stated the subject property is located south of Henderson Circle and *West Haven Subdivision*, and west of Burgreen Road. The property contains 29.85 acres of land and is currently utilized for agricultural purposes. The property was annexed in 2007, with the property that is now *West Haven Subdivision*. The property was automatically zoned *AG, Agriculture*. The applicant is requesting the subject property be rezoned *AG, Agriculture* to *R-3A, Single-Family Detached Residential*. The applicant plans to subdivide the property into sixty-three (63) lots for the purpose of constructing a subdivision for single-family detached dwellings. The subject property and the surrounding properties to the north, west, and east have a land use designation of *R, Residential*. This designation recommends land uses for single-family detached

residential dwellings but does not recommend a particular density threshold. The adjoining property to the south has a designation of *C, Commercial*. The existing zoning for those properties in the area is for single-family development. The setbacks in the *R-3A, Single-Family Detached Residential District* are: front yard 25 feet; interior side yard, 8 feet; side yard adjoining a street right-of-way, 20 feet and rear yard, 25 feet. A dwelling may not cover more than thirty-three (33%) percent of the lot in this district. The subject property is currently zoned *AG, Agriculture* and is being used for agricultural purposes. The applicant is requesting the zoning be changed from *AG, Agricultural* to the *R-3A, Single-Family Detached Residential*. The applicant has submitted a concept plan with 21.71 acres of the subject property to be subdivided into sixty-three (63) lots. Twenty (20%) percent of the total 29.85 acres was deducted for streets and other infrastructure. The current property owner, *Dewanda Black*, who resides at the parcel south of the subject property, will retain 2.17 acres of the subject property. This portion of the subject property will be utilized as a 100 foot buffer strip between her residence and the future subdivision. The 21.71 acres of land subdivided into sixty-three (63) lots produces an average lot size of 15,101.91 square feet, which would meet the lot area requirement for the *R-1B, Low Density Residential District*, which is 15,000 square feet. The zoning characteristics of the adjoining properties can be divided into those properties within the City of Madison and those within unincorporated Limestone County. The adjoining properties within the City of Madison include *West Haven, Phase 3*, which adjoins the northern property line of the subject property and is zoned *R-3A, Single-Family Detached Residential*. The average lot size for this phase of *West Haven Subdivision* is 20,810 square feet. The other adjoining properties in the City of Madison are in *Heritage Provence, Phase 8*, located along the southern part of the eastern boundary of the subject property. These properties are also zoned *R-3A, Single-Family Detached Residential*. These properties have an average lot size of 22,501 square feet. The remaining properties are within unincorporated Limestone County and are not zoned. The adjoining properties to the west and south are occupied by a single house on large parcels of land. The two parcels along the northern part of the eastern boundary are occupied by single-family dwellings and have an area of approximately half an acre. Both adjoining properties within the City of Madison have a density more characteristic with *R-1A, Low Density Residential*, which has a minimum lot size of 18,000 square feet. The applicant proposes to subdivide the subject property into lots which are approximately 15,101.91 square feet and slightly smaller but compatible with the minimum lot sizes in *R-1B, Low Density Residential*. This district has a minimum lot size of 15,000 square feet.

Staff recommends approval of the amendment of the Official Zoning Map from *AG, Agriculture* to *R-3A, Single-Family Detached Residential*.

Public Comments: No comments.

Board Comments: Chairman Bianca inquired about 2 entrances into the proposed subdivision. Senior Planner Blizzard stated this has been discussed with the Fire Department and they have no issues. There will be access from West Haven, Phase 3. Mr. Bates asked about the acreage difference. Mr. Simmons clarified the difference by explaining that all of the property was being zoned however only 26 acres was being purchased due to the exclusion of the buffer strip.

Motion: Councilmember Potter moved to approve Steve Simmons' request to rezone property located north of Huntsville-Browns Ferry Road and west of Burgreen Road from *AG, Agricultural* to *R-3A, Single-Family Detached Residential District*. Vice-Chairman Brooks 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Subdivision Plats

1. *West Haven, Phase 3*

Location: West of Burgreen Road, ½ mile north of Huntsville-Browns Ferry Road

Representative: Goodwyn, Mills and Cawood, Inc.

Owner/Applicant: North Alabama Bank

Lots: 31, 1 tract and 3 common areas

Acreage: 58.71

Staff Report: Senior Planner Blizzard stated that it has been brought to the Planning Department's attention that an adjacent property owner was not notified of tonight's public hearing therefore, it was against state law for this plat to be considered at this meeting. The applicant has submitted a request for your consideration to hold a Special Called Meeting to approve this plat at a later date, prior to the April Planning Commission meeting.

Board Comments: The Commission discussed possible dates of a Special Called meeting.

Motion: Vice-Chairman Brooks moved to hold a Special Called meeting on April 3, 2014 at 5:00 p.m. in the City Council Chambers. Mr. Bates 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

2. *Joe Phillips Subdivision, Phase 2, Certified Plat – Tabled at the February 20, 2014 Meeting.*

Location: West of Corrine Drive and north of Joe Phillips Road

Representative: Big Spring Surveyors and Company

Owner/Applicant: Michael Callahan

Lots: 2

Acreage: 1.51

Motion: Mr. Bates moved to remove *Joe Phillips Subdivision, Phase 2, certified plat from the table for consideration*. Mr. Wesson 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Staff Report: Senior Planner Blizzard presented the staff report and stated the applicant and property owner is *Michael Callahan* and the design firm is *Big Springs Land Surveying Company*. The properties are Tract 10 and Tract 11 of Joe Phillips Subdivision. The subject properties have an area of 4.00 acres. The subject property and the adjoining properties to the south and east are zoned *R-1A, Low Density Residential* and the adjoining properties to the north and west are zoned *R2, Medium Density Residential*. The applicant submitted a certified plat for consideration at the February Planning Commission Meeting. The applicant proposed to subdivide *Tract 10 of Joe Phillips Subdivision* into two separate tracts. Proposed Tract 10A would not have frontage on a public street and would be accessed by a 10 foot access easement along the north property line. *Section 5-6 (c) of the Subdivision Regulations* requires that each residential lot have fifty (50) feet of frontage along a public street. The applicant submitted a request for a variance to *Section 5-6 (c) of the Subdivision Regulations*. The applicant also submitted a variance request to *Section 4-7-2 (16) of the Subdivision Regulations*, which requires a site assessment report and map be submitted with a the certified plat. The applicant asked to be relieved of this requirement because the property in proposed Tract 10A was to be left in a natural state and no development to occur there. The Planning Commission conveyed to the applicant that they were not favorable to his desire to keep Tract 10A a separate parcel, The primary reason was because the applicant owned and resided at Tract 11, which adjoins the northern property line of Tract 10. The applicant could consolidate the property into proposed Tract 11 and avoid the need for a variance to *Section 5-6 (c) of the Subdivision Regulations*. The Planning Commission was more favorable to the applicant's request to be relieved of the site assessment requirement. The applicant agreed to consolidate the portion of Tract 10, identified as Tract 10A into Tract 11. As a result, the Planning Commission voted to table the request until the March Planning Commission Meeting because the consolidation into Tract 11 would require additional adjoining property owners to be notified. The Planning Commission plans to act on the new certified plat and variance to *Section 407-2 (16) of the Subdivision Regulations* concerning the requirement of a site assessment at the March Planning Commission Meeting. The applicant is requesting approval of the certified plat for *Joe Phillips Subdivision, Phase 2*. The

subdivision will consolidate 0.97 acres of Tract 10 into Tract 11. The area of Tract 11 will increase to 3.46 acres of land. Tract 10 will have an area of 0.54 acres or 23,522 square feet, which is compliant with the minimum lot size of 18,000 square feet, in the *R-1A, Low Density Residential District*.

Staff and the Technical Review Committee recommend approval of the certified plat for *Joe Phillips Subdivision* with the following contingencies:

1. Flood Hazard note references an incorrect FIRM panel number and date
2. Approval of a variance to the Subdivision Regulations for the site assessment will be required by Planning Commission
3. Signatures:
 - A. Notaries Acknowledgement
 - B. Dedication
 - C. Certificate of Accuracy
 - D. Flood Certificate

Variance Request: Variance to *Section 4-7-2 (16) of the Subdivision Regulations* which requires the submittal of a site assessment report and map with each submittal of a certified plat, unless one was submitted and approved with a layout plat (which was not done previously). The applicant is requesting a variance to be relieved of this requirement. Staff recommends approval of this request.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Cowles moved to approve Variance to *Section 4-7-2 (16) of the Subdivision Regulations* which requires the submittal of a site assessment report and map. Councilmember Potter 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Mr. Bates moved to approve *Joe Phillips Subdivision, Phase 2, certified plat* subject to 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	Abstain
City Council Member, Mike Potter	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

3. *JoAnn Couch Estates, Certified Plat*

Location: Northeast corner of Wall-Triana Highway and Browns Ferry Road

Representative: Mullins, LLC

Owner/Applicant: Breland Homes, LLC

Lots: 2

Acreage: 36.85

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

Staff Report: Senior Planner Blizzard stated that the subject property is located at the northeast intersection of Wall-Triana Highway and Browns Ferry Road. The applicant and property owner is *Jo Ann Couch* and the design firm is *Mullins, LLC*. The subject property is zoned *R-2 Medium Density Residential*. The adjoining properties to the north, west and south are zoned *R-2, Medium Density Residential*, as well. The adjoining property to the east is zoned *B-2, Community Commercial*. The applicant is requesting approval to divide the 36.85 acres into two lots with Lot 1 having an area of 19.35 acres and Lot 2 having an area of 17.50 acres.

Staff and the Technical Review Committee recommend approval of the certified plat for *Jo Ann Couch Estates* with the following contingencies:

1. Obtain Corps of Engineers determination on stream from Cottonwood Estates to SW corner of property
2. Correct misspelling on Site Assessment

Public Comments: Barbara Biles, 1003 Arnold Drive stated that she was present on behalf of her sister and wanted to go on record stating that there was a problem with the title of this property. They have contacted attorneys and have been told that the only solution is a final ruling with the court. Senior Planner Blizzard stated that she had spoken with Ms. Biles and that the surveyor Rick Campbell had provided him with a deed that showed 30 feet more than was on the plat but less and excepted out right-of-way for Wall-Triana Highway. Chairman Bianca asked if the Commission had what was needed to act on this project. Attorney Butler stated yes. Mike Tipton, 114 Cottonwood Trail asked if April Dawn Drive would be opened and connect to this development. Jeff Mullins stated that there was no development plan at this time. Mr. Tipton also expressed concerns regarding speed humps and drainage issues. Cody Edger, 126 Cottonwood Trail asked if he would have to be concerned with having to pay homeowner's association fees to a neighboring

development. Councilmember Potter stated no. Councilmember Potter asked Mr. Mullins if coordination had been discussed with City Engineer Chynoweth regarding the Capital Improvement Project for Huntsville Browns Ferry. Mr. Mullins stated yes. Toby Stauch, 149 Garden Brook Drive, asked the purpose of this plat if it is just breaking the land into two tracts and what would cause the delay of the Browns Ferry Road Capital Improvement project. City Engineer Chynoweth explained that the City will only want to disrupt the road one time.

Board Comments: No comments.

Motion: Vice-Chairman Brooks moved to approve *JoAnn Couch Estates, certified plat* subject to satisfaction of the outstanding contingencies. Mr. Cowles 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

4. *Cedar Acres, Layout Plat*

Location: South of Cedar Acres Drive and west of Burgreen Road

Representative: Mullins, LLC

Owner/Applicant: KB Development

Lots: 62

Acreage: 27.73

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

Staff Report: Senior Planner Blizzard presented the staff report and stated that the subject property is located west of Burgreen Road and *James Clemens High School*, and south of Cedar Acres Drive. The applicant and property owner is *KB Development* and the design firm is *Mullins, LLC*. The property contains 27.73 acres of land. In November of 2013, the Planning Commission recommended approval of a request to rezone the subject property, the *Wilkerson Property*, from *AG, Agriculture* to *R-3A, Single-Family Detached Residential*. The City Council voted to approve the amendment to the Official Zoning Map in January of 2014. The applicant has also submitted a preliminary plat and construction plans for consideration at the March Planning Commission meeting. The applicant is requesting layout approval to subdivide the property into sixty-two (62) residential lots and one (1) common area that will include a retention pond for stormwater management. The average lot size will be 14,638.76 square feet and the smallest lot will be 12,396

square feet. The density is well within the range for properties zoned *R-2, Medium Density Residential*. The proposed subdivision will have street access to both Cedar Acres Drive and Burgreen Road. The applicant has provided a stub street to the undeveloped property to the south, as well.

Staff and the Technical Review Department recommend approval of the layout plan for *Cedar Acre Subdivision* with the following contingencies:

1. Show location of park donation in Stillwater Cove Subdivision. Note the number of acres on layout plat.
2. Subdivision violates the maximum block length of 720 ft between Lots 28-36
3. Note: No access allowed from individual lots to Cedar Acres Drive and Burgreen Road.

Variance Request: Variance request to *Section 5-5 (b) of the Subdivision Regulations*: "The length, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 2,200 feet or twelve (12) times the minimum lot width required in the zoning district (whichever is less), nor be less than 400 feet in length". The minimum lot width in the *R-3A, Single-Family Residential District* is sixty (60) feet and multiplied by twelve (12) equals 720 feet. The block length along the western boundary of the property is 1,197.30 feet and the block length between lots 55-62 has a length of 831 feet. Both blocks are in violation of *Section 5-5 (b) of the Subdivision Regulations* and the applicant is asking for a variance.

Staff Recommendation: The block length requirements found in *Section 5-5 (b) of the Subdivision Regulations* were adopted during a period of time when the grid street system was used predominately and the measurements are designed for such grid type street systems. However, the subject property and many other subdivisions today utilize a super block design. This type design considers the entire property a block with cul-de-sac and loop streets within the block. The outdated regulations found in *Section 5-5 (b) of the Subdivision Regulations* makes it difficult to measure the block length. Therefore, staff and the Technical Review Community recommends approval of the variance request to *Section 5-5 (b) of the Subdivision Regulations*.

Public Comments: Ralcy Velazco, 10315 Burgreen Road inquired about the tree line adjacent to his property and if the layout could change. Mr. Mullins stated that some trees will remain and the layout will not be changing because a preliminary is being presented tonight for approval by the Commission. Nelson Jordan, 10372 Long Meadow Road also expressed concerns regarding the tree line adjacent to his property. Mr. Mullins explained that some of the trees will have to be cleared in order for the grading and drainage work to be completed.

Board Comments: Mr. Wesson asked about entrance monuments. Mr. Mullins stated there were none at this time.

Motion: Councilmember Potter moved to approve a variance to *Section 5-5 (b) of the Subdivision Regulations* regarding block length. Mr. Bates 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

Motion: Vice-Chairman Brooks moved to approve *Cedar Acres, layout plat* subject to satisfaction of the outstanding contingencies. Mr. Bates 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

5. *Cedar Acres, Preliminary Plat*

Location: South of Cedar Acres Drive and west of Burgreen Road
Representative: Mullins, LLC
Owner/Applicant: KB Development
Lots: 62
Acreage: 27.73

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

Staff Report: Senior Planner Blizzard stated that the subject property is located west of Burgreen Road and *James Clemens High School*, and south of Cedar Acres Drive. The applicant and property owner is *KB Development* and the design firm is *Mullins, LLC*. The property contains 27.73 acres of land. In November of 2013, the Planning Commission recommended approval of a request to rezone the subject property, the *Wilkerson Property*, from *AG, Agriculture* to *R-3A, Single-Family Detached Residential*. The City Council voted to approve the amendment to the Official Zoning Map in January of 2014. The applicant has also submitted a layout plan for consideration at the March Planning Commission meeting. The applicant is requesting approval of a preliminary plat and construction plans for the development of sixty-two (62) residential lots and one (1) common area

that will include a retention pond for stormwater management. The average lot size will be 14,638.76 square feet and the smallest lot will be 12,396 square feet. The density is well within the range for properties zoned R-2, *Medium Density Residential*. The proposed subdivision will have street access to both Cedar Acres Drive and Burgreen Road. The applicant has provided a stub street to the undeveloped property to the south, as well.

Staff and the Technical Review Department recommend approval of the preliminary plat and construction drawings for *Cedar Acre Subdivision* with the following contingencies:

1. Signatures:
 - A. Cable
 - B. Phone
 - C. Athens Utilities
 - D. North Alabama Gas
 - E. Site Intersection Certificate
 - F. Engineer

Public Comments: No comments.

Board Comments: Vice-Chairman Brooks asked for the approximate home value and size. Mr. Mullins stated that it should be comparable to what is across the street. Councilmember Potter asked who would maintain the common area. Mr. Mullins stated that a homeowner's association is intended to be established.

Motion: Mr. Bates moved to approve *Cedar Acres, preliminary plat* subject to 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
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

6. *Hughes Road Commercial Park, Phase 3, Certified Plat - Tabled at the February 20, 2014 Meeting, the applicant has requested this item be withdrawn from consideration.*

Location: Southeast corner of Lanier Road and Will Halsey Way

Representative: Mullins, LLC

Owner/Applicant: Bland Warren & E. Wayne Bonner

Lots: 2

Acreage: 5.99

7. *Hughes Road Commercial Park, Phase 3, Layout Plat*

Location: Southeast corner of Lanier Road and Will Halsey Way

Representative: Mullins, LLC

Owner/Applicant: HRC, LLC

Lots: 2

Acreage: 5.99

Applicant Request: Jeff Mullins representing Mullins, LLC presented the request for layout, preliminary and final plat approval.

Staff Report: Senior Planner Blizzard stated that the layout, preliminary and final plat approvals are required for a sewer line extension therefore staff has prepared one report. Senior Planner Blizzard stated that the subject property is located south of Will Halsey Way and east of Lanier Road. The applicant and property owners are *Bland Warren & E. Wayne Bonner*. The design firm is *Mullins, LLC*. The subject property contains 5.99 acres of land. The property is being subdivided in order to accommodate a 9,933 square foot medical complex on proposed Lot 6D. The subject property and the adjoining properties to the east and south are zoned *B-3, General Business*. The adjoining property to the north is zoned *B-2, Community Commercial* and the adjoining property to the west is zoned *M-1, Restricted Industrial*. The applicant submitted a certified plat for consideration at the February Planning Commission Meeting but the item was tabled to the March Planning Commission Meeting. The reason for this decision was because it was discovered proposed Lot 6D would not have access to sanitary sewer. The applicant was instructed by staff to submit a preliminary plat and construction plans for the sanitary sewer extension for consideration at the March Planning Commission Meeting. Layout approval is required with the submission of any preliminary plat and the applicant chose to submit a final plat as well. The proposed subdivision will only divide the subject property into two (2) lots as previously presented on the certified plat. The main difference is construction plans for the sanitary sewer extension were submitted with the preliminary plat. As a result of staff review, a storm sewer will also be installed and shown on the construction plans. The property has several significant easements running through its middle. The easements include a 50 foot high pressure gas easement owned by *Enbridge Pipeline*; a 160 foot electrical easement owned by the *Tennessee Valley Authority, TVA* and a 10 foot fiber optic easement owned by *AT&T*. The applicant is requesting approval of a layout plan, preliminary plat and final plat.

Layout Approval: The sketch plat, which is part of the submitted layout, shows the proposed property lines and it identifies all natural and manmade features on the subject property, and within two hundred (200) foot of the subject property.

Preliminary Plat and Construction Plan Approval: Lot 6D will contain 1.50 acres and Lot 6C will have an area of 4.49 acres of land. The construction plans includes the following improvements:

1. The extension of the sanitary sewer main from Hughes Road to Lot 6D.
2. The installation of storm sewer along the north property line

Final Plat Approval: Additional right-of-way will be dedicated with the final plat to create a radius at

the southeast intersection of Will Halsey Way and Lanier Road.

Staff and the Technical Review Committee recommend approval of the layout plat for *Hughes Road Commercial Park, Phase 3*.

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve *Hughes Road Commercial Park, Phase 3, layout plat*. Mr. Bates 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

8. *Hughes Road Commercial Park, Phase 3, Preliminary Plat*
Location: Southeast corner of Lanier Road and Will Halsey Way
Representative: Mullins, LLC
Owner/Applicant: HRC, LLC
Lots: 2
Acreage: 5.99

Staff Report: Senior Planner Blizzard stated that staff and the Technical Review Committee recommend approval of the preliminary plat for *Hughes Road Commercial Park, Phase 3* with the following contingencies:

1. Include storm drainage plan/profile
2. Provide the following certificates & signatures
 - a. Huntsville Utilities
 - b. North Alabama Gas
 - c. Cable
 - d. Phone

Public Comments: No comments.

Board Comments: No comments.

Motion: Councilmember Potter moved to approve *Hughes Road Commercial Park, Phase 3, preliminary plat* subject to satisfaction of the outstanding contingencies. Mr. Bates 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

9. *Hughes Road Commercial Park, Phase 3, Final Plat*

Location: Southeast corner of Lanier Road and Will Halsey Way

Representative: Mullins, LLC

Owner/Applicant: HRC, LLC

Lots: 2

Acreage: 5.99

Staff Report: Senior Planner Blizzard stated that staff and the Technical Review Committee recommend approval of the final plat for *Hughes Road Commercial Park, Phase 3* with the following contingencies:

1. Submit a title opinion
2. Submit performance bonds
3. Note the finished floor elevations for each lot
4. Provide a pedestrian easement for sidewalk on Lanier Road
5. Provide the following certificates & signatures
 - a. Huntsville Utilities
 - b. North Alabama Gas
 - c. Cable
 - d. Phone

Public Comments: No comments.

Board Comments: Mr. Wesson asked about sidewalks. Senior Planner Blizzard stated that they would be obtained on the site plan.

Motion: Vice-Chairman Brooks moved to approve *Hughes Road Commercial Park, Phase 3, final plat* subject to 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

10. Stratford Square Estates, Phase 3, Layout Plat

Location: Southeast corner of Hughes Road and Hidden Valley Way

Representative: Smith Engineering Co., Inc.

Owner/Applicant: Enfinger Steele Development LLC.

Lots: 5

Acreage: 10.72

Applicant Request: Howard Benson representing Smith Engineering, Co. Inc. presented the request for layout, preliminary and final plat approval.

Staff Report: Senior Planner Blizzard stated that due to the construction of a new street and the extension of utilities a layout, preliminary and final plat has been submitted for approval. Staff has provided one staff report detailing the request. Senior Planner Blizzard stated the subject property is located east of Hughes Road and south of Hidden Valley Way. The applicant and property owner is *Enfinger Steele Development, LLC*. The design firm is *Smith Engineering Company*. The parcel contains 10.72 acres more or less. The subject property and the adjoining properties to the west are zoned *B-2, Community Commercial*. The adjoining properties to the north are zoned *B-2, Community Commercial, R-3, High Density Residential* and *R-2 Medium Density Residential*. The adjoining properties to the east are all zoned *R-2, Medium Density Residential*. The adjoining properties to the south are zoned *B-3, General Business* and *R-4, Multi-Family Residential*. The Planning Commission approved a final plat for *Stratford Square Estates, Phase 2, a resubdivision of Lot 2A* in November of 2007, which included the subject property and the property dedicated for *Will Halsey Way* east of *Hughes Road*. The applicant submitted a certified plat for the *March Planning Commission Agenda* that proposed to resubdivide the subject property into one (1) lot with an area of 31,123 square feet or 0.71 acres, and one (1) tract with an area of 10.05 acres. *Trice, PC* also submitted an administrative site plan for review by the *Technical Review Committee*. The site plan is for a chiropractic clinic to be constructed on Lot 1 of the proposed certified plat. In review of the proposed site plan, it was discovered that the access drive for proposed Lot 1 was in the turning radius of the access drive for *Capital South Bank*. This would create a dangerous situation for future patrons of both Lot 1 and *Capital South Bank*. Moving the access drive to the north end of the subject property would not provide a much better solution. Staff met with the applicant and *Jenifer Trice of Trice, PC* concerning this situation and a decision was reached to

construct a public street north of Lot 1. The access drive for Lot 1 would front the new public street. Because of the construction of the new street and extension of utilities in the street, a preliminary plat was required, which will necessitate the submittal of a layout plan.

The applicant is requesting approval of a layout, preliminary and final plat. The following is a summary of the objectives of each submittal:

Layout Approval: The applicant opted to subdivide the subject property into five (5) lots instead of one (1) lot and one (1) tract. The addition of the new street will provide access to Lots 1, 2, 4 & 5.

Preliminary Plat Approval: The construction plans submitted will include the following information:

1. The profiles and cross-sections for the construction of the new public street;
2. The location of sanitary sewer and water line extension to service the new lots adjoining its right-of-way.
3. Sanitary sewer profiles will also be submitted.

Final Plat: The final plat will provide for the dedication of the new street and performance bonds will be submitted to guarantee construction of the new street. A new administrative site plan was submitted as well. The driveway access will now be from the new street

Staff and the Technical Review Committee recommend approval of the *layout plat* for *Stratford Square, Phase 3* with the following contingencies:

1. Submit a fee of \$250.00
2. Provide certificate for City Engineer
3. Provide a vicinity map in 24" x 36" sheet

Public Comments: James Vanderweir, 220 Hidden Valley Way stated he represented the Stratford Square Homeowner's Association. Mr. Vanderweir expressed concerns regarding the responsibility of the HOA for the maintenance of the islands along Hidden Valley Way and asked if there would be any contribution from these new developments for the maintenance. Attorney Butler stated that the Commission did not have that authority and suggested speaking with the developer.

Board Comments: No comments.

Motion: Mr. Bates moved to approve *Stratford Square Estates, Phase 3, layout plat* subject to 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye

Troy Wesson Aye
Tim Cowles Aye

Motion carried

11. *Stratford Square Estates, Phase 3, Preliminary Plat*

Location: Southeast corner of Hughes Road and Hidden Valley Way

Representative: Smith Engineering Co., Inc.

Owner/Applicant: Enfinger Steele Development LLC.

Lots: 5

Acreage: 10.72

Staff Report: Senior Planner Blizzard stated that staff and the Technical Review Committee recommend approval of the preliminary plat for *Stratford Square, Phase 3* with the following contingencies:

1. Add this note to plat: Ingress/egress easement must be provided for Lot 4 and Lot 5 at the time a site plan is submitted to funnel vehicular traffic from Hidden Valley Way to Will Halsey Way.
2. Submit construction plans for road and utilities
3. Provide the following certificates & signatures
 - a. Huntsville Utilities
 - b. North Alabama Gas
 - c. Cable
 - d. Phone

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Ryder moved to approve *Stratford Square Estates, Phase 3, preliminary plat* subject to satisfaction of the outstanding contingencies. Mr. Bates 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
Steve Ryder Aye
Cameron Grounds Aye
Lewie Bates Aye
Troy Wesson Aye
Tim Cowles Aye

Motion carried

12. *Stratford Square Estates, Phase 3, Final Plat*

Location: Southeast corner of Hughes Road and Hidden Valley Way

Representative: Smith Engineering Co., Inc.

Owner/Applicant: Enfinger Steele Development LLC.

Lots: 5

Acreage: 10.72

Staff Report: Senior Planner Blizzard stated that staff and the Technical Review Committee recommend approval of the final plat for *Stratford Square, Phase 3* with the following contingencies:

1. Add this note to plat: Ingress/egress easement must be provided for Lot 4 and Lot 5 at the time a site plan is submitted to funnel vehicular traffic from Hidden Valley Way to Will Halsey Way.
2. Provide a non-access easement along the boundary of Lots, 1, 2 & 3 adjoining the Hughes Road right-of-way.
3. Submit performance bonds
4. Submit title opinion
5. Provide the following certificates & signatures
 - a. Huntsville Utilities
 - b. North Alabama Gas
 - c. Cable
 - d. Phone

Public Comments: No comments.

Board Comments: No comments.

Motion: Mr. Bates moved to approve *Stratford Square Estates, Phase 3, final plat* subject to 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
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

(Public Hearings Closed)

New Business

1. Administrative Site Plan for Payless No. 3 Convenience Store

Location: 10335 County Line Road

Representative: Marshall Corlew, P.E.

Owner/Applicant: Three Preet, Inc.

Request to accept payment of required five (5) foot concrete sidewalk instead of construction

Staff Report: Senior Planner Blizzard presented the request and stated that staff recommends approval of a fee in lieu of construction of the required sidewalk along County Line Road. Staff recommends a fee of \$3,489.25. This figure was determined by multiplying the lot width of 139.57 times \$25.00 a foot for the sidewalk construction.

Board Comments: The Commission asked if this money would be earmarked for sidewalk installation at this location along County Line Road. Assistant Planner Romine stated yes.

Motion: Mr. Bates moved to approve a fee in lieu of construction of the sidewalk along County Line Road for *Payless #3 Convenience Store in the amount of \$3,489.25*. Mr. Cowles seconded the motion and the vote was as follows:

Final Vote:

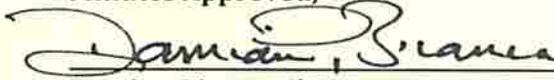
Chairman, Damian Bianca	Aye
City Council Member, Mike Potter	Aye
Cynthia McCollum	Aye
Steve Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

Motion carried

ADJOURNMENT

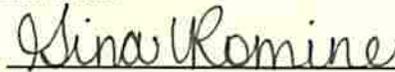
With no additional business to discuss Chairman Bianca adjourned the meeting at 6:35 p.m.

Minutes Approved,



Damian Bianca, Chairman

ATTEST:



Gina Romine, Planning Commission Secretary