



PLANNING COMMISSION

CITY OF MADISON, ALABAMA

MINUTES OF THE APRIL 16, 2009 REGULAR MEETING

Meeting was called to order at 5:30 p.m. by Chairman Charlie Brown

ROLL CALL

Planning Commission Board Members

<u>Planning Commission Chairman</u>	PRESENT
CHARLIE BROWN, C.A.P.Z.O	
<u>Planning Commission Vice Chairman</u>	PRESENT
STEPHEN BROOKS	
<u>City Council Member</u>	ABSENT
TIM COWLES	
CYNTHIA MCCOLLUM	PRESENT @ 5:36
STEVEN RYDER	PRESENT
CAMERON GROUNDS	PRESENT
DAMIEN BIANCA	PRESENT
LEWIE L. BATES, III	PRESENT
MICHAEL POTTER	PRESENT

PLANNING STAFF PRESENT

ROBERT ATALLO, AICP, CFM, DIRECTOR, DEPARTMENT OF PLANNING AND BUILDING; JOHNNY BLIZZARD, AICP, CFM, CHIEF PLANNER; GARY CHYNOWETH P.E., CITY ENGINEER; KEITH CONVILLE, ENGINEERING TECHNICIAN; DAGNAL S. ROWE, ESQUIRE, CONSULTING CITY ATTORNEY; GINA ROMINE, CFM, PLANNER I AND PLANNING COMMISSION SECRETARY AND SHERRI BLAIR, CFM, ZONING ADMINISTRATOR AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Joe Gehrdes, Huntsville/Madison County Builders Association; Herndon Elliott; Clint Hughes; Hattie W. Hughes; David Sparks; Martha R. Sparks; Jesse Waddell; Katherine Hoff; Nathan Tamberlin; Phyllis Cunningham; John Cunningham; Ed Snow; Norm Stanley; Loren Dickerson; Sharon Witczak; Ricky Robinson; Richard Blais; Allison Wheeler; Linda Chandler; Jerry Bickenbach; Michael Goodman; Council Member Tim Holcombe; Dub Hoover; Roger Schimming; Dana Williamson; Keith Hampton; Don Spencer, Jr.; Wayne Blaxton; Stan McDonald; Ray Buchmann; Alison Callahan; Katie Rigby; Jean-Denis Giraudet; Robert Shar; Claudia Shar; John A. Jones.

MINUTES APPROVAL

2009 Minutes of Regular Meeting

Chairman Brown states that the minutes will be approved as corrected.

PUBLIC COMMENTS

Chairman Brown opens the floor to public comment. There being no public comment, Chairman Brown closes the floor.

Wayne Blaxton, representing Madison Medical Plaza, requested a 6 month delay in recording the plat awaiting a decision concerning the development.

Motion: Mr. Potter moves to approve Mr. Blaxton's request on behalf of Madison Medical Plaza. Mr. Ryder seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member – Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

PUBLIC HEARINGS

Layout Plats

1) Rainbow Mountain Preserve

Location: north end of Scenic Drive and Kensington Drive

Representative: Goodwyn, Mills and Cawood, Inc.

Owner: MT Properties

Lots: 18

Acreage: 46.19 acres, more or less

Chairman Brown addresses the public with explanation of the duty of the Planning Commission, rationale for granting variance requests and option opposing homeowners have to prevent the development of Rainbow Mountain Preserve.

Public Comments: The following members of the public addressed the Commission with concerns about blasting, water pressure, drainage, noise, damage to existing streets, developer's failure to finish project and destruction of wildlife areas: Herndon Elliott, Michael Goodman, David Sparks, Martha Sparks, Sharon Witczak; John Cunningham; Katherine Hoff; John Jones; Ray Buchmann; Katie Rigby

Staff Report: The Technical Review Committee has reviewed this project and as of this date all

comments have not been satisfied.

Planning comments:

1. Need a variance to Section 5-4-13 of the Madison Subdivision Regulations to exceed the maximum cul-de-sac length of 800'. Bob Atallo explains what a hardship is and explains the variance request. Staff does not believe it is a harmful variance and not a planning or safety concern. R-1A zoning and lot coverage percentage is explained.

Gary Chynoweth explains the requirements for utility placement, blasting restrictions and liability.

Board Comments: Mr. Potter reads an email from the mayor regarding lot 18. Owner has no plan for it and will consider selling it. Mr. Ryder explains the process of plat presentation and the lengthy time frame. Mr. Brown stated the cost of development will be established further into the engineering process. Developer may then abandon the plan. He clarifies the responsibility of the developer to prevent damaging results on proximate lots. He explains the city's comprehensive plan and the right of the owner to develop the property as he wants, whether it conforms to the city's plan or not. City can make suggestions but cannot force someone to use property a certain way. Mr. Potter stated variance request very reasonable.

Developer Comments: Jesse Waddell, representing Goodwyn Mills & Cawood, states that preservation of the mountain is important to the developer. He explains to the Board the advantages of gravity sewer system and that blasting may not be required for installation. Unless Planning Commission states otherwise the public access will be paved and 4 foot sidewalks.

Motion: Mr. Brooks moves to approve the request for a variance to Section 5-4-13 of the Madison Subdivision Regulations therefore allowing the cul-de-sac length to exceed the permitted maximum of 800' on Kensington Drive to a length of 1321'. Mr. Potter seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

Motion: Mr. Brooks moves to approve the request for a variance to Section 5-5(b) of the Madison Subdivision Regulations thereby allowing the block length to exceed minimum of 2200', or 12 times minimum lot width, the zoned property is allowed. Mr. Ryder seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent

Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

Motion: Mr. Brooks moves to approve the layout plat for Rainbow Mountain Preserve. Ms. McCollum seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

Preliminary Plats

1) West Haven

Location: west of Burgreen Road, ½ mile north of Huntsville Browns ferry Road, east of Henderson Road, ½ mile south of Hwy 72.

Representative: Goodwyn, Mills and Cawood, Inc.

Owner: Ricky Robinson

Lots: 45

Acreage: 21.20 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have not been satisfied.

Planning comments:

1. Fire flows
2. Payment in lieu of sidewalk will need to be submitted to Gina Romine for receipt at a rate of \$25.00 per linear foot
3. Signature-Madison Utilities
4. Show location of signage and sign easement

Johnny Blizzard reads and explains sidewalk requirements and other planning comments.

Engineering comments:

1. Remove gravel drive from conservancy area and proposed ditch, install roadside ditch.

Gary Chynoweth reads and explains engineering comments.

Public Comments: The following members of the public posed questions and concerns regarding road maintenance, street flooding, sewer service, access roads, Improvement District: Kenneth _____; Robert Shar; Dana Williamson; Keith Hampton

Board Comments: Maintenance responsibility of Madison/Limestone/state roads, ongoing communication and cooperation with Limestone County and connection with Copperfield and future subdivisions discussed.

Motion: Mr. Bates moves to accept the Preliminary Plat of West Haven subdivision pending completion of staff comments and stipulating that the road must be extended on the preliminary plat from Melbridge to Marble. Mr. Bianca seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

OTHER BUSINESS

1. Acceptance of Old Ivy Sidewalk amendment – Bob Atallo explains that City Attorney Anne-Marie Lacy and the lawyer for developer met and agreed to extend the bond for another year.

Motion: Mr. Potter moves to accept the amendment of the Old Ivy Sidewalk agreement as presented and agreed to by attorneys. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

2. Chairman Brown states that Steve Ryder attended the State Planning Conference in Gulf Shores and will brief the board during the May meeting.

3. Mr. Ryder discusses ROW width and proposes that planning staff modify regulations allowing for trees.

Motion: Mr. Ryder moves to request Planning staff to draft alternative right of way definition for 46' right of way (26' face of curb to face of curb or 27' back of curb to back of curb) with trees whenever feasible. Mr. Potter seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Absent
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Aye
Planning Commission Member - Cameron Grounds	Aye
Planning Commission Member – Damien Bianca	Aye
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

4. Mr. Ryder discusses the land use plan and his concerns of uncontrolled density to the west of city. Would like planning staff to meet with school board and amend land use plan. Bob Atallo states that new land use study began the beginning of the year. Volunteering is encouraged. Messer's Bates, Potter and Ryder volunteer for Planning Commission sub-committee to help with this endeavor.

There being no other business for discussion Chairman Brown closes the floor.

ADJOURNMENT

With no additional business to discuss Chairman Brown adjourned the meeting at 7:57 p.m.

Minutes Approved,



Charlie Brown, C.A.P.Z.O., Chairman
Madison Planning Commission

ATTEST:



Sherri Blair, CFM, Zoning Administrator