



**Planning Commission  
Minutes of the March 23, 2017 Regular Meeting**

The meeting was called to order by Planning Commission Chairman Wesson at 5:30 p.m.

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

**Planning Commission Chair**

Troy Wesson, CAPZO Present

**City Council Member**

John Seifert, CAPZO Present

Michael Potter, CAPZO Absent

Cynthia McCollum, CAPZO Present (Arrived at 5:36)

Steve Ryder, CAPZO Absent

Cameron Grounds, CAPZO Present

Lewie L. Bates, CAPZO Present

Stephen Brooks, CAPZO Absent

Tim Cowles, CAPZO Present (Arrived at 5:33)

**PLANNING STAFF PRESENT**

Gary Chynoweth P.E., Director of Engineering; Mary Beth Broeren, Director of Planning and Economic Development; Johnny Blizzard, Senior Planner; Megan Zingarelli, Acting City Attorney

**REGISTERED PUBLIC ATTENDEES**

Carl Blair, Robert Bond, Andy Dinges, Karen Denzine, Twanda Holden, Carl Holden, Cynthia Holden, Jonathan McGee, Russ Roberts, James McGee

**ACCEPTANCE OF THE AGENDA**

The agenda was accepted as presented with no discussion.

**APPROVAL OF THE MINUTES**

Councilmember Seifert moved to approve the minutes of the February 16, 2017 Regular Meeting. Mr. Bates seconded the motion.

There were two corrections to the minutes: to change the title of Chairman Wesson and that Mr. Ryder's vote on the last two items was no.

**Final Vote:**

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	----
Cynthia McCollum	Aye
Steven Ryder	----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Abstain
Tim Cowles	Aye

**Motion Carried**

**OLD BUSINESS**

There was no Old Business to discuss.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS**

**Master Plan Amendment and Zoning Map Amendment**

- 1. Master Plan Amendment (MP 2017-001) to amend the West Side Master Plan Vision Map for 22.47 acres of Tract 1 of West Haven, Phase 3A from MR (Mixed Residential) and PNA (Parks & Nature Areas) to SSF (Suburban Single-Family) and Zoning Map Amendment (ZMA 2017-001) to change the zoning of the 22.47 acres from RZ (Zero Lot Line District) to R3A (Single-Family Detached Residential)**

**Location:** South of Henderson Circle, between Henderson Lane and Burgreen Road

**Applicant:** Valor Communities, LLC

**Applicant Comments:**

Russ Roberts indicated he was attending on behalf of the applicant.

**Staff Comments:**

Mr. Blizzard presented the staff report. The applicant is requesting to rezone 22.47 acres of Tract 1 of West Haven Subdivision from RZ (Zero Lot Line) to R3A (Single-Family Detached Residential). Tract 1 represents the last undeveloped portion of West Haven Subdivision and has a total area of 30.57 acres. Approximately 8.1 acres of Tract 1, as well as the 49.93 acres that make up the rest of West Haven Subdivision are zoned R3A. The City Council adopted Ordinance No. 2009-39 on March 9, 2009 that rezoned the subject area from AG to RZ. The City Council also approved Ordinance No. 2008-37 on the same night, which changed the zoning for the rest of West Haven Subdivision from AG to R3A. Due to the recession, the full project was not developed, and the bank took ownership of the subject property. The applicant has now acquired the site.

The request to rezone the subject area from RZ to R3A is not consistent with the recommended place type of MR (Mixed Residential) and PNA (Parks & Natural Area) and the applicant is requesting a SSF place type and to modify the PNA boundary to coincide with their common area. The West Side Master Plan offers six guidelines to use when evaluating a zoning map amendment request that is not

consistent with the recommended place type. Mr. Blizzard reviewed the six guidelines from the West Side Master Plan analyzed in the report. Mr. Blizzard showed the existing layout and the applicant's concept layout for comparison purposes. Mr. Blizzard concluded that staff recommends approval of the request.

**Public Comments:**

There were two speakers. Cynthia Holden expressed concern that the development of the subdivision has changed drainage that is negatively affecting her property. She did not have these flood issues before the subdivision. Carl Holden Jr. addressed concerns about traffic and that there is not adequate access.

Chair Wesson asked the City Engineer to address the comments. Mr. Chynoweth indicated he would have to get more information regarding the drainage and do a site visit and noted that the applicant would have to address drainage at the Preliminary Plat phase and that the City was limited in what it could do about traffic due to jurisdictional limitations. Mr. Blizzard added that development of the next phase will allow direct access to Burgreen Road for the whole subdivision.

Mr. Cowles inquired as to how the site drained and if there were plans to improve Henderson, and Mr. Chynoweth provided the information.

**Commission Comments:**

Mrs. McCollum asked the applicant's representative about the drainage issue. Mr. Roberts indicated he was not aware of the problem but would look at it and would like to join a site visit with the City Engineer.

Vice Chair Brooks confirmed that there is approval for development on the property already. He indicated that the City's ordinance precludes a property owner from displacing water to another property.

Acting City Attorney Megan Zingarelli presented a resolution to the Planning Commission for the adoption of the Master Plan changes.

**Motion:**

Mrs. McCollum motioned to approve the Resolution for the two changes to the West Side Master Plan.

Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	-----
Cynthia McCollum	Aye
Steven Ryder	-----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye

Tim Cowles Aye  
**Motion Carried**

Mr. Brooks motioned to approve the request to rezone the portion of Tract 1 of West Haven, Phase 3A currently zoned RZ (Zero Lot Line District) to R3A (Single-Family Detached Residential District) and forward to the City Council for adoption.

Mr. Bates seconded the motion.

**Final Vote:**  
Chairman, Troy Wesson Aye  
City Council Member Seifert Aye  
Mike Potter -----  
Cynthia McCollum Aye  
Steven Ryder -----  
Cameron Grounds Aye  
Lewie Bates Aye  
Stephen Brooks Aye  
Tim Cowles Aye  
**Motion Carried**

**Zoning Text Amendment**

**2. Zoning Text Amendment (ZTA 2017-001) to amend Sections 4-6A-6, 4-8-3 and 4-8-5 (2) of the Zoning Ordinance to reduce standards for lot size and front and perimeter yard landscaping for existing parcels.**

**Location:** Properties fronting the south side of U.S. Highway 72 between Hughes Road and Nance Road.

**Applicant:** City of Madison

**Staff Comments:**

Mr. Blizzard presented the staff report. There are 21 lots within the subject area; 15 of these lots would potentially benefit from the proposed zoning text amendment due to their existing size. All but one of the affected lots is still within unincorporated Madison County, and the changes would permit the lots, if annexed into the City of Madison, to be able to be developed to B3 zoning standards. Because they are smaller than the City's minimum lot size, there is a disincentive to annex with a development project if the lot cannot comply with the City's regulations. Mr. Blizzard reviewed the proposed changes to the Zoning Ordinance text including lot size, front yard landscape buffer and side yard landscaping.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

City Council member Seifert clarified if the side yard landscaping requirement was for side yard between the property or included those alone the front of the property. Staff indicated this requirement does not affect the front yard landscape buffer. Mr. Seifert inquired if the area west of

Hughes had the same issue. Staff replied that this area was already incorporated in the City and the lots are generally larger.

**Motion:**

Mr. Cowles motioned to approve Zoning Text Amendment 2017-001 to amend Sections 4-6A-6, 4-8-3 and 4-8-5 (2) of the Zoning Ordinance (See Attachment No. 1) and forward to the City Council for adoption.

Mr. Ryder seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	----
Cynthia McCollum	Aye
Steven Ryder	----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Subdivisions**

**3. Ashbury, Phase 6 (CP 2017-001)**

**Certified Plat for 3 lots on 4.89 acres**

**Location:** North of New Bristol Lane, west of County Line Road

**Applicant/Owner:** Colony Investment Company, LLC

**Applicant Comments:**

Bill Hill indicated he was attending on behalf of the applicant and that they were asking to divide one lot into three lots.

**Staff Comments:**

Mr. Blizzard presented the staff report. The requested certified plat will consist of three lots on 4.89 acres with the largest lot having an area of two acres and the smallest lot an area of one acre. There will only be one access to County Line Road for the three lots and all three lots will have access to New Bristol Lane via an egress/ ingress easement. Mr. Blizzard showed the Planning Commission an updated version of the Certified Plat, which included clarifying language regarding the entrance off of County Line Road. There will be one entrance shared by all three parcels.

Mr. Blizzard reviewed the project for conformance with long range plans. The subject property has been designated with the place type of CC (Convenience Commercial), and the layout of lots in the proposed certified plat lends itself to the type of commercial recommended for this place type. The subject property is within the County Line Road KDA, which recommends the property be the location of a commercial node. The Plan recommends a "green street" for County Line Road in the location of the subject property.

Mr. Blizzard concluded by recommending approval of the request with the suggested contingencies.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

Chairman Wesson asked about access to the properties. Staff indicated that there would be reciprocal access between all three sites.

**Motion:**

Mr. Bates motioned to approve Certified Plat 2017-001 for Ashbury, Phase 6 with contingencies.

**Planning Department Comments**

1. Either submit a reciprocal access agreement between the three proposed lots or add the reciprocal access easement language to the proposed certified plat. The proposed agreement or language for the plat shall be submitted to the Planning Department for review and approval prior to recordation of the agreement or plat.
2. Label or note no access to County Line Road except in the location of the 60' x 60' ingress/egress easement.

**Engineering Department Comments**

1. Closure Report must show closure error.
2. Closure report – drawing – legal description bearings and distances must match.
3. Provide current conditions drawing showing utilities, etc.
4. Provide a 60' x 60' ingress/egress easement evenly positioned on the common side yard property of Lot 1 and Lot 2 and adjacent to County Line Road.
5. Provide Minimum Finish Floor Elevations for each lot.

City Councilmember Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	----
Cynthia McCollum	Aye
Steven Ryder	----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**4. Burgreen Farms, Phase 2 (FP 2017-003)**

**Final Plat for 29 lots on 42.04 acres**

**Location:** North of Powell Road, west of Burgreen Road

**Applicant/Owner:** Mungo Homes of Alabama, Inc.

**Applicant Comments:**

There were no comments from the applicant.

**Staff Comments:**

Mr. Blizzard presented the staff report. The proposed final plat for Burgreen Farms, Phase 2 will provide for 29 residential lots with an average lot size of 15,386 square feet. The smallest lot will have an area of 12,671 square feet and the largest, 22,038 square feet. The proposed subdivision will have 2,187 linear feet of new streets, as well as the extension of Kelso Drive. A second entrance into the subdivision will be established with this final plat providing access to Powell Road via Damascus Drive. Common area is highlighted in green on Figure 2 and the narrow strip along the west side of the subject property is a jurisdiction stream. The portion of the common area located at the southwest corner and adjoining Powell Road is a detention area. The remaining common area is for future phases of the subdivision.

Mr. Blizzard concluded that staff recommends approval of the proposed amendments with the contingencies noted in the staff report.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Brooks motioned to approve Final Plat 2017-003 for Burgreen Farms, Phase 2 with contingencies.

**Planning Department Comments**

- 3. Signatures:
  - 1) Athens Utilities

**Engineering Department Comments**

- 1. Schedule inspection with Darryl and submit Performance LOC amounts for approval.
- 2. Schedule inspection with Darryl and submit Sidewalk LOC amounts for approval.
- 3. Remove Note #21.
- 4. Add the following note: Driveways shall be placed such that the driveway is not within the radius of any intersection, does not conflict with intersection sight distance, does not conflict with any utility, and does not conflict with any ADA accessibility structure.
- 5. Provide the following note: "Minimum Finished Floor Elevations (MFFE) shall be established for all lots. The MFFE shall meet current Building Code and Engineering Department requirements for storm water drainage. Any lot located within a Special Flood Hazard Area shall meet the City of Madison Flood Ordinance requirements for building structures."
- 6. Remove note 23 since you have MFFE chart.

Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	-----
Cynthia McCollum	Aye
Steven Ryder	-----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**5. Creekside Park (PP 2017-002)**

**Preliminary Plat for 37 lots on 19.5 acres**

**Location:** South of Powell Road and west of Segers Road

**Applicant/Owner:** Larry, Curley, and Nomo, LLC

**Applicant Comments:**

Andy Dinges presented the request on behalf of the applicant. Mr. Dinges presented a conceptual diagram of a proposed future phase of the project to the east. Speaking to Planning contingency item #3, Mr. Dinges asked the Planning Commission to consider not requiring the greenway access between the two residential lots because the developer planned to provide greenway access north of the subdivision, via the future phase, and/or south of the subdivision via the proposed church property. Mr. Dinges also explained that the greenway access between the lots is located where it is because that represents the most feasible location due to the location of ponds.

**Staff Comments:**

Mr. Blizzard presented the staff report. This is a request for a preliminary plat and construction plans for 37 lots on 19.50 acres in the Creekside Park Subdivision, south of Powell Road and west of Segers Road. Creekside Lane will provide access to Segers Road. The portion of Creekside Lane located on the property to the east is within unincorporated Limestone County, and the portion of Creekside Lane east of that is within the City of Madison and is identified as Lot 1, Creekside Park, Phase 1. These portions of Creekside Lane have been included with the construction plans for this subdivision and will be constructed in conjunction with this project and must be dedicated to the City of Madison, as a condition of final plat approval. Limestone County Engineering Department has waived all jurisdictional rights to review and approve this portion of the road.

Mr. Blizzard reviewed the zoning of the subject property. He informed the Commission that staff recommends approval with contingencies and summarized the greenway access contingency from the staff report.

- 3. Show pedestrian right-of-way between Lots 16 and 17 and paved trail on all applicable sheets of the construction plans. The path will be constructed with the subdivision. (See Technical Review Committee section above.)

Planning Department contingency item #3 is requiring a pedestrian right-of-way and path between Lots 16 and 17 that will connect the proposed residential lots in Creek Side Subdivision with the greenway trail to be constructed along the Moore's Branch floodway. However, the City of Madison may have the opportunity to establish a connection along a sewer easement on the property to the south, which is the site for Most Merciful Jesus Catholic Church. The development of the next phase of Creek Side Subdivision is also expected to establish a connection point between the residential lots and the greenway. If either of these alternative connections points become reality before the construction of this first phase, staff would support an engineering change order to eliminate the pedestrian right-of-way between lots 16 and 17.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

Mr. Cowles commented that he thought the greenway access between the lots serves the subdivision better.

City Councilmember Seifert clarified the location of the recommended greenway access easement.

Chairman Wesson commented that he would prefer the greenway access easement to be a permanent easement and not be removed even if the applicant is able to provide the other access points suggested by Mr. Dinges.

**Motion:**

Mr. Brooks motioned to approve Preliminary Plat 2017-002 and construction plans for Creekside Park, Phase 2 with modified contingencies to remove the parenthetical statement in contingency item #3 so that the greenway access easement between the lots cannot be removed.

**Planning Department Comments**

1. Provide bearing/distance for all of subject property
2. Note on plans: Offsite easements depicted on the adjoining property to the east must be deeded to the City of Madison before final plat approval.
3. Show pedestrian right-of-way between Lots 16 and 17 and paved trail on all applicable sheets of the construction plans. The path will be constructed with the subdivision.

**Engineering Department Comments**

1. Provide pedestrian access connections to proposed greenway – Engineering recommends/supports access connections on the additional phases and thru the new church property.
2. Handicap detail is labeled wrong – it is labeled “drive turnout detail”.
3. Add note that Contractor is responsible for “end-of-road” red diamond markers.

Mr. Cowles seconded the motion.

**Final Vote:**

Chairman, Troy Wesson

Aye

City Council Member Seifert	Aye
Mike Potter	-----
Cynthia McCollum	Aye
Steven Ryder	-----
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye
<b>Motion Carried</b>	

(PUBLIC HEARING CLOSED)

**New Business**

Mr. Cowles inquired about the Planning Commission's mail delivery.

**ADJOURNMENT**

Mr. Wesson adjourned the meeting at 6:30 p.m.

**Minutes Approved**

  
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Troy Wesson, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Johnny Blizzard, Senior Planner and Recording Secretary