



**Planning Commission
Minutes of the July 20, 2017 Regular Meeting**

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

**ATTENDEES
PLANNING COMMISSION MEMBERS**

Troy Wesson, CAPZO, Planning Commission Chair	Present
John Seifert, CAPZO, City Council Member	Present
Michael Potter, CAPZO	Present
Cynthia McCollum, CAPZO	Absent
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	Absent
Lewie L. Bates, CAPZO	Present
Stephen Brooks, CAPZO	Present
Tim Cowles, CAPZO	Absent

PLANNING STAFF PRESENT

Johnny Blizzard, Senior Planner; Megan Zingarelli, City Attorney; Bryce Miller, Intern Planning Department

REGISTERED PUBLIC ATTENDEES

Caitlin Wesson, Maxwell R. Carter, Ron & Kim Wojnar, John Hoover, David Hall, Wade Carpenter, Joe Murphy, John Emich, Chris Carpenter, Lora Whittemore, Ben Duncan, Kevin Bernard

ACCEPTANCE OF THE AGENDA

Johnny Blizzard requested a postponement of item No. 2 on the Agenda until next month. All notification requirements had not been met for the zoning map amendment.

APPROVAL OF THE MINUTES

Mr. Potter moved to approve the minutes of the June 15, 2017 Regular Meeting. Mr. Bates seconded the motion.

Final Vote:

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	Aye
Cynthia McCollum	

Steven Ryder	Aye
Cameron Grounds	
Lewie Bates	Aye
Stephen Brooks	Abstain
Tim Cowles	

Motion Carried

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. **Annexation** (ANN 2017-001) to annex 0.91 acres into the City of Madison, Alabama
Location: 7709 U.S. Highway 72 (Southwest corner of U.S. Highway 72 and Rainbow Circle)
Applicant/Owner: LS Madison Station, LLC

Applicant Comments

Jeff Mullins of Mullins, LLC represented the property owner and stated he was available for any questions.

Staff Comments

Mr. Blizzard stated this was a request to annex a 0.91 acre lot into the City of Madison. Mr. Blizzard informed the Planning Commission that a site plan has been approved by Madison County to construct a 6,600 square building and 30 parking spaces. Mr. Blizzard explained that the City Council has approved a development agreement with the property owner LS, Madison Station, LLC to facilitate the requested annexation. Mr. Blizzard said the subject property was in the Highway 72 Key Development Area, which notes that smaller lots may be more difficult to redevelop; focus instead on visual improvements. Mr. Blizzard reminded the Planning Commission of a recent text amendment to the Zoning Ordinance allowing a reduced minimum lot area, lot width and depth for lots fronting the south side of U.S. Highway 72 between Hughes Road and Nance Road in an effort to make those lot more compliant with City zoning regulations. Most of these properties are in unincorporated Madison County and the changes to the Zoning Ordinance were adopted in an effort to make it easier for such properties to annex into the City of Madison. Mr. Blizzard summarized the nine guidelines provided in the recently adopted annexation policy and informed the Commission the property was consistent with these guidelines, except for some minor non-conformities such as landscaping. Mr. Blizzard included that staff recommended approval.

Public Comments

There were no comments from the public.

Commission Comments

There were no comments from the Planning Commission.

Motion:

Mr. Brooks motioned to approve the request to annex the subject property (ANN 2017-001) and forward to City Council for adoption. Mr. Seifert seconded the motion.

Final Vote:

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

Motion Carried

- 2. **Zoning Map Amendment (ZMA 2017-06)** to zone 0.91 acres to B3 (General Business District) upon annexation

Location: 7709 U.S. Highway 72 (Southwest corner of U.S. Highway 72 and Rainbow Circle)

Applicant/Owner: LS Madison Station, LLC

Applicant Comments

There were no comments from the applicant

Staff Comments

There were no comments from staff

Public Comments

There were no comments from the public

Commission Comments

There were no comments from the Commission

Motion:

Mr. Potter motioned to continue (ZMA2017-006) to the August 17, 2017 Planning Commission Meeting. Mr. Bates seconded the motion.

Final Vote:

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	Aye
Cynthia McCollum	
Steven Ryder	Aye
Cameron Grounds	

Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	
Motion Carried	

Subdivisions

3. Willow Creek Subdivision (LP 2017-006)

Layout Amendment for 5 lots on 5.54 acres

Location: South of Browns Ferry, West of Shiloh Creek Drive

Applicant/Owner: Focus Investment, LLC

Applicant Comments:

John Hoover of Mullins, LLC stated the applicant could not attend but he could answer any questions forthcoming.

Staff Comments:

Mr. Blizzard told the Planning Commission the subject property fronted the west side of Shiloh Creek Drive and was south of Browns Ferry Road. He informed the Commission the subject property has an area of 5.54 acres, and 4.82 acres of the subject property was rezoned from AG (Agriculture) to R3A (Single-Family Detached Residential) in August of 2016. Mr. Blizzard informed the Commission that representatives of the Madison City Schools did not publicly object to the rezoning of the subject property but did object to other such requests at the same meeting. Mr. Blizzard further explained that the requested change to the layout was the modification of one existing lot to provide a radius at the southeast corner to accommodate the new public street and the addition of four new lots and one common area. Mr. Blizzard stated that initially the Stewart Family didn't have any interest in selling anymore of their farm and that the developer was not interested in the property because of limitations caused by wetlands. Recently, the developer received an opinion from the U.S. Army Corps. of Engineers that increased the area of the subject property available for development. The subject property is more geographically compatible with the existing Willow Creek Subdivision and the adjoining Shiloh Run Subdivision than the remaining portion the Stewart Farm. Therefore, the Stewart Family conveyed the 4.82 acres to Focus Investments, LLC

Public Comments:

There were no comments from the public

Commission Comments:

There were no comments from the Commission

Motion:

Mr. Ryder motioned to approve the Layout Amendment Willow Creek Subdivision (LP2017-006). Mr. Bates seconded the motion.

Final Vote:

Chairman, Troy Wesson	Aye
City Council Member Seifert	Aye
Mike Potter	Aye

Cynthia McCollum	
Steven Ryder	Aye
Cameron Grounds	
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	
Motion Carried	

3. Greenbrier Hills Subdivision (LP 2017-005)

Final Plat for 256 lots on 89.01 acres

Location: East of Faulkner Road, off of Hardiman Road

Applicant/Owner: Madison Land Resources, Inc.

Applicant Comments:

David Hall of 4-Site, Inc. represented the applicant at the meeting and indicated he would be available to answer any questions.

Staff Comments:

Mr. Blizzard informed the Planning Commission the applicant is requesting a change to the street and lot configuration. The changes include the reconfiguration of Dylan Road, which extends from Faulkner Road east and then meanders south along the east edge of the subdivision. The requested change has Dylan Road running north/south along the eastern edge of the subdivision and stubbing into the adjoining property to the north. A new street (Burke Street) running east/west from Faulkner Road to Dylan Road is proposed. The unnamed cul-de-sac shown on the approved layout that stubs into the adjoining property to the north will be deleted. Mr. Blizzard stated that the reconfiguration of the lots would increase the number in the subject area from 49 to 52 and bring the overall total from 253 to 256. Mr. Blizzard informed the Commission that this number was actually one less than what was approved on the original layout with 257 lots. Several amendments had resulted in a reduction of the number of lots since the original layout was adopted. Mr. Blizzard recommended approval of the layout amendment and noted that there was no contingencies.

Public Comments:

There were no comments from the public.

Commission Comments:

Mr. Potter informed the Planning Commission that the new street configuration would be better for public safety.

Chairman Wesson asked if Lots 50 and 51 that currently have Dylan Road addresses will change to a Burke Street address. David Hall, 4-Site, Inc. indicated they have submitted a request to the City Council for the name change and the lots were still in the ownership of Madison Resources, Inc.

Chairman Wesson asked when would be the best time to address the sidewalk at the end of the Stowe Court cul-de-sac, now or at with the preliminary plat. Mr. Blizzard replied when the preliminary plat is considered.

Motion:

Mr. Bates motioned to approve the layout amendment for Greenbrier Hills Subdivision (FP2017-005) with contingencies. Mr. Potter seconded the motion.

Final Vote:

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

Motion Carried

4. Greenbrier Hills, Phase 2 (PP 2017-005)

Preliminary Plat for 52 lots on 15.04 acres

Location: East of Faulkner Road, Off of Hardiman Road

Applicant/Owner: Madison Resources Inc.

Applicant Comments:

There were no comments from the applicant.

Staff Comments:

Mr. Blizzard informed the Planning Commission the preliminary plat was for the same area as the previous layout amendment. Mr. Blizzard stated that Common Area C was for detention, Common Area E was for recreation and a common area would provide a pedestrian way from Stowe Court to Common Area E, which would front Dylan Road. Mr. Blizzard recommended approval of the preliminary plat with the contingencies listed.

Public Comments:

There were no comments from the public.

Commission Comments:

Mr. Wesson asked if a handicapped ramp would be part of the construction of the pedestrian way between Stowe Court and the recreation lot. David Hall, 4-Site, Inc. stated that a handicapped ramp would be constructed at Dylan Road but not on the other end.

Mr. Seifert asked who would maintain the common areas and Mr. Hall stated it would be the property owner.

Motion:

Mr. Bates motioned to approve the preliminary plat for Greenbrier Hills, Phase 2 (PP 2017-005) with contingencies.

Planning Department

- 1. Signatures:
 - 1) Athens Utilities
 - 2) North Alabama Gas
 - 3) Limestone County Water & Sewer

Engineering Department

- 1. Street name change required if layout amendment is approved.

Mr. Potter seconded the motion.

Final Vote:

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

Motion Carried

5. Hilltop Ridge, Phase 2 (FP 2017-007)

Final Plat for 32 lots on 12.94 acres

Location: South of Hilltop Ridge Road, West of Burgreen Road

Applicant/Owner: Community Developers, LLC

Applicant Comments:

Steve Simmons, President of Community Developers, LLC informed the Planning Commission that he would be glad to answer any questions.

Staff Comments:

Mr. Blizzard told the Commission the proposed final plat will complete the second half of development and finish the subdivision. Mr. Blizzard stated that 32 additional lots would be available for sale and Stillmeadow Drive and Hilltop Ridge have been completed with Phase 2. Mr. Blizzard further stated that the final plat met all applicable regulations and staff recommended approval.

Public Comments:

There were no comments from the public.

Commission Comments:

There were no comments from the Commission.

Motion:

Mr. Ryder motioned to approve the final plat for Hilltop Ridge, Phase 2 (FP 2017-007) with contingencies.

Engineering Department

- 1. Submit performance bonds

Mr. Bates seconded the motion.

Final Vote:

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

Motion Carried

6. Moore’s Creek, Phase 4 (FP 2017-008)

Final Plat for 29 lots on 15.25 acres

Location: South of Powell Road, East of Bowers Road

Applicant/Owner: Smart Living, LLC

Applicant Comments:

Jeff Mullins, Mullin LLC stated he was requesting final plat approval for 29 lots on 15.25 acres and the elimination of several previously approved greenway connections. After some discussion, it was agreed Mr. Mullins would make his request for the elimination of the greenway connections after Mr. Blizzard presented the staff report.

Staff Comments:

Mr. Blizzard informed the Planning Commission this subdivision received preliminary plat approval as Piney Creek, Phase 2 but the applicant is requesting the name be changed to Moore’s Creek, Phase 2. The reason for the name change was to prevent confusion with another subdivision in unincorporated Limestone County by the same name. Mr. Blizzard told the Commission the proposed final plat will be incorporated into Moore’s Creek Homeowners Association and the same homebuilder owned the lots in both subdivisions.

Commission Comments:

The Chair invited Mr. Mullins to address greenway connections. Mr. Mullins stated that the original phase of Moore’s Creek began at Segers Road and proceeded westward, and Moore’s Creek Phase 3 crosses Moore’s Creek, which would require a bridge to be constructed. Mr. Mullins informed the Commission that Smart Living has donated between 40 and 50 acres for future soccer fields in this development and in the Palmer Road development in exchange for the City’s help with the

construction of that bridge. Mr. Mullins indicated that Mr. Chynoweth anticipated a letter of approval from the Federal Emergency Management Agency allowing the construction to proceed soon.

Mr. Mullins stated the City has plans to develop a greenway along the floodway of Oakland Springs Branch and Moore's Creek spanning several subdivisions including the Moore's Creek and Piney Creek Subdivisions. Mr. Mullins showed the Commission three maps of Piney Creek, Phases 1 and 2, and Moore's Creek, Phase 3, which is attached to these minutes and referenced as Exhibit A. The first map is the original proposal showing two connections in Piney Creek Subdivision to the greenway and two in Moore's Creek, Phase 3. The connection points are highlighted in blue. Mr. Mullins described the second map as additional greenway connections required by the Planning Commission in Piney Creek Subdivision at the time of preliminary plat approval and highlighted in red. The Planning Commission required an additional connection for the egg shaped cul-de-sac and two additional points of access directly to the greenway. The last map shown by Mr. Mullins reflects the applicant's request to eliminate the connection from the cul-de-sac and one of the direct access ways to the greenway. Mr. Mullins stated the elimination of the access from the cul-de-sac would result in a walking distance of 1,400 feet to the closest greenway access point. Overall, Mr. Mullins is requesting the number of greenway access points be reduced from seven to five.

Mr. Brooks inquired if a greenway connection could be moved further south at the bridge crossing. Mr. Mullins stated he believed the developer would be favorable to that suggestion since it would eliminate a connection between lots, which can create a marketability issue. Mr. Mullins did note his only concern was maintaining a five percent slope at that location in order to meet ADA guidelines. Mr. Mullins stated that ADA guidelines were not required in such situations but they tried to incorporate them anyway in case they might be required in the future. Mr. Brooks stated that he was not in favor of eliminating the connection from the cul-de-sac.

Mr. Wesson mentioned that the original layout of Piney Creek provided a block design that allowed for easy access to the greenway and that he was not in favor of eliminating the access from the cul-de-sac.

Mr. Potter did not believe there was an issue with the elimination of the connection at the cul-de-sac because it was only 1,400 feet to the greenway and Mr. Seifert concurred.

Mr. Wesson asked how the Planning Commission was to proceed with motions concerning the greenway connections. Mr. Blizzard answered that if the connection from the cul-de-sac was to remain, no additional motion was needed because the pedestrian right-of-way was shown on the proposed final plat. If the Planning Commission chose to eliminate the connection from the cul-de-sac, it would need to be part of the motion. He further stated that the other connections were on a previously approved final plat Piney Creek, Phase 1 and the elimination of the right-of-way would require approval from City Council.

Public Comments:

There were no other comments from the public.

Motion:

Mr. Brooks motioned to change the name of the final plat from Piney Creek, Phase 2 to Moore's Creek, Phase 4. Mr. Bates seconded the motion.

Final Vote:

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

Motion Carried

Motion:

Mr. Brooks motioned to approve the final plat for Moore's Creek, Phase 4, Phase 2 (FP 2017-008) with contingencies.

Planning Department

1. Submit title opinion
2. Signatures
 - 1) Title Certificate
 - 2) Notary's Acknowledgement
 - 3) Athens Utilities
 - 4) Limestone County Water & Sewer

Engineering Department

1. Provide Letters of Credit and Sign fee
2. The street name Kinglet Way was used in The Hamptons at Pine Creek. Another street name must be substituted.

Mr. Bates seconded the motion.

Final Vote:

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

Motion Carried

7. Rainbow Gap 6th Addition (CP 2017-009)

Certified Plat for 1 lots on 0.47 acres

Location: North of Eastview Drive, West of East of Scenic Drive

Applicant/Owner: Bella Mina Land Company, LLC

Applicant Comments:

Wade Carpenter of Garver Engineering and Land Surveying, stated that the applicant was not present but he was there to answer any questions.

Staff Comments:

Mr. Blizzard informed the Planning Commission the proposed certified plat was to consolidate Lot 14 of Rainbow Gap Subdivision and a small parcel of land (0.11 acres) adjoining the west side of Lot 14. The history of how this remnant of land came to be is unknown.

Public Comments:

There were no comments from the public.

Commission Comments:

Mr. Ryder asked if both properties were owned by the same person. Mr. Blizzard stated it was.

Motion:

Mr. Brooks motioned to approve the certified plat for Rainbow Gap, 6th Addition (FP 2017-009).

Mr. Bates seconded the motion.

Final Vote:

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

Motion Carried

(PUBLIC HEARING CLOSED)

5. Madison Crossing (SP 2017-019)

Site Plan for 153 unit senior housing facility on 14.65 acres

Location: 11260 County Line Road (South of Cambridge Subdivision, West of County Line Road)

Applicant/Owner: Phoenix at Madison, LLC

Applicant Comments:

Ben Duncan Engineering Design Technologies stated that he was available to answer questions.

Staff Comments:

Mr. Blizzard explained that a senior housing facility was previously approved at this location for 192 units and was named the Phoenix at Madison. The approval was contingent on the mitigation of wetlands on site, which was never resolved.

The applicant has submitted a new layout for 153 units including 25 memory care units, 47 assisted living units and 81 independent living units. The new layout will not impact the wetlands located on the property.

Mr. Blizzard stated the applicant is also requesting a substitution of the 30 foot landscape buffer for 71.72 feet along the southerly property line at the rear of Lot 12 of Whitworth Gardens for a five foot landscape buffer and six foot privacy fence, as authorized in Section 5-18-2 of the Zoning Ordinance. The remaining portion of the south property line adjoining residentially zoned property would maintain the 30 foot landscape buffer as required.

Commission Comments:

Mr. Seifert raised concerns the six foot fence would not screen the proposed three story building. He questioned staff if a vegetative buffer might be more suitable. Mr. Blizzard recommended Leland Cyrus or Green Giants that routinely grow to 25 or 30 feet tall. Mr. Seifert asked if something like this had been done before and Mr. Blizzard stated that it was done between Sycamore Row and the neighboring residential subdivision. Mr. Seifert asked the width of the buffer in the location of the request and Mr. Blizzard indicated seven to eight feet and the Commission questioned whether that would be enough room for such plantings. Ben Duncan, EDT, Inc. stated that Madison Utilities had a sewer line in that location and plantings such as Leland Cyprus can entangle the lines.

Mr. Brooks asked if there were any windows on that end of the building and Mr. Duncan stated there were no windows. Mr. Bryce Miller, Planning Department Intern informed the Commission that the building was only two stories at the closest point to the affected residential lot. Mr. Brooks downloaded an aerial view of Lot 12 Whitworth Gardens and it was discovered the house was positioned to the west of the lot and away from the area of the requested landscape buffer. It also revealed a privacy fence already existed on Lot 12 in the location of the requested buffer reduction. Mr. Wesson informed the Commission that the Zoning Board of Adjustment granted a variance to the overall height of the building when the original site plan was under consideration. His point was that all the adjoining property owners were notified and if the current homeowner lived there at that time, they were notified of the request.

The question was raised by Mr. Brooks if another six foot fence was required next to the existing one on the neighboring property. It was determined that since a fence already existed, they would make the motion to be for only the five foot landscape buffer without the opaque fence requirement.

Motion:

Mr. Brooks motioned to substitute the 30 foot landscape buffer with a five foot landscape buffer.

Councilmember Bates seconded the motion.

Final Vote:

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

Motion Carried

Motion:

Mr. Brooks motioned to approve the site plan for Madison Crossings (SP2017-019) with contingencies.

Planning Department

1. Submit a reciprocal access agreement to the adjoining property to the south
2. Show photometric candle spread to property lines.

Councilmember Ryder seconded the motion.

Final Vote:

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

Motion Carried

ADJOURNMENT

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

Minutes Approved



 Troy Wesson, Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "Johnny Blizzard", is written over a horizontal line.

Johnny Blizzard, Senior Planner and Recording Secretary