



**Planning Commission  
Minutes of the November 16, 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
Cynthia McCollum, CAPZO	Absent (Arrived 5:55)
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	Absent
Stephen Brooks, CAPZO	Present
Lewie L. Bates, CAPZO	Present
Michael Potter, CAPZO	Present
Tim Cowles, CAPZO	Absent (Arrived 5:41)

**PLANNING STAFF PRESENT**

Johnny Blizzard, Senior Planner; Mary Beth Broeren, Director of Planning & Economic Development; Megan Zingarelli, City Attorney.

**REGISTERED PUBLIC ATTENDEES**

Carolyn Carpino, Randy Henley, John Emich, Walt Anderson, Franklin D. Fletcher, John Roberts, Valerie Miles, Rebecca Oulay, Sha Jarboe, Jason Phillips, Bev Gallegos, Frank Langford

**ACCEPTANCE OF THE AGENDA**

The agenda was accepted with one item added under new business for Letter of Credit approvals.

**APPROVAL OF THE MINUTES**

The Planning Commission voted to approve the minutes.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	-----
Steven Ryder	Aye
Cameron Grounds	-----
Stephen Brooks	Abstain
Lewie Bates	Aye
Mike Potter	Aye

City Council Member Seifert  
Tim Cowles

Abstain  
-----

**Motion Carried**

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

1. **Zoning Text Amendment (ZTA 2017-003)** to amend, Article IV, Section 4-15. Downtown Redevelopment Incentive (DRI) Overlay District.  
**Applicant:** City of Madison

**Staff Report**

Mr. Blizzard stated the City Council adopted the DRI Overlay District on June 24, 2002 in recognition of the fact that the downtown area was developed and platted before the City's zoning ordinance was adopted; and therefore, most of the lots downtown are smaller and have limitations in meeting standard setbacks. The DRI regulations provide flexibility for development because of these circumstances. Staff is recommending the boundary of the DRI Overlay be expanded to the southwest. The northern most property in the expansion area is already partially within the District. An old machine shop currently occupies a portion of three of the lots. The property has recently been sold, and the inclusion into the District would create interest for future development because of the flexible development standards in the District. The recommended text changes to the DRI Overlay District are intended to make it more user friendly and easier to process applications. Another modification is the elimination of a section that allowed regulations for flood control, grading and fire suppression to be waived in the DRI District. Such provisions should not be subject to waivers under the DRI District because of their importance to life safety. Mr. Blizzard concluded that staff recommended approval.

**Public Comments**

None.

**Commission Comments**

None.

**Motion:**

Mr. Bates motioned to approve Zoning Text Amendment 2017-003 revising Section 4-15 and forward to the City Council for adoption. City Council Member Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	----
Steven Ryder	Aye
Cameron Grounds	----

Stephen Brooks	Aye
Lewie Bates	Aye
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	----

**Motion Carried**

2. Zoning Text Amendment (**ZTA 2017-004**) to repeal and replace Article VII, Sign Control Regulations and repeal Section 4-6B-10, Section 4-7-10, Section 4-8-10, Section 4-8A-10 and Section 4-8B-7 of the Zoning Ordinance.

**Applicant:** City of Madison

**Staff Report**

Mr. Blizzard reported that the proposed Zoning Text Amendment constitutes a comprehensive update of the City’s sign regulations. It repeals and replaces Article VII – Sign Control Regulations of the Zoning Ordinance and repeals Section 4-6B-10, Section 4-7-10, Section 4-8-10, Section 4-8A-10 and Section 4-8B-7 of the Zoning Ordinance, which contain district-specific sign regulations. He stated that the City’s proposed regulations have been designed to be content-neutral and meet current judicial guidance based on the Reed vs. Town of Gilbert case, in particular, and were updated to address ongoing issues with the current regulations both due to inconsistencies and administrative functions and to modernize the standards. He noted that regulations for temporary signs will be changed, but like the existing code, the proposed ordinance would not allow temporary signage in the public right-of-way. Mr. Blizzard summarized the concept of a Master Sign Plan being allowed for larger projects and that regulations for freestanding signs are also proposed for modification. Mr. Blizzard concluded that staff recommended approval.

**Public Comments**

Carol Carpino stated that she was a resident and a realtor. She asked that the City work with the realtors on temporary signage and continue the item.

Valerie Miles stated she was speaking on behalf of realtors and requested that the Commission look at the realtors’ recommendation on guidelines for realtor signs.

**Commission Comments**

Mr. Potter stated that the City needs to be in alignment with federal law, which doesn’t allow the City to do something just for realtors. Valerie Miles indicated that their proposal covers all types of temporary signs.

Megan Zingarelli, City Attorney, addressed temporary signs, stating that the public right-of-way was not the right place for signage and the proposed ordinance provides for a generous amount of temporary signage on private property. Some of the issues associated with temporary signs in the right-of-way include aesthetics and hazards and difficulty for maintenance crews.

Council Member Seifert inquired about temporary subdivision signs and stated the ordinance should be amended to indicate they cannot be located in the right-of-way.

Mr. Potter confirmed that temporary signs may be located on private property, and the Commission members discussed that the message of any sign is irrelevant given case law.

**Motion:**

Mr. Brooks motioned to approve Zoning Text Amendment 2017-004 to revise the City's sign regulations and forward to the City Council for adoption. Ms. Zingarelli requested that the Commission include an amendment to reflect the UC District in Sections 7-9 through 7-11, as regulations for that District were recently approved by the City Council. Councilmember Seifert mentioned his suggestion. Mr. Brooks amended his motion to include the UC reference and clarification for location of temporary subdivision signs. Mr. Bates seconded the motion.

**Final Vote:**

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

**Motion Carried**

**3. Brier Creek, Phase 2 (PP 2017-009)**

Continued from the October 19, 2017 Planning Commission Meeting.

**Preliminary Plat for 3 lots on 3.33 acres**

**Location:** 871 Mill Road (Northwest corner of Mill Road and Mose Chapel Road)

**Applicant/Owner:** Summit Properties, LLC

**Applicant Comments**

Jason Phillips, representing the applicant, stated he was available for questions.

**Staff Report**

Mr. Blizzard stated that this was a request for property at the northwest corner of Mill Road and Mose Chapel Road for a preliminary plat for three lots on 3.33 acres. The property is zoned R1A. Approval of the preliminary plat allows the developer to construct a new sanitary sewer main. The average lot size will be 48,385 square feet. Lot 4C is in Special Flood Hazard Area AE and the Army Corps will have to rule on the filling of former pond that was on this lot. Mr. Blizzard reviewed the recommended contingencies and concluded that staff recommended approval of the request.

**Public Comments**

None.

**Commission Comments**

Mr. Wesson asked a question about Note 12 regarding the multi-use path on Mill Rd. and sidewalks and the width of the facilities. Discussion ensued about requiring sidewalks on Lots 4A and 4B.

**Motion:**

Mr. Brooks motioned to approve the preliminary plat for Brier Creek, Phase 2 (PP2017-009) with contingencies including a requirement for sidewalk to be constructed on lots 4A and 4B.

**Planning Department**

- 1. Signatures:
  - 1) Huntsville Utilities
  - 2) North Alabama Gas
- 2. Renumber Sheet 5 to Sheet 4.

**Engineering Department**

- 1. Provide U.S. Army Corps of Engineers determination on the presence of wetlands due to hydric soils.
- 2. Provide an Erosion Control Plan that must include instructions for all three phase of construction.
- 3. Provide information showing that new development meets the City's MS4 requirements.
- 4. Provide a drainage report that meets City of Madison Regulations.

**Planning Commission**

- 1. Sidewalk must be installed on lots 4A and 4B.

Mr. Bates seconded the motion.

**Final Vote:**

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

**Motion Carried**

5. **Burgreen Village, Phase 2 (FP 2017-010)**

**Final Plat for 29 lots on 39.19 acres**

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

**Applicant/Owner:** Mungo Homes of Alabama

**Applicant Comments**

None.

**Staff Report**

Mr. Blizzard stated that this was a request for a final plat for 29 lots on 39.19 acres. The smallest lot in Burgreen Village, Phase 2 will have an area of 8,194 square feet and the average lot size will be 12,429.72 square feet. The property is zoned R3A. Mr. Blizzard reviewed the overall project and phases of the subdivision. Mr. Blizzard noted that there is only one outstanding contingency and that staff recommended approval.

**Public Comments**

None.

**Commission Comments**

Council Member Seifert asked about the use and maintenance of Common Area 5 and staff indicated it will be a future phase for development. He also inquired as to whether the lots were part of development that was already accounted for by the School District, and staff replied that they were.

**Motion:**

Mr. Ryder motioned to approve the final plat for Burgreen Village, Phase 2 (FP2017-010) with contingencies.

**Planning Department**

1. Provide additional Common Area along the east side yard property line of Lot 84 for sidewalk.

Mrs. McCollum seconded the motion.

**Final Vote:**

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

**Motion Carried**

- 5. **Madison Station, Phase 3 (CP 2017-012)**  
**Certified Plat for 4 lots on 0.26 acres**  
**Location:** North of Martin Street, West of Garner Street  
**Applicant:** Walt Anderson  
**Owner:** Eugene & Marion H. Anderson

**Applicant Comments**

None.

**Staff Report**

Mr. Blizzard stated that this was a request for a certified plat to resubdivide two lots into three lots with one fronting Main Street and two fronting Martin Street. A fourth lot will not change in configuration except for reflecting its reduced size due to a portion of the lot being acquired for additional right-of-way for Martin Street. A cigar bar is proposed for the lot fronting Main St. All of the lots are zoned B1. Mr. Blizzard reviewed the remaining contingencies and concluded that staff recommended approval of the request.

**Public Comments**

None.

**Commission Comments**

None.

**Motion:**

Mr. Bates motioned to approve the certified plat for Madison Station, Phase 3 (CP2017-012) with contingencies.

**Planning Department**

- 1. Mortgage holders must sign Dedication Certificate or add a Mortgage Holder's Certificate
- 2. Correct distances referenced on the west side of Lot 4

Council Member Seifert seconded the motion.

**Final Vote:**

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

**Motion Carried**

**(Public Hearing Closed)**

**New Business**

**1. Performance Grantees**

- 1) Request for replacement of the existing Letter of Credit for the Hamptons at Piney Creek with new letters of credit.
- 2) Request for replacement of the existing Letter of Credit for the Stone Brook Subdivision with new letters of credit.
- 3) Request for replacement of the existing Letter of Credit for the Burgreen Phase II Subdivision with new letters of credit.

**Staff Comments**

Mr. Blizzard requested that the Planning Commission approve the letter of credit requests on behalf of the Engineering Department.

**Motion:**

Mr. Potter motioned to approve the request for replacement of Letters of Credit for Hamptons at Piney Creek, Sone Brook Subdivision and Burgreen Phase II. Mr. Brooks seconded the motion.

**Final Vote:**

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

**Motion Carried**

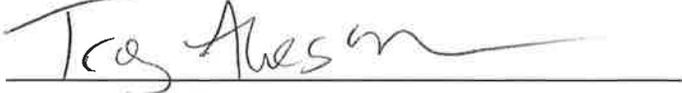
**2. St. Elizabeth's Church**

Mr. Frank Fletcher, on behalf of the Church, addressed the Commission regarding a City requirement to build out the portion of Stone St. in front of the Church in association with the Church's expansion plans. Mr. Fletcher stated the Church thinks the City should complete the street as well as fix the drainage problem. The Church will give the City the right-of-way. Mr. Potter asked whether it was a street or alley, and it was confirmed to be a street. Mr. Fletcher stated that emergency vehicles need to use the Church parking lot in order to turn around because the street is not wide enough. The Commission indicated it did not have the authority to resolve this item. Council Member Seifert stated the project is not in the City's current CIP but that he would follow up with City staff and the City Council.

**ADJOURNMENT**

Mr. Wesson adjourned the meeting at 6:32 p.m.

**Minutes Approved**



**Troy Wesson, Chairman**

**ATTEST:**



**Johnny Blizzard, Senior Planner and Recording Secretary**

