



**Planning Commission
Minutes of the August 16, 2018 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	Present
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	Present
Stephen Brooks, CAPZO	Present
Lewie L. Bates, CAPZO	Present
Michael Potter, CAPZO	Present
Tim Cowles, CAPZO	Present

PLANNING STAFF PRESENT

Kevin Bernard, Associate Planner; Johnny Blizzard, Senior Planner; Mary Beth Broeren, Director of Development Services; Gary Chynoweth, City Engineer; Megan Zingarelli, City Attorney.

REGISTERED PUBLIC ATTENDEES

Brenda Skinner, Pearl Watson, Walter C. Watson, Danny Causey, Charles S, Rick Turner, David Hall, Donnie Spencer, Susan Pierce, Doris P., Rana E, Clinton L, Jewell Smith, Tex Longcor, Luke Sheldon, Samantha Omlie, Johnathan McGee, John Emich, Thomas Wicker, Tuan Pham, Jim Roberts.

ACCEPTANCE OF THE AGENDA

The agenda was accepted as presented.

APPROVAL OF THE MINUTES

Mr. Bates moved to approve the minutes of the July 19, 2018 regular meeting. Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	Abstain
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Abstain
Stephen Brooks	Aye

Lewie Bates
Mike Potter
City Council Member Seifert
Tim Cowles

Aye
Aye
Abstain
Abstain

Motion Carried

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

Zoning Map Amendments

1. **245 Hughes Road (ZMA 2018-010)**
Zoning Map Amendment from R1B (Low Density Residential District) to B1 (Neighborhood Business District)
Location: 245 Hughes Road (South of Old Madison Pike, East of Hughes Road)
Applicant:/Property Owner: Tuan N. Pham

Applicant Comments

None.

Staff Report

Mr. Johnny Blizzard showed the City's Future Land Use Map and indicated the requested zoning change is consistent with that Map. He stated that the proposed zoning change meets most applicable zoning regulations for the use of the principal structure as an alteration shop. Mr. Blizzard stated that business hours will be between 9 a.m. and 5 p.m. and employ one to two persons. Mr. Blizzard also stated that future modifications required to convert the principal structure for the use of an alteration shop will be required before any business license or certificate of occupancy is issued and that staff recommends approval.

Public Comments

Ms. Jewel Smith stated that there is no garage at the site.

Commission Comments

None.

Motion:

Mr. Brooks motioned to approve the zoning map amendment for 245 Hughes Road (ZMA2018-010) and forward to the City Council for adoption. Mrs. McCollum seconded the motion.

Final Vote:

Chairman, Troy Wesson

Aye

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

Motion Carried

2. Wicker Property (ZMA 2018-011)

Zoning Map Amendment from R1B (Low Density Residential District) to B1 (Neighborhood Business District)

Location: South of Old Madison Pike, East of Hughes Road

Applicant:/Property Owner: Thomas J. Wicker and Hyung Hi Wicker

Applicant Comments

None.

Staff Report

Mr. Johnny Blizzard stated that this request is similar to the previous item and that the proposed zoning change meets most applicable zoning regulations. He reported that the property owner does not have any development plans, except to market the property as commercial. Mr. Blizzard stated that staff recommends approval.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Bates motioned to approve the zoning map amendment for Wicker property (ZMA2018-011) and forward to the City Council for adoption. Mr. Brooks seconded the motion.

Final Vote:

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

Tim Cowles

Aye

Motion Carried

Zoning Text Amendments

3. Accessory Uses and Structures Amendment (ZTA 2018-003)

Zoning Text Amendment for revisions to Section 5-9 of the Zoning Ordinance

Applicant: City of Madison

Staff Report

Mr. Johnny Blizzard stated that this is a request to amend Section 5-9 of the Zoning Ordinance pertaining to the size and location of accessory uses and structures as follows:

- Allow accessory uses and structures to be located in side and front yards on larger lots and agricultural lots.
- Do not apply the provision that an accessory use or structure be restricted in area to 25 percent of the total area of the principal structure for any lot three acres or greater in size and/or when the principal structure is not a residential dwelling.
- Allow an accessory use or structure to be located on a lot other than the one the principal structure is located on when all properties are in the same ownership and contiguous.
- Require accessory uses and structures be one foot from any public utility and drainage easement.
- Delete the requirement that accessory buildings be eight feet from the principal structure and reference the latest adopted building code.

Mr. Blizzard stated the purpose of the amendment is to close loopholes in some residential subdivisions while making the zoning code more flexible by addressing issues pertaining to larger agricultural properties, as well as minimize conflicts with easements. Mr. Blizzard explained that Section 5-9 currently applies to residential districts but not to agricultural districts developed with residential uses. Mr. Blizzard further explained that prior practices allowed annexations of lots to Agricultural zoning despite being below the three acres minimum required in Agricultural Districts. Mr. Blizzard stated that this difference can result in accessory buildings of any size, as long as all the buildings meet lot coverage, which may be incompatible with standard single family subdivision regulations. Mr. Blizzard stated that the proposed changes would provide equal treatment of small agriculture zoned lots used for residential purposes as residential zoned lots. Mr. Blizzard stated that staff recommends approval.

Public Comments

None.

Commission Comments

Chairman Troy Wesson asked staff if pedestrian easements are included along with the various easements mentioned in the report. Mrs. Mary Beth Broeren stated that the report specifically references side and rear yard easements in relation to keeping structures out of utility and

drainage easements. Mr. Johnny Blizzard stated that this provision mitigated the risk of damage to structures built nearby the utility easements when work has to be performed with heavy equipment.

Chairman Troy Wesson asked staff to explain the provision in the staff report that references accessory structures on adjoining lots. Mr. Johnny Blizzard explained that this provision allows property owners with multiple adjoining lots that are used as one compound to place accessory structures on another lot other than the lot where the principal structure is located.

Mr. Stephen Brooks asked staff why combining the lots as one parcel for the intended uses is not a more fitting solution than what is proposed. Mr. Johnny Blizzard stated that the scale of locating an accessory building is not the same as a house, pool or carport, etc. and the process of combining parcels into one can be tedious and expensive.

Mr. Stephen Brooks asked staff what size and type of accessory structure triggers the need for City approval. Mr. Johnny Blizzard stated that any accessory structure exceeding 200 SF needs a building permit.

Council Member John Seifert asked staff if there is any limit to the size of an accessory structure constructed on lots greater than three acres under the proposed amendment. Mr. Johnny Blizzard stated that there is no imposed limit under the new amendment.

Mrs. Mary Beth Broeren stated that the proposed amendment could be revised by staff to address concerns of the Planning Commission.

Mr. Michael Potter stated that he agreed with the concern shared by Mr. Seifert, but all the gray areas of any proposal would not be totally eliminated.

Motion:

Mr. Potter motioned to approve Zoning Text Amendment to amend Section 5-9 of the Zoning Ordinance (ZTA 2018-003) and forward to the City Council for adoption. Mr. Bates seconded the motion.

Final Vote:

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

Motion Carried

Subdivisions

4. **Parker Hall Subdivision (Layout Plat 2018-002) Amendment to the Layout Plan for 42 Lots on 21.77 acres; (Variance from Section 5-6 (f) of the Subdivision Regulations**

Location: North of Powell Road, East of Morris Drive

Applicant: Dilitina Development Corporation

Property Owners: SPENRYCO

Applicant Comments

Mr. David Hall from 4 Site Engineering, representing the applicant, stated that he was requesting approval for the proposed layout amendment and variance.

Staff Report

Mr. Johnny Blizzard stated that this proposed sketch plat offers better street circulation than what is provided in the approved plan. Mr. Blizzard stated that the proposed sketch plat represents a nine lot increase and still exceeds the minimum requirements for lot area as well as the width required in the R3A (Single-Family Detached District). Mr. Blizzard outlined the following project requests:

1. Increase the number of lots from 33 to 42 lots. The average lot size will decrease from 22,982 square feet to 15,386 square feet.
2. Delete three cul-de-sac streets and replace them with one looped street.
3. Increase the amount of common area from 1.48 acres to 2.94 acres.
4. Variance from Section 5-6 (f) of the Subdivision Regulations to allow non-radial lot lines for the common lot line between Lot 1/CA: 1, Lot 25/CA: 3, Lot 25/CA: 3 & Lot 42/CA: 2. A graphic for both the approved and proposed sketch plat is found below.

Mr. Blizzard stated that Morris Bridge will have to eventually be repaired or replaced, whether the subdivision project is completed or not built. He also stated that the details of the bridge improvement needs to be resolved with the Preliminary Plat and any City funding for the bridge repair must be approved by the Madison City Council. Mr. Blizzard stated that staff recommends approval.

Public Comments

None.

Commission Comments

Mr. Stephen Brooks asked staff for clarification on the bridge repair requirements.

Mr. Michael Potter stated that the Morris Bridge is very old and is need of repair.

Mr. Gary Chynoweth stated that Morris Bridge is maintained by Madison County. He also stated that it is functionally obsolete and structurally inadequate. Mr. Chynoweth stated that a new bridge is necessary to accommodate three lanes of vehicular traffic at the entrance of the proposed subdivision.

Mr. Stephen Brooks asked if the entrance shown on the former proposal did not require repairs to the existing bridge, and if construction of the development was contingent on the repair or replacement of the existing bridge.

Mr. Chynoweth stated the original design would not require repairs to Morris Bridge, but it instead required a new bridge, resulting in two bridges to maintain. He also stated that the existing bridge would have to be replaced or repaired before the subdivision is built. Mr. Chynoweth stated that the subdivision's design for green space provides relief for flood hazard areas and represented a collaborative effort between the city and developer.

Mr. Wesson asked about the purpose of the stub street design, if sidewalks were required on the main road, and what impact on the school system would result from the increase in the number of lots. Mr. Blizzard stated that the stub street was not a requirement, the sidewalk requirement was waived, and the nine additional homes were not considered as a part of the original school study.

Mr. Cowles motioned to approve the Variance from Section 5-6 (f) request to allow non-radial lot lines for the common line between Lot 1/CA: 1; Lot 25/CA:3, Lot 26/CA:3 & Lot 42/CA:2. Mr. Ryder seconded the motion.

Final Vote:

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

Motion Carried

Motion 2:

Mr. Cowles motioned to approve the amendment to the sketch plat for Parker Hall Subdivision (LP 2018-002) with contingencies. Mr. Ryder seconded the motion.

Final Vote:

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Nay
Lewie Bates	Aye

Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

Motion Carried

5. **The Heights at Town Madison** (Preliminary Plat 2018-009)
Preliminary plat for 130 lots on 74.39 acres in the Town Madison Subdivision.
Location: South of Town Madison Boulevard, East of Zierdt Road
Applicant/ Property Owner: Old Town Investments, LLC

Applicant Comments

Jeff Mullins, with Mullins, LLC, representing the applicant stated that this resubmittal reflects changes to lot widths, which complies with TND regulations, and that he was available to answer questions related to the project.

Staff Report

Mr. Johnny Blizzard stated that this preliminary plat of Town Madison Subdivision replaces a previously approved preliminary plat (Town Madison Phase 1) of the same property because the one year time limit has expired for the existing version. Mr. Blizzard explained that substantial changes were made in the proposed plat which included the following:

- Overall unit count is reduced by five to 130 residential units.
- Reduce lot width from 26 feet to 22 feet for lots designed for single-family attached dwellings.
- Increase size of some lots for single-family detached dwellings.
- Add one lot at west end of the development.
- Delete 1,196 linear feet of alleys and adjoining lots
- Add one new alley with adjoining lots
- Change the subdivision name from Town Madison, Phase 1 to The Heights at Town Madison, Phase 1.

Mr. Blizzard stated that the site plan is compliant with all applicable rules and regulations, the open space and preservation areas remain unchanged, the street circulation remains effective and that staff recommends approval with contingencies.

Public Comments

None.

Commission Comments

Mr. Stephen Brooks asked staff to confirm if green space was added due to changes in lot configurations. Mr. Jeff Mullins stated that the area where lots were removed will be used to accommodate a club house.

Mr. Troy Wesson asked staff to clarify the four feet side-yard setback requirement in contrast to the 10 feet minimum requirement between buildings as stated in the code. Mr. Johnny Blizzard

stated that the 10 feet minimum requirement takes precedent over the four feet minimum side-yard setback between buildings only.

Mr. John Seifert asked if home construction will begin within the next 12 months. Mr. Jeff Mullins stated that the rocky soil has been challenging but they intend to submit a final plat within the next 60 to 90 days.

Motion:

Mr. Potter motioned to approve the preliminary plat for The Heights at Town Madison (PP 2018-007) with contingencies.

Planning Department

1. All references to Town Madison Boulevard must note right-of-way and easements as depicted in the recorded certified plat (2018-00020769)
2. Cover Sheet: Signatures
 - 1) Cable
 - 2) Phone
 - 3) Huntsville Utilities
 - 4) North Alabama Gas
3. Label bearing and distance for area in top middle of Sheet 5. Label use. It extends from the north need of Iberville Street
4. Engineer's seal and signature is missing on sheet 5

Engineering Department

1. Provide digitals of site plan and drainage report summary showing that development meets City detention and MS4 requirements.
2. Provide approved ADEM permit.
3. HGL did not print on profile sheet.
4. Provide drainage easement with adjoining land owner.

Mr. Seifert seconded the motion.

Final Vote:

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

Motion Carried

6. **Wells Estates (Preliminary Plat 2018-008)**
Preliminary plat for 5 lots on 2.68 acres. (Variance to Section 5-4-1 and Section 5-4-2 of the Subdivision Regulations)
Location: North of Mill Road, East of Mose Chapel Road
Applicant: Rachel Brown Homes

Property Owner: Yen Chie-Chung

Applicant Comments

Jeff Mullins from Mullins, LLC stated that he was available to answer questions related to the project.

Staff Report

Mr. Johnny Blizzard stated that this proposed preliminary plat will add five new residential lots and provide an internal street system linking Mose Chapel Road and Lauren Preserve Subdivision by extending Minden Way 193.76 feet to the west. Mr. Blizzard also stated the applicant is requesting a variance to Section 5-4-1 of the Subdivision Regulations to allow a 40 foot right-of-way for Minden Way and Section 5-4-2 of the Subdivision Regulations to allow a 22 foot paved area for Minden Way. Mr. Blizzard stated that staff supports the variance requests from Section 5-4-1 and Section 5-4-2 of the Subdivision Regulations because both the right-of-way and paved area matches those existing for Minden Way in Lauren Preserve Subdivision. Mr. Blizzard stated that staff recommends approval with contingencies.

Public Comments

Mr. Jim Roberts stated that flooding occurs where lots 3, 4 & 5 are proposed and that he is opposed to the Minden Way extension and asked for an exception to this requirement.

Mr. Rick Turner stated that he is the Home Owners' Association president representing thirty-one home owners in the Lauren Preserve Subdivision. Mr. Turner stated that he is concerned about flooding and about the safety of children in the neighborhood due to increased vehicular traffic. Mr. Turner also stated that he does not understand the logic of adding more lots and expecting the same amount of storm water runoff.

Commission Comments

Mr. Wesson asked staff to respond to the public comments.

Mr. Gary Chynoweth stated the drainage will occur in a drainage easement, and trees in the area of the flooding will have to be removed to provide adequate storm drainage.

Mr. Michael Potter stated that fences across drainage ditches also contribute to flooded properties. Mr. Potter also asked Mr. Mullins if there were additional design measures to help mitigate the flooding in the area behind lots 3, 4 & 5. Mr. Jeff Mullins stated that an additional swale is designed for that area as well as a proposed installation of storm pipes.

Mr. Gary Chynoweth stated that the storm water piping is proposed for along Mose Chapel Road and bringing the surface runoff to the south side of lot 5. Mr. Chynoweth stated that it would be the same amount of storm water discharge but it will be handled by different systems. Mr.

Chynoweth stated that MS4 requirements will be placed in the public utility and drainage easement and inspected yearly. He stated that City Ordinances require Minden Way to be extended to Mose Chapel Road, which is a very low volume road.

Mr. Potter stated that this same situation occurred with the Belmont Subdivision, and there hasn't been any issues. Mr. Brooks stated that the Minden Way stub that exists now was built so there could be a connection to Mose Chapel Road.

Motion 1:

Mr. Potter motioned to approve the variance to Section 5-4-1 and Section 5-4-2 of the Subdivision Regulations. Mr. Seifert seconded the motion.

Final Vote:

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

Motion Carried

Motion 2:

Mr. Brooks motioned to approve the preliminary plat for Wells Estates (PP2018-008) with contingencies.

Planning Department

1. A variance to Section 5-4-1 and Section 5-4-2 of the Subdivision Regulations will be required. Section 5-4-1 is for right-of-way width and Section 5-4-2 is for pavement width.
2. Cover Sheet: Signatures:
 - 1) North Alabama Gas
 - 2) Huntsville Utilities
 - 3) Phone
 - 4) Cable
3. Note on Sheet 1 that sidewalks adjoining Mose Chapel must be five feet in width. Those along Minden Way may be four feet in width. They all may be constructed by individual homebuilders as a condition of certificate of occupancy.

Engineering Department

1. Subdivision drainage does not meet City MS4/Detention requirements.
2. Note access to Lots 2 & 3 is restricted to Minden Way

Mrs. McCollum seconded the motion.

Final Vote:

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

Motion Carried

7. 33 Hughes Road at Lanier Park (Certified Plat 2018-013)

Certified Plat for 1 lot on 2.30 acres.

Location: 33 Hughes Road (North of Colonial Way, East of Hughes Road)

Applicant/ Property Owner: Seven Cedars, LLC

Applicant Comments

None.

Staff Report

Mr. Johnny Blizzard stated that this a request to eliminate the 80 foot minimum building line running parallel to the front property line and establish a 20 foot minimum building line for the lot on 2.30 acres. Mr. Blizzard stated the current addition of the Zoning Ordinance requires a 20 foot front setback in the B3 District, and the proposed certified plat includes a 20 foot minimum building line to reflect the current zoning regulation. Mr. Blizzard also stated that it has been the practice recently to discourage minimum building lines on subdivision plats because zoning standards change. However, in this case, a new minimum building line must be established to supersede the existing 80 foot minimum building line. Mr. Blizzard stated that staff recommends approval.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Bates motioned to approve the certified plat for 33 Hughes Road at Lanier Park (CP2018-013). Mr. Seifert seconded the motion.

Final Vote:

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

Motion Carried

8. Madison Industrial Park (Certified Plat 2018-012)

Certified Plat for 1 lot on 1.46 acres.

Location: Northeast corner of Madison Boulevard and Research Boulevard

Applicant/ Property Owner: Family Security Credit Union

Applicant Comments

None.

Staff Report

Mr. Johnny Blizzard stated that this a request to consolidate four lots into one 1.46 acre lot. Mr. Blizzard stated that the consolidation of the lots will prepare the site, which is zoned B-3, for the construction of a Family Security Credit Union. Mr. Blizzard stated that the proposed certified plat meets all applicable regulations and staff recommends approval with contingencies.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Brooks motioned to approve the certified plat for Madison Industrial Park, Phase 3 (CP2018-012), with contingencies.

Planning Department

1. Label the name, address and deed recording number of property owner
2. Signatures:
 - 1) Surveyor
 - 2) Dedication
 - 3) Notary's Acknowledge

Engineering Department

1. Provide Minimum Finish Floor Elevations for each lot.

Mr. Bates seconded the motion.

Motion Carried

9. **Greenbrier Hills, Phase 2 (Final Plat 2018-005)**

Final Plat for 52 lot on 15.04 acres.

Location: North of Tubman Drive, East of Faulkner Road, off of Hardiman Road

Applicant/ Property Owner: Madison Land Resources

Applicant Comments

David Hall, representing the applicant, stated that he is requesting approval for the final plat of 52 lots.

Staff Report

Mr. Johnny Blizzard stated that this is a request for a final plat for 52 lots on 15.04 acres. Mr. Blizzard stated that the smallest lot will have an area of 8,400 square feet, and the average lot area will be 9,973 square feet. Mr. Blizzard also stated that Dylan Road will be extended 729.20 linear feet and stub into the adjoining property to the north and a new street (Burke Street) will bridge the gap between Faulkner Road and Dylan Road. Mr. Blizzard stated that the proposed final plat meets all applicable regulations and is consistent with the approved preliminary plat. Mr. Blizzard stated that staff recommends approval and there are no contingencies.

Public Comments

None.

Commission Comments

None.

Motion:

Mr. Bates motioned to approve the final plat for Greenbrier Hills, Phase 2 (FP2018-005). Mr. Cowles seconded the motion.

Final Vote:

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

Motion Carried

Public Hearing Closed

New Business

None.

ADJOURNMENT

Mr. Wesson adjourned the meeting at 6:44 p.m.

Minutes Approved



Troy Wesson, Chairman

ATTEST:



Johnny Blizzard, Senior Planner and Recording Secretary

