



PLANNING COMMISSION

CITY OF MADISON, ALABAMA MINUTES OF THE APRIL 15, 2010 REGULAR MEETING

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

ROLL CALL

Planning Commission Board Members

Planning Commission Chairman

CHARLIE BROWN, C.A.P.Z.O. PRESENT

Planning Commission Vice Chairman

STEPHEN BROOKS ABSENT

City Council Member

TIM COWLES ABSENT

CYNTHIA MCCOLLUM PRESENT

STEVEN RYDER, C.A.P.Z.O. PRESENT

CAMERON GROUNDS, C.A.P.Z.O. PRESENT

DAMIEN BIANCA PRESENT

LEWIE L. BATES, III, C.A.P.Z.O. PRESENT

MICHAEL POTTER, C.A.P.Z.O. PRESENT

PLANNING STAFF PRESENT

JOHNNY BLIZZARD, AICP, CFM, CHIEF PLANNER; GARY CHYNOWETH P.E., CITY ENGINEER; KEITH CONVILLE, ENGINEERING TECHNICIAN; KELLY BUTLER, CITY ATTORNEY; GINA ROMINE, CFM, C.A.P.Z.O., PLANNER I AND PLANNING COMMISSION SECRETARY.

REGISTERED PUBLIC ATTENDEES

Tim Morris; Sarah K. (Kathy) Yocom – Franklin Station President; Roger Yocom; Arthur Spencer; Linnie McMillan; Troy Wesson; Kari Elliott; Ronald D. Matthews; Gray Winn; Tim Holcombe; John D. Seifert II; Rob Jassey; Rick Campbell; Phill Wilbanks; John Wisda; Linda Chandler; David Cochran; John A. Jones; Joe Murphy; Miranda Cassell; Don Spencer Jr.; Dave Farner; Dan Rhodes and four illegible signatures.

MINUTES APPROVAL

March 25, 2010 Minutes of Regular Meeting

Chairman Brown stated that the minutes will be approved as written.

PUBLIC COMMENTS

Chairman Brown opened the floor to public comment. Roger Yokom, 234 Pennsylvania Avenue raised questions regarding the Balch Road widening project. Points of concern were new development, right of ways, addition of extra lanes to some roads and 3-laning others and cost sharing. Gary Chynoweth stated the planning was through MPO and only the design had been funded thus far. Chairman Brown stated that the impact on traffic flow is a consideration during the review process for new developments. There being no public comment, Chairman Brown closed the floor.

REQUESTED REVISION TO THE CITY OF MADISON'S ZONING ORDINANCE

- 1) The City of Madison's Planning Commission held a public hearing to consider Wiz Kidz, LLC's request to rezone land located west of Balch Road and south of Gillespie Road from R3A, Single-Family Detached Residential to B-2, Community Commercial – request consists of 5.49 acres.

Staff Report: Johnny Blizzard explained the request, consisting of 2 parcels with 1.56 acres of conservancy area. A layout was given for Spencer rezoning and was requested for this project as well. A layout would better convey the intent of future development. More known's are needed. 3 ways to handle – request for layout at council, table or deny.

Developer Comments: John Wisda, managing member for Whiz Kidz, stated he presented it before with concept and it was denied. Zoning regulations specifies what is required. All drawing pictures will do is to make someone feel better but he doesn't have to adhere to it. Homes do not exist currently and he owns the property.

Public Comments: Kathy Yokom, Franklin Station raised concern regarding safety of commercial zoning; John Seaford, 121 Woodley, questioned number of lots – reduced from 85 to 61; Rob Jassey stated the rights of the property owner should be protected and picture should show what will be done; Troy Wesson stated there should be more buffers and that he likes neighborhood commercial. Johnny Blizzard stated that many of the concerns are addressed in the zoning ordinance including buffering, architectural elements, landscaping and lighting. Tim Holcombe stated he has received a dozen emails in opposition and one in support of the rezoning. He asked for clarification regarding the connectivity to the Gillespie entrance, the road running along Conservancy and deceleration/turn lanes. Ron Matthews, 436 Thoreau Springs expressed concern regarding proximity to Emerson Road.

Board Comments: Mr. Potter stated that Mr. Wisda has done everything imaginable and has been before Planning Commission 3 times; a great effort by developer and engineer. Mr. Ryder asked why B-2 and not B-1 was requested; what type of business will be there? Mr. Wisda stated he would want to put what looked best and is most compatible.

Motion: Mr. Potter moved to approve the request to rezone 5.49 acres located west of Balch Road and south of Gillespie Road from R3A, Single-Family Detached Residential to B-2, Community Commercial. Mr. Grounds seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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	Nay
Planning Commission Member – Lewie L. Bates III	Nay
Planning Commission Member – Michael Potter	Aye

Motion carried.

- 2) The City of Madison’s Planning Commission held a public hearing to consider Wiz Kidz, LLC’s request to rezone land located West of Balch Road and South of Gillespie Road from R-3A, Single-Family Detached Residential District to B-2, Community Commercial – request consists of 2.75 acres

Staff Report: Johnny Blizzard stated that staff recommends a conceptual drawing to reflect buffering and other measures to minimize the impact on the adjacent neighborhoods.

Public Comments: Rob Jassey reiterated concerns; Ron Matthews stated could be adding 15-20 acres of commercial. He did not think this area would be commercial mixed area. John Seaford made comments about county areas. Has worst case scenario been designed for? Zoning laws should be more restrictive. David Cochran, 107 Knotting Place questioned long term plan consideration with tax revenues, etc. Miranda Castle, Knotting Place, stated she is opposed to commercial in this area. Amy Furfori discussed long term, not just to bring in commercial. Kelly Butler stated that when requests are presented, the City has no say in what is requested.

Motion: Mr. Potter moved to approve Wiz Kidz, LLC’s request to rezone land located West of Balch Road and South of Gillespie Road from R-3A, Single-Family Detached Residential District to B-2, Community Commercial – request consists of 2.75 acres. Ms. McCollum seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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	Nay
Planning Commission Member – Lewie L. Bates III	Nay
Planning Commission Member – Michael Potter	Aye

Motion carried.

FINAL PLATS

- 3) Rainbow Mountain Preserve **moved up from item 10 on Agenda**
 Location: north of Scenic Drive and Kensington Drive
 Representative: Goodwyn, Mills & Cawood
 Owner: Rainbow Mountain Preserve, LLC
 Lots: 18
 Acreage: 46.19

Staff Report: Johnny Blizzard stated the Technical Review Committee has reviewed this project and as of this date the following comments have not been satisfied:

1. Digital submittal
2. Performance bonds

Motion: Mr. Ryder moved to approve the Final Plat of Rainbow Mountain Preserve with the satisfaction of outstanding staff comments. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

CERTIFIED PLATS

- 4) North Madison Commercial Park – **Pulled from agenda**
Location: north of Highway 72 and east of Wall-Triana Highway
Representative: McElroy Land Surveying Co.
Owner: Don Spencer
Lots: 2
Acreage: 32.24

LAYOUT PLATS

- 5) Applewood
Location: west of Balch Road and south of Gillespie Road
Representative: Johnson and Associates
Owner: Wiz Kidz, LLC
Lots: 61 residential, 2 commercial, 1 park and 3 common areas
Acreage: 28.59

Staff Report: Johnny Blizzard stated the Technical Review Committee has reviewed this project and as of this date all comments have been satisfied. He stated that the following variance had been requested:

1. A variance is requested that the developer not be required to construct two subdivision accesses at Balch Road and Gillespie Road.

Public Comments: Tim Holcombe applauded staff and Planning Commission members on requiring signage in common areas. He questioned the sidewalk requirement along Gillespie but not on Balch. Johnny Blizzard stated the notes do not belong on layout but will be at preliminary plat stage. Lennie McMillan asked where the park inside the subdivision would be located. Further that he is glad to see houses behind the neighborhood.

Motion: Mr. Potter moved to approve the requested variance that the developer not be required to construct two subdivision accesses to Balch and Gillespie Roads. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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. Bates moved to approve the Layout Plat of Applewood Subdivision. Mr. Grounds seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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

6) Olde Heritage, Phase 1

Location: south side of Brown’s Ferry Road between Bowers Road and Morris Drive

Representative: Johnson & Associates

Owner: Howard Gray Winn, Jr. and Darren Sides

Lots: 77 residential, 3 commercial and 4 tracts

Acreage: 156

Staff Report: Johnny Blizzard stated the Technical Review Committee has reviewed this project and as of this date the following comments have not been satisfied:

1. Fire flows
2. Signature – Limestone County Water and Sewer

Motion: Mr. Bates moved to approve the Preliminary Plat of Olde Heritage, Phase 1 with the satisfaction of outstanding staff comments. Mr. Ryder seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

- 7) Whitworth Farms, Phase 4 – Re-preliminary plat approval
Location: northeast corner of Hardiman Road and Burgreen Road
Representative: Landmark Engineering
Owner: Diltina Development Corporation
Lots: 49
Acreage: 22.21

Staff Report: Johnny Blizzard stated that all outstanding comments were satisfied prior to the meeting.

Motion: Mr. Ryder moved to approve the Re-preliminary plat of Whitworth Farms, Phase 4. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

FINAL PLATS

- 8) Greenbrier Woods
Location: west of Burgreen Road, south of Powell Road and north of Cedar Acres Drive
Representative: Wilbanks Land Surveying Company
Owner: Walden Land Company
Lots: 35 and 1 tract
Acreage: 69.62

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

Planning comments:

1. Certification fee: \$1,800.00
2. Sign fee: \$2,210.00
3. Digital submittal
4. Performance bonds
5. Closure tape
6. Note the recorded subdivision for land to the north
7. Signature – Athens Utilities
8. Show common area

Engineering comments:

1. Prescriptive right-of-way for Cedar Acres Lane should be Cedar Acres Drive

Motion: Mr. Bates moved to approve the Final Plat of Greenbrier Woods subdivision with the satisfaction of outstanding staff comments. Mr. Ryder seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

- 9) Brighton Park at Ashbury, Phase 1
Location: east and south of Hardiman Road
Representative: Goodwyn, Mills & Cawood
Owner: Huntsville Enterprises
Lots: 30
Acreage: 50.09

Staff Report: Johnny Blizzard stated the Technical Review Committee has reviewed this project and as of this date the following comments have not been satisfied.

Planning comments:

1. Certification fee: \$1,500.00
2. Sign fee: \$1,615.00
3. Digital submittal
4. Label ingress/egress on temporary turn around on Brighton Park Way
5. Performance bonds
6. Signature – Athens Utilities

Public Comments: Willie Tomlin voiced concerns about Hardiman Road and the right turn lane. Also stated a pile of dirt has been there for 2 years. Gary Chynoweth informed him that there is a plan to widen Hardiman Road.

Motion: Mr. Ryder moved to approve the Final Plat of Brighton Park at Ashbury, Phase 1 with the satisfaction of staff comments. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

10) Chelsea Park

Location: east of Balch Road and north of Foxfield Subdivision

Representative: Wilbanks Land Surveying Company

Owner: Jeff Benton Development, Inc.

Lots: 25 and 1 tract

Acreage: 24.73

Staff Report: Johnny Blizzard stated the Technical Review Committee has reviewed this project and as of this date the following comments have not been satisfied:

1. Digital submittal
2. Closure tape
3. Performance bonds
4. Provide deed book and page of adjoining property owners

Public Comments: Tim Holcombe asked what the plan is for the Mill Creek Greenway. Gary Chynoweth stated it would be located at the west end of the property.

Motion: Mr. Bates moved to approve the Final Plat of Chelsea Park subdivision with the satisfaction of outstanding staff comments. Mr. Potter seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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. Introduction of proposed change to Commercial Districts in the Madison Zoning Code.

Amy Furfori presented proposed amendments drafted in an effort to encourage commercial development and requested a public hearing to be set for May.

Motion: Mr. Bates moved to request a public hearing be set for May for the review and discussion of proposed changes to Commercial Districts in the Madison Zoning Code. Ms. McCollum seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Absent
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.

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

ADJOURNMENT

With no additional business to discuss Chairman Brown adjourned the meeting at 7:42 p.m.

Minutes Approved,



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

ATTEST:



**Sherri Blair, CFM, C.A.P.Z.O., Zoning Administrator
Recording Secretary**