



PLANNING COMMISSION
CITY OF MADISON, ALABAMA
MINUTES OF THE MAY 20, 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	PRESENT
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	ABSENT
LEWIE L. BATES, III, C.A.P.Z.O.	PRESENT
MICHAEL POTTER, C.A.P.Z.O.	PRESENT

PLANNING STAFF PRESENT

JOHNNY BLIZZARD, CHIEF PLANNER; GARY CHYNOWETH, CITY ENGINEER; KEITH CONVILLE, ENGINEERING TECHNICIAN; KELLY BUTLER, CITY ATTORNEY; GINA ROMINE, PLANNER I AND PLANNING COMMISSION SECRETARY AND SHERRI BLAIR, ZONING ADMINISTRATOR AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Judy Stewart McMurry; Joe Murphy; Rick Campbell; Linda Chandler; Loran Dickerson; Sharon Witczak; Sonia Shiflett.

MINUTES APPROVAL

April 15, 2010 Minutes of Regular Meeting

Chairman Brown asked commission members if any changes or corrections to the April 15, 2010 minutes were requested. There being no changes or corrections, Chairman Brown stated the minutes would be approved as written.

PUBLIC COMMENTS

Chairman Brown opened the floor to public comment. 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 will hold a public hearing to consider The City of Madison's request to change the Commercial Districts section in the Madison Zoning Code.

Staff Report: Johnny Blizzard presented proposed revisions to the Madison Zoning Ordinance regarding commercial districts. He stated that as it currently exists, some contractors and developers find it difficult to read. The proposed changes are intended to make it more "user friendly".

Public Comments: No comments

Board Comments: Mr. Grounds stated that the alcohol sales information needs to be in synch with the Revenue Code. Mr. Blizzard stated that he would meet with Mr. Grounds to merge the two. Mrs. McCollum inquired when halfway houses would be interjected into the code. Mr. Blizzard stated the changes would be a part of the residential code changes.

Motion: Mr. Potter moved to accept the changes to the Commercial Districts section of the Madison Zoning Code with the discussed corrections, and to recommend to City Council for adoption. Mr. Ryder seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

CERTIFIED PLATS

- 2) A resubdivision of Lot 1, Rainbow Mountain Preserve and Lot 28, Woodfield Second Addition
Location: north and west of Kensington Drive
Representative: Goodwyn, Mills and Cawood, Inc.
Owner: Rainbow Mountain Preserve, LLC and Linda Chandler
Lots: 2
Acreage: 1.231

Staff Report: Johnny Blizzard stated the Technical Review Committee had reviewed this project and the following Engineering comments had not been satisfied:

1. Variance – Lot lines being radial for the new lot line between Common Area "A" and Lot 1 Rainbow Mountain Preserve and Lot 28, Block 1 Woodfield Subdivision Second Addition.
2. Adjust property line as shown

He further explained that the developer was conveying 15 feet to lot 1 to allow preservation of existing trees. Gary Chynoweth explained the need for radial lot lines was to maintain the uniformity of the lots

Developer Comments: No Comments

Public Comments: Sharon Witzak, no address given, voiced objections to the plan for storm water drainage. Her yard is eroding and water needs to be redirected to closest pipe. Chairman Brown stated that this objection was out of order and should have been made during the public comments time period at the beginning of the meeting. Further, if the City Engineer says the plan is ok then the city can't force the developer to do anything more. Mr. Chynoweth stated that the water is staying within the property line shared with Clift's Cove but he will continue to monitor.

Linda Chandler, Lot 28 Woodfield, stated she has a large area with hydrangeas and to please vote yes so she can keep them.

Board Comments: No Comments

Motion: Mr. Ryder moved to approve applicant's request for a variance to Section 5-6(f) of the City of Madison Subdivision Regulations requiring radial lot lines being between Common Area "A" and Lot 1 Rainbow Mountain Preserve and Lot 28, Block 1 Woodfield Subdivision Second Addition. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

Motion: Mr. Ryder moved to approve the Certified Plat of the Resubdivision of Lot 1 Rainbow Mountain Preserve and Lot 28, Block 1 Woodfield Subdivision Second Addition. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

- 3) Little Shiloh Primitive Baptist Church – **Pulled from Agenda at Applicant’s Request**
 Location: west of and adjacent to Maple Street approximately ¼ miles south of Mill Road
 Representative: J. Kevin Gardner, PLS
 Owner: Little Shiloh Primitive Baptist Church
 Lots: 2
 Acreage: 3.25

LAYOUT PLATS

- 4) Ashbury, Phase 3
 Location: west of Ashbury 2, south of Creekside at Hardiman Place
 Representative: Martin Surveys
 Owner: Ashbury Development and Properties, LLC
 Lots: 154
 Acreage: 47.38

Staff Report: Johnny Blizzard stated the Technical Review Committee had reviewed this project and all comments have been satisfied.

Developer Comments: No Comments

Public Comments: No Comments

Board Comments: No Comments

Motion: Mr. Bates moved to approve the Layout Plat of Ashbury Phase 3. Mrs. McCollum seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

PRELIMINARY PLATS

- 5) Ashbury, Phase 3
 Location: west of Ashbury 2, south of Creekside at Hardiman Place
 Representative: Trice P.C./Martin Surveys
 Owner: Ashbury Development and Properties, LLC
 Lots: 154
 Acreage: 47.38

Staff Report: Johnny Blizzard stated the Technical Review Committee had reviewed this project and the following comments have not been satisfied. He explained the outstanding comments for Planning and Engineering departments.

Planning comments:

1. Application fee- \$25.00 (contact Gina Romine at 256-464-8427 or gina.romine@madisonal.gov)
2. Drainage Review fee- \$261.90 (contact Gina Romine at 256-464-8427 or gina.romine@madisonal.gov)
3. Closure Tape
4. Identify 3 tracts in lot table, drawing and notes
5. Correct flood note
6. Note all tracts containing wetlands to have a blanket U&D easement
7. Provide a Certificate for Madison Planning Commission

Engineering comments:

1. Wetland crossing identification is not correct – 2006-01695 for fill of 1.37 acres in NW corner – NWP#14 for crossing
2. ? NWP#14 still valid or active
3. Wetland signage is required on each lot that abuts wetlands
4. Remove the word “Alabama” from Note 9 on the cover sheet.

Developer Comments: No Comments

Public Comments: No Comments

Board Comments: No Comments

Motion: Mr. Brooks moved to approve the Preliminary Plat of Ashbury, Phase 3 subject to the satisfaction of outstanding staff comments. Mr. Bates seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

FINAL PLATS

- 6) Three Maples, Phase 1 - f/k/a Shiloh Creek, Phase 1
 Location: south of Brown’s Ferry Road, ½ mile west of Wall-Triana Highway
 Representative: Goodwyn, Mills, and Cawood, Inc.
 Owner: Shiloh Run, LLC
 Lots: 19
 Acreage: 20.59

Staff Report: Johnny Blizzard stated the Technical Review Committee had reviewed this project and all comments have not been satisfied. He read and explained the following:

Planning comments:

1. Certification fee- \$950.00 (contact Gina Romine at 256-464-8427 or

gina.romine@madisonal.gov)

- 2. Sign Fee- \$850.00 (contact Gina Romine at 256-464-8427 or gina.romine@madisonal.gov)
- 3. Performance Bonds
- 4. Title Opinion
- 5. Monuments
- 6. City Engineer & Planning Commission Certificates reference Brighton Park
- 7. Signature-Dedication
- 8. Signature-Huntsville Utilities
- 9. Signature-North Alabama Gas
- 10. Note variances granted

Engineering comments:

- 1. Valid ADEM Permit required
- 2. Developer must repair damage caused by erosion and prevent new damage with erosion control to be defined by owner.

Developer Comments: No Comments

Public Comments: Judy McMurray stated her lot, which is located behind 3 Maples, has received extensive erosion damage because of the developer’s inadequate erosion control methods. Sonia Shifflet, who lives on Bibb Drive, described property damage to the rear of her lot and damage to her fence caused by developer. Gary Chynoweth stated that her lot would be a part of the Mill/Telluride drainage project and will correct her erosion issues this summer.

Board Comments: No Comments

Motion: Mr. Brooks moved to approve the Final Plat of Three Maples, Phase 1 F/K/A Shiloh Creek, Phase 1, with the satisfaction of outstanding staff comments and the addition of the following comment: Developer must repair damage caused by erosion and prevent new damage with erosion control to be defined by owner. Ms. McCollum seconded the motion and the vote was as follows:

Final Vote:

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

Motion carried.

- 7) Whitworth Farms, Phase 4
 Location: northeast corner of Hardiman Road and Burgreen Road
 Representative: Landmark Engineering
 Owner: Diltina Development Corporation
 Lots: 49
 Acreage: 22.2

Staff Report: Johnny Blizzard stated the Technical Review Committee had reviewed this project and all comments have not been satisfied. He read and explained outstanding Planning and Engineering comments.

Planning comments:

1. Performance Bonds
2. Signature-Dedication
3. Signature-Mortgage Holder
4. Signature-Acknowledgments
5. Signature-Athens Utilities
6. Signature-North Alabama Gas

Engineering comments:

1. Valid ADEM Permit required

Developer Comments: Rick Campbell on behalf of Diltina Development Corporation presented a request for a variance allowing developer to pay \$25 per foot sidewalk fee in lieu of laying the sidewalk at the time of development and to waive requirement to put pedestrian walkway between houses as shown on plat. Johnny Blizzard stated that staff did not support the pedestrian walkway waiver because it is more difficult once houses are built. Also, homeowners would not be aware of the walkway and would challenge the construction.

Public Comments: No Comments

Board Comments: Mr. Potter stated that he believed accepting bond for sidewalk would be fine but agreed the pedestrian walkway should not be waived. Mr. Ryder questioned whether the sidewalk would be damaged by the proposed construction on Burgreen and Hardiman. Gary Chynoweth stated he believed it would be and that accepting the bond and allowing the city to construct later would be an agreeable solution. Mrs. McCollum asked if \$25 per foot would be enough money to pay for the city's construction of the sidewalk later to which Mr. Chynoweth stated yes.

Motion: Mr. Potter moved to approve applicant's request to pay to the city \$25 per foot, in lieu of constructing required sidewalk and to deny the waiver for the required pedestrian walkway. Mr. Bates seconded and motion and the vote was as follows:

Final Vote:

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

Motion carried.

Motion: Mr. Bates moved to approve the Final Plat of Whitworth Farms Phase 4 subject to the satisfaction of all outstanding staff comments. Mr. Ryder seconded and motion and the vote was as follows:

Final Vote:

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

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	Absent
Planning Commission Member – Lewie L. Bates III	Aye
Planning Commission Member – Michael Potter	Aye

Motion carried.

OTHER BUSINESS

Chairman Brown opened the floor to other business:

- 1) Request for 30-day extension on the approval of Greenbrier Woods, final plat – approved April 15, 2010. Gina Romine stated that a 30-day extension will allow applicant to meet the contingency requirements.

Motion: Mr. Ryder moved to approve the request of Murphy Homes for a 30-day extension on the approval of the final plat for Greenbrier Woods Phase 1. Mr. Bates seconded and motion and the vote was as follows:

Final Vote:

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

Motion carried.

- 2) Request for 30 day extension on the approval of Olde Heritage, Phase 1, preliminary plat – approved April 15, 2010. **Pulled from Agenda**
- 3) Introduction of proposed Flood Damage Prevention Ordinance – Johnny Blizzard introduced and explained the need for a Flood Damage Prevention Ordinance. He stated he believed it would be better to have as a standalone ordinance and not part of the Zoning Code. Charlie Brown explained what the significance of the Ordinance was. Board members requested changes be made to make in line with City of Madison needs/requirements and not just FEMA. Johnny Blizzard stated he would discuss the comments with Ken Meredith to determine whether the requested changes would make the ordinance non-compliant. Kelly Butler suggested Mr. Blizzard ask Ken Meredith how far the City can take modifications. Mr. Potter would like to see a URL to the flood map and Mr. Ryder requested definitions of the various zones also be included.
- 4) Eric Lane, Goodwyn Mills & Cawood appeared on behalf of the developer and requested a 30-day extension for approval of the final plat for Brighton Park.

Motion: Mrs. McCollum moved to approve the request of Goodwyn Mills & Cawood for a 30-day extension on the approval of the final plat for Brighton Park. Mr. Potter seconded and motion and the vote was as follows:

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
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	Absent
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 adjourned the meeting at 6:57p.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