ORDINANCE NO. 2014-21


WHEREAS, on January 31st, 2014, Linda B. Haney, being the owner of the property or territory hereinafter set forth, did file with the City Clerk of the City of Madison, Alabama, a written petition requesting that said property or territory owned by them, as set forth herein, be annexed into the City of Madison, Alabama, said property being contiguous to the current City boundary of the City of Madison, Alabama, or to be contiguous pursuant to the annexation of lands annexed simultaneously herewith, and being more specifically described as follows:

An accurate description of the property or territory proposed to be annexed is as follows:

All that part of the Southwest Quarter of Section 1, Township 4 South, Range 3 West, described as beginning at the center of said Section 1, said point being in the center of County Line Road; thence South along the center of said road 17.67 chains; thence South 89.5 degrees West 26.84 chains; thence North 18.26 chains to a point on the quarter section line; thence with same East 26.84 chains to the beginning and containing 48.20 acres, more or less, and being the same real estate conveyed to Thomas V. Burgreen by deed recorded in Volume 413, page 353, and also being the same parcel devised to the grantee herein under Item 4. of the Last Will and Testament of Thomas V. Burgreen, deceased.

Section 2. That the Mayor and Presiding Officer of the City Council of the City of Madison, Alabama, and the City Clerk of said municipality are hereby authorized and directed, for and on behalf of the governing body of said municipality, to file a description of the property or territory herein annexed in the Offices of the Judges of Probate of Madison County, Alabama and Limestone County, Alabama. That the City Attorney of said municipality is hereby further authorized and directed to obtain preclearance of this annexation to the City of Madison, Alabama, under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. Section 1973c and the regulations adopted pursuant thereto.

Section 3. That Section 2-2(b)(1) of the Madison Code of Ordinances be amended to enlarge District 2 to include the lands annexed hereby within said district.
Section 4. That the following will apply to development on the subject property:

Section 5. That this Ordinance shall become effective upon the final publication thereof as required by law.

Section 6. That the property or territory described in this Ordinance shall become a part of the corporate limits of the City of Madison, Alabama, upon the final publication of the Ordinance as provided for in Section 6 above.

READ, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Madison, Alabama on this the ______ day of March, 2014.

______________________________
Tommy Overcash, President
Madison City Council
City of Madison, Alabama

ATTEST:

______________________________
Melanie A. Williard, City Clerk-Treasurer

APPROVED this _______________ day of March, 2014.

______________________________
Troy Trulock, Mayor
City of Madison, Alabama
Planning Commission Report

Date: February 14, 2014

Project Name: Haney Property

Subject: Annexation & Zoning Approval

Location of Subject Property
The subject property is located west of Burgreen Road and north of Powell Road.

Background
The property owner, Ms. Linda B. Haney, has petitioned for annexation of the subject property (figure 1) into the City of Madison. The applicant’s representative is Pearson Homes and Smith Engineering Company. As shown in figure 2, the subject property is contiguous with the City of Madison along its east and west boundaries and eligible for annexation.

The subject property is currently utilized for agricultural purposes. The property is not within any Special Flood Hazard Area or jurisdictional wetland. A stream is located on the property that may be under the jurisdiction of the U.S. Army Corps of Engineers. The stream is an unnamed tributary feeding into Moore’s Branch Tributary, which serves as a drainage corridor for much of the surrounding area. The stream is highlighted in blue on figure 3.
**Applicant's Request**

As part of the application process, the applicant is requesting the subject property be zoned R-3A, Single-Family Detached Residential. Smith Engineering Company has submitted a conceptual layout shown in Figure 4. Pearson Homes plans to subdivide the property into lots for single-family detached dwellings, a community club house and an area for open space. An interior street system will also be provided for circulation and access. Pearson Homes plans to develop the subdivision in two phases.
Smith Engineering Company provided a conceptual plan that subdivides the property into 108 residential lots. The total property contains 47.41 acres of land, resulting in a 2.2 dwelling unit per (gross) acre density. The average lot size is 14,899.76 square feet. This density of neighborhood is more consistent with R-1B, Low Density Residential standards than R-3A, Single-Family Detached Residential. The developer is following a familiar trend requesting R-3A, Single-Family Detached Residential because of the smaller setback requirements.

Analysis of the Annexation & Zoning Request
The staff has reviewed the compatibility, impact and benefits to the City, surrounding property owner and the owner/applicant of the annexation and zoning. Planning Commission should study and consider the proposed zoning in relation to the following criteria. In preparing this report, the Technical Review Committee used the same criteria to formulate a recommendation in favor of the proposed zoning.

Criteria #1: Compatibility with Comprehensive Plan
The compatibility of the requested annexation and zoning with all Master Plan(s) of the city.

Growth Plan
The City’s Growth Plan, adopted by the Planning Commission and City Council a few years ago guides that "neighborhood creation" rather than unplanned, conventional subdivision development, should be the focus of the city as development is presented. Included in the creation of neighborhoods is civic amenities including parks, recreation, schools and shopping. However it also notes that single-family neighborhood development will continue to be the most compatibility and highest and best use for much of the Western Development Key Development Area. The proposed annexation for a new neighborhood and the requested zoning
is in compliance with the goals of the Growth Plan. Staff will continue to present to the Planning Commission, the elements of future layout plans for this and other development proposals to ensure we are creating amenity-rich neighborhoods, and connected, walkable and bikable streets an paths.

**Future Land Use Map**

The subject property and surrounding properties to the north, south and west have a land use designation of *R*, Residential. This designation recommends the property be zoned to one of the zoning districts permitting single-family detached dwellings but does not recommend density. The adjoining properties to the east have land use designations of *RM*, Residential Medium Density and *OS*, Open Space.

**Parks & Recreation Plan**

The subdivision regulations require three (3) acres of park land per one-thousand (1000) persons (130.68 square feet per person). *Smith Engineering Company* has submitted a conceptual layout for 108 residential lots. The average number of persons per household in the City of Madison as determined by the *U.S. Census Bureau 2010* is 2.65 persons per single-family detached dwelling. When the number of lots is multiplied by the average family size, the result is a potential population of 286(2) persons. With a park requirement for 130.68 of park per person, an area of 0.86 acres or 37,400.61 square feet of park land would be required. Based on the conceptual sketch, it may be possible to exceed that requirement slightly, given the natural features of the property. All parks must, however, be designed with street frontage so they are accessible to the neighborhood and a true amenity.

**The Major Street Plan**

The level of service for Burgreen Road calculates to “Level A”, which is the best rating for a roadway. Traffic counts were obtained on January 17, 2013 which indicated Burgreen Road had 3,300 trips in a twenty-four hour period. The ratio for a single-family lot based on the *Trips Generation Manual* is 10 trips per day. The proposed 108 lots shown on the conceptual plan in figure 4 could produce 1,080 trips. The capacity for a two lane collector road with an undivided medium is 16,600 trips per day. Therefore, the trips generated by the proposed development will not significantly impact the level of service. Additionally, the Growth Plan emphasized, as do city policies for street stubs and extensions, as well as sidewalks, that connectivity is key in the "creation of neighborhoods". Provisions can be made in this future review of layouts for this property to provide connections to adjoining properties.

**Stormwater Management Plan & Protection of Environmentally Sensitive Areas**

A copy of the permit from the U.S. Army Corps of Engineers must clarify if the stream shown on the property is under their jurisdiction before the layout of streets and lots shown on the conceptual layout can be submitted for official layout approval. Staff recommends an alternate layout showing the arrangement of lots and streets in the event the U.S. Army Corps of Engineers take jurisdiction of the stream.

The stream is a drainage corridor for the subject property and neighboring properties. The retention pond in *Waterford Subdivision* drains directly into the stream located on the subject property and retention ponds in *Cambridge Subdivision* drain into the stream further down. The stream also feeds into *Moore’s Branch*. Therefore, any modifications to the stream must take into account its impact on adjoining and nearby properties.
**Zoning Criteria #2: Existing Land Uses, Zoning & Overall Trend of Development**

The compatibility of the requested annexation and zoning designation with the existing land uses, existing zoning and developments trends of adjoining properties and the surrounding area.

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>Existing Land Use</th>
<th>Proposed Land Use</th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent – North</td>
<td>Agricultural (Limestone County)</td>
<td>Medium Density Single Family Residential</td>
<td>None (Limestone County)</td>
<td>R-3A, Single-Family Detached Residential (City of Madison)</td>
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<td>Adjacent - South</td>
<td>Agricultural (Limestone County)</td>
<td>-</td>
<td>None (Limestone County)</td>
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<td>Adjacent – West (Morris Estates)</td>
<td>Medium Density Single Family Residential (City of Madison/Limestone County)</td>
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<td>R-1A, Low Density Residential</td>
<td>-</td>
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<td>Adjacent – East (Bakers Farm)</td>
<td>Under Development (City of Madison)</td>
<td>Medium Density Single Family Residential</td>
<td>R-3A, Single-Family Detached Residential</td>
<td>-</td>
</tr>
<tr>
<td>Adjacent – East (Private Estate)</td>
<td>Residential (Limestone County)</td>
<td>-</td>
<td>None (Limestone County)</td>
<td>-</td>
</tr>
</tbody>
</table>

**Existing Land Use and Development Trends**

Eastern Limestone County, both within the Madison city limits and outside, is experiencing increasing pace of residential growth. The area is in close proximity to employment and transportation, and offers some beautiful natural features as well. Particularly for Madison, a contributing factor in the increasing number of annexation petitions is the construction of *James Clemens High School* as well as the quality schools overall in Madison. All of these factors have caused a shift in the land use pattern from a farming land use pattern toward a suburban land use pattern, with mostly single-family residential districts with a few supporting commercial uses which will also expand subsequent the increasing number of occupied rooftops.

The proposed development for single-family detached dwellings on individual lots averaging just under 15,000 square feet. Most of the surrounding properties are utilized as farm land or estate lots. The exception is *Morris Estates Subdivision* which adjoins the west side of the subject property. *Morris Estates Subdivision* was developed in unincorporated *Limestone County* and developed at low densities to accommodate private septic systems.
Existing Zoning & Zoning Alternatives

The existing zoning in the area is for single-family development. The setbacks in the R-3A, Single-Family Detached Residential District are: front yard 25 feet; interior side yard, 8 feet; side yard adjoining a street right-of-way, 20 feet and rear yard, 25 feet. A dwelling may not cover more than thirty-three (33%) percent of the lot in this district. The layout proposed will maintain a generally consistent density compared to the surrounding area.

In January of 2013, forty-eight (48) of the lots in Morris Estates Subdivision were annexed into the City of Madison and zoned R-1A, Low Density Residential. This zoning district was most compatible with the characteristics of this existing subdivision.

The adjoining properties to the east are zoned R-2, Medium Density Residential and R-3A, Single-Family Detached Residential. The minimum lot size in R-2, Medium Density Residential is 10,500 square feet and the minimum lot size is 7,500 square feet in R-3A, Single-Family Detached Residential. The property zoned R-3A, Single-Family Detached Residential is the location of Baker’s Farms Subdivision approved by the Planning Commission in December of 2013. The average lot size in Baker’s Farm Subdivision is 16,218 square feet.

The requested zoning of R-3A, Single-Family Detached Residential is the same as Baker’s Farm Subdivision and the conceptual plan submitted indicates the property will be developed in a manner similar to Baker’s Farms Subdivision. The proposed zoning is similar to those properties zoned R-1A, Low Density Detached Residential and R-2, Medium Density Residential in that each district permits only single-family detached dwelling and the subject property will be developed at lower densities than allowed for in R-3A, Single-Family Detached Residential. Therefore, the proposed zoning will not create an isolated district.

The trend in the Western Growth Area has been the approval of zonings or rezoning to R-3A, Single-Family Detached Residential with densities more consistent with medium to low density residential districts. The shorter setbacks widths and increased lot coverage are what makes the R-3A, Single-Family Residential District appealing to developers and builders.
The applicant has submitted a conceptual plan with a 108 lot on 36.59 acres of developable land and yields an average lot size of 14,899.76. This is consistent with previous zonings and rezoning in east Limestone County.

**Criteria #3: Public & Private Impact & Benefit**

The benefits and detriments to the landowner, neighboring property owners, and the community resulting from the rezoning

**Impacts & Benefits to Neighboring Property**

The proposed neighborhood is much like Morris Estates adjoining to the west. The period during which the subdivision is constructed could produce some negative external effects temporarily. City of Madison Inspectors ensure the site is watered periodically to prevent excessive dust and mud in the streets. The City does not allow construction activity between 7:00 a.m. to 9:00 p.m. on weekdays and Saturday or 10:00 a.m. to 7:00 p.m. on Sundays and the following legal holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving and Christmas.

Mature trees along the western property line should be preserved or require replacement in order to maintain some vegetative screening at the property line.

Once the subdivision is completed, construction activity would be limited to individual lots and should not impact adjoining properties. The completed neighborhood would not produce negative external effects greater than those produced by other residential subdivisions in the area.
Impacts & Benefits to the Public

Proposed Development
The requested zoning is appropriate for the character of development in the area. In annexing the property and in reviewing the subsequent layout plans, the city should ensure the focus is on neighborhood creation with amenities and connectivity, rather than simply another subdivision. The conceptual sketch provided by the developer along with the existing natural features to be preserved on this property, make it an attractive addition to the community.

City Services & Madison City School System Impact
Madison City Schools are impacted with each new neighborhood that is created in Madison. For their planning purposes, the schools use a factor of approximately 1.5 students for every new home constructed, therefore about 160 students from this new development. The schools that serve Madison’s western half are growing rapidly in enrollment. James Clemens High School is expected to reach capacity in nine or ten years. Mill Creek Elementary has exceeded capacity and Heritage Elementary School has an enrollment approximately 80% of its student capacity of 900 students. As growth continues in the Western Development Area, it will be increasingly important to annex areas that can be serviced by our community facilities and services, including schools.

City services are impacted with each new annexation and development. Road maintenance, fire and emergency response, police, building and code inspections, among other city department functions, are all impacted. The scale of the proposed annexation and zoning is not significant on its own, but the continuing development of the Western Development Area brings with it public needs and services.

Long Range Utility Plans & Services Impact
The subject property will have water service from Limestone County Water & Sewer Authority. Sanitary sewer is currently not available for this property. Sanitary sewer is under the jurisdiction of Madison Utilities, who has indicted that sanitary sewer is currently not available for the property. Representatives for Madison Utilities has informed Pearson Homes that a pump station will need to be installed and pump to the east into Baker’s Farm Subdivision or install a sanitary sewer line from Greenbrier Woods along the stream to the development. Much like the schools, the City must evaluate the ability of its partners in service-provision, as to the cost of providing services where they are not yet available. In regards to the zoning, the property can be provided sewer, whether by the method above or in the future by gravity as the system expands. So the single-family use is compatible.

Staff Recommendation
Staff recommends approval of the annexation of the Haney Property and zoning designation of the Property to R-3A, Single-Family Detached Residential with appropriate conditions imposed on the annexation petition when it goes to City Council in March and thorough review by staff and Planning Commission to the elements in this report when a layout plat is reviewed in the future.