



PLANNING COMMISSION

CITY OF MADISON, ALABAMA MINUTES OF THE JANUARY 21, 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 PRESENT

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; DAGNAL S. ROWE, ESQUIRE, CONSULTING CITY ATTORNEY; KELLY BUTLER, CITY ATTORNEY; GINA ROMINE, CFM, C.A.P.Z.O., PLANNER I AND BOARD SECRETARY AND SHERRI BLAIR, CFM, C.A.P.Z.O., ZONING ADMINISTRATOR AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

Jennifer Few; Arthur Spencer; Linnie McMillan; Brian Pletcher; Ed Collins; Pat Glenn; Jimmy Glenn; Alan M. Diamant; Rick Shaffer; Arabel Diamant; Leena Jacobs; Don Burgreen; Jackie Burgreen; Joey Burgreen; Martin Sisson; Rudy Hornsby; Catherine Chambers; Robert Chambers; Paula Dvorsky; Paul Dvorsky; Diane Lewis; Royal Lewis; Thomas F. Lydon; Victoria Holder; Richard Holder; Rodney Gruber; Sam Evers; John T. Wright; Nancy Newcomb; John Fellows; Qingyuam Han; Miranda Cassell; Celia Schmidt; Darrell Schmidt; Mark Blair; Gray Wirm; Tim Holcombe; Jan Wells; Gaylee Thorsness; Leo Thorsness; Jason Canale; Joyce Good; Don Good; Karen Forsyth; Jay Forsyth; Scott Shoemaker; Jeff Tennehill; William J. Eggleston III; Susan M. Williams; Carl Pivarsky; Michael E. Jones; Steve Pearce; Gewn Greenway; Milford Greenway; Chris Tarsitano; Tina Tarsitano; Yvette Atokovssok; Scott Coy; Lori Coy; Judy Starling; Bob Starling; Michael Kather; Mariangela Hodgson; Lia Kridner; Matthew Gillespie; Richard Hoffman; David King; Randy Chase; Daniel Cook; Marion Young; Kathy Garcia; Tyree Pettis, Jr.; Patrick Patton; Robert McDonald; Mary McDonald; Forrest G.

Ruble; Michael Hodge; Yolanda Hodge; Denny Bartlett; Dawn Bartlett; Bessie Whitaker; W. C. Fuller; Arbie Parker; Ron Hamner; Pete Maloney; Patty Maloney; Miranda Cassell; James Lake; Tony Mancuso; Sukumar Devineni; Greg Morando; Bev-Ann Herriges; Yvonne Sims and eight illegible signatures.

MINUTES APPROVAL

December 17, 2009 Minutes of Regular Meeting

Chairman Brown stated the minutes will be approved as submitted.

PUBLIC COMMENTS

Chairman Brown opened the floor to public comment. There being no public comment, Chairman Brown closed the floor.

LOCATION, CHARACTER AND EXTENT

Location, Character and Extent – Health Care Authority of the City of Huntsville requesting approval for Madison Hospital located at 8375 Highway 72 West.

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Motion: Mr. Potter moved to approve the location, character and extent of the Madison Hospital. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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.

**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 Howard Gray Winn, Jr. and Darren Sides' request to rezone land located south of Brown's Ferry Road, west of Morris Drive and east of Bowers Road from AG, Agricultural to B-2, Community Commercial District – request consists of 17.34 acres

Staff Report: The Technical Review Committee has reviewed this project and as of this date recommends the proposed amendment.

Developer Comments: Arthur Spencer presented request on behalf of developer.

Public Comments: No comment

Board Comments: Mr. Potter questioned the future changes to Browns Ferry. Gary Chynoweth stated plans to widen to 4 lanes.

Motion: Mr. Potter moved to approve the request of Howard Gray Winn, Jr. and Darren Sides to rezone land located south of Brown's Ferry Road, west of Morris Drive and east of Bowers Road from AG, Agricultural to B-2, Community Commercial District. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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.

- 2) The City of Madison's Planning Commission will hold a public hearing to consider Howard Gray Winn, Jr. and Darren Sides' request to rezone land located south of Brown's Ferry Road, west of Morris Drive and east of Bowers Road from AG, Agricultural to R-3A, Single-Family Detached Residential District – request consists of 32.85 acres

Staff Report: The Technical Review Committee has reviewed this project and as of this date recommends the proposed amendment. Johnny Blizzard explained areas to be rezoned. Developer will request a rezoning of the remaining property at a later date.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Ms. McCollum moved to approve the request of Howard Gray Winn, Jr. and Darren Sides to rezone land located south of Brown's Ferry Road, west of Morris Drive and east of Bowers Road from AG, Agricultural to R-3A, Single-Family Detached Residential District. Mr. Cowles seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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

- 3) Collinwood Estates, Phase VIII
Location: east of Pumphouse Road ¼ mile south of Gillespie Road
Representative: J.W. Kennedy Land Surveyor
Owner: Thomas K. and Janet H. Shields
Lots: 2
Acreage: 4.08 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Mr. Bates moved to approve the certified plat of Collinwood Estates, Phase VIII as submitted. Mr. Brooks seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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.

- 4) Cambridge Commercial Lot
Location: west of County Line Road, south of Crownridge Drive
Representative: Smith Engineering Co. Inc.
Owner: Heritage Plantation Inc.
Lots: 3
Acreage: 3.21 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied. Johnny Blizzard stated the plat meets all the rules and regulations. He further stated that property cannot be conveyed by Plat. Property must be accepted by the City in a conveyance. Dag Rowe stated the City adopted subdivision regulations and is bound to follow them (Smith v. City of Mobile; CRW v. Twin Lake Properties). Kelly Butler stated the City will not insert itself into ownership disputes. A title opinion was performed showing property ownership. Gary Chynoweth stated the purpose of the plat was to subdivide and the parcel would change. It was intended to be a park at some point.

Developer Comments: Mr. Enfinger stated he is trying to complete the planned development; there are safety issues for those using the commercial lot and he is trying to provide a safer alternative.

Public Comments: The following members of the public spoke in opposition: David King; Thomas F. Lydon; John Fellows; Bessie Whitaker; Ron Hamner; Celia Schmidt; Michael Hodge; Bob Chambers; Lori Coy; Bob Starling; Brian Pletcher; Richard Hoffman; Pat Glenn; Leena Jacobs; Steve Pearce; Richard Holder; William J. Eggleston III;

Board Comments: Members discussed options and questioned HOA and developer about time frame to work out differences.

Motion: Mr. Potter moved to table the certified plat for Cambridge Commercial Lot until the next meeting in hopes the two groups can work together in the best interest of all involved. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Nay
Planning Commission Vice Chairman – Stephen Brooks	Nay
Planning Commission Member – Tim Cowles	Nay
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.

- 5) Stillwater Cove Subdivision
Location: west side of Segers Road approximately ½ mile south of Powell Road
Representative: Garver Engineers
Owner: Breland Homes, LLC
Lots: 2
Acreage: 122.11 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Mr. Brooks moved to approve the certified plat of Stillwater Cove as submitted. Ms. McCollum seconded.

Final Vote:

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

Planning Commission Member – Tim Cowles	Aye
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.

LAYOUT PLATS

6) Olde Heritage
 Location: Huntsville Brown’s Ferry Road at Oakland Spring Branch
 Representative: Johnson and Associates
 Owner: Howard Gray Winn, Jr. and Darren Sides
 Lots: 246
 Acreage: 156.04 acres, more or less

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

1. Applicant is requesting a variance to Section 5-5 (B). Several blocks are greater than 720’ in length. 12x60 (minimum width of lots in R-3A)
2. Applicant is requesting a variance to Section 5-3-9 (3) the maximum number of lots allowed without a second entrance is 51.

Developer Comments: Arthur Spencer presented variance requests.

Public Comments: No comment

Board Comments: Board questioned staff regarding maximum lot lengths; second entrance requirements; aesthetics; public safety

Motion: Mr. Ryder moved to approve the requested variance to Section 5-5 (B). Mr. Cowles seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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 requested variance to Section 5-3-9 (3). Mr. Brooks seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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. Brooks moved to approve the Layout Plat of Olde Heritage with approved variances. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
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) Stillwater Cove Subdivision
Location: west side of Segers Road approximately ½ mile south of Powell Road
Representative: Garver Engineers
Owner: Breland Homes, LLC
Lots: 158
Acreage: 123.55 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Mr. Ryder moved to approve the Layout Plat for Stillwater Cove. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
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.

- 8) Madison Industrial Park, Phase 2
Location: north of Madison Blvd., east of Hughes Road, west of Shelton Road and east of Research Blvd.
Representative: 4 Site, Inc.
Owner: Madison West Inc.
Lots: 1
Acreage: 5.02 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Mr. Brooks moved to approve the Layout Plat for Madison Industrial Park Phase 2. Mr. Potter seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
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

- 9) Madison Industrial Park, Phase 2
Location: north of Madison Blvd., east of Hughes Road, west of Shelton Road and east of Research Blvd.
Representative: 4 Site, Inc.
Owner: Madison West Inc.
Lots: 1
Acreage: 5.02 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: No comment

Public Comments: No comment

Board Comments: No comment

Motion: Mr. Ryder moved to approve the Preliminary Plat for Madison Industrial Park Phase 2. Mr. Bates seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
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) Applewood
Location: southwest corner of the intersection of Balch Road and Gillespie Road
Representative: Johnson and Associates
Owner: Wiz Kidz, LLC
Lots: 85 and 2 common lands
Acreage: 28.59 acres, more or less

Staff Report: The Technical Review Committee has reviewed this project and as of this date all comments have been satisfied.

Developer Comments: Arthur Spencer presented information and answered questions from board, public and staff concerning access to special needs park and wetland areas.

Public Comments: The following members of the public spoke in opposition: Miranda Castle; Tim Holcombe

Board Comments: Board members questioned staff regarding subdivision entrance, road width, intersection safety, connector streets and connectivity to Emerson Lane.

Motion: Mr. Cowles moved to table the Re-Preliminary Plat for Applewood Subdivision until the next meeting in order to establish road placement. Mr. Brooks seconded.

Final Vote:

Planning Commission Chairman – Charlie Brown	Aye
Planning Commission Vice Chairman – Stephen Brooks	Aye
Planning Commission Member – Tim Cowles	Aye
Planning Commission Member – Steven Ryder	Aye
Planning Commission Member – Cynthia McCollum	Absent
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

Johnny Blizzard asked that the Board consider changing the regular meeting scheduled for March 18 to March 25 in order that staff can attend and participate in the Alabama Planning Association's spring conference. Chairman Brown agreed to the request.

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

ADJOURNMENT

Chairman Brown adjourned the meeting at 8:30 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