



**City of Athens Planning Commission- Annual Meeting
February 19, 2019**

Work Session at 5:00 p.m. and Regular Meeting at 5:45 p.m.
Location – City Council Chambers, City Hall, 200 Hobbs St. West

CALL TO ORDER.

I. MINUTES.

- a. Regular meeting of January 15, 2018 for approval

OLD BUSINESS

NEW BUSINESS

SUBDIVISIONS

- II. **Public Hearing** Request of the City of Athens for a Final Replat of Breeding Industrial Park Subdivision- Phase II, a subdivision of 67 acres into four lots, located at 333 W. Sanderfer Road, in an M-1, Light Industrial District.
- III. **Resolution** Consider the request of the City of Athens for a Final Replat of Breeding Industrial Park Subdivision- Phase II, a subdivision of 67 acres into four lots, located at 333 W. Sanderfer Road, in an M-1, Light Industrial District.
- IV. **Public Hearing** Request of Joseph and Vicki Dumas for a Certificate to Subdivide for Joseph and Vicki Dumas, a subdivision of a single tract into two tracts of land, located at 24279 Beacon Circle, in an R-1-2 Single Family Medium Density Residential District.
- V. **Resolution** Consider the request of Joseph and Vicki Dumas for a Certificate to Subdivide for Joseph and Vicki Dumas, a subdivision of a single tract into two tracts of land, located at 24279 Beacon Circle, in an R-1-2 Single Family Medium Density Residential District.
- VI. **Public Hearing** Request of Winter Homes, LLC. for a Replat of Lots 9 and 10 of the Village at Canebrake, located at the northern end of Enfield Round Drive, in a C-PUD, Conventional Planned Unit Development District.
- VII. **Resolution** Consider the request of Winter Homes, LLC. for a Replat of Lots 9 and 10 of the Village at Canebrake, located at the northern end of Enfield Round Drive, in a C-PUD, Conventional Planned Unit Development District.
- VIII. **Public Hearing** Request of Derrick and Staci Young and Kelly Garth for a Resubdivision of Lots 12 and 14 of a Map of Subdivision of Lands Owned by Francis M. Crutcher, located at 205 Ridgelawn Drive, in an R-1-1 Single Family Residential District.
- IX. **Resolution** Consider the request of Derrick and Staci Young and Kelly Garth for a Resubdivision of Lots 12 and 14 of a Map of Subdivision of Lands Owned by Francis M. Crutcher, located at 205 Ridgelawn Drive, in an R-1-1 Single Family Residential District.
- X. **Public Hearing** Request of Keith Griffin for a Resubdivision of Tract 2 of Lambert Subdivision, located at 16985 Oakdale Road, in an R-1-1 Single Family Residential District.
- XI. **Resolution** Consider the request of Keith Griffin for a Resubdivision of Tract 2 of Lambert Subdivision, located at 16985 Oakdale Road, in an R-1-1 Single Family Residential District.

Annexations and Rezoning

- XII. **Public Hearing** Request of Breland Homes, LLC. to annex and rezone +/- 58.2 acres of property located on the north side of Hwy 72 to the west of Norfleet Drive, from a previously unannexed district to 58.21 acres in an R-1-3, High Density Single Family Residential and 4.64 acres in a B-2, General Business District.
- XIII. **Resolution** Consider the request of Breland Homes, LLC. to annex and rezone +/- 58.2 acres of property located on the north side of Hwy 72 to the west of Norfleet Drive, from a previously unannexed district to 58.21 acres in an R-1-3, High Density Single Family Residential and 4.64 acres in a B-2, General Business District.
- XIV. **Public Hearing** Request of Newby Chapel, LLC. to annex and rezone +/- 81.13 acres of property located 24308 Newby Road, from an R-1-1 Single Family Residential District and a previously unannexed district to R-1-3, High Density Single Family Residential District.
- XV. **Resolution** Consider the request of Newby Chapel, LLC. to annex and rezone +/- 81.13 acres of property located 24308 Newby Road, from an R-1-1 Single Family Residential District and a previously unannexed district to R-1-3, High Density Single Family Residential District.
- XVI. **Public Hearing** Request of Linton Road, LLC to rezone +/- 58.2 acres of property located on the North side of Nick Davis Road, directly adjacent to the east side of 22469 Nick Davis Road, from an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.
- XVII. **Resolution** Consider the request of Linton Road, LLC to rezone +/- 58.2 acres of property located on the North side of Nick Davis Road, directly adjacent to the east side of 22469 Nick Davis Road, from an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.
- XVIII. **Public Hearing** Request of Breland Homes, LLC to rezone +/- 37.57 acres of property located on the south side of Nick Davis Road, directly adjacent to the east side of The Vineyard residential subdivision, from an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.
- XIX. **Resolution** Consider the request of Breland Homes, LLC to rezone +/- 37.57 acres of property located on the south side of Nick Davis Road, directly adjacent to the east side of The Vineyard residential subdivision, from an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.

Zoning Ordinance

- XX. **Public Hearing** Request of Engineering Services and Community Development for Various Proposed Amendments to the Zoning Ordinance of the City of Athens.

The following is a summary of the nature and scope of the proposed changes to the Zoning Ordinance. The proposed changes would:

- amend § 3.9.1.C and § 9.2 of the Zoning Ordinance to make the Zoning Ordinance consistent with the Athens Alcohol Ordinance, including all of that alcohol ordinance's recent amendments (such as provisions regarding brewpubs, taprooms, bed and breakfasts, club restrictions, modifications to distance limitations on alcohol sales, regulations concerning the sale of retail liquor for off-premises consumption; the amendment of the definitions of "private club", "standard restaurant", and "public place"; and the deletion of the definitions of "specialty beverage store", "specialty wine and beer establishments", and "warehouse/wholesale, alcoholic beverages");
- amend § 2.5.2.C to modify and clarify the process for the adoption of master development plans and their amendments (including describing the process for the planning commission's review and recommendation for proposed master development plans, actions the city council can take in response, what kind of public notice is required of such proposed plans, the method of proposing amendments to master development plans, the differentiation between major, limited,

and minor amendments and the process for considering each, and identifying who classifies the amendments as major, minor, or limited);

- amend § 2.4.8.B and §2.4.8.G to modify and clarify the process for the method and timing of public notice, and notice related to master development plans and their amendments;
- amend § 2.5.1.C to modify and clarify the process for the method of notice of the public hearing before the planning commission for a proposed rezoning;
- amend § 6.6.5.B to modify the requirements related to external connectivity of new subdivisions (including the addition of exceptions to external connectivity requirements based on any undesirable negative impacts on traffic and safety, the reasonable opposition of owners/residents in the new development and/or the adjoining lands, and the likelihood of the use of minor streets as through streets);
- amend § 2.4.3.D and § 2.5.1.A to relax the requirements related to certain applications under the Zoning Ordinance (including provisions to permit Engineering Services and Community Development's acceptance of rezoning and other applications with incomplete portions, where the omitted information is readily available/known, or if it can be readily supplemented without substantial harm to the ability to review the same);
- amend § 2.5.1.E to modify and clarify the limits on rezoning applications (including provisions to prohibit a second application for a rezoning on the same property more than once a year, unless Engineering Service and Community Development finds that conditions have changed significantly, or that the new application differs materially from the prior application);
- amend § 1.7 to clarify the relationship of the Zoning Ordinance to the Athens Land Use Plan, to indicate that the plan's purpose is to guide development, but not to dictate any specific results;
- amend § 6.6.14.F to offer flexibility with respect to sidewalk requirements in certain situations (including provisions whereby the Zoning Official can allow an exception to the sidewalk construction requirements if there is little/no likelihood that the new sidewalk would be joined to others in the future, such that an applicant can instead contribute a portion of the anticipated cost that would have been expended on the new sidewalk into a sidewalk fund, to be used for funding other sidewalk projects in the city);
- amend § 3.9.1.O and § 9.2 concerning the definition of adult oriented businesses, and where such businesses could be located (including provisions whereby such businesses are not permitted to locate within 1,000 feet of churches, parks, schools, and other places, within 500 feet of any land upon which there is an establishment authorized to sell alcoholic beverages; provisions discussing how such distance is measured; and provisions defining "adult oriented business" to include any business either requiring a special adult-only enterprise license under state law or such a business as defined by § 6-33 of the City Code);
- amend § 3.9.1.A to modify and clarify what businesses are not minor home occupations and clarify the process for applying for a home occupation (including provisions to not permit businesses involving weapons (including knives, swords, spears, rifles, pistols, and other firearms), fireworks, explosives, medicines/drugs, alcoholic beverages, tobacco, and/or their accessories as home occupations; and provisions to discuss the application process for a home occupation, and requiring special exception uses for major home occupations);
- amend various sections of the Zoning Ordinance to correct grammatical errors, spelling errors, and internal document references in various places throughout the entire ordinance;
- amend § 9.2 to modify the definitions for "canopy trees", "understory trees", "hardship", and "sign"; delete the definition of "large shade tree" and "small shade tree"; and add definitions of "attached dwelling" and "subdivision committee";

- amend § 9.2 to modify the definition of “maintenance of signs” to allow for certain changes to detached signs to be considered normal maintenance;
- amend § 4.8 to modify and clarify the uses permitted by district in Traditional Districts, including residential uses in Traditional Districts; and provisions relating to grocery/food stores, general retail, and bed and breakfasts.
- amend § 6.6.9.B to modify the alley requirements such that alleys must end at a public street or turnaround, except in limited situations, and to correct a related section reference;
- amend § 6.6.10.B to modify lot size requirements for new single-family lots adjoining existing lots so that they will be one zoning district denser;
- amend the site development plan requirements in § 2.5.2.D to require a licensed professional’s seal;
- amend § 4.19, § 4.20, and § 4.23 to modify ground floor elevation and ground story height requirements; reduce minimum upper story height requirements in the Traditional Districts for townhouse, bungalow courts, and detached houses; and include figures and images for detached houses;
- amend § 5.7.3 to modify the requirements in a R-2 Multiple Family District, such that structures/buildings may not be closer than sixteen (16) feet, except an accessory structure with unenclosed walls, and illustrate such spacing with diagrams; and
- amend and issue new sign standards in § 6.8.13.E related to changing message signs, electronic reader board signs, and electronic message center signs, including identifying where such signs are allowed and prohibited; limiting the dwell time between messages; limiting certain graphics on such signs; establishing hours of operation for such signs; regulating brightness of such signs; and regulating size of sign faces.
- amend § 6.8.13.J to modify the standards relating to attached, projecting signage so that, within the Downtown district, signage may extend up to sixty (60) inches beyond the wall surface, except where it encroaches into the edge of pavement of a public Right-of-Way including on-street parking; and
- amend § 6.1.9.A, and § 4.16 through § 4.23, to modify and clarify material standards permitted within Conventional and Traditional zoning districts, including revised limitations on the use of vinyl siding and synthetic stucco (EIFS) in both HN District zones and other districts; and clarifying that masonry materials do not include smooth-faced block; and
- amend § 6.1.9.A to modify the minimum useable depth of a porch to four (4) feet.

XXI. **Resolution** Consider the request of Engineering Services and Community Development for various Proposed Amendments to the Zoning Ordinance of the City of Athens.

The following is a summary of the nature and scope of the proposed changes to the Zoning Ordinance. The proposed changes would:

- amend § 3.9.1.C and § 9.2 of the Zoning Ordinance to make the Zoning Ordinance consistent with the Athens Alcohol Ordinance, including all of that alcohol ordinance’s recent amendments (such as provisions regarding brewpubs, taprooms, bed and breakfasts, club restrictions, modifications to distance limitations on alcohol sales, regulations concerning the sale of retail liquor for off-premises consumption; the amendment of the definitions of “private club”, “standard restaurant”, and “public place”; and the deletion of the definitions of “specialty beverage store”, “specialty wine and beer establishments”, and “warehouse/wholesale, alcoholic beverages”);
- amend § 2.5.2.C to modify and clarify the process for the adoption of master development

plans and their amendments (including describing the process for the planning commission's review and recommendation for proposed master development plans, actions the city council can take in response, what kind of public notice is required of such proposed plans, the method of proposing amendments to master development plans, the differentiation between major, limited, and minor amendments and the process for considering each, and identifying who classifies the amendments as major, minor, or limited);

- amend § 2.4.8.B and §2.4.8.G to modify and clarify the process for the method and timing of public notice, and notice related to master development plans and their amendments;
- amend § 2.5.1.C to modify and clarify the process for the method of notice of the public hearing before the planning commission for a proposed rezoning;
- amend § 6.6.5.B to modify the requirements related to external connectivity of new subdivisions (including the addition of exceptions to external connectivity requirements based on any undesirable negative impacts on traffic and safety, the reasonable opposition of owners/residents in the new development and/or the adjoining lands, and the likelihood of the use of minor streets as through streets);
- amend § 2.4.3.D and § 2.5.1.A to relax the requirements related to certain applications under the Zoning Ordinance (including provisions to permit Engineering Services and Community Development's acceptance of rezoning and other applications with incomplete portions, where the omitted information is readily available/known, or if it can be readily supplemented without substantial harm to the ability to review the same);
- amend § 2.5.1.E to modify and clarify the limits on rezoning applications (including provisions to prohibit a second application for a rezoning on the same property more than once a year, unless Engineering Service and Community Development finds that conditions have changed significantly, or that the new application differs materially from the prior application);
- amend § 1.7 to clarify the relationship of the Zoning Ordinance to the Athens Land Use Plan, to indicate that the plan's purpose is to guide development, but not to dictate any specific results;
- amend § 6.6.14.F to offer flexibility with respect to sidewalk requirements in certain situations (including provisions whereby the Zoning Official can allow an exception to the sidewalk construction requirements if there is little/no likelihood that the new sidewalk would be joined to others in the future, such that an applicant can instead contribute a portion of the anticipated cost that would have been expended on the new sidewalk into a sidewalk fund, to be used for funding other sidewalk projects in the city);
- amend § 3.9.1.O and § 9.2 concerning the definition of adult oriented businesses, and where such businesses could be located (including provisions whereby such businesses are not permitted to locate within 1,000 feet of churches, parks, schools, and other places, within 500 feet of any land upon which there is an establishment authorized to sell alcoholic beverages; provisions discussing how such distance is measured; and provisions defining "adult oriented business" to include any business either requiring a special adult-only enterprise license under state law or such a business as defined by § 6-33 of the City Code);
- amend § 3.9.1.A to modify and clarify what businesses are not minor home occupations and clarify the process for applying for a home occupation (including provisions to not permit businesses involving weapons (including knives, swords, spears, rifles, pistols, and other firearms), fireworks, explosives, medicines/drugs, alcoholic beverages, tobacco, and/or their accessories as home occupations; and provisions to discuss the application process for a home occupation, and requiring special exception uses for major home occupations);
- amend various sections of the Zoning Ordinance to correct grammatical errors, spelling errors, and internal document references in various places throughout the entire ordinance;

- amend § 9.2 to modify the definitions for “canopy trees”, “understory trees”, “hardship”, and “sign”; delete the definition of “large shade tree” and “small shade tree”; and add definitions of “attached dwelling” and “subdivision committee”;
- amend § 9.2 to modify the definition of “maintenance of signs” to allow for certain changes to detached signs to be considered normal maintenance;
- amend §4.8 to modify and clarify the uses permitted by district in Traditional Districts, including residential uses in Traditional Districts; and provisions relating to grocery/food stores, general retail, and bed and breakfasts.
- amend § 6.6.9.B to modify the alley requirements such that alleys must end at a public street or turnaround, except in limited situations, and to correct a related section reference;
- amend § 6.6.10.B to modify lot size requirements for new single-family lots adjoining existing lots so that they will be one zoning district denser;
- amend the site development plan requirements in §2.5.2.D to require a licensed professional’s seal;
- amend § 4.19, § 4.20, and § 4.23 to modify ground floor elevation and ground story height requirements; reduce minimum upper story height requirements in the Traditional Districts for townhouse, bungalow courts, and detached houses; and include figures and images for detached houses;
- amend § 5.7.3 to modify the requirements in a R-2 Multiple Family District, such that structures/buildings may not be closer than sixteen (16) feet, except an accessory structure with unenclosed walls, and illustrate such spacing with diagrams; and
- amend and issue new sign standards in § 6.8.13.E related to changing message signs, electronic reader board signs, and electronic message center signs, including identifying where such signs are allowed and prohibited; limiting the dwell time between messages; limiting certain graphics on such signs; establishing hours of operation for such signs; regulating brightness of such signs; and regulating size of sign faces.
- amend § 6.8.13.J to modify the standards relating to attached, projecting signage so that, within the Downtown district, signage may extend up to sixty (60) inches beyond the wall surface, except where it encroaches into the edge of pavement of a public Right-of-Way including on-street parking; and
- amend § 6.1.9.A, and § 4.16 through § 4.23, to modify and clarify material standards permitted within Conventional and Traditional zoning districts, including revised limitations on the use of vinyl siding and synthetic stucco (EIFS) in both HN District zones and other districts; and clarifying that masonry materials do not include smooth-faced block; and
- amend § 6.1.9.A to modify the minimum useable depth of a porch to four (4) feet.

CITY OF ATHENS PLANNING COMMISSION

Public Hearing Procedure

- During the course of a Planning Commission Meeting whenever an application that requires a public hearing (zoning, re-zoning, conditional use, certain subdivisions of property, etc. . . .) appears on the Commission's agenda, the Chair will declare the same and introduce the application to the Commission and citizens who are in attendance.
- The Chair will proceed through each scheduled public hearing as follows:
 - Staff will provide an explanation of the case and a recommendation.
 - Applicant will be given an opportunity to address the commission and should limit their comments to **less than ten (10) minutes**.
 - When a public hearing is slated, the Chair will open the hearing for public input.
 - Members of the public, having been recognized, **will be allowed three (3) minutes** each to address the Commission (unless the Chairman specifies otherwise).
NOTE: Large groups may wish to, but are not required to, appoint a spokesperson for the group, in which case the Chair may grant the spokesperson additional time to speak.
 - Generally, those desiring to speak "for" the request will be allowed to speak first, followed by those desiring to speak "against" the request.
 - Persons wishing to speak should raise their hand to be recognized by the Chairman. Once recognized, please stand and state your name and address.
 - Comments should be concise and limited to issues related to the request.

- o When the Chairman believes that the Commission has received sufficient citizen input to make a determination on the application, the public hearing will be closed and the applicant and/or the Staff will be given an opportunity to address any issues brought out during public comment.
- o Chairman will then allow Commission members to make comments or ask questions of anyone present to clarify issues or provide additional information.
- o The Chairman will call for a motion and a second on the motion. Commission members may speak to the motion, any amendments, or points of parliamentary procedure.
- o If a motion is forthcoming, a voice vote will be taken. If the decision is not unanimous, then the Chairman will direct a roll call vote.
- o If a motion is NOT forthcoming, the request will be considered “Denied” for lack of a motion.

PLEASE NOTE: The above-procedure is provided to serve as a guideline for the conduct of public hearings. The chairman is not limited and/or constrained by this procedure and, under certain circumstances, may deem it necessary to deviate from this guideline.