

REQUIRED COVID-19 MEETING SUMMARY
THESE ARE NOT APPROVED MEETING MINUTES
THESE ARE NOT INTENDED TO REPLACE OFFICIAL MEETING MINUTES

Athens Planning Commission 2020 July 21

Per the directive of Chairperson Gina Garth, this meeting was conducted pursuant to Section 3 of Governor Kay Ivey's March 18, 2020 Proclamation concerning the operation of the Open Meetings Law during the state of emergency related to COVID-19. All deliberations conducted, and actions taken, during the meeting were limited to matters within the Planning Commission's statutory authority that are (a) necessary to respond to COVID-19, or (b) necessary to perform essential minimum functions of the Planning Commission. As such, some members of the Planning Commission may have physically attended the meeting at the Council Chambers at City Hall at 200 W. Hobbs Street, and other members of the Planning Commission may have participated in this meeting by means of electronic communications. Additionally, the meeting was not open to physical presence by members of the general public, but the meeting was livestreamed so that the public (including any applicant or other person interested in any agenda item) was able to listen, observe, and participate in the meeting without being physically present. Persons interested in doing so were able to utilize the ZOOM meeting invitation and/or meeting phone number found on the Planning Commission page of the City of Athens website, and contact etidwell@athensal.us with any additional questions for how to do so. No less than twelve (12) hours after the meeting, the City is to post a summary of the meeting on its website.

Call to Order:

The Planning Commission of the City of Athens, Alabama was called to order by Chairperson Gina Garth, at 5:45 p.m. on July 21, 2020. This meeting was held online via Zoom.

Roll Call.

Members present:

Gina Garth, Chairman
Venard Hendrix
Roderick Herron
Robert Malone
Interim Chief James Hand

Members absent:

Jerold Blaxton
Mayor Ronnie Marks
Rick Johnson, Vice Chairman

Also present:

James Rich, Public Works Director
Erin Tidwell, Planner & Planning Commission Secretary
Michael Griffin, City Engineer
Micah Cochran, GIS Coordinator

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APPROVAL OF MINUTES:

I. Resolution: Mr. Malone offered the following resolution and moved for its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the minutes of the Planning Commission meeting for June 16, 2020.”

Mr. Herron seconded the motion and the vote was unanimous of the voting members present.

APPROVAL OF AGENDA AND MANNER FOR CONDUCTING MEETING.

II. Resolution Mr. Herron offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve a motion to (a) approve this July 21, 2020 agenda; (b) find that all items on this agenda (and all deliberations related thereto) are matters within the Planning Commission’s statutory authority that are (i) necessary to respond to COVID-19, or (ii) necessary to perform essential minimum functions of the Planning Commission; (c) to approve the conduct of this meeting pursuant to the Section 3 of Governor Kay Ivey’s March 18, 2020 Proclamation concerning the operation of the Open Meetings Law during the state of emergency related to COVID-19; and (d) to suspend, for this meeting, any by-law or other rule of the Planning Commission that would conflict with the conduct of the meeting as stated in this motion and the July21, 2020 agenda.

Mr. Malone seconded the motion and the vote was unanimous of the voting members present.

OLD BUSINESS

NEW BUSINESS

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III. Resolution

Mr. Griffin advised that it should be contingent upon providing another layout to the east. Every 1,500 feet you need more access.

Mr. Kenny Winter, if I move it more centered would that make it work. Mr. Griffin, no it is based on the boundary

Mr. Malone offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Pepper Road Estates, LLC. for a Layout of Pepper Road Subdivision, a Resubdivision of a Portion of Lot 1 of Marbut Estates, a layout for a major subdivision of +/-34 acres into 50 lots, located in an R-1-3 Single Family High Density Residential District.”

Mr. Hendrix seconded the motion and the vote was unanimous of the voting members present.

IV. Resolution

Mr. Griffin a letter was submitted about why they couldn't meet connectivity index and staff believes it is warranted due to existing development and topographic issues.

Mr. Herron offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Lynn Persell Home Builders for a Layout of Persell and Elmore Subdivision Phase 2, a Resubdivision of Tract “A”, a layout of a major subdivision of +/-21.6 acres into 46 lots, located directly south of 110 Cloverleaf Drive, on the western side of Cloverleaf Drive in an R-1-3 Single Family High Density Residential District.”

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Mr. Malone seconded the motion and the vote was unanimous of the voting members present.

- V. **Public Hearing** Request of W. Graham Burgess for a Certificate to Subdivide for John W. Johnson and Febbie Shaw, a subdivision of a lot sized +/-2.34 acres into two lots sized +/-2.07 acres and +/- 0.27 acres, located at the northwest corner of the intersection of Cool Springs Drive and Audubon Lane, in a B-2 General Business District.

Mr. Griffin stated staff has no issues with this item.

No one spoke for or against the request, therefore the public hearing was closed.

- VI. **Resolution** Mr. Hendrix offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of W. Graham Burgess for a Certificate to Subdivide for John W. Johnson and Febbie Shaw, a subdivision of a lot sized +/-2.34 acres into two lots sized +/- 2.07 acres and +/- 0.27 acres, located at the northwest corner of the intersection of Cool Springs Drive and Audubon Lane, in a B-2 General Business District,

AND ALSO to approve the request of W. Graham Burgess for a Certificate to Consolidate for John W. Johnson and Febbie Shaw, a consolidation of a lot sized +/-0.27 acres into a single tract sized +/- 1.90 acres, located at the northwest intersection of Cool Springs Drive and Audubon Lane, in a B-2 General Business District.”

Mr. Herron seconded the motion and the vote was unanimous of the voting members present.

- VII. **Public Hearing** Request of Lucas Ferry Properties, LLC. for a Preliminary Plat of Lucas Ferry Farms, a subdivision of +/-24.17 acres into 73 residential lots and 3 common/detention area lots, located on the west side of Lucas Ferry Road, approximately 1400

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feet south of Brownsferry Road, in an R-1-3 Single Family High Density Residential District.

Mr. Griffin recommend plat with these contingencies: (1) submitting a ground penetrating radar report for clearly defining the cemetery's boundary, (2) submitting a traffic study upon the limits of Lucas Ferry Road, and (3) maintenance of the cemetery will be the responsibility of the Homeowner's Association.

No spoke for or against the request, therefore the public hearing was closed.

VIII. Resolution Mr. Malone offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Lucas Ferry Properties, LLC. for a Preliminary Plat of Lucas Ferry Farms, a subdivision of +/-24.17 acres into 73 residential lots and 3 common/detention area lots, located on the west side of Lucas Ferry Road, approximately 1400 feet south of Brownsferry Road, in an R-1-3 Single Family High Density Residential District with the following contingencies: (1) submitting a ground penetrating radar report for clearly defining the cemetery's boundary, (2) submitting a traffic study upon the limits of Lucas Ferry Road, and (3) maintenance of the cemetery will be the responsibility of the Homeowner's Association.”

Mr. Herron seconded the motion and the vote was unanimous of the voting members present.

IX. Public Hearing Request of Mark Wilson to recommend to the City Council of the City of Athens to rezone parcels 0709324000016.000, 0709324000015.000, 0709324000031.000, and 0709324000034.000, located directly north of 18042 Jefferson St., Directly north of 108 Elm St. West, and directly north of 100 Elm Street West, from a TB, Traditional Business District to a B-2, General Business District.

Mr. Griffin advised that this adjoins TB and B-1 District. Possibility of spot zoning.

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Mr. Rich explains there are various businesses in the area and residential property.
There is B-2 at AL Hwy 127 and Airport Road.

Mark Wilson stated that the Mayor won't put sidewalks there.

Mr. Rich recalled a past case we did not recommend rezoning to TB district due to there not being walkability. Staff thought there was a soft boundary of Elm Street between the Traditional/Conventional zoning district. The TB district reduces distance requirements between alcohol sales and institutions that require to be buffered from. As far as walkability, we are putting together costs for sidewalks in the area.

Ms. Garth, asked Mr. Wilson did you decide to rezone to B-2 instead of B-1?

Mr. Wilson: Yes

Mr. Wilson states that there is spot zoning all across town.

Mr. Hendrix Do residents live on the property that is within the gap between these requests?

Mr. Rich: Yes

Mr. Rich the City put up rezoning signs 14 days in advance as required by the Zoning Ordinance.

Ms. Garth: What street access is there to the property adjoining the east property?

Mr. Wilson: There is a road access that is a continuation of Malone Street.

Ms. Garth: B-2 can be an intense zoning district and there can be some concern for how property will get access.

Mr. Wilson states the City was going to pave that road in 2007, and that has not happened yet.

No one else spoke for or against the request, therefore the public hearing was closed.

X. Resolution Mr. Malone offered the following resolution and moved its adoption:

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“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Mark Wilson to recommend to the City Council of the City of Athens to rezone parcels 0709324000016.000, 0709324000015.000, 0709324000031.000, and 0709324000034.000, located directly north of 18042 Jefferson St., Directly north of 108 Elm St. West, and directly north of 100 Elm Street West, from a TB, Traditional Business District to a B-2, General Business District.”

Mr. Hendrix seconded the motion and the vote was unanimous of the voting members present.

- XI. Public Hearing** Request of Sarah J. Smith for recommendation to the City Council of the City of Athens to annex +/-0.55 Acres of property located at 17685 Quinn Road into the corporate limits of the City of Athens and zone property in R-1-1 Single Family Low Density Residential District.

Mr. Griffin advises. Staff has no issues.

Ms. Garth does .55 acres meets requirement of the R-1-1 District? Mr. Griffin states it does.

No one else spoke for or against the request, therefore the public hearing was closed.

- XII. Resolution** Mr. Herron offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Sarah J. Smith for recommendation to the City Council of the City of Athens to annex +/-0.55 Acres of property located at 17685 Quinn Road into the corporate limits of the City of Athens and zone property in R-1-1 Single Family Low Density Residential District.”

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Mr. Malone seconded the motion and the vote was unanimous of the voting members present.

XIII. Public Hearing Request of Anik Patel for recommendation to the City Council of the City of Athens to annex 0.25 Acres of property located at 23040 Nick Davis Road into the corporate limits of the City of Athens and zone property in the B-1 Neighborhood Business District.

Mr. Griffin advises that the annexation does not include the private access road, and the City has no responsibility for the access drive. Staff sees no issues.

Mr. Anik Patel, wants annex to help the area out such as a small restaurant or building. Aware of the road and will maintain it if needed.

Kaye Yarbrough, 23026 Nick Davis Road, concerned about another business, the gas truck extends across the road. When Anik Patel improved a portion of the driveway. Another business may cause more issues.

Ms. Garth: Do you live next to the Gas station?

Ms. Yarbrough: Yes, I live in the house and own the property and the adjoining property.

Mr. Patel: We concreted the driveway as a part of the development for the City. The gas trucks have been going there since there was a gas station. We no longer own the gas station and cannot do anything about it. The store has been there 30-40 years. We will make accommodations when we develop the site.

Mr. Griffin is this a deeded access easement or county road? Mr. Patel: I believe it is neither. It just has been used.

No one else spoke for or against the request, therefore the public hearing was closed.

XIV. Resolution Mr. Hand offered the following resolution and moved its adoption:

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“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Anik Patel for recommendation to the City Council of the City of Athens to annex 0.25 Acres of property located at 23040 Nick Davis Road into the corporate limits of the City of Athens and zone property in the B-1 Neighborhood Business District.”

Mr. Herron seconded the motion and the vote was unanimous of the voting members present.

Discussion Ms. Garth explained that the Planning Commission sends this request to the City Council and that Ms. Yarbrough may want to contact the City about the gas trucks. Mr. Rich suggested that for the gas trucks, discuss the matter with the County Engineering Department. Ask County Engineering if they may put up a private drive sign. That way it would designate that store patrons that it is a private driveway.

XV. Resolution

Mr. Griffin advised there are 2 existing buildings, and proposes 4 additional buildings to be placed on the site. 25,000 GFA requires this to come before the Planning Commission for approval.

Mr. Herron offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to approve the request of Turner, LLC. for site plan approval in accordance with Zoning Ordinance Items 2.3.2.A.4(b) and 2.3.2.A.4(c), non-residential projects requiring the placement of more than one primary building on a single lot and comprising more than 25,000 sf of gross floor area regardless of the number of buildings, located at 389 Sanderfer Road West, in an M-1 Light Industrial District.”

Mr. Malone seconded the motion and the vote was unanimous of the voting members present.

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XVI. Discussion. Mr. Rich noted that this was Erin Tidwell's last Planning meeting. She has taken a job with TARCOG. Mr. Rich thanked her for her 3.5 years of service with the Department. The Commission Members wished her good luck in her new position.

Ms. Garth asked if members preferred meeting in person or remotely. All present members seemed to be okay meeting remotely for the time being.

XVII. Adjourn There being no further business, the meeting was adjourned.

Chairperson

ATTEST: Secretary