

**Call to Order.** The Planning Commission of the City of Athens, Alabama met in regular session in the City Council Chambers on August 15, 2023 at 5:45 PM, after a short work session.

**Roll Call.** Commission Members Present: Gina Garth, Rhonda Weatherford, Venard Hendrix, Brad Mallette, James Hand, Dana Henry, and Rod Herron. Erin Tidwell, City Planner, along with Paige Parker, Planner were also present.

**Discussion.** Ms. Garth opened the meeting by introducing the members of the Commission and City staff.

**Minutes.** Rhonda Weatherford offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, that the minutes for the July 18, 2023 meeting be approved.”

James Hand seconded the motion, and the vote was unanimous of the voting members present.

**Old Business:** None

**Items Withdrawn From This Month's Agenda:** Major Amendment to Master Development Plan (Anderson Farms) and Final Plat Approval of Lucas Ferry Townhomes, Phase 2

**New Business:**

- I. **Public Hearing.** Request of Forestar (USA) Real Estate Group, Inc for Limited Amendment to Master Development Plan of Links at Canebrake, for proposed addition of 2 lots to Phase Four. The development is comprised of +/- 144.67 acres and located on the south side of Westminster Drive, approximately 350 feet east of Regent Drive, (Parcel #: 44-10-07-26-0-000-002.003), zoned C-PUD (Conventional Planned Unit Development District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that this request was brought before the Planning Commission in April of 2023. At that time, the request sought to convert a single institutional lot to fifteen R-1-2 lots with additional open space. Mr. Tidwell said that the request was approved at that time, but there was an error in the lot numbering. Ms. Tidwell stated that the current request would correct that oversight, making the lots numerical, and therefore Staff sees no issues with this request.

Rich Hamley (22300 Westminster Dr. Athens, AL) came forward and stated that he had some questions on behalf of his community in the Links at Canebrake. Mr. Hamley stated that residents have noticed some issues with grading, water mitigation, and water pooling. Most notably, there is a thirty foot hill of dirt at the end of Westminster Drive that causes flooding up and down the

road. Mr. Hamley stated that he'd like to know where phase four of the development will start; will it be on the north or south side of Westminster Drive? Mr. Hamley said that the community is also concerned that the clubhouse, playground, and pool space that currently exists will not be adequate for the growing development. Mr. Hamley asked if there is a plan for additional amenity space to meet the influx of new residents. Mr. Hamley also said that the land in the center of the development was zoned and intended for an elementary school; he'd like a status or update on that project.

Ms. Garth asked Mr. Hamley if he has an HOA. Mr. Hamley responded yes.

Ms. Garth asked Mr. Hamley if he had approached the developer with his questions about the school. Mr. Hamley stated that the developer has not alluded to whether or not the school was going to happen.

Mr. Hamley stated that a school being in the immediate vicinity of their neighborhood was an advantage to him and other families when they moved into the area. Mr. Hamley stated that he heard there was a time-sensitive lease on that land to become a school.

Ms. Garth asked Ms. Cady Stewart (Morell Engineering) if she was present to represent this request. Ms. Stewart answered that she was. Ms. Garth asked Ms. Stewart if she might be able to address Mr. Hamley's questions.

Michael Griffin, City Engineer, pointed out that Mr. Hamley's questions were related more to the preliminary plat request, rather than the amended master development plan currently being reviewed.

Ms. Tidwell agreed and stated that the only question Mr. Hamley posed that might be applicable to this item was his question pertaining to the school

Ms. Stewart stated that the Institutional Zoning for the school did go away with the last amendment to the master development plan because the school system passed on the site. Ms. Stewart stated that the grading questions can be answered with the preliminary plat item.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Brad Mallette offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for approval of a limited amendment to the master development plan of Links at Canebrake, Phase Four.

Rod Herron seconded the motion, and the motion passed unanimously of the voting members present.

II. **Public Hearing.** Consider for recommendation to the City Council the request of William Matthew Winstead and Amy Winstead to Annex +/- 3.3 acres of property located at 25055 Airport Road, (Parcel # 44-07-09-29-0-001-018.001), and zone the property as an EST (Estate Residential and Agricultural District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that the first 500 feet of the property is inside the city limits, and the rest is outside of the city limits. Ms. Tidwell stated that the residence is located on the portion of the property located outside of the city limits.

Ms. Tidwell explained that staff has historically taken the position that if a residence is built outside of the city limits, Staff does not support its annexation into city limits. Ms. Tidwell stated that residences constructed outside of the city limits don't go through the same inspections, building codes, and permitting processes. In addition, they do not abide by the same zoning standards as those residences constructed within the city limits. As such, Staff does not recommend this request.

Ms. Garth asked if there was anyone present on behalf of the request. Connie Thompson (1200 Elkton St. Athens, AL) came forward as a representative of the applicants.

Ms. Thompson explained that the residence is already receiving city sanitation, fire, water, electric, and gas services. The residence was built in 1999, and the front half of the property is within the city limits. The request, Ms. Thompson explained, is to add the remaining acreage so that all 6 acres of the property are on one deed and in one zone.

Ms. Thompson stated that there would be no additional burden to the city, and the benefit would be additional city tax revenue on 3.3 acres. All electrical and plumbing is within Athens city code and has been inspected, Ms. Thompson said. The property was used as Grassland Ranch by the previous owner, but that use ceased to exist in May of 2023. Since it does not pose an additional burden to the city, the applicants are asking that their request be considered an exceptional case and granted approval.

Ms. Garth asked if an inspection of the residence had been conducted by the city. James Rich answered that the residence is outside the corporate limits of the city and wouldn't have been subject to inspection by the city.

Ms. Garth asked Ms. Thompson if she knew who inspected the residence. Ms. Thompson stated that the house was totally renovated and the electric and plumbing was brought up to city code. Ms. Garth clarified that the residence wasn't actually inspected by a City of Athens Building Inspector. Ms. Thompson confirmed that it was not.

With no further questions or comments, Ms. Garth closed the public hearing.

Ms. Garth also clarified that the Planning Commission can only recommend the request to the City Council. The City Council has the final decision. If the Planning Commission failed to make that recommendation, the item will still go to the City Council and there would be another public hearing.

**Resolution.** Rhonda Weatherford offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does move to refer to the City Council this applicant's request for annexation of property located at 25055 Airport Road without a recommendation from the Planning Commission.

Dana Henry seconded the motion, and the motion passed unanimously of the voting members present.

- III. **Public Hearing.** Consider for recommendation to the City Council the request of VIP Land Development, LLC to Rezone +/- 15 acres of property located directly north of Strain Road West, approximately 2,500 feet east of US HWY 31 South (Parcel #: 44-10-05-21-0-001-010.000 and 44-10-05-21-0-001-011.000), from EST (Estate Residential and Agricultural District) to R-1-5 (Single Family Townhouse Attached Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that the Athens 2040 Plan calls for mixed-use neighborhoods and areas with a variety of uses. The developer is aware of the criteria for building townhomes, stated Ms. Tidwell, and is also aware of the additional requirements for building townhomes directly adjacent to a single family residential district.

Ms. Tidwell stated that this development will require a stub into adjoining property to meet the connectivity requirements. Ms. Tidwell said that this request follows the pattern laid out in the land use plan, therefore staff sees no issue with this request.

Ms. Garth asked where U.S. Highway 31 was in relation to the property. Ms. Tidwell answered.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Rod Herron offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby recommend to the City Council the approval of the applicant's request for rezoning property located directly north of Strain Road West, approximately 2,500 feet east of US HWY 31 South.

Venard Hendrix seconded the motion, and the motion passed unanimously of the voting members present.

- IV. **Public Hearing.** Consider for recommendation to the City Council the request of Athens Utilities to Rezone +/- 2.6 acres of property located at the terminus of Cloverleaf Drive and north of Sanderfer Road East from M-1 (Light Industrial District) to R-1-2 (Medium Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. Ms. Tidwell stated that this request, and the following request of Four Girls, LLC are related. This request is pertaining to property utilized by Athens Utilities Water and Sewer Department for the wastewater treatment plant. Ms. Tidwell explained that they are looking to rezone this property for future land swap possibilities.

Ms. Garth asked if anyone was present on behalf of this request. Jimmy Junkin, Director of the City of Athens Water and Sewer Department, came forward. He explained that his department needs the property at the end of the Water's Edge development to make improvements on the wastewater treatment plant. They are hoping to make a swap of like property for like property, Mr. Junkin stated.

Bill Davis (201 Utah St. Athens, AL) came forward. Mr. Davis referenced new developments to the east and west of the Cloverleaf Drive subdivision. He explained that with only one redlight to service three subdivisions, residential traffic going in and out of the area is strained. Mr. Davis stated that another outlet exists on Edison Street, but that outlet does not have a red light. Drivers that will go out of their way to utilize a red light would filter traffic up Cloverleaf Drive.

Mr. Davis stated that if this resolution were to pass, it would provide residents of the developments a southern access point, alleviating traffic problems. Mr. Davis stated his street has been extended through both the east and west subdivisions, and he would do anything to get some relief. He wishes the Commission would pass this resolution.

Mr. Griffin explained that the Mayor has indicated to him to go ahead and put in the capital outlay to extend Cloverleaf Drive. The plan, explained Mr. Griffin, is to take Cloverleaf Drive around the sewer and wastewater facilities and tie it directly into Sanderfer Road. The property in the following request would become part of the Water's Edge Subdivision, and would have to be developed to that subdivision's standards. The result would be a continuation of the same development pattern.

Mr. Griffin stated that the City has requested 50 feet from the property line be allocated as a right-of-way to extend the property and allow for a three way stop. It would afford residents along the Cloverleaf developments the ability to access U.S. Highway 31 without having to go to U.S. Highway 72, and would provide an additional entry and exit point for emergency services. Interconnectivity is the main focus, stated Mr. Griffin.

Josh Henderson (301 Cloverfield Dr. Athens, AL) spoke in regards to the Cloverleaf Drive extension to the south and the property swap. Mr. Henderson asked if that would mean residents will have to go around the wastewater treatment plant. Mr. Griffin answered yes.

Mr. Henderson again asked if that meant that, upon entering or exiting the subdivision, they'd get to see the wastewater treatment plant. Mr. Griffin answered that the roadway will go around the west side of the plant outside of the facility, not through the facility itself. One reason for that, explained Mr. Griffin, is for security purposes to keep people outside of the facility. Therefore, traffic will flow around the perimeter of the property.

Mr. Henderson and Mr. Griffin discussed further the traffic flow and traffic control devices around the wastewater plant and Cloverleaf developments. Mr. Henderson sought further clarification on the location of Sanderfer Road in relation to U.S. Highway 31 and various landmarks. Mr. Griffin mentioned possible improvements to the industrial access roadway leading onto Sanderfer Road.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Venard Hendrix offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on July 18, 2023, that the board does hereby recommend to the City Council the approval of the applicant's request for rezoning property located at the terminus of Cloverleaf Drive and north of Sanderfer Road East.

Rod Herron seconded the motion, and the motion passed unanimously of the voting members present.

- V. **Public Hearing.** Consider for recommendation to the City Council the request of Four Girls, LLC to Rezone +/- 2.2 acres of property located at the terminus of Edison Street and east of Cloverleaf Drive from R-1-2 (Medium Density Single Family Residential District) to M-1 (Light Industrial District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, and stated that this request is related to the previous request made by Athens Utilities. Ms. Tidwell stated that staff sees no issues with this request, and would recommend approval. However, explained Ms. Tidwell, because this request would alter the previously approved preliminary plat of Water's Edge Subdivision, Four Girls LLC would need to bring a revised preliminary plat before the Planning Commission for approval.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Rod Herron offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on July 18, 2023, that the board does hereby recommend to the City Council the approval of the applicant's request for rezoning property located at the terminus of Edison Street and east of Cloverleaf Drive.

Dana Henry seconded the motion, and the motion passed unanimously of the voting members present.

- VI. Public Hearing.** Consider for recommendation to the City Council the request of Maund Family Farm, LLC to Rezone +/- 1.2 acres of property located directly south of Market Street West and directly east of Strange Street (Parcel #: 44-10-03-08-2-001-038.000 and 44-10-03-08-2-001-033.000 and 44-10-03-08-2-001-032.000), from DWTN (Downtown District) to TI (Traditional Institutional District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that if the request is approved, the applicant would consolidate the aforementioned parcels. Ms. Tidwell stated that the developer wants to construct an assisted living facility, which is a permitted use in a TI (Traditional Institutional) District, but not in the DWTN (Downtown) District. Ms. Tidwell stated that staff has no issues with this request.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** James Hand offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on July 18, 2023, that the board does hereby recommend to the City Council the approval of the applicant's request for rezoning property located directly south of Market Street West and directly east of Strange Street.

Dana Henry seconded the motion, and the motion passed unanimously of the voting members present.

- VII. Public Hearing.** Consider for recommendation to the City Council the request of Johnnie Wilson, Mary Petty, and Fred Wilson to Rezone a total of +/- 2.06 acres of property located at 408 West Elm Street (Parcel #: 44-07-09-32-3-000-005.000), 318 West Elm Street (parcel #: 44-07-09-32-3-000-009.000 and 44-07-09-32-4-000-009.000), and 330 West Elm Street (parcel #: 44-07-09-32-3-000-010.000) from B-1 (Neighborhood Business District) and B-2 (General Business District) to R-1-3 (High Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that in 2019, a similar request was made regarding the rezoning of these properties. At that time, Ms. Tidwell stated, staff did not recommend approval of that request. Additionally, the Planning Commission did not make a recommendation to the City Council to rezone.

Ms. Tidwell further explained that the property owners request that the aforementioned parcels be zoned back to their original residential zoning. Ms. Tidwell stated that residential uses are currently taking place on these properties, and the applicants request that those uses be permitted to continue. As such, a residential zoning district would be appropriate.

Ms. Tidwell concluded by stating the rezoning would bring the property into conformity with the property surrounding it and with the land use plan.

Fred Wilson (330 West Elm St. Athens, AL) came forward to speak on this request. He stated he wants his property zoned back to residential.

Wendy Harris, standing in for her mother Johnnie Wilson (who is the owner of 408 West Elm Street and co-owner of 318 West Elm Street, and who is ill and could not be present herself) stated that Ms. Wilson never requested the property be rezoned to commercial in the first place.

Ms. Harris explained that Ms. Wilson's name never appeared on any documentation for that request, she never received a notice that it was being rezoned, and rezoning signs were not placed in their yard. Ms. Harris stated that for 71 years, this property has been residential and that her mother still resides on the property. As such, they would request the property be rezoned back to residential.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Rod Herron offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on July 18, 2023, that the board does hereby recommend to the City Council the approval of the applicant's request for rezoning property located at 408, 318, and 330 West Elm Street.

Venard Hendrix seconded the motion, and the motion passed unanimously of the voting members present.

**VIII. Resolution.** Request of Cannon Family, LLC and Grant Street, LLC for Layout Approval of Maund Cannon Subdivision, Tract 2, a major subdivision of +/- 38.62 acres into 128 lots, located directly south of Roy Long Road East and approximately 1,900 feet west of U.S. Highway 31 (Parcel #: 44-10-08-28-0-000-008.004), zoned R-1-3 (High Density Single Family Residential District).



Ms. Tidwell presented the applicant's request. She stated that this request was originally brought before the Commission in 2020 as the Maund Cannon Subdivision, and was subdivided into three parcels. The property has now been developed as Brookhill Cottages to the west of tract two and Brookhill Landing to the east of tract two.

Ms. Tidwell stated that the current layout shows a connectivity index of 1.67 with 2.2 acres of open space, both of which meets requirements. Therefore, Staff has no issues with this request.

Ms. Garth asked if anyone else was present on behalf of the request, with no response.

**Resolution.** James Hand offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for layout approval of Maund Cannon Subdivision, Tract Two.

Brad Mallette seconded the motion, and the motion passed unanimously of the voting members present.

**IX. Public Hearing.** Request of Forestar (USA) Real Estate Group, Inc for Preliminary Plat Approval of Links of Canebrake, Phase 4, a major subdivision of +/- 21 acres into 66 lots, located at the temporary eastern terminus of Westminster Drive and the temporary eastern terminus of Lannister Lane (Parcel #: 44-10-07-26-0-000-002.000), zoned C-PUD (Conventional Planned Unit Development District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. This request is somewhat in relation to item number one, the limited amendment of the master development plan.

Ms. Tidwell stated that a portion of these lots have different setbacks due to their being adjacent to Canebrake subdivision. A pedestrian access is present, as required. Ms. Tidwell stated that this request meets all requirements and staff sees no issue with it.

Rich Hamley (22300 Westminster Dr. Athens, AL) came forward to speak to the request. Mr. Hamley explained that the infrastructure present to support the families within the neighborhood (pool, clubhouse, playground) are at capacity, and are beginning to be overwhelmed. Mr. Hamley is concerned as to whether further development will include an additional clubhouse or other amenities, as an additional 66 houses will be bringing in approximately \$175,000 per year in additional HOA fees.

Mr. Hamley said that an additional concern among community members is that there are only two egress and ingress points for the neighborhood. One of those points is not being used as intended;

it's a right turn only lane and traffic is turning left onto it rather than traveling another half mile to access the left turn entrance. Traffic may increase twofold with the addition of more residences. In addition, traffic is increasing due to the subdivision's proximity to Bucees.

In addition, Mr. Hamley mentioned some grading issues. He explained that residents are interested to know where construction work will begin. Currently, the last spot on Westminster drive is Mr. Hamley's plot. Near to his lot is a giant mountain of dirt, which causes flooding and sewer blockage issues. Mr. Hamley stated he and other residents of the development would like to see resolution on those issues.

Ms. Garth asked Mr. Griffin if anything can be done about the aforementioned issues brought forth by Mr. Hamley while the development is still under construction. Mr. Griffin answered yes; pre-construction, an ADEM (Alabama Department of Environmental Management) permit must be acquired. ADEM monitors the discharge of material from the job site. If a complaint is received by the City, the Engineering Department will inspect it and notify the developer. If the issue is not remediated, Engineering will make a call to ADEM.

Ms. Garth asked Mr. Griffin if he could take Mr. Hamley's comment tonight in lieu of a phone call. Mr. Griffin stated that he could.

Venard Hendrix asked Mr. Griffin to comment about the traffic flow issues into the development Mr. Hamley mentioned. Mr. Griffin answered that the traffic study originally performed for the PUD itself was for the entire development, which slated out which roadway improvements would be provided on Lindsay Lane.

Mr. Hendrix asked about the turn lane mentioned by Mr. Hamley. Mr. Griffin stated he believes Mr. Hamley is referring to the right-in/right-out, and that it sounds as though some people aren't attempting to follow that. Mr. Griffin explained that if you're going northbound on Lindsay Lane, you can use the deceleration lane to enter the first entrance into The Links. The second entrance is a right-in/right-out. Mr. Griffin believes Mr. Hamley is referring to traffic traveling southbound turning left into the right-in/right-out, which might be remediated by additional traffic control measures.

Ms. Garth asked if that would be the developer's responsibility or the city's. Mr. Griffin stated that it would be the city's at this point. Ms. Garth asked if Mr. Griffin could check into that. Mr. Griffin answered that he would.

Rhonda Weatherford asked when the traffic study was conducted. Mr. Griffin answered he believed it was when the first layout was reviewed in 2019, and was sized with the anticipation of a school being present within the neighborhood.

Ms. Henry asked if Mr. Griffin believes the traffic study was adequate, or if another look should be taken at it. Mr. Griffin answered that it was stamped by a licensed professional, therefore they believed it to be adequate at that time.

Ms. Henry answered that that was 2019 as opposed to 2023. Mr. Griffin stated it accounted for those lots at that time, and that he could not legally disagree with another engineer.

Ms. Garth stated that the original plans more than likely accounted for having additional points of connectivity with Canebrake, which was subsequently denied. Mr. Griffin agreed and stated that the development was slated to have three points of connectivity with Canebrake, and that at this point in time that interconnectivity does not exist.

Ms. Garth asked Ms. Stewart, since the developer wasn't present, if she could address the concerns about the amenity areas. Ms. Stewart answered that the developer should be addressed with those concerns. The engineering firm doesn't have control over the amenities that are within the development.

Ms. Tidwell stated the master development plan doesn't show additional amenities other than open space. Ms. Garth asked if the City, upon seeing that additional lots are anticipated in a development, would specify that additional amenities needed to be added as well. Ms. Tidwell answered that the City doesn't exercise any influence over a development's amenities.

Ms. Garth and Ms. Tidwell further clarified where the proposed school would have been located within the development, and that the development of the proposed lots currently being discussed were already anticipated.

Mr. Mallette clarified that the two additional lots that were part of the limited amendment to the master development plan are being added.

Ms. Tidwell explained that there was previously a tract within the development where there was a five year option for a school to be located. That tract was zoned TI (Traditional Institutional) within the PUD (Planned Unit Development), but the school never materialized.

Ms. Garth asked Mr. Hamley if his questions were addressed. Ms. Garth also stated that the amenities concerns aren't within the commission's authority to answer. The developer would need to be consulted for that.

Andrea Love (14043 Lannister Ln. Athens, AL) came forward and stated that the community oftentimes have difficulty getting through to DR Horton to address their multiple issues. Ms. Love asks if there is a better way of contacting the developer.

Ms. Garth stated that engineers associated with the development are present at the meeting. Ms. Love stated she understood that, and asked if they had any contact information that would assist in reaching out to the developer. Ms. Stewart stated that she was present with Forestar, not the developer.

**Resolution.** Brad Mallette offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of Links of Canebrake, Phase 4.

Rod Herron seconded the motion, and the motion passed with Rod Herron, Venard Hendrix, Gina Garth, James Hand, Dana Henry, and Brad Mallette voting in the affirmative and Rhonda Weatherford voting in the negative.

- X. **Public Hearing.** Request of Henderson Development Group, LLC for Preliminary Plat Approval of King Estates Subdivision, a major subdivision of +/- 114.2 acres into 22 lots, located directly south of Pepper Road and approximately 2,550 feet east of Line Road (Parcel #s: 44-10-06-13-0-000-001.007 and 44-10-06-13-0-000-001.001), zoned R-1-1 (Low Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. Ms. Tidwell explained that this development was originally designed as a C-PUD (Conventional Planned Unit Development) but was rezoned to an R-1-1 (Low Density Single Family Residential Development). The applicant is now requesting to subdivide the property.

Ms. Tidwell stated that the connectivity index score is 1, and that the applicant believes the required connectivity index score of 1.65 cannot be achieved due to topographical restraints. The city would request that the developer provide a stub from the northernmost cul-de-sac to Tract One to the west, as shown on the development's previously approved master development plan.

Ms. Tidwell further stated that this development is part of an experimental subdivision, which means the standard street typical is not being used. Instead, the developer is utilizing an adaptive street typical. This type of development works in areas where sewer access isn't immediately available, Ms. Tidwell explained. Additionally, Staff would request a perc test and the results thereof be presented prior to final plat approval. This would ensure that there's plenty of room in case septic systems within the lots fail.

Ms. Tidwell stated that staff would recommend approval with the following contingencies: the results of a perc test be provided prior to submission of final plat and that connectivity be provided from the northernmost cul-de-sac to Tract One.

Ms. Garth asked if there was anyone present on behalf of the request. Nick Hamlin, owner and developer, came forward. Mr. Hamlin stated that there are several issues that need working through in this development. First, the sewer/septic tank permits are in their second phase with the Limestone County Health Department. Mr. Hamlin further stated that the western border of the property is Limestone County, not Athens City. This causes an additional restraint regarding connectivity.

Mr. Hamlin stated that initially, this was a C-PUD (Conventional Planned Unit Development) subdivision with mixed-use development. As such, it had the required connectivity. The current layout is not the same as the previous C-PUD layout.

Ms. Garth asked for clarification on what constituted Tract One. Mr. Hamlin stated that Tract One is a large hill, and is a topography hardship.

Ms. Garth asked if the rest of the development is therefore referred to as Tract Two. Ms. Tidwell clarified that Tract One is not part of the preliminary plat approval request.

Ms. Garth clarified that what Mr. Hamlin is saying is that the previous layout of the C-PUD is completely different from the layout currently being proposed. Mr. Hamlin agreed.

Ms. Garth stated that when the rezoning occurred, a master development plan wasn't addressed at the time, only the rezone. Ms. Tidwell confirmed that is correct.

Ms. Garth asked if Mr. Hamlin plans to develop Tract One. He stated that yes, in some fashion that is the intent, and that he's had some people interested in buying it as one parcel.

Ms. Garth asked how many acres were included in Tract One, and Mr. Hamlin answered 30.77 acres. Ms. Garth asked if that's where the big hill is. Mr. Hamlin answered yes.

Mr. Hamlin stated that he does not want connectivity, but would be willing to work with city officials to find a solution. If that could be made a contingency, Mr. Hamlin feels confident a solution could be reached.

Ms. Garth stated that to her understanding, the City is recommending connectivity between Tract One and Tract Two. Mr. Hamlin stated that was correct.

Ms. Tidwell stated that Staff requests connectivity be provided from the northernmost cul-de-sac stubbed to Tract One. Ms. Garth stated that normally, connectivity is from one piece of property to another or one development to another development. Ms. Tidwell agreed.

James Rich stated that the City typically requires roadways be extended to connect to future development tracts, just like the Links at Canebrake. When a developer develops in phases, you want a way to extend into that future development.

Ms. Garth stated that a similar issue was seen with Wauchula where connectivity was requested to an undeveloped piece of adjoining property. Ms. Garth said she fails to see the difference between this request and Wauchula. Mr. Rich answered that with Wauchula, the connectivity would have been between residential and industrial tracts.

Ms. Garth asked if Ms. Stewart, from an engineering perspective, would explain why or why not connectivity is an issue.

Ms. Stewart stated that the reason this development is laid out this way is because of the topographical constraints. There is a drainage area of about 600 acres between Tract One and the rest of the development. Ms. Stewart explained that the way it's laid out allows for the natural ditch to be left as it is and to have one plus acre tracts with an open ditch. Ms. Stewart believes that's what makes this property unique, and believes connectivity wouldn't be warranted here because of the topographical constraints on the south and east by Piney Creek and on the west by the drainage ditch that carries water.

Venard Hendrix confirmed that Ms. Stewart is saying she doesn't want connectivity. Ms. Stewart agreed. Mr. Hamlin also stated that he doesn't want connectivity, and doesn't believe it's feasible on this property.

Mr. Hendrix asked if this issue needed to be discussed between the developer and the City and brought back before the Commission at a later time. Mr. Hamlin answered that he does not want to halt development, and asked that the Commission would approve the request with contingencies instead. Mr. Hamlin believes that because of the great working relationship he has with the City's Engineers, a resolution could be found.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** James Hand offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of King Estates Subdivision contingent upon connecting the northernmost cul-de-sac to Tract One to the west and perc test results being submitted to Staff prior to the final plat.

Rhonda Weatherford seconded the motion, and the motion passed unanimously of the voting members present, contingent upon connecting the northernmost cul-de-sac to Tract One to the west and perc test results being submitted to Staff prior to the final plat.

Mr. Rich asked to make a comment. He stated that staff would be willing to review the extension to determine its feasibility. If Engineering believes the extension is not feasible, at that time they could come back and revise the preliminary plat. This way, development wouldn't come to a halt. Mr. Hamlin believes that's an appropriate solution.

Ms. Garth commented that this is a unique piece of property, and she'd like to see as much natural beauty and trees preserved as possible.

- XI. **Public Hearing.** Request of Jeffrey and Teresa McKinney for Minor Plat Approval of JMAC Farms, a minor subdivision of +/- 2.0 acres into 2 lots, located at 1609 Market Street West (Parcel #: 44-10-03-06-3-000-001.000), zoned R-1-2 (Medium Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, and stated that this request currently meets subdivision requirements and requirements of an R-1-2 (Medium Density Single Family Residential District) development. Therefore, Staff has no issues with this request.

Ms. Garth asked if anyone was present on behalf of the request. The representative of the request had nothing to add.

Brad Mallette asked about whether or not this property would constitute a flag lot. Mr. Griffin answered that the City does have circulation standards and driveway spacing requirements on a major collector, such as Market Street. As such, a note was made on the plat that these two lots would be sharing a driveway.

**Resolution.** Dana Henry offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for minor plat approval of JMAC Farms.

Brad Mallette seconded the motion, and the motion passed unanimously of the voting members present.

- XII. **Resolution.** Request of JC Development Company, LLC for Final Plat Approval of Bainbridge Subdivision, Ph. 1 (Swint Townhomes, Ph. 1), a major subdivision of +/- 64.6 acres into 52 lots, located directly west of I-65 and approximately 2,000 feet north of U.S. Highway 72 East (Parcel #: 44-10-02-10-3-000-014.000), zoned R-1-5 (Single Family Townhouse Attached Residential District) and R-1-3 (High Density Single Family Residential District).

Ms. Tidwell presented the applicant's request. She explained that this request mostly meets Staff requirements, however there was an issue with the buffer along the interstate. Staff would therefore recommend approval with contingencies regarding that buffer: that the landscape buffer on the site be cleaned up and any defective vegetation be removed, a maintenance plan for riprap be provided to Staff and approved, and additional landscaping be provided in accordance with a Type B buffer to supplement any sparse area of the existing buffer.

Ms. Garth asked if this was the piece of property in which the City required them to replant the vegetation. Ms. Garth subsequently asked if that had been inspected recently. Mr. Griffin answered that it's not part of this phase and therefore had not been inspected yet, however an inventory of native vegetation can be completed. Ms. Garth agreed.

**Resolution.** Rhonda Weatherford offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on August 15, 2023, that the board does hereby grant the applicant's request for final plat approval of Bainbridge Subdivision, Phase One contingent upon the landscape buffer currently existing on site be cleaned up and any defective vegetation be removed, a maintenance plan for the riprap be provided to Staff and approved, and additional landscaping be provided in accordance with a Type B buffer to supplement any sparse areas of the existing buffer.

Rod Herron seconded the motion, and the motion passed unanimously of the voting members present contingent upon the landscape buffer currently existing on site be cleaned up and any defective vegetation be removed, a maintenance plan for the riprap be provided to Staff and approved, and additional landscaping be provided in accordance with a Type B buffer to supplement any sparse areas of the existing buffer.

**Adjournment.** There being no further business to come before the Commission, Chairwoman Garth duly and properly adjourned the meeting at 7:15 p.m.

  
Chairman

Attest:   
Secretary