

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

Athens Planning Commission 2020 October 20

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 live streamed 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 mcochran@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 6:00 p.m. on October 20, 2020. This meeting was held online via Zoom.

Roll Call.

Members present:

Gina Garth, Chair
Rick Johnson, Vice Chair
Venard Hendrix
Roderick Herron
Robert Malone
Dana Henry
Ronnie Marks, Mayor

Members absent:

Interim Chief James Hand
Jerold Blaxton

Also present:

James Rich, Public Works Director
Michael Griffin, City Engineer
Micah Cochran, GIS Coordinator

OLD BUSINESS

NEW BUSINESS

CONSENT AGENDA

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II. CONSENT PUBLIC HEARINGS

- a. **Public Hearing** Consider the request of DSLD Homes (Gulf Coast) LLC for a Certificate to Subdivide +/- 171 square feet from Lot 35 of Park Place Addition #1, located at 907 Box Street, zoned in an TN-2 Traditional Neighborhood 2 District.

Brian Terry, 805 Box Street, representing the Park Place HOA. The HOA was made aware of this request the Architectural Review Committee, which denied this request. Understand city's authority to overrule. It places a hardship upon the owner of Lot 34. Afraid that this lot will request a 1-1.5 ft side yard variance, if approved. This is a Zero-lot line subdivision. We have not had this as an issues. To their understanding builder of lot 36 built over the lot line by 1-1.5 foot and was aware of that.

Gina, how does this affect lot 34? Lot 35 is the vacant lot.

Mr. Terry: This is a cul-de-sac lot (Lot 35). There is a house of Lot 34.

Mr. Griffin: The certificate will

Mr. Rich: The setback is 0'/12'.

Mr. Terry: they will have to either build a narrower house. They are not for this issue. They sympathize with lot 36 because they will bear expense.

Mr. Johnson: have you raise the concern with DSLD. Mr. Terry: I have spoken to them on behalf of the HOA that DHLD doesn't have a preference. They aren't the ones encroaching. Another home builder did this.

Mr. Griffin: this item conforms with our regulations.

Ms. Garth: the HOA is concerned about

Mr. Rich: DSLD has a smaller house plan that would fit on Lot 35, and meet the restrictions, per Text message with Barry Dunnivant, Engineer who drew the certificate.

- b. **Public Hearing** Consider the request of Stan Hogan for a Certificate to Subdivide +/- 0.91 acres, located at 18755 Moyers Road, zoned in an EST Estate Residential and Agricultural District.
- c. **Public Hearing** Consider the request of Valleywide Properties, LLC for a Preliminary & Final Plat of Resurvey of Resubdivision of Lot 2, French Hills Addition 5, a minor subdivision consisting of +/- 2.54 acres consisting of 2 lots, located north of 1289 US highway 72 East, zoned in a B-2 General Business District.
- d. **Public Hearing** Consider the request of Canebrake Club LLC for a Preliminary & Final Plat of a Resubdivision of Lots T99, T100, T101, T102, T103, T104, T105 of Canebrake Club Shinnecock-Baltustrol Subdivision, a minor subdivision of +/- 2.28 acres into 6 lots, located on the south side of Shinnecock Hills Drive, in a C-PUD Conventional Planned Unit Development District.

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- e. Public Hearing** Consider the request of Listerhill Credit Union for recommendation to the City Council of the City of Athens to rezone +/-1.513 Acres of property at 22223 US Highway 72 located on the northwest corner of US Highway 72 and Bab Daly Road from the R-1-1 Low Density Single Family Residential District & B-2 General Business District to the B-2 General Business District.

There was no other discussion on these issues and the public hearings were closed.

III. Certificates

- a.** Consider the request of Jasper Smith for a Certificate to Consolidate combining Lots 167 and 168 of Houston Place Subdivision Add. No 5 into one tract of +/-1.20 acres, located on the east side of Capitol Hill Drive with the addresses 19944 and 19970 Capitol Hill Drive, zoned in an R-1-1 Low Density Single Family Residential District.
- b.** ~~Consider the request of DSLD Homes (Gulf Coast) LLC for a Certificate to Subdivide +/- 171 square feet from Lot 35 of Park Place Addition #1, located at 907 Box Street, zoned in an TN-2 Traditional Neighborhood 2 District. [Item moved to Regular agenda.]~~
- c.** Consider the request of Theresa Speakman for a Certificate to Consolidate, +/- 171 square feet with Lot 36, located at 907 Box Street, zoned in an TN-2 Traditional Neighborhood 2 District. [See Discussion IV about this item.]
- d.** Consider the request of Stan Hogan for a Certificate to Subdivide +/- 0.91 acres, located at 18755 Moyers Road, zoned in an EST Estate Residential and Agricultural District. [Pub. Hearing Item 8(b)]
- e.** Consider the request of Stan Hogan for a Certificate to Consolidate to form a tract with +/- 9.06 acres, located at 18699 Moyers Road, zoned in an EST Estate Residential and Agricultural District.

IV. Minor Subdivisions

- a.** Consider the request of Valleywide Properties, LLC for a Preliminary & Final Plat of Resurvey of Resubdivision of Lot 2, French Hills Addition 5, a minor subdivision consisting of +/- 2.54 acres consisting of 2 lots, located north of 1289 US highway 72 East, zoned in a B-2 General Business District.
- b.** Consider the request of Canebrake Club LLC for a Preliminary & Final Plat of a Resubdivision of Lots T99, T100, T101, T102, T103, T104, T105 of Canebrake Club Shinnecock-Baltustrol Subdivision, a minor subdivision of +/- 2.28 acres into 6 lots, located on the south side of Shinnecock Hills Drive, in a C-PUD Conventional Planned Unit Development District.

V. Rezoning

- a.** Consider the request of Listerhill Credit Union for recommendation to the City Council of the City of Athens to rezone +/-1.514 Acres of property at 22223 US Highway 72 located on the northwest corner of US Highway 72 and Bab Daly Road from the R-1-1 Low Density Single Family Residential District & B-2 General Business District to the B-2 General Business District. V [Pub. Hearing Item 8(e)]

- VI.** Discussion. Mayor Marks asked Section III Item a be removed from consent agenda.

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- VII. Consent Agenda 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 the Consent Agenda based on Public Hearing II subsections b through e.”

Mr. Malone seconded the motion and the vote was unanimous of the voting members present. [There was some confusion as to what was approved. This was clarified later in the meeting, under Section XXVI.]

- VIII. Resolution** Mayor Marks offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to not approve the request of DSLD Homes (Gulf Coast) LLC for a Certificate to Subdivide +/- 171 square feet from Lot 35 of Park Place Addition #1, located at 907 Box Street, zoned in an TN-2 Traditional Neighborhood 2 District.”

Mr. Johnson seconded the motion.

Mr. Herron stated that the onus of granting a variance was on the Board of Zoning Adjustment, and does not think that there would not be a hardship to grant a variance. Sees no justification not to approve this.

There was extensive discussion about on a Consent agenda that it should be formatted such that the public hearing come first otherwise it is confusing.

Mayor Marks gave a reason for denial that they want us to clean this up from someone else pouring a driveway across the zero-lot line, and ask the Planning Commission to cleanup their mistake.

Mr. Hendrix asked about this adversely affecting Lot 34, but Ms. Garth did not think that was a sufficient reason.

Mr. Herron said a smaller house could be built on Lot 35.

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The vote was called and the motion passed, but the vote was split as follows, YES: Ms. Henry, Mr. Malone, Mr. Johnson, Mr. Hendix, Mayor Marks. NOs: Mr. Herron. [There was more discussion about this in Item XXVII.]

- IX. Discussion** There was discussion about item III.c. It was determined that if the Certificate to Subdivide was not passed then Certificate to Consolidate was null and void.

REGULAR AGENDA

MAJOR SUBDIVISIONS

- X. Public Hearing** Consider the request of Randall Putman for a Preliminary Plat of Putman Acres, a major subdivision of +/- 1.7 acres into 8 lots, located at 1026 Washington Street West on the north side of the road, zoned in a TN-2 Traditional Neighborhood 2 District.

Mr. Griffin advised. Staff has reviewed and recommends it for approval.

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

- XI. 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 Randall Putman for a Preliminary Plat of Putman Acres, a major subdivision of +/- 1.7 acres into 8 lots, located at 1026 Washington Street West on the north side of the road, zoned in a TN-2 Traditional Neighborhood 2 District.”

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

- XII. Public Hearing** Consider the request of North Alabama Communities, LLC for a Preliminary Plat of Natures Cove West Subdivision, a major subdivision of +/-74.93 acres into 211 lots,

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located on the west side of Lindsay Lane, north of Steeple Chase in an R-1-3 Single Family High Density Residential District.

Mr. Griffin advised. This has been changed to 2 phases. One item that does not conform is the 35 ft frontage 2-3 common areas. We ask for approval to be based on this contingent upon this frontage

Evan Mitchell, 22 Old Cobb Farm Lane, Engineer, the common area will be for detention or left over land that will not be. Would like to just add a note that these are not buildable. Twenty (20) foot is for access mowing and getting a vehicle. Probably shift lot lines to make it work.

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

XIII. 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 North Alabama Communities, LLC for a Preliminary Plat of Natures Cove West Subdivision, a major subdivision of +/-74.93 acres into 211 lots, located on the west side of Lindsay Lane, north of Steeple Chase in an R-1-3 Single Family High Density Residential District CONTENGENT UPON correction of the dimension of the entry ways into the common area.”

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

XIV. Public Hearing Consider the request of Newby Chapel LLC for a Preliminary Plat of Newby Chapel Subdivision Phase 3 a major subdivision of +/- 19.88 acres into 76 lots, located on the south side of Newby Road, about 1/4 mile east of Cambridge Lane in an R-1-3 Low Density Single Family Residential District.

Mr. Griffin advised. Phase 2 was before us last month. Staff has no issues and recommend approval.

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

XV. 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 Newby Chapel LLC for a Preliminary Plat of Newby Chapel Subdivision Phase 3 a major subdivision of +/- 19.88 acres into 76 lots, located on the south side of Newby Road, about 1/4 mile east of Cambridge Lane in an R-1-3 Low Density Single Family Residential District.”

Mayor Marks seconded the motion and the vote was unanimous of the voting members present.

- XVI. Public Hearing** Consider the request of Forestar for the The Links Phase 3 Subdivision, a major subdivision of +/-39.44 acres into 86 lots, for Preliminary Plat approval located on the East side of Lindsay Lane, across from its intersection with Strain Road, in a C-PUD Conventional Planned Use Development District.

Mr. Griffin advised. Made contingent upon a traffic study of any improvements along Lindsay Lane. There is no access between Canebrake and the Links due to the City Council action. The original traffic study include connections to Canebrake, thus the need for a new traffic study.

Ms. Garth there was a lot of public concern about connectivity and it was removed due to that public concern.

Melissa & Charlie Wright, 2045 Lindsay Lane, 1. Concerned with the property boundaries with Lot 183.

The line on Lot 183 may extend along property line.

Mayor, I am concerned about the

Mr. Griffin, notice is given to allow them to work it out. We are under the issues that there are not boundary issues. This is provided by a professional land surveyor. Boundary disputes are a private matter among property owners.

Mrs. Wright, concerns about drainage issues. Mr. Griffin, A detention area will be placed in the Common Area.

Taz Morell, Charlie and I meet years ago about this, but is willing to answer any questions that you have and pull out the drawings.

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Mrs. Wright: The horses on the property. Would like that information to be shared. Do not want it to present an issue. There might need to be a privacy fence.

Andy Rubble, 22954 Winged Foot Dr, concerned about the common area. Taz: Do not think that the HOA intends leave it natural, but it would be the HOA's private property.

Mr. Griffin, a buffer is not required. If there are trees on his property he can do with it as he sees fit.

Mr. Johnson, would like to recuse himself due to his property adjoining this property. Asked to discuss with Andy Cowell about the property boundary. There was a former access road. There was an existing stake that was 8 feet to the north. The access is for the back side of property that has been using and maintaining. Wants an opportunity to discuss that with the developer. There is a large stand of pine trees. If the PC approves this as drawn, how can this get fixed to ensure a couple things. Access to his property. There are 3 lots next to his front yard. How can I get screening or buffering? Either leave trees there. Discuss the new pin that was sent. Can we have a meeting?

Taz: Michael told me of your concern and we replotted your deed. We can pull in DR Horton, if needed. These lots are deep, but we can get you in touch with those guys.

Eric Garner, 22210 Kennemer Lane, concerned about drainage at the end of Crooked Stick.

Joe Higgenbotham: The water will be to the east into the detention pond in the common area. The water will be underground.

Mr. Johnson, stated that he is speaking as a citizen in the public hearing, not a Planning Commission member due to recusing himself.

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

Mr. Griffin: professional land surveyor did this and stamped. He is the professional and he bears the liability with the stamp.

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Ms. Garth, we cannot get involved or settle property disputes among individual property owners. We need a reason for not approving this.

Mr. Hendrix want to table to give all properties time to discuss the item.

Mr. Griffin, this is stamped and certified and we think that it is correct. These minutes are record. Property owners have done their first step with property disputes. Disputes are handled outside of the Planning Commission. Those outside of our purview.

The Planning Commission has have 30 days to act on a subdivison.

XVII. Resolution Mr. Hendrix offered the following resolution, and his reasoning was to “give property owners a chance to discuss” and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to table the request of Forestar for the The Links Phase 3 Subdivision, a major subdivision of +/-39.44 acres into 86 lots, for Preliminary Plat approval located on the East side of Lindsay Lane, across from its intersection with Strain Road, in a C-PUD Conventional Planned Use Development District.”

Motion failed for lack of a second.

XVIII. Discussion Mr. Hendrix asked, can the traffic study be done within 30 days? Mr. Griffin, probably could get additional counts or run a simulation.

XIX. 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 table the request of Forestar for the The Links Phase 3 Subdivision, a major subdivision of +/-39.44 acres into 86 lots, for Preliminary Plat approval located on the East side of Lindsay Lane, across from its intersection with Strain Road, in a C-PUD Conventional Planned Use Development District CONTINGENT UPON completion of an updated traffic study.”

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Mr. Malone seconded the motion and the vote was unanimous of the voting members present, except Mr. Johnson was recused from the vote.

- XX.** **Public Hearing** Consider the request of Breland Homes for Preliminary Plat approval of Browns Crossing West Phase 2, a major subdivision of +/- 35.93 acres into 108 lots, located on the north side of US Highway 72 and immediately west of Browns Crossing Subdivision, in an R-1-3 High Density Single Family Residential District.

Mr. Griffin advised. Staff reviewed and has no issues with this.

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

- XXI.** **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 Breland Homes for Preliminary Plat approval of Browns Crossing West Phase 2, a major subdivision of +/- 35.93 acres into 108 lots, located on the north side of US Highway 72 and immediately west of Browns Crossing Subdivision, in an R-1-3 High Density Single Family Residential District.”

Ms. Henry seconded the motion and the vote was unanimous of the voting members present.

SITE PLAN

- XXII.** **Resolution** Mr. Griffin advised on the item at hand. They will be adding RV Parking and adding 3 buildings. There are wetlands on a portion of the site. This site plan is still under Department Review Team. Recommend approval contingent upon all staff issues being addressed and corrected. It is a permitted use in the B-2 District.

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 to approve the Site Plan for Guardian Self-Storage of Athens at 1500 US Highway 72 West, at the northwest corner of US Highway 72 and Brownsferry Street, for the use of a self-storage facility, within the B-2 General Business District CONTINGENT UPON compliance with city comments.”

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Mayor Marks seconded the motion and the vote was unanimous of the voting members present.

- XXIII. Resolution** Mr. Griffin advised on the item at hand. Staff does not recommend this based on prior discussions, prior decisions, and other storage facilities in town.

Ms. Garth noted that we had an almost identical case of a design appeal to have metal on vertical surface of a storage facility behind Publix, which the design appeal was denied.

Mr. Herron based a case when he was on the Board of Zoning Adjustment, a woman had a barn in her yard of metal on a barn and she tried to put corrugated metal on it. There was a formerly AG zoning which changed to an R-1-1 district. We did not allow her to put corrugated metal on her barn, a couple years back.

Mayor Marks offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to deny the request to Appeal of the Design Standards (§§ 6.1.15) for Guardian Self-Storage at 1500 US Highway 72 West for building material requirements which prohibit metal on vertical surfaces in most districts (Zoning Ord. para. 6.1.12.F). Guardian Self-Storage will comply with building material requirements along the facades with US Highway 72 and Brownsferry Street. Guardian Self-Storage’s appeal is to allow corrugated metal on all other building walls.”

Ms. Henry seconded the motion and the vote was unanimous of the voting members present.

- XXIV. Discussion** Ms. Garth welcomed the new member, Dana Henry, to the Planning Commission.

There was also discussion that some of the consent agenda items may not have been voted on. The items need to be organized differently in the future.

- XXV.** Resolution Consent Agenda. regarding VOTE
Mayor Marks approve Items 2, 4, 5, 6, 7 for a motion to approved.
Mr. Herron
2nd Mr Malone.
Motion passed unanimously

- XXVI. Consent Agenda Resolution** Mr. Herron 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 the Consent Agenda Sections IV and V, and all of their items, and Section III subsections a, d, and e.”

Mr. Malone seconded the motion and the vote was unanimous of the voting members present. [This was a clarification of Section VII.]

- XXVII. Discussion.** Item III.b and Section VIII, Mr. Rich Certificates to Subdivide need some kind of reason for a denial. Such as frontage or some other res. If this item meets our subdivision regulations and requirements, for frontage requirements.
Mayor Mark, this decision can be appeal to City Council.
Mayor Marks: We seem to be clearing up something that someone else has made a mistake.
Mr. Herron: thinks that the request still conforms with the standard. This decision opens City up to legal challenge.
Mr. Cochran, confirm that is what he had for notes.
Mr. Mark, if the reason for the denial is insufficient, then it can be appeal to the City Council.
- Ms. Garth can we do the meeting in person, and blend it with members meeting remotely.
- XXVIII. Adjourn** There being no further business, the meeting was adjourned.

Chairperson

ATTEST: Secretary