

**I. Call to Order:**

The Planning Commission of the City of Athens, Alabama was called to order by Gina Garth, Chairman, at 5:45 p.m. on January 23, 2018.

**II. Roll Call.**

**Members present:**

Gina Garth, Chairman  
Rick Johnson, Vice Chairman  
Chief Bryan Thornton  
Rod Huffman  
Venard Hendrix  
Robert Malone  
Councilman Harold Wales  
Mayor Ronnie Marks

**Members absent:**

Jerold Blaxton

**Also present:**

James Rich, City of Athens Director of Public Works  
Erin Tidwell, Planning Commission Secretary  
Micah Cochran, GIS Coordinator  
Shane Black, City Attorney

**APPROVAL OF MINUTES:**

- III. Resolution:** The Chairman called for a motion to accept the proposed minutes from the December 19, 2017 meeting as presented.

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 minutes of the December 19, 2017 meeting.

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

**OLD BUSINESS**

- IV. Resolution** Request of Canebrake Club LLC for Approval of a Master Development Plan for the Links at Canebrake located to the south of Canebrake Subdivision and east of Lindsay Lane South in a C-PUD Conventional Planned Unit Development District.

Mrs. Garth stated that she would allow a short time for the residents of Canebrake to pick three members to represent them and make final comments for a period of three minutes each. She stated that Mr. James Rich would present the City’s findings after the comments were made. She also explained the process for having a Master Plan approved once it leaves the Planning Commission.

Mr. Wayne Reynolds, 14114 Muirfield Dr., spoke up and asked that the City present first so that the residents would be able to comment on the City’s findings. Mrs. Garth agreed to let Mr. Rich present before Canebrake residents made comments.

Mr. Rich stated that the Master Plan for the Links at Canebrake, as drawn, meets the City's adopted Zoning Ordinance, International Fire Codes, and Subdivision Regulations. Therefore, he summarized that Staff has no objections to the plan as presented. He also reviewed that the Planning Commission sends the Master Plan to the City Council with their recommendations, but the City Council has the final approval power.

Mrs. Garth asked whether a representative for the request was in attendance at which point Mr. Carl Hunt raised his hand and indicated that he was present, but declined to speak at that time.

Mrs. Garth requested that Canebrake pick three individuals to represent them and called the first representative forward.

Scott Marshall, 23349 Piney Creek Drive, stated that he appreciated what he heard in the Work Session, but the plan as drawn is not acceptable to residents within Canebrake. He stated that the idea of connecting the developments with sidewalk may be ok in the future. Mr. Marshall reiterated that residents already feel as if there are two entrances to Canebrake and Woodland Drive could be a second entrance if needed. He went on to state that the wording of the Fire Code is such that the Fire Chief is "authorized" to require a second entrance. If connected, property values will be affected long-term and the City should take the effect on property value into consideration. Mr. Marshall added that he believes the idea that was proposed during Work Session regarding property buffers would probably work between the two developments. He also sees potential issues if a gate was installed between the two developments with cars being forced to turn around in the street. He believes the Zoning Ordinance should be amended to let Canebrake stand alone and to let the Links stand alone.

Clare Middleton, 14428 Royal St. George Street, stated that he was on the Planning Commission when the original Canebrake Master Plan was developed. He believes it was developed with the same values that Canebrake residents have today. Therefore, no one wants more than one entrance into Canebrake. People moved into Canebrake because it has one entrance. He suggested that extending the current entrance would account for the required second entrance. He simply does not wish for this new development to interrupt Canebrake's current condition.

George Carter, 22777 Winged Foot Lane, informed the Commission that residents of Canebrake asked him to speak. He did not wish to rehash everything that had already been stated. Mr. Carter joined the Club in 1998, bought a lot in 2000, and moved-in in 2007. He stated that the design shows the new development attached to Muirfield Drive. This Drive is already heavily trafficked, and Mr. Carter believes making the developments connect will create issues such as the safety of children that play in the streets. He stated that residents wish for Canebrake to have only one entrance, and that the development is not gated due to the upkeep of the roads. He wished to convey his concern with the message this sends to developers of higher end homes if we take our one high end community and de-value it by connecting it to another subdivision. He asked the question, "Is this going to be advantageous for high end developers?"

Carl Hunt, 15774 Line Road, stated that Canebrake Club, LLC owns the land and is attempting to sale the land to a developer. He wanted it known that Canebrake Club, LLC had nothing to do with the design of the Master Plan, but it was designed according to City requirements. The Developer has done precisely as the City required and has flexibility in regard to changes to the proposed development. Mr. Hunt stated that, "In a way, I feel it is up to the City and Commission to resolve this issue. We had better get our act together,

because like it or not, the development is coming.” He stated that Canebrake itself has five different levels of houses and requirements for those homes. The houses range from the Colony to the back of the Golf Course. The PUD is designed to allow for multiple designs within the same development. He stated that this will be setting the precedent for how PUDs are handled in the future. He went on to state that connecting Canebrake to Woodland Drive is not an option because Piney Creek and Indian Trace do not want that entrance either. He apologized if his comments came across as lecturing, but he believes it is time to get on with it.

Mrs. Garth questioned Mr. Hunt on whether or not the property in question was part of Canebrake’s original PUD. Mr. Hunt responded that no, like Clare Middleton mentioned, the original plan only included the one entrance.

Mr. Wayne Reynolds, 14114 Muirfield Drive, stated that his point of issue was that when the original PUD was created, it was under the original governance of the City. If not adding the additional proponent of connectivity, Canebrake would not be affected. He proposes that no action be taken in regard to connecting the subdivisions.

Mr. Wales wished to make a couple of short points. He believes the speakers are right on. He stated that Canebrake is in front of the Planning Commission. These are the people that they had sworn to be upheld. These residents are happy with Canebrake as it is now, not changed. He is ok with adding additional setbacks and buffering, but is not satisfied with gates and streets connecting. Mr. Wales is in favor of adding an emergency entrance, which he believes can be achieved through the old construction entrance. He went on to explain that the only people who should be able to use this entrance are emergency vehicles. He stated that the suggested second entrance should see no through traffic, whether it be garbage trucks or any other type of service vehicle. He believes they are putting no one in danger with how Canebrake is currently designed.

Mr. Wales wished to make a recommendation to accept the plan at face value without the gates. It should be sent with approval without the gates. He stated that, “These people are our friends, join us. I will do everything in my power to defeat this connection, here and on our City Council.”

Mrs. Garth responded by saying that connectivity is the main issue. There is some flexibility in how we deal with this. This is what the ordinance requires. The Zoning Ordinance instructs that proposed streets must connect where there is opportunity to do so. Mrs. Garth mentioned that the Subdivision Regulations are similar. The Subdivision Regulations requires connections where needed for police, fire, and government services. The Fire Codes state that any development with over 30 homes requires two entrances. The rules give leeway on how to connect. From public comments, Mrs. Garth understands that that Canebrake residents are concerned with the connectivity, property values, and through traffic. City services, Fire, and Police also need access. Looking at the example of the tornado in 2011 shows how important it is for emergency services to have access to Canebrake. Mrs. Garth believes that the Commission has found a way to achieve both. They would suggest two gated connections at Turnberry Lane and Winged Foot Lane to allow for fire, police, and City Services to access between developments. These gated entrances would not allow through traffic by general public. This would keep the two developments separate and Canebrake would maintain its character while allowing fire, police, and government services access.

At this point, Mrs. Garth asked whether anyone had any questions.

Mr. Wales questioned whether they could offer the same services if there was an emergency

entrance at canebrake.

Mrs. Garth replied that it is unambiguous in the Zoning Ordinance that full connectivity is required.

Mr. Wales stated that this is certainly better than a month ago. He loves Canebrake so much. He believes no one at Canebrake benefits from this.

Mr. Malone stated that improved safety features are a benefit to the residents, to which Mr. Wales stated, "We say that now."

Mrs. Louise Prystaloski, 23349 Hazeltine Drive, questioned if the two gates were placed in the areas previously discussed, if the other two entrances into Canebrake would go away. Mrs. Garth responded that yes, the two other entrances would go away.

Ken Smith, 23626 Piney Creek Drive, stated that the Ordinance reads that where there is opportunity to connect, then streets must connect. He believes if the City is offering the option to only connect two with gated streets, then it can offer the option to connect none of the streets.

Mr. Wales stated that they went from four connections down to two.

Mr. Smith questioned whether there would be any opportunity to amend the Ordinance.

Mrs. Garth stated that tonight they are just making a recommendation to the City Council. She went on to say that there will be a second Public Hearing when the Council makes a final decision.

Wayne Wolff, 23143 Founders Circle, said that he sent an email to the Mayor to outline the issues that were not considered by the Planning Commission at the previous meeting. He believes these considerations should be subjective or objective. He quoted Article 5.B.4 of the City of Athens Subdivision Regulations:

Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may prohibit direct access, require marginal access streets, or specify such other treatment, as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Mr. Wolff, in regards to the idea of the gate, questioned who would be responsible for its maintenance ten years from now. He believes this section of the Subdivision Regulations gives the Planning Commission an out for not requiring the connection between the existing and proposed developments.

Mrs. Garth called on Shane Black, the City's attorney, to address this.

Mr. Black stated that the Subdivision Regulations and Zoning Ordinance say similar things and allow for some flexibility in how to treat the issue. With the issues of through traffic, the Subdivision Regulations lend support to the Zoning Ordinance. Both provide some flexibility in how we can connect the developments.

Chuck Brown, 23120 Piney Creek Drive, began by saying there are four stub-ins into Canebrake. He believes he has a solution everyone can agree on. He questioned whether the required second access has to be paved, to which Chief Thornton responded that it needs to be able to support 75,000 pounds and be at least 20 feet wide. Mr. Brown believes that a

road that meets these standards could be constructed near the entrance that leads into the sales office as long as there is no prohibitive cost.

Mayor Marks asked Mr. Brown to better explain the area he was talking about to which Mr. Brown responded the area where the flowers are planted.

Mrs. Garth asked if any other members of the Commission had any questions.

Mr. Wales stated that he agrees with Mr. Brown's idea. He believes it accomplishes maintaining what Canebrake started out as. Let the Links stand alone.

Mr. Hendrix, wishing to make it clear, stated that there were four connections originally, but now proposing two connections with gates. Basically with this plan we have contained traffic within each subdivision.

Mr. Wales stated that it only contains everyday traffic and not government vehicles. He recommends the Commission accept all points Mr. Rich has laid out except for gated entrances going into Canebrake. He stated that the Commission can meet to put together a second entrance. Mr. Wales requested to delete that gates can be used for traffic.

Mrs. Garth reminded the Commission that no formal resolution had been discussed in regular session yet.

Mr. Johnson asked to make a motion.

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

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, to endorse approval of the Master Plan for a C-PUD, The Links of Canebrake, but requests the Council's attention to concerns herein. This development will contain high density individual homes seemingly equivalent to an R-1-3 residential district, and has within it an area designated and reserved for a school (institutional area). The developer's intent is to exercise a “flexible approach” to lot sizes and setbacks interpreted as authorized by notations on Table 5-5 of the current Zoning Ordinance; however, the Commission believes these lot sizes and setbacks should be designated now and referenced directly on the Master Plan or in an attached document referenced on the Master Plan. The Council should be aware there are new concepts in this development and precedents may thus be established. Please consider the recommendations and comments below when you approve, require modifications, or disapprove the applicant's proposal.

1. A second point of egress/ingress for the Links of Canebrake is necessary. It is recommended to be a connection with Lindsay Lane from that point in Phase 4 currently identified as a cul-de-sac. Pending review of the traffic engineer as Phase 4 is presented for approval.

2. Connectivity between developments in the city is an important issue. We therefore recommend the connection of two existing stub-out streets within Canebrake to the Links of Canebrake. We believe these points should be Turnberry and Winged Foot Lane; however, these are not intended to be thoroughfares, but will be controlled access points between the two PUDs primarily for the use of first responder vehicles

or other governmental access. The gate devices at these points should be installed by the developer of The Links of Canebrake and constructed to satisfy the City Engineer. Key control will be maintained by the City of Athens. Not connecting more stub-outs streets between Canebrake and the Links of Canebrake may be inconvenient for Canebrake residents with school age children if a future school is built within the Links of Canebrake. That inconvenience would be reduced by connecting sidewalks between the neighborhoods.

3. There is an abutment of C-PUD common boundaries between Canebrake and The Links of Canebrake. Along some of this boundary R-1-1 lots in Canebrake adjoin what we would propose to be R-1-3 lots in The Links of Canebrake. There is also an adjoinment of R-1-1 residential lots that front onto Lindsay Lane to this development. In order to recognize and honor adjacent land development, we suggest some reasonable amount of buffering (i.e. "open space") is appropriate within the Links of Canebrake. We believe a 25-foot-wide, open space zone, equivalent to a Type C Buffer (see Art. 6.2.6 of the ordinance) would be reasonable along all perimeter boundaries of the proposed development. These should be common areas maintained by the Links of Canebrake's home owner's association. Tree and shrubbery plantings within this zone can be reduced whenever there is existing vegetation that will serve buffering purposes and is attractive enough to qualify for such areas at the discretion of the Zoning Official. It is presumed the City of Athens would maintain open areas between the proposed school and Canebrake.

4. Residential lot sizes in The Links of Canebrake should be specified. We recommend lot sizes conform to R-1-3 and the setbacks should be: Front yards, 20 Ft; Backyards 20 Ft., and Side Yards, 8 Ft. If variances are required at a future time these may be addressed to the Zoning Board of Adjustments.

5. Regarding the possibility of a school to be sited within the C-PUD, the Commission suggests the Council consider if there is a better location. Note there is a time reservation for a decision by the City. If a school is desired at this location consider that The Links of Canebrake will be a dense residential single family home area and that the institutional area will not be contiguous to Lindsay Lane. An area of congestion may be created due to the proximity of the school, the residential portion(s) of the development, and access streets to Lindsay Lane. We do not know this but believe there is that potential.

6. The additional carry capacity of Lindsay Lane to support The Links of Canebrake, existing and future development and potential growth in this area generally may require significant roadway improvements and we suggest you begin planning for the same. If, however, you deny this application we still suggest you give consideration to future road improvement planning in this area generally.

Mr. Huffman seconded the motion and discussion ensued.

Mr. Huffman stated that the buffer area is also open area as specified by the regulations; is not truly as you would have among other areas, but would still maintain characteristics of a

“Type C” buffer.

Mr. Harold Wales stated that he was not in favor of any connections between the Links of Canebrake and Canebrake and offered an amendment to Mr. Johnson’s motion that removed Item Two (2) from the original resolution, such that the resolution offers no recommendation to the City Council on the issue of interconnectivity between the Links of Canebrake and Canebrake.

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

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA to endorse approval of the Master Plan for a C-PUD, The Links of Canebrake, but requests the Council’s attention to concerns herein. This development will contain high density individual homes seemingly equivalent to an R-1-3 residential district, and has within it an area designated and reserved for a school (institutional area). The developer’s intent is to exercise a “flexible approach” to lot sizes and set-backs interpreted as authorized by notations on Table 5-5 of the current Zoning Ordinance; however, the Commission believes these lot sizes and setbacks should be designated now and referenced directly on the Master Plan or in an attached document referenced on the Master Plan. The Council should be aware there are new concepts in this development and precedents may thus be established. Please consider the recommendations and comments below when you approve, require modifications, or disapprove the applicant’s proposal.

1. A second point of egress/ingress for the Links of Canebrake is necessary. It is recommended to be a connection with Lindsay Lane from that point in Phase 4 currently identified as a cul-de-sac. Pending review of the traffic engineer as Phase 4 is presented for approval.
2. [Item 2 was removed such that the resolution offers no recommendation to the City Council on the issue of interconnectivity between the Links of Canebrake and Canebrake.]
3. There is an abutment of C-PUD common boundaries between Canebrake and The Links of Canebrake. Along some of this boundary R-1-1 lots in Canebrake adjoin what we would propose to be R-1-3 lots in The Links of Canebrake. There is also an adjoinment of R-1-1 residential lots that front onto Lindsay Lane to this development. In order to recognize and honor adjacent land development, we suggest some reasonable amount of buffering (i.e. “open space”) is appropriate within the Links of Canebrake. We believe a 25-foot-wide, open space zone, equivalent to a Type C Buffer (see Art. 6.2.6 of the ordinance) would be reasonable along all perimeter boundaries of the proposed development. These should be common areas maintained by the Links of Canebrake’s home owner’s association. Tree and shrubbery plantings within this zone can be reduced whenever there is existing vegetation that will serve buffering purposes and is attractive enough to qualify for such areas at the discretion of the Zoning Official. It is presumed the City of Athens would maintain open areas between the proposed school and Canebrake.
4. Residential lot sizes in The Links of Canebrake should be specified.

We recommend lot sizes conform to R-1-3 and the setbacks should be: Front yards, 20 Ft; Backyards 20 Ft., and Side Yards, 8 Ft. If variances are required at a future time these may be addressed to the Zoning Board of Adjustments.

5. Regarding the possibility of a school to be sited within the C-PUD, the Commission suggests the Council consider if there is a better location. Note there is a time reservation for a decision by the City. If a school is desired at this location consider that The Links of Canebrake will be a dense residential single family home area and that the institutional area will not be contiguous to Lindsay Lane. An area of congestion may be created due to the proximity of the school, the residential portion (s) of the development, and access streets to Lindsay Lane. We do not know this but believe there is that potential.

6. The additional carry capacity of Lindsay Lane to support The Links of Canebrake, existing and future development and potential growth in this area generally may require significant roadway improvements and we suggest you begin planning for the same. If, however, you deny this application we still suggest you give consideration to future road improvement planning in this area generally.

Mayor Marks seconded the motion and discussion ensued.

Mayor Marks stated that he believes the Links is a great subdivision. The City needs to keep future developments in mind when making these decisions. The recommendation will be going to Mr. Wales and the Mayor as well as the rest of the Councilmen at the City Council meeting.

Mr. Huffman stated he agreed with the plan, and then questioned Mr. Wales on whether he was sure he intended to remove Item 2 from the proposal to which Mr. Wales responded yes.

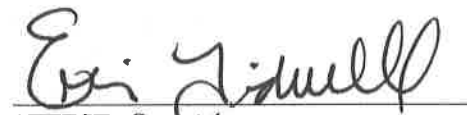
Mrs. Garth, wishing to clarify, questioned whether the vote had been to propose Mr. Johnson's resolution with Item 2 removed. Mr. Wales, Mayor Marks, and Mr. Huffman all responded with a yes.

After confirmation, Mrs. Garth called on a vote from those present for Mr. Johnson's amended resolution. The vote was unanimous of the voting members present; therefore Mr. Johnson's amended resolution passed.

Mrs. Garth stated that the Master Plan will be recommended to the City Council as shown with Mr. Johnson's resolution minus "Item 2" as amended by Harold Wales. (Note: As such, the resolution will offer no recommendation to the City Council on the issue of interconnectivity between the Links of Canebrake and Canebrake.)

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

  
Chairperson  
2/21/18

  
ATTEST: Secretary