

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

Athens Planning Commission

2021 January 19

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 5:45 p.m. on January 19, 2021. 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
Interim Chief James Hand

Members absent:

Also present:

Michael Griffin, City Engineer
Micah Cochran, GIS Coordinator
Matthew Davidson, City Planner
Lakeisha Johnson, Planner

PLANNING COMMISSION BUSINESS

1. None

OLD BUSINESS

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NEW BUSINESS

Certificates

2. a) **Public Hearing.** Request of Larry Hargrove for a Certificate to Subdivide a 478 sq. ft. portion of Lot 2 Block 8 in Annie Wray Nelson Farm Subdivision, zoned R-1-1 Low Density Single Family Residential District.

Mr. Griffin advised this is due to an encroachment over a property line.

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

- b) **Resolution.** Mr. Herron 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 request of Larry Hargrove for a Certificate to Subdivide a 478 sq. ft. portion of Lot 2 Block 8 in Annie Wray Nelson Farm Subdivision, zoned R-1-1 Low Density Single Family Residential District AND ALSO to approve the request of Larry Hargrove for a Certificate to Consolidate a 478 sq. ft. portion of Lot 2 Block 8 into Lot 1 Block 8 of Annie Wray Nelson Farm Subdivision, zoned R-1-1 Low Density Single Family Residential District”

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

Minor Subdivision

3. a) **Public Hearing.** Request of H and B Holdings LLC for Preliminary and Final approval of Athens West 2 Subdivision, a minor subdivision to rearrange 5.6 acres of property into 1 tract, located at the southeast corner of Lucas Ferry Road and Washington Street, zoned INST Institutional District.

Mr. Griffin advised a portion will be dedicated as Ella Street. Utility easements were added.

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

- b) **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 request of H and B Holdings LLC for Preliminary and

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Final approval of Athens West 2 Subdivision, a minor subdivision to rearrange 5.6 acres of property into 1 tract, located at the southeast corner of Lucas Ferry Road and Washington Street, zoned INST Institutional District.”

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

Major Subdivision

4. **a) Public Hearing.** Request of Larry, Curley, and Nomo, LLC for Preliminary approval of Cambridge Estates Subdivision, a major subdivision of +/- 19.85 acres into 64 lots, located Tracts 3 and 4 of Highway 72 Development Plat Book H, Page 428, more generally located on the south side of US Highway 72, southwest of the intersection of US Highway 72 and McCulley Mill Road, zoned in an R-1-3 High Density Single Family Residential District.

Mr. Griffin advised the that open space requirements had changed since the easement. Alabama Department of Transportation (ALDOT) is requesting a traffic study due to possible traffic that could be generated by connecting developments.

Ms. Henry asked about what was across US Highway 72. Mr. Griffen stated that there is a low lying area in the County.

Mr. Andy Dinges, Garver Engineering, discussed ALDOT permitting. Mr. Griffin stated that the City has difficulty recommending Right-In Right-Out as drawn. Mr. Dinges tried to do a land swap with landowner to line up with McCulley Mill Road, but nothing has happened.

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

- b) 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 request of Larry, Curley, and Nomo, LLC for Preliminary approval of Cambridge Estates Subdivision, a major subdivision of +/- 19.85 acres into 64 lots, located Tracts 3 and 4 of Highway 72 Development Plat Book H, Page 428, more generally located on the south side of US Highway 72, southwest of the intersection of US Highway 72 and McCulley Mill Road, zoned in an R-1-3 High Density Single Family Residential District CONTINGENT UPON a traffic study.”

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

5. Withdrawn

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6. **Resolution.** Ms. Garth stated that the City Attorney received a letter this morning about Founders Pointe Subdivision Phase 2. She was advised to table the request to give the City Attorney time to review this letter and bring it back up at the February meeting.

Ms. Henry offered the following resolution and moved for its adoption:

“BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, to table the request of Pepper Road Estates, LLC for Layout approval of Founders Pointe Subdivision Phase 2, a major subdivision of +/- 14 acres into 30 lots, located North of Pepper Road, directly east of Travertine Drive, zoned in an R-1-3 High Density Single Family Residential District.”

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

7. **Resolution.** Mr. Griffin advised regarding Final approval of Lucas Ferry Townhomes Plat. Staff recommends approval contingent upon bonds being in place for performance, maintenance, and sidewalk.

Mr. Hendrix 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 request of Winter Home Investment Properties LLC for Final approval of Lucas Ferry Townhomes Plat, a major subdivision of +/- 18.7 acres into 84 lots, located on the east side of Lucas Ferry Road, directly west of Athens Intermediate School, north of US Highway 72, and south of Washington Street, zoned in an R-1-5 Single Family Townhouse Attached Residential District CONTINGENT UPON bonds for performance, maintenance, and sidewalk.”

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

8. **Resolution.** Mr. Griffin advised regarding Final approval of Old Stone Phase 3. Staff recommends approval contingent upon bonds being in place for maintenance, performance, and sidewalk.

Mr. Herron 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 request of Doublehead Properties LLC for Final approval of Old Stone Phase 3, a major subdivision of +/- 7.28 acres into 27 lots, located on Beacon Circle, west of Mooresville Road, zoned in an R-1-3 High Density Single

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Family Residential District CONTINGENT UPON bonds for performance, maintenance, and sidewalk.”

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

Design Appeal

- 9. Resolution.** Mr. Griffin advised regarding Appeal of the design requirements for 1432 Freeman Ave. Property is currently M-1 zoned. The rezoning request from M-1 to B-2 came before this body last month. There was a prior site plan. The elevation shows a bricked front with a couple feet on either side. There was a precedent set in past of approving a similar request. Therefore, staff is recommending approval of this request.

Mayor Marks 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 request of Growl LLC to appeal the design requirements of building material requirements for walls that do not face a street for an existing building at 1432 Freeman Avenue, in process to be rezoned to a B-2 General Business District.”

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

Rezoning

- 10. a) Public Hearing.** Consider recommending to the City council the request of Harry Neal Wakeham to rezone +/- 2.4 acres of property at 22973 US Highway 72, located on the north side of US Highway 72, west Sweetland Road, parcel number 44-10-06-14-0-000-083.004, from R-1-1 Low Density Single Family Residential District to B-2 General Business District.

Mr. Griffin advised this property is an underground house, which is proposed to be torn down. This touches a B-2 district across Us Highway 72. Staff recommends approval of this request.

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

- b) 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 recommend to the City council the request of Henry Neal Wakeham to rezone +/- 2.4 acres of property at 22973 US Highway 72, located on the

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north side of US Highway 72, west Sweetland Road, parcel number 44-10-06-14-0-000-083.004, from R-1-1 Low Density Single Family Residential District to B-2 General Business District.”

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

Developments

11. Public Hearing. Mr. Griffin advised regarding the Midtown Center Subdivision. This is the old Kmart property. Publix will be located on Tract 1. Tract 2 is an outparcel. The City will build a Right-of-Way for access. A revised plat will adjust the City Right-of-Way.

Patrick Allyn Griffin, 1122 Pryor Street East, spoke about his concerns of B-2 being located against residential property. He is concerned about the road be built in a low-lying area.

Michael Griffin, stated that the geotechnical report will tell the City if a road can be built there, which the City will build. There is an agreement with the development regarding the construction. Michael stated he has not seen any evidence of stream on the property.

Allyn Griffin asked about the timeline, but Cady Stewart, Morrell Engineering, was unsure about their timeline for that report.

Michael Griffin stated that only Tract 1 is being developed. Tract 4 is too low-lying area that has been tied to the Kmart site. Ms. Garth asked if Tract 4 could be developed? Michael Griffin stated that it would difficult.

Allyn Griffin: Is a buffer required between a road and a house? Michael Griffin: No.

Mayor added that the plat states that Tract 4 is 0.2 acres and “not for future development”.

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

12. Resolution. Mr. Herron 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 request of James C. Lewis Irrevocable Trust for Preliminary and Final Approval of Midtown Center Subdivision, a minor subdivision of 10.2 acres into 4 tracts, located on the west side of US Highway 31 and the south side of Pryor Street at 104 US Highway 31 North, zoned in a B-2 General Business District AND ALSO to approve the request of MidTown Centre, LLC of a site plan for Midtown Centre at 104 US HWY 31 N for

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a cumulative total of 59,587 sq ft of floor area for a commercial building zoned B-2 General Business District.”

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

- 13. Discussion.** Mr. Griffin discusses some of the road improvement related to the Publix shopping center project.

Mayor Marks noted that the City Council is sending a resolution to amend the sign regulations that will appear at the February Planning Commission meeting.

Ms. Garth noted that Athens-Limestone Hospital’s website is giving the vaccine to people 75 and older, but people 65 and older can register for the vaccine.

- 14. Adjourn** There being no further business, the meeting was adjourned.

Chairperson

ATTEST: Secretary