

Call to Order. The Planning Commission of the City of Athens, Alabama met in Regular session in the City Council Chambers on May 16, 2023 at 5:45 PM, after a short work session.

Roll Call. Commission Members Present: Chairwoman Gina Garth, Rick Johnson, Rhonda Weatherford, Rod Herron, Venard Hendrix, Dana Henry, Brad Mallette, and Mayor Ronnie Marks. Erin Tidwell, City Planner, along with Paige Parker, Planner and Andrea Colburn, Administrative Coordinator, were also present.

Discussion. Ms. Garth introduced herself and the other members of the Planning Commission. She also introduced City staff.

Minutes. Mayor Ronnie Marks 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 April 18, 2023 meeting be approved.”

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

Old Business: none

New Business:

- I. **Public Hearing.** Consider for recommendation to the City Council the request of Goodwyn Mills and Cawood, LLC the Rezone Approval of property located on the east side of US HWY 31 N, approximately 1,350' north of the intersection of U.S. HWY 31 and East Pryor Street (Parcel# 44-10-02-03-3-000-004.001), to be rezoned from INST (Institutional District) to B-2 (General Business District).

Ms. Garth opened the public hearing. Ms. Tidwell presented the applicant's request. She explained that the rezoning would allow for a larger variety of uses, and that because of this property's location along the US Hwy 31 corridor, staff believes a B-2 zoning would be appropriate. Ms. Tidwell further stated that staff sees no issue with this request.

Ms. Garth asked who was making this request, and Ms. Tidwell answered that Goodwyn Mills and Cawood, LLC was the applicant in this case.

Ms. Garth asked why a plat was not brought before the Commission. Ms. Tidwell answered that this is only a rezoning request, therefore a plat was not necessary.

Ms. Garth clarified that this area is for conventional business, and asked if a restaurant in this location would be permitted alcohol, citing its relative proximity to Athens Bible School and Athens High School. Ms. Tidwell stated that an alcohol application would have to be submitted,

and the proximity to the nearby schools would be measured at that time, according to Zoning Ordinance regulations.

Ms. Garth asked if there was anyone present to speak as a representative of the item. Alex Samples (no address given) from Samples Properties, and Robert Wilson (no address given) both came forward as representatives of the item, and offered to answer any questions the Commission may have. Ms. Garth asked if they had anything they would like to add. Mr. Samples stated they just wanted to help grow business in the surrounding area.

Ms. Garth asked if anyone else from the Commission had questions or comments or if anyone present wished to speak for or against the request, with no response.

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 May 16, 2023, that the board does hereby recommend to the City Council the rezoning of the Property from INST to B-2.

Dana Henry 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 Henderson Development Group, LLC the Rezone Approval of property located on the south side of Pepper RD, approximately 2,600' east of Line RD (tracts 1 and 2 of King Estate Subdivision), to be rezoned from C-PUD (Conventional Planned Unit Development) to R-1-1 (Low Density Single Family Residential District).

Commission Chair Gina Garth opened the public hearing. Ms. Tidwell presented the applicant's request, stating that the applicant is seeking to create a lower-density development, and allow for septic tanks to be installed. Ms. Tidwell stated that staff sees no issue with its approval. Ms. Tidwell also stated that by rezoning, the developer will lose any incentives that may have been approved with a C-PUD development. Ms. Tidwell went on to say that the developer understands and is in agreement with that.

Ms. Garth asked if anyone was present from Henderson Development to represent the item. When asked if they had anything to add, a representative from Henderson Development declined. Ms. Garth then asked if there was anyone else present that wished to speak for or against the request, with no response.

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 May 16, 2023, that the board does hereby recommend to the City Council the rezoning of the Property from C-PUD to R-1-1.

Rick Johnson 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 Timothy A. Miller for the Zoning Approval of property recently annexed into the city limits located on the south side of Huntsville Brownsferry RD, approximately 3,400' west of I-65 (44-16-02-03-0-000-004.001 and 44-16-02-03-0-000-004.000), to be zoned EST (Estate Residential and Agricultural).
- IV. **Public Hearing.** Consider for recommendation to the City Council the request of Karen Ann Burchfield the Zoning Approval of property recently annexed into the city limits located on the south side of Huntsville Brownsferry RD, approximately 2,950' west of I-65 (44-16-02-03-0-000-004.007 and 44-16-02-03-0-000-004.008), to be zoned EST (Estate Residential and Agricultural).
- V. **Public Hearing.** Consider for recommendation to the City Council the request of William J. Burchfield and Karen Ann Burchfield the Zoning Approval of property recently annexed into the city limits located on the south side of Huntsville Brownsferry RD, approximately 2,700' west of I-65 (44-16-02-03-0-000-004.006), to be zoned EST (Estate Residential and Agricultural).
- VI. **Public Hearing.** Consider for recommendation to the City Council the request of Roger Wayne Miller for the Zoning Approval of property recently annexed into the city limits located on the south side of Huntsville Brownsferry RD, approximately 2,400' west of I-65 (44-16-02-03-0-000-004.005), to be zoned EST (Estate Residential and Agricultural).

Ms. Tidwell asked the Commission if she can review items IX, X, XI, and XII at once. Ms. Garth agreed, and opened the public hearing for items IX, X, XI, and XII, and each item was appropriately listed and described. Ms. Tidwell explained that all these properties were recently annexed into the City limits and therefore require a zone assignment.

Ms. Tidwell presented the applicant's request. Ms. Tidwell further stated that staff sees no issues with these requests.

Commissioner Rick Johnson asked if all parcels met the requirements for EST zoning. Ms. Tidwell answered that they do, and pointed to item IX as the parcel that the Commission most likely had questions about.

Ms. Garth stated that the parcel in question is only 1.86 acres. Ms. Tidwell responded that all the aforementioned properties are used agriculturally, so they meet EST property use requirements.

If, at any point in time, the properties were developed, they would have to be rezoned accordingly.

Ms. Tidwell further explained that the parcels will be zoned in conjunction with their current uses, and reiterated that Staff has no issues with this request.

Mayor Ronnie Marks stated that a family group owns these parcels, but Ms. Burchfied owns a portion of this property alone and another portion with her husband.

Ms. Garth clarified that this is a continuous piece of property, and Ms. Tidwell answered in the affirmative. Ms. Tidwell stated that the family owns 30 acres located together.

Ms. Garth asked who was present to represent the items. Ms. Tidwell answered that the city was.

Ms. Garth asked if anyone was present that wanted to add anything or had questions, with no response.

Ms. Garth closed the 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 May 16, 2023, that the board does hereby recommend to the City Council the zoning of the Property to EST.

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

VII. Public Hearing. Request of City of Athens and Limestone County Commission for Minor Plat Approval of Thirty-One Commercial Park Addition No. 3, a minor subdivision of +/- 3.42 acres

into 1 lot, located west of U.S. HWY 31 S. and directly south of Clyde Mabry Dr. (Parcel #: 44-10-08-28-0-000-071.001), zoned: M-1: Light Industrial District.

Commission Chair Gina Garth opened the public hearing. Ms. Tidwell presented the applicant's request, stating that staff has no issues with this request.

Ms. Garth asked if the city can share what's going to be at this location. Ms. Tidwell stated that she could not at this time, but that she believed it would be a commercial entity.

Ms. Garth asked if Morrell Engineering had anything to add. Cady, as a representative of Morrell Engineering, stated no.

Ms. Garth asked if anyone else present had anything to add, or had any comments or questions. With no response, the public hearing was closed.

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 May 16, 2023, that the board does hereby grant minor plat approval of Thirty-One Commercial Park, Addition No. 3.

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

VIII. Public Hearing. Request of Maund Family Farm, LLC for Final Plat Approval of Wauchula Farms Subdivision, Addition #2, a major subdivision of +/- 19.6 acres into 6 lots, located west of U.S. HWY 31 and east of Wauchula Private Drive (Parcel #s: 44-10-05-21-0-002-028.000, 44-10-05-21-0-002-025.000, 44-10-05-21-0-002-029.000), zoned R-1-1 (Low Density Single Family Residential District) and EST (Estate Residential and Agricultural District).

Ms. Garth opened the public hearing. Ms. Tidwell came forward and described the request, stating that this property had previously gone before the Commission with a different layout.

Ms. Tidwell described the location of and access to the lots within the parcel. Ms. Tidwell stated that this plat has split zoning, but there is an appropriate buffer between the two zones, and that open space requirements have been met.

Ms. Tidwell stated that staff sees no issue with this request, and would recommend approval as it's currently platted.

Ms. Garth asked if anyone else had questions or comments regarding this item. With no response, the public hearing was closed.

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 May 16, 2023, that the board does hereby grant final plat approval of Wauchula Farms Subdivision, Addition #2.

Mayor Ronnie Marks seconded the motion, and the motion passed unanimously of the voting members present.

- IX. Resolution.** Request of James Christopher for Final Plat Approval of Summit Lakes Southeast, a major subdivision of +/- 7.98 acres, including 21 lots, located south of Summit Lakes Drive, west of Lindsay Lane South, and approximately 500 feet north of U.S. HWY 72 E (Parcel #: 44-10-05-15-1-000-001.000), zoned B-2 (General Business District).

Ms. Tidwell presented the applicant's request. She stated that staff sees no issue with this final plat other than that its approval should be contingent upon receiving the performance bond.

Ms. Garth inquired about the B-2 zoning around the parcel, and noted that there is no more residential development in this area. Ms. Tidwell agreed that there is not in this particular area.

Ms. Garth clarified that the developer of the residential property is not required to erect the buffer; the B-2 adjoiners would be required to do that. Ms. Tidwell agreed, and said that as the B-2 property is developed, buffer requirements will be enforced. There is already a site plan approved on a portion of that B-2 property on Kelli Drive and there will be a buffer there. Also, there is a partial buffer on the property as it's being developed adjacent to Cash and Jack's.

Ms. Garth asked if there are any plans to connect Kelli Drive to Forrest Street. Ms. Tidwell said that Athens-Limestone Drive has the potential to connect to Forrest Street, but not Kelli Drive.

Ms. Garth asked if Mr. Dunnivant, as the developer, had anything to add. Mr. Dunnivant stated that he did not.

Ms. Garth asked if anyone else had any questions or comments, with no answer.

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 May 16, 2023, that the board does hereby grant final plat approval of Summit Lakes Southeast, contingent upon receipt of the performance bond.

Mayor Ronnie Marks seconded the motion, and the motion passed unanimously of the voting members present, contingent upon receipt of the performance bond.

Mayor Marks, after seconding the motion, asked Ms. Tidwell if this development is far enough south to connect the proposed street to the street south of the development. Ms. Tidwell pointed out a stub street to the south, and confirmed that the potential existed for connectivity.

Mr. Dunnivant, the developer, confirmed that this development will have connectivity to Lindsay Lane and Kelli Drive. Ms. Tidwell stated that there will be connectivity to the south eventually.

Ms. Garth clarified the location of future connectivity, and the Mayor stated that the connectivity would go behind the TJ Maxx project.

- X. **Resolution.** Request of Winter Homes Investment Properties, LLC for Final Plat Approval of Shadow Creek Subdivision, a major subdivision of +/- 15.26 acres, including 40 lots, located northeast of Shadow Creek Road and approximately 300' east of Piney Creek Drive (Parcel #: 44-10-07-25-0-000-005.001), zoned C-PUD (Conventional Planned Unit Development District).

Ms. Tidwell presented the applicant's request, stating that Staff's previous issues have been addressed. As such, Ms. Tidwell sees no issues with this request, other than the approval being contingent upon receipt of the performance bonds.

Ms. Garth asked if Morrell Engineering had anything to add. Cady, as a representative of Morrell Engineering, said no.

Ms. Garth asked if Morrell Engineering oversaw the filling in of the property. Cady answered that they did. Ms. Garth noted that a lot of dirt was moved, and the transformation is amazing.

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 May 16, 2023, that the board does hereby grant final plat approval of Shadow Creek Subdivision, contingent upon receipt of the performance bonds.

Rhonda Weatherford seconded the motion, and the motion passed unanimously, with the contingency of the receipt of performance bonds.

- XI. **Resolution.** Request of Linton Road, LLC for Final Plat Approval of Henderson Estates Phase 2, a major subdivision of +/- 23.99 acres, including 46 lots, located directly north of Nick Davis Road approximately 1,400 feet east of Linton Road (Parcel# 44-10-01-11-0-000-005.000), zoned C-PUD (Conventional Planned Unit Development).

Ms. Tidwell presented the applicant's request, stating that staff has reviewed the request and sees no issues with this development other than the final plat approval being contingent upon receipt of the performance bonds.

Ms. Garth asked if the developer had anything to add. The developer answered that they did not.

Ms. Garth asked if there were any more questions from the Commission, with no answer.

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 May 16, 2023, that the board does hereby grant final plat approval of Henderson Estates, Phase Two, contingent upon the receipt of the performance bonds. .

Dana Henry seconded the motion, and the motion passed unanimously, with the contingency of the receipt of performance bonds.

XII. Resolution. Request of SR Land, LLC for Final Plat Approval of Anderson Farm Phase 1, a major subdivision of +/- 26.25 acres, including 75 lots, located to the west of Lindsay Lane, east of I65 (Parcel #: 44-10-08-34-0-000-001.000), zoned C-PUD (Conventional Planned Unit Development District).

Ms. Tidwell presented the applicant's request. She verbally corrected the location of the property on the agenda and the presentation, citing a Google Maps error that placed Polly Malone Cemetery Road near to the parcel, where it in fact is not.

Mayor Marks again clarified the corrected location as between Lindsay Lane and I-65.

Ms. Tidwell stated that this request met all requirements and staff has no issues with this request; Staff has bonds in hand so would recommend approval.

Ms. Garth asked if there will be more to the west of this. Ms. Tidwell said that is correct. Ms. Garth asked if there will be more to the north as well. Ms. Tidwell said that is correct, and specified that this is the first phase of the development.

Ms. Garth asked if this is all residential. Ms. Tidwell answered yes, with the possibility of a commercial component to the front of the development.

Commissioner Venard Hendrix asked if the development would interfere with Polly Malone Cemetery. Ms. Tidwell answered that no, it would not and clarified that the cemetery is actually a pretty good distance from this development. Mr. Hendrix asked if the development would go around the cemetery, and Ms. Tidwell answered that it would not; the cemetery is on a completely separate piece of property.

Ms. Garth asked if lots 1-8 are commercial lots. Ms. Tidwell answered that no, the commercial component would be a separate phase. Ms. Garth clarified that what was before the Commission would be all residential. Ms. Tidwell confirmed that.

Ms. Garth asked how the lots in this development (C-PUD) compared to conventional lots, as far as size. Ms. Tidwell answered.

Ms. Garth asked if there were any more questions or comments, with no response.

Resolution. Mayor Ronnie Marks 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 May 16, 2023, that the board does hereby grant final plat approval of Anderson Farm, Phase One.

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

After a motion and second had been made, Mayor Marks stated that he had met with some of the family members and spoke with them about the potential for sewer service, which will be included in future plans.

Mr. Johnson asked if this aligns with the master development plan that was originally approved. Ms. Tidwell answered that it should; the request is for the final plat with all infrastructure in place and therefore should align with the previously approved master development plan.

Adjournment. There being no further business to come before the Commission, Chairwoman Garth duly and properly adjourned the meeting at 6:17p.m.


Chairman

Attest: 
Secretary

