

Planning Commission Regular Meeting (IN-PERSON) MINUTES

Date: June 15, 2021

Work Session at 5:00PM and Special Called Meeting at 5:45PM

Location: City of Athens City Hall Council Chambers

Address: 200 Hobbs Street W, Athens Alabama

The Commissioners, applicants and the public were allowed to participate in-person.

Also present: James Rich (Public Works Director), Michael Griffin (City Engineer), Matt Davidson (City Planner), Micah Cochran (GIS Administrator) and Lakeisha Johnson (Planner) were also present.

Call Meeting to Order

The meeting of the Planning Commission was called to order at 5:49PM by the Chairwoman, Gina Garth.

Roll Call of Appointed Commissioners

The following Board Members were present:

- Mrs. Gina Garth (Chairwoman)
- Mr. Rick Johnson (*Vice Chairman*)
- Mr. Venard Hendrix (Commissioner)
- Mr. Robert Malone (Commissioner)
- Mrs. Dana Henry (Commissioner) - ABSENT
- Mr. Roderick Herron (Commissioner)
- Mayor Ronnie Marks (Commissioner) - ABSENT
- Brad Mallette (Commissioner)
- Chief Allen Hogan (Fire)

APPROVAL OF MINUTES

- May 15, 2021 (Regular Meeting)
 - o Motion: Mr. Malone
 - o Seconded: Mr. Hendrix
 - o Minutes for May 15, 2021 approved unanimously by the voting members present.

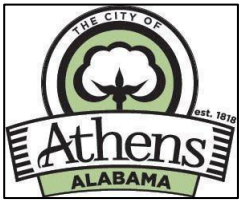
OLD BUSINESS – NO OLD BUSINESS

Mrs. Garth (Chairwoman) stated that items 4-7 (Rezoning) & 10 (Minor Subdivision) have been postponed for a Special Called Meeting scheduled for July 6, 2021.

NEW BUSINESS

- 1.) Presentation by Mr. Jimmy Junkin (Water & Sewer Manager) – 10-minute presentation –
POSTPONED

SITE PLAN



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3. **Resolution.** Request of Buc-ee's Ltd for approval of the Site Plan for Buc-ee's Athens located at the Southeast corner of Huntsville Brownsferry Road and Interstate 65, zoned B-2 General Business District.

-Mrs. Garth, stated the Resolution regarding Buc-ee's Ltd. For Site Plan Approval.

-Mr. Davidson, staff recommends approval at this time for the Buc-ee's Ltd. Site Plan located at the Southeast corner of Huntsville Brownsferry Road and Interstate 65, zoned B-2 General Business District.

-Mrs. Garth, do I have a member of the Commission that would move to approve the request of Buc-ee's.

-Mr. Herron made the motion to approve the applicants request of Buc-ee's Ltd.

u Request of Buc-ee's Ltd for approval of the Site Plan for Buc-ee's Athens located at the Southeast corner of Huntsville Brownsferry Road and Interstate 65, zoned B-2 General Business District was **approved** by all Planning Commissioners present.

-Mr. Malone seconded the motion.

REZONES (All Rezones are rescheduled for a Special Called meeting held Tuesday, July 6, 2021)

4.) **Public Hearing.** Consider recommendation to the Council for the request of Dry Creek Capital Investments LLC to rezone +/- 64.9 acres of property at 2075 US Hwy 31 S from EST Estate Residential and Agricultural District to R-2 Multiple Family Residential District, AND ALSO to adopt the Master Development Plan of Strain Property Multi-Family.

Resolution.

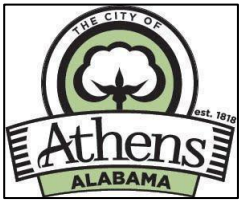
5.) **Public Hearing.** Consider recommending to the Council the Request of the Estate of John W. Johnson and Allen Shaw to rezone approximately 12.23 acres located off of Eidson Street from M-1 Light Industrial to R-1-2 Medium Density Single-Family Residential.

Resolution.

6. **Public Hearing.** Consider recommendation to the Council the request of James M. Newby, Jerry A. Newby, and Susan Ming to rezone +/- 234.42 acres of property on the eastside of Cambridge Lane mostly south of French Mill Creek, known as a portion of Lot 12 of Athens-East Subdivision, from EST Estate Residential and Agricultural District to R-1-3 High Density Residential District.

Resolution.

7. **Public Hearing.** Recommend to Council the Request of Mark Gamble and Gerald Gamble to rezone +/- 80.4 acres of property from EST Estate Residential and Agricultural District to C-PUD Conventional



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Planned Unit Development District, AND ALSO the adoption of the Master Plan for Summerfields at the Gamble House.

Resolution.

MINOR SUBDIVISION

8. **Public Hearing.** Request of Canebrake Club LLC for Preliminary and Final approval of A Minor Plat of Shadow Creek Property, a minor subdivision of +/- 16.9 acres into 1 lot, located 175' Southeast of the Intersection of Shadow Creek Drive and Piney Creek Drive, zoned in a C-PUD Conventional Planned Unit Development District.

-Mrs. Garth opened a public hearing for the above request of Canebrake Club LLC for Preliminary and Final approval of A Minor Plat of Shadow Creek Property, a minor subdivision of +/- 16.9 acres into 1 lot, located 175' Southeast of the Intersection of Shadow Creek Drive and Piney Creek Drive, zoned in a C-PUD Conventional Planned Unit Development District.

-Mr. Davidson, stated that this is a proposed minor plat for creating one lot and the applicant is here to address any questions.

-Mrs. Garth, we are only here to approve to subdivide the property only, we are not here to approve any layout or future plans or anything; we are only subdividing a larger piece of property to a smaller piece of property which is 16.9 acres.

-Mrs. Garth, is there anyone here would like to speak in favor of this request, if so come forward.

-Mr. Austin Yellow (Representative of Canebrake LLC.), stated that the propose land that is being subdivided will be to sale approximately 38 to 42 lots to Winter Homes also stated that Winter Homes. -Chief Hogan, is this an attempt to build more lots?

-Mr. Yellow (Representative of Canebrake LLC.), yes.

-Mrs. Garth, what type of lots?

-Mr. Mellow (Canebrake Rep.) not sure of the size lots however it be the typical traditional development that already exist in Canebrake.

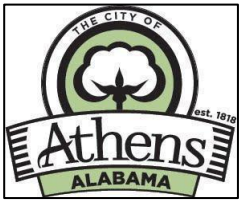
-Mr. Taz Morell (Morell Engineering) stated they will follow the existing Master Plan (Rev #9), explained the type of lots that will exist and the setbacks are R-1-3 however the lots are similar to R-1-2 lots. Providing additional information for People who are present.

-Mrs. Garth, the public hearing is still open and you are welcome to share your thoughts and or concerns.

-Mr. Harold Wales (Councilman District 2) stated he has received several phone calls and he wanted clarification, people are concerned about it being a C-PUD.

Mrs. Garth, we are not aware of what Developers plan to do with the property we are here to subdivide only.

Mr. Wales, we have no objection with building the type of homes that already exist, concerned about the product, concerns include streets, we don't object to the sale we just want to see new similar homes that already exist and want to ensure that we are only here this evening to approve the subdivide. Will this come back before the Planning Commission and City Council?



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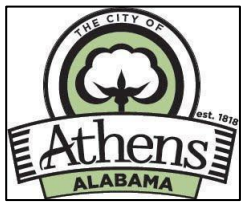
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- Mr. James Rich (Public Works Director), explained the process of subdividing and the subdivision process and Canebrake Master Plan and stated that this development will follow the Canebrake Master Plan that was adopted.
 - Mrs. Garth, stated that the original master plan is a residential master plan and if there are changes it will have to come back to the Planning Commission and the City Council.
 - Mr. Wales, wanted to ensure that this will be the same type of homes that already exist, they are beautiful homes and these people have put a lot of money into their homes.
 - Mrs. Garth, that you for your input Mr. Wales.
 - Mr. Harold Myers, Resident at 23762 Piney Creek, he wanted to say hello to Mr. Mellow, he sends a bill every month, he has sent him email and not response however he wanted to say hello to Mr. Mellows (Rep of Canebrake) first. Mr. Myers only concern is why are they breaking this up? Want to ensure we are sticking with the Master Plan.
 - Mrs. Garth, declared the public hearing closed and asked if a Commissioner would move to approve the applicants request.
 - Mr. Hendrix, wanted to confirm that we are here to approve the request to subdivide property.
 - Mr. John Jordan (Resident of Canebrake 24111 Piney Creek Drive), informational questions, infrastructure already exists, what the real reason is for doing this?
 - Mr. Griffin (City Engineer), explained before a piece of property is sold in Alabama you have to have a final plat approved in order to make a sale.
 - Mr. Mellow (Rep of Canebrake) wanted to clarify that this is to aid in the proposed transactions of Canebrake LLC and Winter Homes LLC, Winter Homes LLC will be doing the development, Canebrake LLC will not be doing any development.
 - Mrs. Garth, re-declared the public hearing closed and asked if a Commissioner would move to approve the applicants request.
 - Mr. Malone moved to approve the applicants request.
- BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Canebrake Club LLC for Preliminary and Final approval of A Minor Plat of Shadow Creek Property, a minor subdivision of +/- 16.9 acres into 1 lot, located 175' Southeast of the Intersection of Shadow Creek Drive and Piney Creek Drive, zoned in a C-PUD Conventional Planned Unit Development District.
- Mr. Herron, seconded the motion and the request was **approved** unanimously by the voting members present.

Resolution.

9. **Resolution.** Request of Patrick Servat and Kevin L. Parker to approve a Re-subdivision of Lots 30 and 31 of Springs at Watercress located at 17523 & 17509 Windermere Drive, zoned R-1-2-Medium Density Single-Family Residential. **ITEM WITHDRAWN BY APPLICANT**

10. **Public Hearing.** Request of Nash Reddy for Preliminary and Final approval of a plat for Fuel City renamed Tanner Crossing Subdivision located at the southwest corner of Huntsville Brownsferry Road,



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Tanner, AL, zoned B-2 General Business District. POSTPONED UNTIL JULY 6, 2021 (SPECIAL CALLED MEETING).

Resolution.

11. Resolution. Request of Johnson and Shaw, LLC for Preliminary and Final Approval of the Minor Plat for Swan Creek Phase 1 Revision 1, consolidating 2 lots into a single +/- 2.8 acres lot, located on the west side of Braly Blvd, south of US Highway 72, zoned B-2 General Business District.

-Mrs. Garth, restated the Resolution, Request of Johnson and Shaw, LLC for Preliminary and Final Approval of the Minor Plat for Swan Creek Phase 1 Revision 1, consolidating 2 lots into a single +/- 2.8 acres lot, located on the west side of Braly Blvd, south of US Highway 72, zoned B-2 General Business District.

-Mr. Davidson, this proposed project is to consolidate two existing lots, South of the Starbucks on 72, no proposed improvements and Staff is in Support of the applicants request.

-Mr. Johnson (Commissioner), There is a good bit of property back there, does the City have plans for utilities in this area specifically sewer.

-Mr. Davidson, not sure about the utilities however we just created a TIF district in this area.

-Mr. Griffin, this is slated for development however the biggest challenge is the access points and it will be part of the TIF district.

-Mrs. Garth, do I have a member of the Commission that would move to approve the request of Johnson and Shaw, LLC.

-Mr. Johnson, made the motion to approve the applicants request.

“BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Johnson and Shaw, LLC for Preliminary and Final Approval of the Minor Plat for Swan Creek Phase 1 Revision 1, consolidating 2 lots into a single +/- 2.8 acres lot, located on the west side of Braly Blvd, south of US Highway 72, zoned B-2 General Business District.”

-Mr. Malone seconded the motion and the motion was **approved** unanimously by all the voting Commissioners present.

12. Resolution. Request of Dry Creek Capital Investments, LLC for Layout approval of Strain Property North Layout, a major subdivision of +/- 31.0 acres into 95 lots, located Northeast Corner of Strain Road and US Highway 31, zoned in an R-1-3 High Density Single Family Residential District.

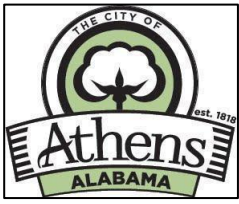
-Mrs. Garth, restated the Resolution, Request of Dry Creek Capital Investments, LLC for Layout approval of Strain Property North Layout, a major subdivision of +/- 31.0 acres into 95 lots, located Northeast Corner of Strain Road and US Highway 31, zoned in an R-1-3 High Density Single Family Residential District.

-Mr. Davidson – Staff recommends approval of the applicants request of Dry Creek Capital Investments.

-Mrs. Garth, asked what are those improvements?

-Mr. Griffin, explained the deceleration lane, the traffic

-Mr. Johnson, there is a buffer on the East, is this in lieu of the stepdown zoning?



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-Mr. Davidson, explained that it is one of the three options and explained the three options.

-Mr. Johnson, the size of the lots is minimum R-1-3 lots, correct.

-Mr. Davidson, Yes.

-Mrs. Garth, was this submitted before or after our Greenspace ordinance?

-Mr. Davidson, after however the applicant meets the greenspace requirement, they will have to provide a detail plan.

-Mrs. Garth, do I have a member of the Commission to approve the Dry Creek Capital Investments, LLC plan.

-Mr. Johnson moved to approve the applicants request

- "BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Dry Creek Capital Investments, LLC for Layout approval of Strain Property North Layout, a major subdivision of +/- 31.0 acres into 95 lots, located Northeast Corner of Strain Road and US Highway 31, zoned in an R-1-3 High Density Single Family Residential District."

-Chief Hogan, seconded the motion and the request was approved unanimously by all the voting members present.

13. **Resolution** Consider the request of Breland Homes, LLC. for a Final Plat of Browns Crossing West Subdivision Phase 1, a subdivision of 58 lots on +/- 58.2 acres, located west of Norfleet Drive, in an R-1-3 High Density Single Family Residential District.

-Mrs. Garth, restated the Resolution, Consider the request of Breland Homes, LLC. for a Final Plat of Browns Crossing West Subdivision Phase 1, a subdivision of 58 lots on +/- 58.2 acres, located west of Norfleet Drive, in an R-1-3 High Density Single Family Residential District.

-Mr. Davidson, Staff recommends approval of the applicants request contingent upon the performance bond, developer's agreement & maintenance bond and improvements on HWY 72.

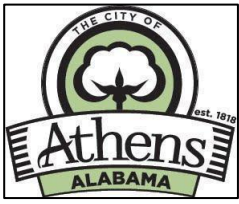
-Mrs. Garth, do you have everything you need?

-Mr. Griffin, discussed briefly the bonds, tracts A&B, part of the development including sidewalks, also stated the Contractor reached out to the department and stated they had issues with Construction services and that is typical right now with the prices fluctuating, the demand and COVID related issues.

-Mrs. Garth stated do I have a member of the Commission to approve the applicants request with the contingencies of a performance bond, maintenance bond and a developer's agreement.

-Mr. Hendrix approved the request with the contingencies of the performance bond, maintenance bond and a developer's agreement.

"BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Consider the request of Breland Homes, LLC. for a Final Plat of Browns Crossing West Subdivision Phase 1, a subdivision of 58 lots on +/- 58.2 acres, located west of Norfleet Drive, in an R-1-3 High Density Single Family Residential District with the contingencies of the performance bond, maintenance bond and a developer's agreement.



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-Mr. Malone, seconded the motion and it was approved unanimously by all the voting Commissioners present.

14. **Resolution.** Request of Elite Properties and Development for Final approval of Sycamore Square, Phase 2, a major subdivision of +/- 20.5 acres into 57 lots, located at the end of Belman Drive and Delilah Circle, zoned in an R-1-3 High Density Single Family Residential District.

-Mrs. Garth, restated the Resolution, Request of Elite Properties and Development for Final approval of Sycamore Square, Phase 2, a major subdivision of +/- 20.5 acres into 57 lots, located at the end of Belman Drive and Delilah Circle, zoned in an R-1-3 High Density Single Family Residential District.

-Mr. Davidson, stated that this is Phase 2 of Sycamore Square Development (Northern portion), Staff recommends approval contingent on a performance bond of all the improvements that have not been completed yet.

-Mrs. Garth, Phase 2 completes this development?

-Mr. Davidson, Yes.

-Mrs. Garth, declared the public hearing closed.

-Mrs. Garth do I have a member of the Commissioner to approve the request of Elite Properties and Development contingent upon the performance bond.

-Chief Hogan moved to approve the applicants request.

“BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Elite Properties and Development for Final approval of Sycamore Square, Phase 2, a major subdivision of +/- 20.5 acres into 57 lots, located at the end of Belman Drive and Delilah Circle, zoned in an R-1-3 High Density Single Family Residential District.

-Mr. Herron seconded the motion and it was approved unanimously by all the voting members present.

15. **Public Hearing.** Request of Winter Homes Investment Properties for Layout approval of **Cedar Ridge Estates (advertised as Highway 31 Athens, Alabama)**, a major subdivision of +/- 36.6 acres into 25 lots, located 13426 US Highway 31, directly south of Country Club Subdivision, zoned in an R-1-1 Low Density Single Family Residential District.

Resolution

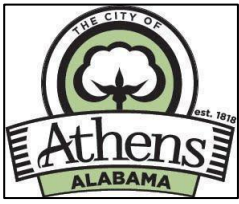
-Mrs. Garth opened a public hearing to hear the request of Winter Homes Investment Properties for Layout approval of **Cedar Ridge Estates (advertised as Highway 31 Athens, Alabama)**, a major subdivision of +/- 36.6 acres into 25 lots, located 13426 US Highway 31, directly south of Country Club Subdivision, zoned in an R-1-1 Low Density Single Family Residential District.

-Mr. Davidson, stated the subject property is considered a low-impact development, each lot will be an acre, the applicant is proposing open swells and sidewalks on each side of the road. Staff recommends approval of the applicants request.

-Mrs. Garth, who is here for this request?

-Mr. Morell, Morell Engineering, Taz Morell.

-Mrs. Garth, those swells will be grass, they will not be paved?



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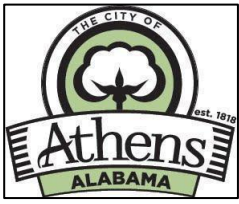
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- Mr. Morell, Similar to Ridgelawn with no curbs.
- Mrs. Garth, where does this property drain? Nice to see some R-1-1 development.
- Mr. Rich, there is a natural drain.
- Mr. Malone, explain the no curb?
- Mr. Hendrix, what about the easements and who maintain it?
- Mr. Morell, Utility department will request a 10ft easement
- Garth, we are not requiring connectivity?
- Mr. Davidson, proposing connectivity to the South, we are not requiring connectivity to the Country Club subdivision there is an existing drainage easement there.
- Mr. Rich, there is no existing roads in Country Club that will stub to this property to make that connection, no existing stubs.
- Mrs. Garth, is there anyone who would like to speak for or against the request.
- Mr. Marty Keller (Country Club resident, 3903 Eagle Side Street), this is going to be about the 5th subdivision, will there be a larger traffic study on larger scale for this particular area not just the subdivision in question/
- Mr. Griffin, the City has conducted a traffic study in this area including Lakewood etc. Lakewood will provide more information on traffic to the Country Club subdivision. We are building turn lanes etc. We did not participate this amount of growth. We need to look at the corridor as a whole regarding improvements, you should start seeing improvements in the next year and ½.
- Mr. Keller, is there some reason why they only have one entrance and exit?
- Mr. Griffin, this is a utility and drainage easement, geographic features, we do require them to stub out on another phase if another phase comes about.
- Mr. Keller, they don't have to a second exit?
- Mr. Griffin, No, unless the DOT requires it.
- Mr. Keeler, when Lakewood came in they forced us to tie in.
- Mr. Griffin, Lakewood had streets to stub.
- Mrs. Garth, what's going on to the South of this development?
- Chief Hogan, stated the roads are a little narrow.
- Mrs. Garth, declared the public hearing closed.
- Mrs. Garth do I have a member of the Commissioner to approve the request of Winter Homes Investment Properties.
- Mr. Johnson made the motion to approve the applicants request.
- "BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Winter Homes Investment Properties for Layout approval of **Cedar Ridge Estates (advertised as Highway 31 Athens, Alabama)**, a major subdivision of +/- 36.6 acres into 25 lots, located 13426 US Highway 31, directly south of Country Club Subdivision, zoned in an R-1-1 Low Density Single Family Residential District.
- Mr. Malone seconded the motion and it was approved unanimously by all the voting members present.



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16. **Public Hearing.** Request of Canebrake Club, LLC for Preliminary and Final approval of Canebrake Club at Piney Creek, a major subdivision of +/- 2.55 acres into 6 lots, located 23995 Piney Creek Dr. Athens, AL 35613, zoned in a C-PUD Conventional Planned Unit Development District.

Resolution.

-Mrs. Garth, opened a public hearing for the request of Canebrake Club, LLC for Preliminary and Final approval of Canebrake Club at Piney Creek, a major subdivision of +/- 2.55 acres into 6 lots, located 23995 Piney Creek Dr. Athens, AL 35613, zoned in a C-PUD Conventional Planned Unit Development District.

-Mr. Davidson, stated the proposed lot sizes are consistent with the traditional lots in Canebrake and Staff recommends approval of the applicants request.

-Mrs. Garth, what are the side setbacks?

-Mr. Davidson, 10 ft side setbacks.

-Mrs. Garth, on lot 117, what does the square indicate (icon)?

-Mr. Johnson, how much will you have to increase the grade to get them out of the flood plain?

-Mr. Griffin, in October flood assessment 2.0 will come out.

-Mr. Herron – The Master Plan (9) will fall under the current Master Plan, correct?

-Mr. Griffin, yes.

-Mr. Davidson, the icon indicates an abandoned drainage easement.

-Mrs. Debbie Johnson (Resident, **23183 Piney Creek Drive), question about zoning districts, what qualifies a C-PUD?

-Planning Commissioners provided insight on a C-PUD.

-Mr. John Jordan (Resident, 24111 Piney Creek) three years ago, wanted clarification on redirection on the culvert and what are any culvert re-direction or non-redirection planned?

-Mr. Morell, explained the culvert and the pipes along Piney Creek DR.

-Mrs. Garth, declared the public hearing closed.

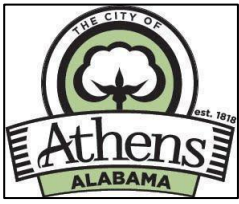
-Mr. Davidson, stated that the staff recommends the applicants request contingent upon three (3) items, 1) Southern boundary line (173-177 may adjust slightly), 2) main subdivision road – TVA- connecting to Phase 1, existing road be completed & connected, off-site improvements on Lindsay Lane. 3) Developers agreement for off-site improvement.

-Mrs. Garth, asked if there was a member from the Commission that will move to approve the applicants request.

-Mr. Herron, made the motion to approve the request based on the three contingencies.

“BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Canebrake Club, LLC for Preliminary and Final approval of Canebrake Club at Piney Creek, a major subdivision of +/- 2.55 acres into 6 lots, located 23995 Piney Creek Dr. Athens, AL 35613, zoned in a C-PUD Conventional Planned Unit Development.

-Mr. Hendrix seconded the motion, request approved was approved unanimously.



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17. **Resolution.** Request of Forestar (USA) Real Estate Group Inc for Preliminary Approval of the Links Phase 3A, a major subdivision of +/- 18.81 acres into 54 lots and 3 common areas, located on the east side of Lindsay Lane across from Strain Road East, zoned C-PUD Conventional Planned Unit Development District.

-Mrs. Garth, restated the Resolution, Request of Forestar (USA) Real Estate Group Inc for Preliminary Approval of the Links Phase 3A, a major subdivision of +/- 18.81 acres into 54 lots and 3 common areas, located on the east side of Lindsay Lane across from Strain Road East, zoned C-PUD Conventional Planned Unit Development District.

-Mr. Johnson recused himself from Item #17.

-Mr. Davidson, Staff recommends approval with three contingencies applicants request contingent upon three (3) items, 1) Southern boundary line (173-177 may adjust slightly), 2) main subdivision road – TVA- connecting to Phase 1, existing road be completed & connected, off-site improvements on Lindsay Lane. 3) Developers agreement for off-site improvements on Lindsay Lane.

-Mrs. Garth, asked if there was a member from the Commission that will move to approve the applicants request of Forestar Group with the three contingencies required by the City.

-Mr. Malone, made the motion to approve the request based on the three contingencies.

“BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Forestar (USA) Real Estate Group Inc for Preliminary Approval of the Links Phase 3A, a major subdivision of +/- 18.81 acres into 54 lots and 3 common areas, located on the east side of Lindsay Lane across from Strain Road East, zoned C-PUD Conventional Planned Unit Development District.

Mr. Herron seconded the motion; the request was approved unanimously by all voting members present except for Mr. Johnson who recused himself.

-Mr. Johnson, recused himself regarding item #17.

18. **Public Hearing.** Request of Maund Family Farm, LLC. for Preliminary approval of Wauchula Farms Subdivision Addition, a major subdivision of +/- 33.18 acres into 10 lots, located along Wauchula Private Drive west of US Highway 31, zoned in an EST Estate Residential and Agricultural District.

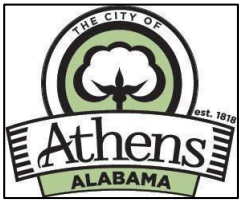
Resolution

-Mrs. Garth, opened the public hearing regarding the request of Maund Family Farm, LLC. for Preliminary approval of Wauchula Farms Subdivision Addition, a major subdivision of +/- 33.18 acres into 10 lots, located along Wauchula Private Drive west of US Highway 31, zoned in an EST Estate Residential and Agricultural District.

-Mr. Davidson, stated the applicant is proposing adding an addition to the existing subdivision, access of a private road staff is in support contingent upon the ALDOT permit being submitted with improvements along US HWY 31, the applicant is proposing improvements on US HWY 31 (controlled by ALDOT).

-Mrs. Garth, is the City recommending any specific improvements?

-Mr. Davidson, No, ALDOT will determine improvements.



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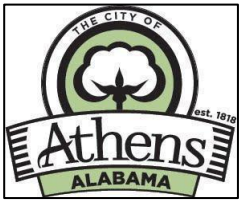
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- Mr. Griffin, this property is a private drive, the City will not be responsible for maintenance it will be denoted on the plat and the City will provide services however NO maintenance.
- Mr. Malone, will the applicant be required to maintain the street to City Standards?
- Mr. Griffin, yes, they will have to maintain the streets and it will be denoted, no there will be some improvements that will have to take place.
- Mrs. Garth, the road that exist now will be the same road but wider?
- Mr. Griffin, they will some additional support to ensure fire trucks will have access.
- Mrs. Garth, why did you require the other subdivision to have sidewalks but not this one?
- Mr. Griffin, because it is private.
- Mrs. Garth, are there city services available out here specifically, water and sewer?
- Mr. Griffin, I believe water and sewer is available on the southern lots, further discussion.
- Mrs. Garth, anyone here would like to speak on favor of this request.
- Mr. Todd Alexander (Resident ***111 Wauchula Drive), my contention tonight is I did not know about this meeting until my neighbor told me at my mailbox this morning, I did not receive adequate notice, I did not receive the letter, this project will impact my property, I am concerned about the property. I have an easement about 10 or 12 years ago which takes me to the exiting road to US HWY 31, we maintain the existing road, we have spent thousands of dollars on this road. My three neighbors and I have put thousands of dollars in repairing the road, we should have had meetings regarding the responsibility and maintenance of the roads. We need to see something in writing, we should have been involved, will I have to move my fence where my livestock is.
- Mrs. Garth, will the Developer like to address the resident's questions?
- Mr. Alexander, my concern is this is the first time we have seen this, we should have been involved in the planning process.
- Mrs. Garth, the Developer should be able to address your questions, this is the first time we have seen this as well. If this is a private road, will it stay private or public?
- Mr. Morell, when the project is complete it be new and it will remain a private subdivision and the roads will be new and up to City standards, the subdivision will remain private.
- Mr. Alexander, concerned about the loop? We should have been involved in the planning process and is responsible for maintaining two roads, I don't want that.
- Mr. Rich, items need to be defined, the City request documentation for long term responsibility, possibly ask to table the request, define the long-term maintenance of a private job, long term impacts etc.
- Mrs. Garth, stated this is a proposal that has been put together by the Developer.
- Mr. John Plunk (Representing the Developer – 150 Lindsay Lane), stated Mr. Alexander is selling his home, the existing driveways has been there for 35 years, the maintenance of the private drive has been maintained by my Father-in-law who is now 92, he will pay for the entire development of the roads which will cost several hundred thousand dollars.
- Mr. Alexander, stated that two years ago the neighbors spent \$20,000 + to repair the roads.
- Mr. Plunk continued speaking and stated that by law the City will not take responsibility of a private roads, there are several steps that will have to occur for that to happen. The markers on



Planning Commission Regular Meeting (IN-PERSON) MINUTES

Date: June 15, 2021

Work Session at 5:00PM and Special Called Meeting at 5:45PM

Location: City of Athens City Hall Council Chambers

Address: 200 Hobbs Street W, Athens Alabama

the private drive indicates what will be foxed. Stated to the homeowners that they will not have to spend anymore money on road improvements and if so, I (John Plunk) will pay for it.

-Discussion continued among Mr. Plunk and Mr. Alexander.

-Mr. Plunk, stated that Mr. Alexander is moving so he won't have to worry about this.

-Mrs. **Sandfer (1026 Wauchula Drive, resident), was concerned about the increase traffic on HWY 31 and asked if there will be a turn lane with the increase volume of traffic.

Mr. Griffin, stated that the Developer will have to submit a permit application to the local ALDOT office and they will provide additional information.

-Mr. Hendrix, how many houses are there now?

-Mr. Plunk, five lots exist now and 9 to 10 additional lots will be developed.

-Mr. Johnson, the point is not the responsibility of who is paying for it and more concerned about the design and access.

-Mr. Plunk, access will be one way in and one way out.

-Mrs. Pamela Kayak, Homeowner on the next street), wanted to confirm that there want be access to the next street, confirming no additional access from the current road ("road to nowhere").

-Mr. Johnson, this will come back to us for final approval and the Developer potentially has the opportunity to make minor modifications.

-Mr. Rich, a note should be indicated on the plat who is responsible for the road 30 years from now, so they are aware of who is responsible.

-Mr. Scott Marshall (212 East St.), why wouldn't the City want the responsibility of maintaining the road?

-Mr. Rich, the discussion was held with the Developer and it was cost prohibited for the Developer to bring the drive up to City standards.

-Mr. Griffin, to large of an impact, the roadway will encroach all potential properties etc. and that will be an additional cost, based on what was filed at the court house that is based on private properties.

-Mr. Johnson, there are other standards for a public subdivision.

-Mr. Griffin, that is correct.

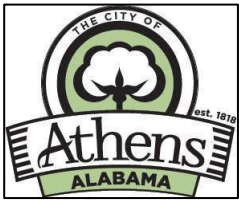
-Mr. Marshall, provided additional dialogue with Mr. Griffin.

-Mrs. Garth, does anyone have any questions, comments and or concerns.

-Mrs. Garth declared the public hearing closed and stated asked if there was a member of the Commission who would move to approve the applicants request based on two contingencies: ALDOT permit and Maintenance Agreement.

-Chief Hogan, made the motion to approve the applicants request with the two contingencies. "BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF ATHENS, ALABAMA, Request of Maund Family Farm, LLC. for Preliminary approval of Wauchula Farms Subdivision Addition, a major subdivision of +/- 33.18 acres into 10 lots, located along Wauchula Private Drive west of US Highway 31, zoned in an EST Estate Residential and Agricultural District based on two contingencies: ALDOT permit and Maintenance Agreement.

-Mr. Herron, seconded the motion to approve the applicants request.



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- The vote was approved unanimously by the Planning Commission.

19. **Re-Public Hearing.** Request of Concord Land Development, LLC. For Re-Preliminary approval of Boardwalk Subdivision Phase II, a major subdivision of +/- 28.75 acres into 81 lots, located along the North side of Five Oaks Ave. Zoned TN2 – Traditional Neighborhood.

Resolution.

-Mrs. Garth, reopened a public hearing regarding the request of Concord Land Development, LLC. For Re-Preliminary approval of Boardwalk Subdivision Phase II, a major subdivision of +/- 28.75 acres into 81 lots, located along the North side of Five Oaks Ave. Zoned TN2 – Traditional Neighborhood.

-Mr. Davidson, stated that Staff recommends approval with no contingencies.

-Mr. Hendrix, wanted to ensure that nothing has changed since the initial submittal.

-Mrs. Garth, does anyone have any questions, comments and or concerns.

-Mrs. Garth declared the public hearing closed and stated asked if there was a member of the Commission to approve the applicants request.

-Mr. Hendrix, moved to approve the applicants request.

-Mr. Johnson, seconded the motion to approve the request.

- The vote was approved unanimously by the Planning Commission.

The Planning Commission meeting adjourned at 7:28PM by Chairwoman, Mrs. Garth.

APPROVED & SIGNED _____

Chairwoman (Mrs. Gina Garth)

ATTEST: APPROVED & SIGNED _____

Secretary (Mrs. Lakeisha Johnson)