

**Call to Order.** The Planning Commission of the City of Athens, Alabama met in regular session in the City Council Chambers on September 19, 2023 at 5:45 PM, after a short work session.

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

**Discussion.** Ms. Garth opened the meeting by introducing the members of the Commission and City staff.

**Minutes.** Rod Herron 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 August 15, 2023 meeting be approved.”

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

**Old Business:** None

**Items Withdrawn From This Month’s Agenda:** Amendment to Master Development Plan (Anderson Farms)

**New Business:**

- I. **Public Hearing.** Request of Jerry South for Preliminary Plat Approval of JHR Athens Property, LP, a major subdivision of +/- 7.44 acres into 2 lots, located directly south of U.S. Highway 72 East and approximately 850 feet west of Lindsay Lane South (Parcel #: 44-10-05-15-4-000-002.002), zoned B-2 (General Business District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant’s request, stating that Staff has no issues with the development itself but asks that its approval be contingent upon payment of the land development sewer impact fee to the Water Department prior to the final plat being signed.

Ms. Garth asked if anyone was present for the request. Mr. Jerry South with JHR answered that he was, and had nothing to add.

With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Rick Johnson 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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of JHR Athens Property, LP, contingent upon payment of the land development sewer impact fee to the Water Department prior to the final plat being signed.

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

- II. Public Hearing.** Request of Jimmy Bryan for Preliminary Plat Approval of Steeplechase Subdivision, a major subdivision of +/- 8.7 acres into 26 lots, located between Beech Street and Steeplechase Drive, approximately 1,000 feet north of Strain Road East (Parcel #: 44-10-05-22-0-001-006.000), zoned R-1-3 (High Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, and stated that Staff sees no issues with this request.

Ms. Garth asked about the surrounding properties. Ms. Tidwell answered that Nature's Cove Subdivision is north of the development and the south is stubbed into vacant, undeveloped property with the same zoning.

Ms. Garth clarified that this subdivision would not have access from Lindsay Lane. Ms. Tidwell replied that there's currently no direct access to Lindsay Lane; rather, the cul-de-sac to the east would line up with Tract One. If Tract 1 was ever developed for residential use, the cul-de-sac could be knocked out and the street would continue down Steeplechase Drive and access would be available that way.

Ms. Garth asked who was present on behalf of the request, and if they had anything to add. Ms. Cady Stewart from Morell Engineering stated that they had nothing to add. Gina asked if anyone was present that wished to speak in favor or in opposition to the request.

Mr. Colby Goode (2010 Lindsay Ln. S) came forward. Ms. Goode asked if the roadway feeding into Steeplechase Drive would be opened up. He stated that currently, it's a very small roadway.

Mr. Johnson asked if Mr. Goode lived on Lindsay Lane. Mr. Goode answered that his address is Lindsay Lane, but that his mailbox is actually on Steeplechase Drive.

Ms. Garth deferred to Erin who stated that if the adjoining tract were to be developed as residential property, access would be opened up.

Kurt Parker (915 Beech St.) came forward. Mr. Parker stated that his power comes across that property. He inquired as to how the sewage and water to the development would affect his

property, and would he be able to connect to those services since his property is so close to the development.

Mr. Johnson directed Mr. Parker's question to Michael Griffin, City Engineer, and asked about the utility easement that goes across the property. Mr. Johnson asked if Mr. Parker currently has sewer services. Mr. Parker answered that he is on a septic tank system, but would like to connect to the sewer line that will run through the subdivision.

Mr. Griffin stated that Nature's Cove is north of Mr. Parker as well, and there is a lift station already in place due north directly across from the property. Mr. Griffin said that it may be possible for Mr. Parker to connect to the sewer system there, but typically the sewer department would request you pay a fee to access it. Mr. Griffin stated he would give Mr. Parker contact information for the water, sewer, and electric departments.

Mr. Parker asked about traffic flow out of the subdivision, to which Mr. Griffin replied it is currently through Beech Street. Mr. Parker asked about access through the development from his property. Mr. Griffin answered that the development met the connectivity index requirements without that connection, therefore the developer opted not to make that particular connection.

Mayor Ronnie Marks added that the City is looking at both East and West Strain Road for surveys about the possibility of future sewer services.

With no further questions or comments, Ms. Garth closed the public hearing.

**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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of Steeplechase Subdivision.

Chief James Hand seconded the motion, and the motion passed unanimously of the voting members present.

**III. Public Hearing.** Request of Forestar (USA) Real Estate Group, Inc. for Preliminary Plat Approval of The Links at Canebrake, Phase 5, a major subdivision of +/- 11.12 acres into 15 lots, located at the temporary eastern terminus of Westminster Drive and the temporary eastern terminus of Lannister Lane (Parcel #: 44-10-07-26-0-000-002.003), zoned C-PUD (Conventional Planned Unit Development District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that these lots meet R-1-2 setbacks, and Staff has no issues with this request.

Ms. Garth asked if anyone was present on behalf of the request and if they had anything to add. Ms. Stewart, with Morell Engineering, said they did not.

With no further questions or comments, 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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of The Links at Canebrake, Phase Five.

Chief James Hand seconded the motion, and the motion passed unanimously of the voting members present.

- IV. **Public Hearing.** Request of GP Development, LLC for Preliminary Plat Approval of Brookhill Landing, Phase 3, a major subdivision of +/- 15.1 acres into 52 lots, located directly south of Roy Long Road East and approximately 1,800 feet west of U.S. Highway 31 South (Parcel #: 44-10-08-28-0-000-008.004), zoned R-1-3 (High Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, and stated that this request meets the requirements of an R-1-3 development. Staff sees no issues with this request.

Mr. Griffin added that traffic impact fees associated with these lots will be due prior to approval of the final plat.

With no further questions or comments, 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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of Brookhill Landing, Phase Three.

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

- V. **Public Hearing.** Request of 2 The Point, Inc. for Preliminary Plat Approval of Watercress Subdivision, Phase 2, a major subdivision of +/- 86.45 acres into 139 lots, located directly west of Lucas Ferry Road and approximately 500 feet north of Watercress Drive (Parcel #: 44-11-01-01-0-000-015.001), zoned R-1-2 (Medium Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She stated that Staff sees no issues with the lots as they are subdivided, but would ask that approval be contingent upon a connection being made to Watercress Drive.

Mr. Johnson asked if connection to Watercress would require a change to the plat, or if the connection was already represented on the plat. Ms. Tidwell pointed to a cul-de-sac on the presentation and answered that Staff would request that road be connected over to make the connection.

Mr. Griffin stated that it would be a dedicated right of way rather than an additional lot. Mr. Griffin stated that to his knowledge, the developer has no issues with making the requested connection, they just want to make sure it's right.

Mr. Johnson noted that the connection wasn't shown on the plat. Mr. Griffin answered not yet. He explained that there are lots at the back of the subdivision, and without approving the plat with the contingency of connectivity, the plat would not be in accordance with the Subdivision Regulations. There's a cap on how many lots you can have on a dead end street in Athens Mr. Griffin said.

Ms. Dana Henry asked about the mail kiosk area. Mr. Griffin explained that the federal government now requires developments to have mail kiosk areas, with 12-20 mailboxes per kiosk, rather than allowing mailboxes in front yards. Mr. Griffin stated his office looked into not allowing those kiosks in the right-of-way, but decided to allow it with certain design stipulations that meet the federal government's requirements. Most kiosks would otherwise be placed in a common area if there was one big enough within the development.

Mr. Johnson asked if mail kiosks were not being required in all new subdivisions. Mr. Griffin clarified that this isn't the City's requirement, but rather the U.S. Postal Service's requirement. Mr. Griffin stated that the new requirements came without warning, and the City is working on a good way of handling this.

Ms. Garth asked if the proposed lots go right up to the lake. Mr. Griffin answered that they do.

Ms. Garth then asked if the water feature is a detention pond. Mr. Griffin said it acts as a retention pond for a drainage area that encompasses east Lucas Ferry.

Ms. Garth asked if there was not a problem with the retention pond rising. Mr. Griffin explained that the lots have been set up at an appropriate elevation based on their proximity to the pond or creek.

Ms. Garth asked what the direction of the water flow was. Mr. Griffin answered that it comes directly from an underground drainage pipe draining from the north under Lucas Ferry Road and

drains directly into the pond. There's also a spring source that's on the common area property. A separate pond on the northeast side feeds into the main pond as well. There's technically three ponds within this common area.

Ms. Garth clarified that this is based on the 100 year flood information. Mr. Griffin confirmed that's correct.

Ms. Garth asked if anyone was present on behalf of the request. Tony Manary with 2 The Point stated that he was present on behalf of the request and added that they are actively working to make the recommended connectivity.

Ms. Garth asked if anyone was present to speak in favor of or against the request. Ms. Carol Field (19551 Riverside Street) came forward. She stated that her land on New Cut Road backs up to this subdivision. Ms. Field asked if this subdivision is within the city limits. Mr. Johnson answered in the affirmative. Ms. Field said her land is not in the city limits, and asked if city services would be available to her since this development backs up to her property.

Mr. Griffin answered that there is a lift station on the southwest portion of the development. Mr. Griffin and Ms. Field further discussed where her property lay in relation to this development.

Ms. Field asked if this would affect her taxes. Mr. Griffin answered that it would not since her property lies outside of the city limits.

Ms. Field asked how this would affect the future of her land; could someone come in and take her land. Mayor Marks answered that no one would take her land. He stated that if she chooses to stay in the county, she would continue to pay county taxes. If Ms. Field wanted to annex, she could petition to do so, but it would only be at her request. Mayor Marks said no one would force her to annex her property.

With no further questions or comments, Ms. Garth closed the public hearing.

**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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of Watercress Subdivision, Phase Two, contingent upon connection to Watercress Drive.

Rhonda Weatherford seconded the motion, and the motion passed unanimously of the voting members present.

- VI. Public Hearing.** Request of Henderson Development Group, LLC for Preliminary Plat Approval with reduced connectivity, of King Estates Subdivision, a major subdivision of +/- 114.2 acres into 22 lots, located directly south of Pepper Road and approximately 2,550 feet east of Line

Road (Parcel #s: 44-10-06-13-0-000-001.007 and 44-10-06-13-0-000-001.001), zoned R-1-1 (Low Density Single Family Residential District).

Ms. Garth opened the public hearing. Ms. Garth went on to clarify that this plat was approved last month. Ms. Tidwell explained that last month's approval was contingent upon connecting the northernmost cul-de-sac to Tract 1 to the west.

Ms. Tidwell presented the applicant's request, and stated that this is essentially a new preliminary plat request coming before the Planning Commission. The applicant is seeking to appeal the connectivity contingency.

Ms. Garth asked if this item is approved, what happens to the preliminary plat approval given last month. Ms. Tidwell explained that this request is essentially appealing the contingency for connectivity placed on the preliminary plat approval last month.

Mr. Johnson clarified with Ms. Tidwell what was approved last month as opposed to what's now being presented.

Ms. Tidwell stated that the contingency for connection was made last month. Tonight, the plat is being requested again but with the connectivity contingency removed. The lots do meet R-1-1 standards. Ms. Tidwell explained that Staff is not requiring connectivity across the creek that runs along the property, but would request connectivity be made to the west, as requested last month. Staff's recommendation has not changed.

Ms. Garth clarified that the connectivity to the west would go across a creek bed. Ms. Tidwell said yes, but the creekbed is dry and doesn't contain water year round. Ms. Garth asked if it's the same creek that held water sometimes. Ms. Tidwell answered it was and pointed to its location on the presentation. Ms. Tidwell also pointed to the creek that Staff is not requesting connectivity over. Staff is requesting a single connection point.

Mr. Herron clarified that there are two creeks on the property, but one of them is dry.

Ms. Tidwell stated that a pre-construction meeting was held, but the applicant requested the plat be brought back before the Commission to appeal the connectivity contingency.

Mayor Marks asked for clarification specifically for what's before the Planning Commission at this time.

Ms. Tidwell explained that last month, the preliminary plat was approved contingent upon connectivity to Tract 1 to the west, as well as perc testing. Approval of the request with that contingency allowed the developer to continue working. Tonight, Ms. Tidwell said, the request is to readdress and appeal the connectivity. Staff sees that there are topographical restraints and the development cannot meet the connectivity index requirements, but Staff would recommend that one additional connectivity point be established as previously proposed.

Mayor asked if last month's request was a public hearing, and if this month's request was also a public hearing. Ms. Tidwell answered yes to both.

Mr. Hendrix asked if it's Staff's recommendation that last month's decision be upheld. Ms. Tidwell answered yes. Mr. Hendrix then asked what Staff's recommendation is in this instance. Ms. Tidwell answered that Staff would recommend approval with connectivity or uphold the approval with contingencies from last month.

Mr. Herron clarified that the applicant has essentially asked the Planning Commission to vacate their decision it made last month.

Mayor Marks asked Ms. Tiwell to explain the pros and cons of connectivity. Mr. Tidwell answered that it allows for better traffic circulation for sanitation, emergency, and school bus services.

Mayor Marks asked where that connectivity point would come out to. Ms. Tidwell answered that it would be within the development, and would connect the two developments together to allow for travel throughout both developments without having to come back out onto Pepper Road.

Mr. Herron pointed out that if one of the entrances were blocked off, traffic would be able to flow alternatively with the connectivity.

Chief Hand clarified that the next item on the agenda is related to this one. Ms. Tidwell answered that the next item is a layout for the tract adjacent to this. The decision made regarding this request, in addition to the decision made pertaining to the layout request, should mirror each other.

Ms. Garth asked if anyone was present to speak on behalf of the request. Nick Hamlin (105 Wauchula Private Drive) came forward. He thanked the Commission for making a decision last month that allowed him to continue working on the development.

Mr. Hamlin stated his staff and the engineering company have looked over several things that he'd like to bring to the Commission's attention. First, he explained that there is no lot within this development that is less than one acre. Also, this is an experimental subdivision and is different from anything else in the city.

Mr. Hamlin explained that the lay of the land creates a topographical hardship, and he is attempting to preserve as much of the rolling hills and nature on this site as possible. The stream through which connectivity is proposed is a blue line stream and drains 600 acres north of the development, including portions of Oakdale and Nick Davis Roads.



The entire development, said Mr. Hamlin, would consist of 38 lots on 114 acres, which would average three acres per lot, which is unheard of. It was initially approved for 252 lots and they reduced the density due to the market and because of the topography of the land.

Mr. Hamlin went on to say that a cost estimate put together by Morell Engineering estimates the cost for the proposed connection to be over \$500,000.00.

Mr. Hamlin listed several other developments that do not have connectivity with adjacent properties such as Hightower Hills, Ridgelawn, Briarwood, Eastbrook, Winslow, Wellington, Country Club, Canebrake, and Wauchula Subdivisions. The largest development we have on the east side of town has one way in and one way out. There are no concrete barricades in this subdivision; instead, there are rolling hills, trees, and creeks.

In closing, Mr. Hamlin pointed to Section 6.6.5 of the Zoning Ordinance which states that if a property has restraints it doesn't have to connect with interconnectivity. This development has topographical issues, significant drainage, and natural features. Mr. Hamlin would ask the Commission to take those things into consideration.

Mr. Hamlin said the engineers have designed roadways in this development to accommodate school buses, garbage, and fire trucks. As a developer, he takes this seriously and doesn't want to see kids standing out there at the end of Pepper Road waiting for a bus. They have conducted traffic studies and done their homework.

Mayor Marks asked about an additional entrance and exit off of Pepper Road. Mr. Hamlin pointed again to the traffic study that was conducted for this development. Mr. Hamlin believes experimental subdivisions like this one are what the city needs. He reiterated that the land creates hardship, and doesn't believe there would be a problem coming out of the development onto Pepper Road.

With no further questions or comments, Ms. Garth closed the public hearing.

Mr. Johnson stated that he's ridden this property on a four wheeler before any development had begun. He explained that it's a very hilly area and is essentially surrounded on three sides by a water feature. Mr. Johnson believes this does seem to present a hardship, but the Commission must draw a hard line somewhere and either require connectivity or don't.

Mr. Herron agreed that a hard line should be drawn and either require connectivity or not. The commission should stand firm on what they're going to do as a Commission.

**Resolution.** Mayor 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 September 19, 2023, that the board does hereby grant the applicant's request for preliminary plat approval with reduced connectivity of King Estates Subdivision.

Rick Johnson seconded the motion, and the motion passed with a vote of six affirmative (Gina Garth, Rhonda Weatherford, Rick Johnson, Dana Henry, James Hand, and Mayor Marks) and two negative (Venard Hendrix and Rod Herron).

**VII. Resolution.** Request of Henderson Development Group, LLC for Layout Approval of West King Estates Subdivision, a major subdivision of +/- 30.64 acres into 16 lots, located directly south of Pepper Road and approximately 1,500 feet east of Line Road (Parcel#: 44-10-06-13-0-000-001.001), zoned R-1-1 (Low Density Single Family Residential District).

Ms. Tidwell presented the applicant's request. She explained that normally, a layout isn't required for any development with less than twenty-five lots, but it made sense to add this item to the agenda as it is related to the previous item.

The request, Ms. Tidwell explained, meets zoning requirements for an R-1-1 development. Staff would prefer to see connectivity between this and the adjoining development, but is no longer a requirement with the passing of the previous agenda item.

**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 September 19, 2023, that the board does hereby grant the applicant's request for layout approval of West King Estates Subdivision.

Rick Johnson seconded the motion, and the motion passed unanimously of the voting members present.

**VIII. Public Hearing.** Request of BC HSV Meadows, LLC for Minor Plat Approval of A Replat of Common Area "B" Meadows Subdivision, Ph. 1, a minor subdivision of +/- 7.12 acres into 1 lot, located directly south of Strain Road West and approximately 850 feet east of U.S. Highway 31 South (Parcel #: 44-10-05-21-0-001-012.000), zoned R-1-3 (High Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request. She explained that specifically, we're looking at a lot at the very back of the property. This lot is being subdivided for the Water and Sewer Department to allow for the development to receive sewer and utility services. It's not being subdivided out for residential development purposes. Staff sees no issues with this request.

Mr. Johnson asked if this lot will become city property. Ms. Tidwell stated that she believes so.

Mayor Marks asked if this is where the pump station was increased. Ms. Stewart, with Morell Engineering, stated this station serves Lakewood and The Meadows developments. Mayor Marks asked if this would be deeded to the City. Ms. Stewart answered that it would.

With no further questions or comments, 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 September 19, 2023, that the board does hereby grant the applicant's request for minor plat approval of a replat of Common Area "B" Meadows Subdivision, Phase One.

Venard Hendrix seconded the motion, and the motion passed unanimously of the voting members present.

- IX. Public Hearing.** Request of Brian Evans for Minor Plat Approval of Patty Acres, a minor subdivision of +/- 7.44 acres into 2 lots, located directly south of Airport Road and approximately 2,000 feet west of North Jefferson Street (Parcel #: 44-07-09-32-2-000-005.000 and 44-07-09-32-2-000-005.001), zoned EST (Estate Residential and Agricultural District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, stating that this request meets the requirements for an EST district. Staff sees no issues with this request.

With no further questions or comments, Ms. Garth closed the public hearing.

**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 September 19, 2023, that the board does hereby grant the applicant's request for minor plat approval of Patty Acres.

Chief James Hand seconded the motion, and the motion passed unanimously of the voting members present.

- X. Resolution.** Request of Winter Homes Investment Properties, LLC for Final Plat Approval of Lucas Ferry Townhomes, Phase 2, a major subdivision of +/- 12.1 acres into 23 lots, located directly north of U.S. Highway 72 West and approximately 250 feet east of Lucas Ferry Road (Parcel #: 44-10-03-07-3-000-106.000 and 44-10-03-07-3-000-106.001), zoned R-1-5 (Single Family Townhouse Attached Residential District).

Ms. Tidwell presented the applicant's request. She explained that Staff sees no issues with this request, but asks that its approval be contingent upon buffers being in place and all engineering items, including bonds, be in place prior to signatures being finalized.

Mayor Marks clarified that this item is good from the City's standpoint. Ms. Tidwell agreed.

Ms. Garth asked if there was anyone present on behalf of the item, with no response.

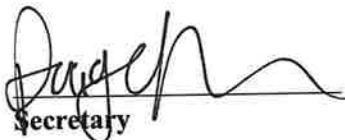
**Resolution.** Dana Henry offered the following resolution and moved its adoption:

**BE IT RESOLVED** that the Planning Commission for the City of Athens, Alabama, at its regular meeting on September 19, 2023, that the board does hereby grant the applicant's request for final plat approval of Lucas Ferry Townhomes, Phase Two, contingent upon buffers being in place and all engineering related items being completed prior to signatures being finalized.

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

**Adjournment.** There being no further business to come before the Commission, Chairwoman Garth duly and properly adjourned the meeting at 6:48 p.m.

  
Chairman

Attest:   
Secretary