

**Call to Order.** The Planning Commission of the City of Athens, Alabama met in regular session in the City Council Chambers on October 17, 2023 at 5:45 PM, after a short work session.

**Roll Call.** Commission Members Present: Gina Garth, Rod Herron, Venard Hendrix, Brad Mallette, Dana Henry, James Hand, 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.** Dana Henry 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 September 19, 2023 meeting be approved.”

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

**Old Business:** None

**Items Withdrawn From This Month’s Agenda:** Item #2: Rezone request of Y.M.Y., LLC for property located at 17915 West Elm Street and Item #5: Minor Plat request of Brothers Hospitality for Town Place Suites.

**New Business:**

- I. **Public Hearing.** Consider for recommendation to the City Council the request of The City of Athens to Rezone +/- 8.00 acres of property located on the east side of Jefferson Street South, approximately 1,200 feet north of South Monroe Street, (Parcel # 44-10-04-17-1-000-016.000), from R-1-4 (Single Family Duplex Attached Residential District) to B-2 (General Business District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant’s request, stating that this request meets all Staff’s requirements; therefore, Staff sees no issues with this request.

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 October 18, 2023, that the board does recommend to the City Council the applicant’s request for rezoning approval of

The City of Athens.

Mayor Ronnie Marks 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 Y.M.Y. LLC to Rezone +/- 2.4 acres of property located at 17915 West Elm Street (Parcel # 44-06-07-36-0-001-002.002), from EST (Estate Residential and Agricultural District) to B-2 (General Business District). **WITHDRAWN BY APPLICANT OCTOBER 10, 2023**
- III. **Public Hearing.** Request of Lennar Homes of Alabama, LLC for Preliminary Plat Approval of Whisper Woods (Previously known as Quail Landing), Phase 1, a major subdivision of +/- 37.54 acres into 81 lots, located to the south of Nick Davis Road, directly across from Colton Lane (Parcel #: 44-10-01-11-0-000-018.001), zoned R-1-1 (Low 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. This development originally came before the Planning Commission in 2019 and was zoned a Conventional Planned Unit Development. The current preliminary plat reflects the C-PUD requirements that were in place at the time that this item was originally zoned such.

Ms. Garth asked if anyone was present to represent this request. Mullins, LLC was present as representative of the request, and stated he had nothing to add. With no further questions or comments, Ms. Garth closed the public hearing.

**Resolution.** Chief James Hand 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 October 18, 2023, that the board does hereby grant the applicant's request for preliminary plat approval of Whisper Woods (previously known as Quail Landing).

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

- IV. **Public Hearing.** Request of Nuclear Land Holdings, LLC for Minor Plat Approval of A Replat of Lots 22-46, 49 Tanner Estates, a minor subdivision of +/- 58.64 acres into 3 lots, located on the west side of U.S. Highway 31 South, between Nuclear Plant Road and Rosie Road (Parcel #s: 44-16-02-09-0-001-054.000, 44-16-02-09-0-001-054.001, 44-16-02-09-0-001-053.000, 44-16-02-09-0-001-045.000), zoned B-2 (General Business District) and M-1 (Light Industrial District).

Ms. Garth opened the public hearing.

Ms. Tidwell presented the applicant's request, stating that Staff sees no issues with this request. Ms. Tidwell explained that the lots meet the requirements of their current zoning districts.

Ms. Garth verified with Ms. Tidwell that the current zoning for the lots would not change. Ms. Tidwell answered that was correct; only the configuration of the lot lines are changing.

Ms. Garth asked if anyone was present on behalf of the request. Morell Engineering was present as representative of the request, and had nothing to add. Ms. Garth then asked if anyone was present to speak in favor of or against the request.

Deborah McDonald (20359 Winfred Drive Tanner, AL) came forward. Ms. McDonald explained that her property is adjacent to the subject property, and asked if the replatting would affect her own property. Ms. McDonald also asked what will be developed at this location. Ms. Garth answered by stating that a specific development is not being proposed at tonight's meeting; only the minor plat request. Ms. Garth added that at such time this property is developed, the developer would be required to put a buffer in place.

Ms. McDonald asked for clarification as to why this item is on the agenda if there's no development planned. Ms. Garth explained that the applicant is simply requesting to reconfigure the lots, and isn't required to tell the Planning Commission at this time what the future plans for the property are as long as the replatting is in accordance with the Zoning Ordinance.

Mayor Marks reiterated that development or replatting on the subject property should have little to no impact on Ms. McDonald's property and the neighboring properties.

Dwight Barker (20280 Nuclear Plant Road Tanner, AL) came forward. Mr. Barker asked what type of buffer would be required between the subject property and the neighboring properties. Ms. Tidwell reiterated that tonight's request is only about subdividing the property. Ms. Tidwell went on to explain the three types of buffers outlined in the Zoning Ordinance.

Beverly Smith (13593 Rising Run Circle Athens, AL) came forward. Ms. Smith asked if her property on Rosie Road would be affected by this request. Ms. Garth answered that it would not.

Robert Mason (Nuclear Plant Road Tanner, AL) came forward. Mr. Mason stated that he's concerned that whatever is developed on this property in the future would not be required to buffer and would bring down his property values. Mr. Mason also wants to know what type of business is expected on this property. Ms. Tidwell answered that a site plan has not been submitted to Staff, but she can provide Mr. Mason with an excerpt from the Zoning Ordinances outlining the permitted uses for these zoning districts.

Mr. Mason asked what type of buffer would be required by the developer of this property. Ms. Garth answered that most likely, a Type C buffer would be required.

Ms. Garth stated that one of their goals is to preserve the integrity of residential property. A person's home is their biggest investment, and the Planning Commission doesn't want to see any property value lost and attempts to maintain the integrity of homes.

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 October 17, 2023, that the board does hereby grant the applicant's request for minor plat approval of A Replat of Lots 22-46, 49 Tanner Estates.

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

V. **Public Hearing.** ~~Request of Brothers Hospitality Group for Minor Plat Approval of Town Place Suites - Athens, a minor subdivision of +/- 1.891 acres into 1 lots, located on the north side of Cool Springs Drive, approximately 250' west of Audubon Lane (Parcel #: 44-10-05-15-2-000-002.011), zoned B-2 (General Business District).~~ **WITHDRAWN BY APPLICANT OCTOBER 17, 2023**

VI. **Public Hearing.** Request of Maund Family Farm, LLC for Minor Plat Approval of Wauchula Farms Subdivision, Addition #2, a minor subdivision of +/- 19.6 acres into 6 lots, located west of U.S. Highway 31 and south 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 presented the applicant's request. Ms. Tidwell explained that this item was originally brought before the Planning Commission in May of 2023. The developer, it's believed, had to work through some title issues, and that process took more than 90 days. Therefore, the developer was required to bring the request back to the Planning Commission for reapproval. Ms. Tidwell stated that the original request made in May of 2023 was approved. Staff sees no issues with this request, said Ms. Tidwell. However, she added, the sewer department has asked that approval be contingent upon the developer addressing sewer easement concerns with the Water Department.

Michael Griffin, City Engineer, stated that the City is working with the developer to create a garbage truck turnaround on site. Mayor Marks asked if that turnaround had already been worked out. Mr. Griffin answered they were currently working with the developer on that.

Mr. Griffin further stated that when a housing permit is issued, the driveways will be reviewed so that a garbage truck can turn around on site, as opposed to on U.S. Highway 31.

Ms. Garth asked who was present on behalf of the request and if they had anything to add. Morell Engineering, as representatives of the request, had nothing further to add. Ms. Garth asked if anyone was present in favor of or against the request.

Walter Holloway (1111 Wauchula Private Drive) came forward. Ms. Holloway asked how the water and sewer on these lots would affect the rest of the homes within the development. Mayor Marks directed the question to Mr. Griffin. Mr. Griffin answered that the sewer department is looking for options for those homes that are at a higher elevation; he'd be happy to take names and numbers of those residents who are interested.

Mr. Holloway also asked if the natural growth on lots 5 and 6 within the development would be preserved. Ms. Garth answered that it would be up to the developer. Mayor Marks stated that the Planning Commission can certainly express that wish to the developer, however the final decision is up to the developer.

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 October 17, 2023, that the board does hereby grant the applicant's request for minor approval of Wauchula Farms Subdivision, Addition #2, contingent upon the developer addressing sewer easement concerns with the Water Department.

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

- VII. Public Hearing.** Request of Athens Utilities and Four Girls, LLC for Minor Plat Approval of A Replat of a Portion of Lot 1 of Shaw Johnson Farm Subdivision, Phase 1 and Other Lands, a minor subdivision of +/- 18.34 acres into 2 lots, located at the southern terminus of Cloverleaf Drive and north of Sanderfer Road East (Parcel #s: 44-10-05-16-4-002-002.000 and 44-10-05-16-4-002-001.000), zoned M-1 (Light Industrial District) and R-1-2 (Medium Density Single Family Residential District).

Ms. Garth opened the public hearing.

Ms. Tidwell described the applicant's request, and stated that Staff sees no issues with this request; it meets all current requirements, and will allow Water's Edge Subdivision to make up lots that were lost when swapping with the Water Department.

Ms. Garth asked if the applicant had anything to add. Morell Engineering, who was present on behalf of the applicant, had nothing to add.

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 October 17, 2023, that the board does hereby grant the applicant's request for minor approval of A Replat of a Portion of Lot 1 of Shaw Johnson Farm Subdivision, Phase 1 and Other Lands.

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

**VIII. Public Hearing.** Request of Canebrake Club, LLC for Minor Plat Approval of Replat of lots T38-T41 of Canebrake Club Patio and Traditional Lots, a minor subdivision of +/- 2.94 acres into 4 lots, located north of Piney Creek Drive (Parcel #s: 10-06-24-0-000-003.038, 10-06-24-0-000-003.039, 10-06-24-0-000-003.040, 10-06-24-0-000-003.041), zoned C-PUD (Conventional Planned Unit Development).

Ms. Garth opened the public hearing.

Ms. Tidwell described the applicant's request. Ms. Tidwell explained that this item has previously been before the Planning Commission in March of 2023. The developer had to work through some title issues, and that process took more than 90 days. Therefore, the developer was required to bring the request back to the Planning Commission for reapproval. Ms. Tidwell stated that this request meets all Staff requirements; therefore, Staff sees no issues with this request.

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 October 17, 2023, that the board does hereby grant the applicant's request for minor approval of Replat of lots T38-T41 of Canebrake Club Patio and Traditional Lots.

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

**IX. Public Hearing.** Consider the request of the Engineering Services and Community Development Department for the proposed amendments to the Zoning Ordinance of the City of Athens.

The following is a summary of the nature and scope of the proposed changes to the Zoning Ordinance (hereafter referred to as "Summary of Zoning Ordinance Changes"). The proposed changes would:

- amend *Table 6-9: Sign Position, Density, Area, and Height by District* of the Zoning Ordinance to modify business center signs to have 1 sign per frontage road, not to exceed 3 signs;

- amend the “Business center sign.” definition within §9.2. Definition of Specific Terms and Words of the Zoning Ordinance to update the following terminology to be, “An on-premise detached sign which identifies a complex of two (2) or more occupants or tenants on the same lot, tract of land, or within the same named development.”

Ms. Garth opened the public hearing.

Ms. Tidwell described the applicant’s request. Ms. Tidwell explained that this item has previously been before the Planning Commission in March of 2023. The developer had to work through some title issues, and that process took more than 90 days. Therefore, the developer was required to bring the request back to the Planning Commission for reapproval. Ms. Tidwell stated that this request meets all Staff requirements; therefore, Staff sees no issues with this request.

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

Mayor Marks asked if this amendment is strictly within the authority of the Planning Commission, or if the request will be forwarded to the City Council. Ms. Tidwell answered that the request would be forwarded to the City Council.

**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 October 17, 2023, that the board does hereby recommend to the City Council the request of Engineering Services and Community Development Department for the proposed amendments to the Zoning Ordinance of the City of Athens.

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

**X. Annual Business:**

- Election of Officers
- Approval of 2024 Planning Commission Calendar

Ms. Garth called for a nomination for Planning Commission Chair. Mayor Marks nominated Ms. Garth to continue as Chair.


Ms. Garth then called for a nomination for Vice-Chair. Ms. Henry nominated Mr. Johnson to continue as Vice-Chair.


**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 October 17, 2023, that the board does hereby elect Gina Garth as Chair and Rick Johnson as Vice-Chair.

Dana Henry 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 6:28 p.m.

  
Chairman

Attest:   
Secretary