

ATHENS-CLARKE COUNTY PLANNING COMMISSION

MINUTES

June 1, 2017

7:00 P.M.

120 W. Dougherty Street

MEMBERS PRESENT: Jim Anderson, Sara Beresford, Maxine Easom, David Finkel, Dave Hudgins, Hank Joiner, Alice Kinman (chair), Lucy Rowland, Jim Scanlon, and Jeff Scarbrough

MEMBERS ABSENT: None

STAFF PRESENT: Rick Cowick, Brad Griffin, Gavin Hassemer, Bryce Hix (Planning), John Hawkins (Attorney's Office)

GENERAL BUSINESS

Ms. Kinman called the meeting to order at 7:00 p.m.

1. Introduction of Staff reports and all other documents submitted to the Planning Commission at the meeting into the official record. Ms. Rowland moved to introduce all reports and documents into the official record. Mr. Hudgins seconded the motion, which passed unanimously.

2. Approval of April 6, 2017 Planning Commission meeting minutes. Mr. Anderson made a motion for approval with correction. Ms. Rowland seconded the motion, which passed unanimously.

3. MACORTS Update and Public Comment.

Mr. Griffin stated that he had no report. Gretchen Elsner addressed the Planning Commission regarding consideration of transportation alternatives, such as bicycling, and the importance of connectivity.

COMPREHENSIVE PLAN

First Required Public Hearing

Mr. Hassemer presented the Comprehensive Plan process and schedule.

Speakers: Paula Loniak, Peter Norris, Nat Kuykendall, Cam Yearty, Gretchen Elsner, Tony Eubanks, Mark McConnell, Elliott Caldwell, Michael Songster, Gwen O'Looney

Discussion: Mr. Scarbrough said that he appreciates the public participation and hopes to have a lot more of it.

Mr. Anderson said that it would be beneficial to keep the character areas map in mind during development of the Comprehensive Plan.

Ms. Rowland requested that Staff provide the 1998 and 2008 guiding principles at the next Planning Commission or steering committee meeting.

OLD BUSINESS

1. 1321 OCONEE STREET; 170-184 ELBERT STREET – PD-2016-12-3187

REQUEST FOR TABLING EXTENSION

Type I – Master Planned Development

Petitioner: Michael S. Burk / QuikTrip Corporation

Owner: Tweedell & Van Buren; RTSH Holding, LLC

Request: From *Main Street Business* to *Corridor Business*; From C-G, A (Commercial-General, Airport Overlay) to C-G, A (PD) (Commercial-General, Airport Overlay – Planned Development)

Tax ID: 172C4 D001, D002 & D003

Mr. Griffin presented the request from the applicant for an additional 90-day tabling time.

Speakers: John Timmons, Carl Jordan

Discussion: None

Motion: Ms. Rowland made a motion to allow the additional requested tabling time. Mr. Scanlon seconded the motion, which passed unanimously.

NEW BUSINESS

1. 155 MITCHELL STREET -- PD-2016-12-3059

Type I – Preliminary Planned Development

Petitioner: Stephen B. Hill

Owner: Mitchell Street Properties, LLC

Request: From *Residential Mixed Use* to *Downtown*; From RM-2 (Mixed Density Residential) to C-D (RIV) (PD) (Commercial-Downtown, River Downtown Design Area, Planned Development)

Tax ID: 171B4 E013

Mr. Hix presented the staff report with comments only.

For: Carl Nichols, Stephen Hill

Against: None

Discussion: Mr. Scarbrough said that the proposal has 273 parking spaces on what has to be the narrowest street in Athens. It is not an unattractive project, but there is a whole lot of it proposed for a difficult location to access. There are other options for the property between the current zoning and its potential zoning. In addition to the Staff concerns, he is not convinced that this is the right development for this particular location.

Mr. Finkel said that there is insufficient downtown housing for active seniors, visiting professors or the workforce. Everyone complains about downtown being dominated by students. We need something like this. Athens is a great place to retire and people need a place to live within walking distance of amenities. He supports the concept.

Ms. Easom asked about how the proposed building height compares to others in the area. Mr. Nichols replied that the buildings in front have two to three stories, but buildings to the rear have ten stories. The new buildings in downtown have the same height. Mr. Hill added that from the campus, the topography drops down to the street, then down to the river. A balloon test revealed that only the top floor and a half would be visible from the river at Oconee Street.

Ms. Easom asked if borings have been made for rock. Mr. Hill replied that they know about the rock present there.

Ms. Easom expressed a concern with the increased traffic on Oconee Street. Mr. Hill replied that a traffic study had been done, which showed little impact on traffic. The residents will walk to town and campus, or they will ride a bus or use Uber.

Ms. Beresford asked how the building would be prevented from being another student apartment building. Mr. Hill said that he would live there. Mr. Nichols said that the units would be sold as

condominiums and they are researching how to restrict residents to be above a certain age. It could be a deed restriction.

Ms. Beresford asked if there would be a condominium association. Mr. Hill replied that there would be and the age restriction could be part of the bylaws.

Mr. Hudgins asked about the effect of the moratorium on the request. Mr. Griffin replied that, should the rezoning be approved, the moratorium would prevent a building permit from being issued until February 2018. However, the Planned Development designation would exempt the proposed development from any ordinance changes resulting from the moratorium.

Mr. Hudgins asked for confirmation that an approved planned development would not be subject to any ordinance changes regarding density. Mr. Griffin replied that is correct.

Mr. Joiner said that the property adjoins Commercial-Downtown zoning and such zoning should be expanded to the river. The community has seen drastic growth since 2000. This would not increase traffic coming into the community since these residents will have downtown jobs. The Georgian Hotel is an example of a non-student market. The senior market is very active. The student market is built out. An in-town location will take traffic off the feeder streets coming into the community. He sees this as a great opportunity. This is a small street, but so is Jackson Street, which handles a lot of traffic. We need to work on the variances to address Staff concerns. He would like to see some type of age restriction.

Mr. Finkel asked about the unit size and price range. Mr. Hill replied that the two-bedroom units are 1,100-1,200 square feet. The three-bedroom units are 1,300-1,550 square feet. Mr. Nichols said that the prices have not been set yet.

Mr. Finkel said that students could not be stopped from moving in even if you want to, but if you do not build something, then others will not be able to come.

Mr. Joiner said that this product would probably go to a mature market with accessible funds, which would be a big asset to the community. The affordable housing will be in other locations.

2. 556 EPPS BRIDGE PARKWAY; 195 KIRKWOOD DRIVE – PD-2017-04-1198

Type II – Preliminary Planned Development

Petitioner: Williams & Associates

Owner: Billy Ray Thomas

Request: From RS-15 (Single-Family Residential) to C-N (PD) (Commercial-Neighborhood, Planned Development)

Tax ID: 074D D005, D006

Mr. Hix presented the staff report with comments only.

For: Jon Williams, Kenneth Wood, Jamie Boswell, BR Thomas

Against: Elizabeth Hughes, Renee Feldman, Carl Jordan, Philip Burns, Robert England, Jane Sullivan

Rebuttal: Jon Williams

Discussion: Mr. Hudgins asked for clarification about the proposed removal of the right-turn lane on Epps Bridge Parkway at the Timothy Road intersection. Mr. Griffin explained the proposal and added that this improvement will happen whether or not the rezoning is approved.

Ms. Rowland said that the project is well designed architecturally with two building fronts. However, she is concerned that visitors will use Kirkwood Drive to get back to Epps Bridge Parkway. An analysis needs to be done as to whether there is a need for a two-way drive on Kirkwood Drive, or if there could just be a right-in, right-out drive on Timothy Road.

Mr. Scarbrough said he shares the concern about the two-way drive on Kirkwood Drive. Eliminating that would help problems related to the neighborhood. It may not be practical for the property to remain residential due to the high traffic volume intersection. A bank closed at night and on weekends is an unobtrusive neighboring use. He would like to see renderings of the proposed buffer that would block the view of the bank from the neighborhood. The traffic situation is a nightmare.

Mr. Scanlon said that the ATM seems unnecessary since the bank does not do much business, especially walk-up business, and does not have tellers. He asked why the ATM is necessary. Mr. Mike Sale replied that they are primarily a commercial bank, although anyone can open a checking account or obtain other bank products.

Ms. Kinman summarized the concerns about buffering the neighborhood and the access on Kirkwood Drive.

3. 1870 DANIELSVILLE ROAD – SUP-2017-04-1197

Type II – Special Use Permit

Petitioner: Williams & Associates

Owner: Clarke County Church of Christ

Request: Special Use in RS-15 (Single-Family Residential)

Tax ID: p/o 154D 008

Mr. Hix presented the staff report with a recommendation for approval with conditions.

For: Jon Williams, Jay Pridgen, Doris Carey

Against: None

Discussion: Mr. Scarbrough said that he understands that sidewalks are expensive, but granting waivers is how we wind up with a patchwork of sidewalks, which is what we have now. There does not appear to be a topological reason for the variance; it is strictly financial.

Mr. Anderson said that he understands fenestration rules for commercial buildings, but it is not a critical consideration for a church. He asked Staff for an explanation. Mr. Cowick replied that the design standards do not differentiate by use, but rather by zone. One reason for this is that buildings can be reused for different uses. Staff reviewed the variance and found no reason why the standard could not be met. The church is close to compliance. A concern is that the southern elevation, the most prominent elevation for those traveling north on Danielsville Road, will only have a utility door.

Mr. Anderson asked the applicant why the church is requesting relief from the fenestration standard. Mr. Williams replied that the church did not want additional windows in the sanctuary area and compliance would be additional cost. Mr. Z.B. Johnson said that the church would love to have more windows, which would make it look better, but they would not fit with the floor plan.

Mr. Anderson asked where the sanctuary is located inside the building. Mr. Johnson replied that the sanctuary is in the rear of the building, in the corner farthest away from Danielsville Road.

Mr. Hudgins asked if the Linda Avenue sidewalk could be tied to future additional development of the church property. Mr. Griffin replied that it could be tied to a future Phase 2. Mr. Cowick added that additional development would require the church to come back before the Planning Commission again to amend the Special Use Permit, so the issue could be taken up again at that time.

Mr. Hudgins said that he is in favor of sidewalk along Danielsville Road, but he does not think residents of Linda Avenue want a sidewalk until the rest of the street frontage is developed. Mr. Griffin said that there would be a gap in the sidewalk should the church not install sidewalk while a development further down Linda Avenue does install it. Mr. Cowick added that residents of Linda Avenue who want to walk to the nearby school are currently forced to walk in the road.

Ms. Easom asked if there are any existing sidewalks on Linda Avenue. Mr. Griffin and Mr. Cowick replied that there are not any now since this is primarily an older residential area that preceded the sidewalk standard; however, development of the remaining property along Linda Avenue as a subdivision would require sidewalk installation. Therefore, granting the requested variance would potentially leave a gap in the sidewalk network.

Mr. Hudgins asked if the church could be required to install the sidewalk should the adjacent property be developed. Mr. Griffin replied that he did not think that could be done.

VARIANCE #1 MOTION: Ms. Rowland made a motion to recommend approval with the condition that the variance only apply to Howard Drive per the Staff recommendation. Mr. Scanlon seconded the motion, which passed unanimously.

VARIANCE #2 MOTIONS: Ms. Rowland made a motion to recommend denial. Mr. Scarborough seconded the motion.

Ms. Easom asked for confirmation that the fenestration standard could not met due to the internal floorplan. Mr. Johnson replied that it would not be impossible, but would be difficult. He asked how the standard would apply. Mr. Griffin explained how the standard would apply to only part of the building. Mr. Johnson said that he had earlier thought that it would apply to the entire side, but now he thinks that it may work.

Discussion followed about how much of the proposed building is subject to the standard.

Mr. Scarbrough asked if the building could be sited further from the road. Mr. Williams replied that the septic areas would then be affected and that would not require the additional windows, so nothing would change from granting the variance.

Mr. Cowick said that the design standards are about pedestrian orientation, so the further away a building is the less pedestrian interaction will occur. The intent is about how the building will look to a pedestrian or someone passing by, whether as a plain warehouse-type building or with some windows.

Mr. Hudgins asked if the southern elevation is subject to the standard. Mr. Cowick referred to the percentages in the Staff report for the northern, western and southern elevations. He explained that one of the Special Use criteria is that it meets the ordinance standards, so if compliance is possible, then Staff will recommend against a variance request. Ms. Kinman said that the Staff report is clear that Staff did not have any window for recommending approval of either variance since there is nothing unique that makes it impossible to comply with the standards.

The motion failed 4 to 5 (Anderson, Easom, Finkel, Joiner and Hudgins in opposition).

Mr. Hudgins made a motion to recommend approval. Ms. Easom seconded the motion, which passed 6 to 3 (Beresford, Rowland, and Scarborough in opposition).

SPECIAL USE MOTION: Ms. Rowland made a motion to recommend approval with the following conditions:

1. The proposed subdivision plat is to be approved and recorded prior to the issuance of development permits.
2. The site plan shall be revised in the following manner prior to the issuance of development permits:
 - a. Correct the street side setback line and denote the future right-of-way line for Linda Avenue.
 - b. Depict street frontage sidewalk along the entire frontages of Danielsville Road and Linda Avenue, and provide access walks from both street frontages to the building entrances.
 - c. Remove the “future parking expansion” notation and revise the parking notes accordingly. The number of parking spaces shall not exceed the maximum allowed by Code.
 - d. The southeastern driveway shall be revised to be one-way.

Mr. Scanlon seconded the motion, which passed unanimously.

4. **1370 ATHENS ROAD – ZONE-2017-03-617**

Type I - Rezone

Petitioner: Barry D. Lord

Owner: Capital Resource Management, LLC

Request: From *Rural* to *Single Family Residential*; From AR, A (Agricultural Residential, Airport) to RS-25, A (Single-Family Residential, Airport)

Tax ID: 224 022B

Mr. Hix presented the staff report with a recommendation for denial.

For: Barry Lord, Jay Pridgen

Against: Ritzie Johnson

Rebuttal: Jay Pridgen

Discussion: Mr. Finkel said that the Airport Authority decision is vague. Someone is already living there now who says that it is peaceful.

Mr. Hudgins said that there are already RS zones in the immediate area.

Mr. Joiner asked if the developer owns the abandoned railroad right-of-way. Mr. Pridgen replied that he does not.

Mr. Joiner asked the purpose of the 10’ non-access easement along the railroad. Mr. Lord replied that the purpose is so a driveway will not cross the future Firefly Trail.

FUTURE DEVELOPMENT MOTION: Mr. Joiner made a motion to recommend approval. Mr. Hudgins seconded the motion.

Ms. Beresford asked if approval would allow further subdivision than what is shown on the concept plan. Mr. Griffin replied that the standards would probably prevent further subdivision. Mr. Pridgen added that additional lots are not possible or desirable.

Mr. Anderson asked why other properties in the area have RS zoning, but the Airport Authority does not want such zoning to occur anywhere else. Mr. Griffin replied that the RS zoning was established years ago.

Mr. Anderson asked when the Airport Overlay was created. Mr. Griffin replied that he did not know the precise date.

Mr. Cowick said that the only property adjoining the subject property is also zoned AR and the property across the street to the east is AR. The property has one house on substantial acreage, which is closest to AR zoning.

Mr. Cowick said that the Future Development Map amendment has to be voted upon first, and there is not a *Single Family Residential* designation in the area, so it would be an isolated designation. In 2000, the Mayor and Commission decided that the area should be designated as *Rural* and *Rural Residential*, which are not compatible with the requested RS-25 zoning.

Mr. Anderson asked where the map came from that had RS-15 labels on the properties since this map has *RR*. Mr. Cowick and Mr. Griffin explained that the RS labels are on the zoning map while the *RR* label is on the Future Development Map. A zoning amendment has to be compatible with an appropriate Future Development classification. The requested RS-15 zone needs a *Single Family Residential* classification.

Ms. Easom asked if Staff was suggesting that there are no single-family homes in the area. Mr. Cowick explained that Staff is referring to the Future Development Map. There is currently no *Single Family Residential* classification in the area.

Mr. Anderson asked about the possibility of RS-40 zoning. Mr. Griffin and Mr. Cowick replied that the additional lot width and street frontage requirements could result in fewer lots.

Mr. Hudgins asked if the concept plan could be approved as a binding condition. Mr. Griffin replied that Staff has not evaluated the plan for compliance with all standards. Mr. Cowick added that this would be a major plat, thus requiring sidewalks, street trees, and stormwater management.

Ms. Beresford asked if the property was on the edge of the *Rural* and *Rural Residential* Future Development designation. Mr. Cowick replied that the property is in the middle of those designations. The Mayor and Commission decided in 2000 that this should be a rural area with a very low-density residential character.

Mr. Joiner said that because it is an extension of the *Rural Residential* classification is the only reason that he would consider removing the AR designation. It is bounded by two roads. If it were open-ended on the backside, then he would not even consider it.

The motion passed 7 to 2 (Rowland and Scarbrough in opposition).

ZONING MOTION: Mr. Joiner made a motion to recommend approval. Mr. Hudgins seconded the motion, which passed unanimously.

5. **106 TALLASSEE ROAD – SUP-2017-02-555**

Type I – Special Use Permit

Petitioner: Charles S. Armentrout

Owner: EBroad, LLC

Request: From Employment to *Neighborhood Mixed Use*; Special Use in C-N (Commercial-Neighborhood)

Tax ID: 113C2 E008

Mr. Hix presented the staff report with a recommendation for approval with condition.

For: Charlie Armentrout

Against: None

Discussion: Ms. Easom asked why the drive-thru window was not part of the renovation. Mr. Armentrout replied that it was due to the timeframe to obtain the Special Use Permit through the Type I process.

FUTURE DEVELOPMENT MOTION: Ms. Rowland made a motion to recommend approval. Mr. Scarbrough seconded the motion, which passed unanimously.

SPECIAL USE MOTION: Ms. Rowland made a motion to recommend approval with the following condition:

- Five copies of a revised site plan that includes parking information shall be submitted prior to Mayor and Commission consideration.

Mr. Finkel seconded the motion.

Mr. Anderson said that he has no problem with the Future Development Map amendment, but it bothers him to see a liquor store with a drive-up window because it encourages bad behavior by motorists. It is going to lead to accidents, so he is opposed on that basis. Ms. Rowland responded that other liquor stores have such a window. It is not right to tell somebody that their business cannot have one while other businesses can.

The motion passed 7 to 2 (Anderson and Easom in opposition).

6. **TEXT AMENDMENT** - Definition of drug rehabilitation center

Mr. Griffin presented the proposed text amendment.

For: None

Against: None

Discussion: Mr. Scarbrough said that if we are going to make it easier to buy a pint of liquor, then we should make it easier to get into rehab.

Ms. Easom asked if the current prohibition of meals and lodging was to prevent rehab centers. Mr. Griffin replied that he did not know the reason for the prohibition. Ms. Rowland said that there are rehab centers in Athens, but they are institutional, which we do not mess with.

MOTION: Mr. Joiner made a motion to recommend approval. Ms. Easom seconded the motion, which passed unanimously.

7. ELECTION OF OFFICERS

Mr. Scarbrough announced that he and Mr. Scanlon had met and nominated Mr. Anderson as chair and Ms. Easom as vice-chair for the 2017-2018 year. The nominations passed unanimously.

Ms. Scanlon thanked Ms. Kinman for her work as chair for the past two years.

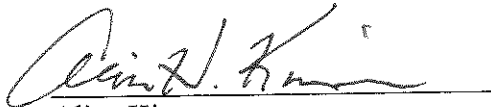
OTHER BUSINESS

1. Planning Commission Chair's Report: Ms. Kinman welcomed Ms. Beresford to the Planning Commission and thanked Mr. Hudgins for his service on the Planning Commission.

2. Planning Director's Report: Mr. Griffin also welcomed Ms. Beresford and thanked Mr. Hudgins.

3. Miscellaneous announcements. Ms. Rowland announced her attendance at a recent planning conference in Seattle.

The meeting adjourned at 10:40 p.m.



Alice Kinman
Chair



Brad Griffin
Secretary

