

**Athens City Planning Commission
Minutes of Regular Meeting
Wednesday, April 3, 2024, 12:00 p.m.**

A regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on April 3, 2024.

Attendees: John Anderson, Mark Welch, William Blair, Heather Laughlin, Kimberly Good Kelly, Alan Swank, Robert Delach

1. Call to Order

John Kotowski called the regular meeting of the Planning Commission to order at 12:01 p.m. and administered the oath to those in the audience intending to speak before the commission. Quorum was established with all members present.

PLANNING COMMISSION MEMBERS:

Chris Knisely	Present
John Kotowski, Chair	Present
Steve Patterson, Mayor	Present
Austin Phillips, Vice-Chair	Present
Andy Stone, Service-Safety Director	Present

STAFF:

David Riggs, Code Enforcement Director	Present
Meghan Jennings, City Planner	Present

2. Disposition of Minutes

Austin P. moved to approve the March 20, 2024 minutes. Andy S. seconded. Motion passed 4:0 (Chris K. abstained).

3. Cases

Case #24-02 Grand Park Blvd. & Eden Pl. Rezoning Request

David Riggs noted that the appellant's representative is present today to answer questions posed at the last meeting regarding light trespass and fencing.

David Mott/Mollica, Gall, Sloan & Sillery

His clients are in the conceptual phase and there are no developed site plans at this point. The request is for a parking lot for inventory. They are planning to address light trespass by considering using shorter light poles and screening the lights from the residences. They plan to install a fence (minimally an 8' chain link with plastic inserts). They are also considering a landscaped fence. They will comply with the current code about lighting, screening, and fencing requirements, so if a chain link fence is not in compliance, they will choose another type of fencing.

Discussion:

- Andy S. asked about the status of the current special use of the right-of-way permit for the lights that were constructed on the public property. It is not specifically related to this rezoning request but does bear on the situation. David R. replied that The Buckley Group, hired by the city, is in the process of surveying to define where the encroachments are. After this is complete the applicant will be able to move forward with the Title 49 special use of the ROW permit.
- Andy S. asked Mr. Mott that if there were encroachments found and the special use permit denied, would his client be prepared to remove the lights. David Mott has not had that discussion with his client, but his client is aware of the potential outcome.
- Chris K. observed that while Don Wood Hyundai says they are in the conceptual phase, lights have been installed and dirt has been moved so it appears more than conceptual. (David M. replied that the lights are a separate issue and that they were replacing existing lights.) The Planning Commission needs to decide on a recommendation to City Council, but the lights do affect how the space will look. Can the commission make a recommendation considering these pending issues?
- Austin P. asked if the commission could approve the rezoning with conditions. David R. is not sure the commission has ever done that before, but City Council may be able to place conditions on the request.
- John K. asked if a recommendation with conditions goes to City Council could they accept the recommendation without those conditions. David R. replied yes.
- Chris K. asked if City Council could place conditions on the fence and the quality of the fencing. David R. replied yes.
- David Mott reiterated that Don Wood Hyundai will comply with all ACC regulations. Rezoning requests are really about the long-term use. In this case it is more about what should the property be zoned for, commercial use or residential use.
- Andy S. noted that according to ACC, R-1 zones do not allow as much density as we need given the shortage of housing in Athens. Could the use (parking lot) occur in an R-3 zone? David R. replied yes, parking lots are acceptable uses in R-3 and business zones.
- David Mott noted that R-3 is limited to residential use so a developer could put thirty apartments there which would result in increased traffic.
- Steve P. expressed concern that this is a “concept” that can evolve to anything. David Mott said the client needs parking/space for inventory, the final details/looks are conceptual, the use is not conceptual.
- Chris K. asked if this were changed from R-2 to B-2 could it then go from a B back to an R? David R. thought it could, but he does not know of any instances of this.
- Steve P. remembered that this area was rezoned when he was on council, and he recalls that the owner asked to retain these as R-2 for future development. This is why these are the only lots in the area that are R-2.
- Heather Laughlin/8 Grand Park Blvd: Some of the lights are new, not all of them are replacement lights. She asked if it were a B-3 could a McDonald’s be developed there?

Lighting is a huge concern. Fencing just along the back is inadequate. Traffic and safety are concerns.

- Chris K. asked if B-3 allows for a drive through. David R. noted that drive-throughs are allowed in B-3, but they are limited to 200' from residential zones. So, a drive-through at this location would not be allowed without a variance.
- Kimberly Good Kelly/32 Strathmore (owner of the Don Wood Hyundai building): Her family did own the 5 parcels in question, and they never developed them for a variety of reasons. She feels a parking lot is the best use of the space. All the other areas there are business zones butting up to R-1's. Don Wood has a 20-year lease so it will be a dealership for a long time.
- Alan Swank/40 Townsend: If this is passed it will go City Council's Planning and Development Committee of which he is chair. He has reservations about this being recommended to City Council. This is more about the long-term use and what the future will look like. Mr. Swank illustrated his concerns by showing a series of pictures of neighboring areas. Making this an R-3 zone would be an effective way to allow the parking lot for Don Wood Hyundai. He also expressed concerns about the lack of visibility vehicles have trying to get onto E. State Street because the current lot there has parked vehicles obstructing the view.
- Rob Delach/Morris Avenue: Likes the idea of an R-3 designation based on the discussion. It keeps long-term use in mind.
- Heather Laughlin: She would like to see a hedge or fence that is 20-25 ft. from the property line.
- John K. pointed out that there is a side yard setback so that would come into play.
- David R. said that a side yard setback does not pertain to parking lots or fencing 6' or less. A setback or a taller fence would be a zoning change that would go to the BZA after, and if, this request is approved. The parking lot would be required to be paved with asphalt or concrete which impacts run-off and drainage.
- David Mott addressed the above stated concerns: No increase in business traffic is anticipated for this, the lot is to house inventory. They will comply with ACC on runoff/drainage regulations along with all other code regulations. The photos that Alan Swank showed of B-3's are in violation of ACC, so this is an enforcement issue, not a zoning issue. B-3's are all up and down E. State St. and not all of them look like those Mr. Swank illustrated.
- Chris K. asked David R. if he saw any negative long-term impacts in changing this to an R-3, David R. replied no.
- Andy S. commented that the Planning Commission can recommend an R-3 even though the rezoning request was submitted as a B-3.
- The group further discussed zoning, parcel ownership, procedure and process, traffic, lot coverage, etc.

Austin Phillips moved to approve Case #24-02 as stated in the request, rezoning the five parcels to a B-3. No second was offered.

Chris Knisely moved to approve Case #24-02, however, to recommend to Athens City Council rezoning the five parcels to R-3, not B-3. Andy Stone seconded the request. All present voted aye. Motion passed 5:0.

Case #24-03 Changes to Athens City Code
Subdivisions – 21.03.02, 21.03.03, 21.03.07
Minimum Allowable Lot Sizes – Title 21 Table 1 & Title 23 Table A

David Riggs noted that in the last 30 days Code Enforcement and Development has received 18 applications for lot splits in and outside of the city. Making the suggested subdivision changes to ACC as outlined at the last meeting would help the office manage these requests. He reviewed the changes that they are proposing and noted that he and the Planner have contacted both the county and the health department because these changes would affect them.

He and the City Planner would like to request that the changes to subdivisions and the changes to minimum allowable lot sizes be separated into two requests. They would like more time to conduct research concerning minimum allowable lot sizes and to fine tune their language recommendations.

The discussion of Case #24-03 was tabled. The case will be on the agenda at the next meeting so that a vote can be taken for both items contained in the case.

4. **Communications**

Title 41 Review/Southeast Beverage Warehouse Addition

Austin Phillips recused himself from the discussion as he is the owner.

David Riggs/Summary

This is a site plan review for a warehouse addition for Southeast Beverage. The plans were received and reviewed. No staff comments were submitted. He requested the applicant to submit the photometrics and a landscaping plan. These have been received but not shared or reviewed by him yet. The site is not set up to plant the number of trees required, but in the past there has been flexibility afforded to developers on the shade tree requirement, and trees have been banked.

Discussion:

- The property is currently a paved parking lot. The impervious area will not change by much. No existing trees.
- Steve P. thought that the shade tree requirement should be lenient for what is currently a paved treeless area.
- Chris K. asked about the percentage increase in lot coverage and impervious area. David R. said it was all within regulations.
- Mark Welch/Pickering Associates: the area is currently used for trailer storage. Trailer storage will still happen to the south of the building. Will not be adding additional paving.

Percentage of impervious area is located on the drawings, page C-104. 72% impervious area will increase by 2% to 74%.

- Andy S. asked if there would be a jobs component and/or economic development component to this project.

At this point Austin Philips was brought back in to answer additional questions.

- David R. noted that the estimated shade tree requirement is about 120 trees.
- Chris K. said she would like to see the shade tree considerations apply to this even though it is currently paved and an industrial park, there is a benefit to having trees as part of the plan.
- Rob Delach/Morris Avenue: suggested having some trees, not the full requirement, and adding the remaining trees to the tree bank.
- Andy Stone posed his question again about a job's component.
- Austin Philips/Southeast Beverage: Last year they added seven employees, and this is the main reason they need to build an addition, for elbow room. No anticipated increase in jobs. The target completion date is July 4. The addition is about 26,000 sq. ft. and will match the existing building design.
- John Anderson/Mondo Building: They are ready to begin when/if this is approved. A green roof is not part of the plan.

John Kotowski commented that this will come forward as a case at the next meeting.

5. **Reports from Director of Development & Code Enforcement and City Planner**

David Riggs/Code Enforcement Director

- No report. (Meghan J. offered that The Ridges information is being gathered by David R.)

Meghan Jennings/City Planner

- No updates to report

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- Next meeting April 17, 2024.
- Chris K. suggested that ACC be reviewed for regulations about paved impermeable surfaces, and if anything can be built into code regarding green roofs.
- John K. inquired about the progress of the Chipotle and Starbucks development on E. State Street. Mark Welch reported that the project is moving along well – pilings have been installed, concrete work will be complete by the end of next week. The expected timeline is to finish Chipotle first and then Starbucks.

8. **Adjournment**

The meeting adjourned at 1:19 p.m.