

ATHENS-CLARKE COUNTY PLANNING COMMISSION

MINUTES

February 1, 2018

7:00 P.M.

120 W. Dougherty Street

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

MEMBERS ABSENT: None

STAFF PRESENT: Rick Cowick, Jane Erwin, Brad Griffin, Bryce Hix (Planning), and John Hawkins (Attorney's Office)

GENERAL BUSINESS

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

*Note: Due to late arrival by Mr. Anderson, Ms. Easom chaired the meeting.

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. Scarbrough seconded the motion, which passed unanimously.

2. Approval of January 4, 2018 Planning Commission meeting minutes. Ms. Rowland made a motion for approval. Mr. Scarbrough seconded the motion, which passed unanimously.

3. MACORTS Update and Public Comment.

No update was given and no public comments were received.

OLD BUSINESS

1. 980-994 SOUTH LUMPKIN STREET - PD-2017-11-2964

Type I – Master Planned Development

Petitioner: Jim Warnes / Timmons Warnes, LLP

Owner: Episcopal Diocese of Atlanta

Request: From *Community Institutional* to *Main Street Business*; From C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development)

Tax ID: 173A2 A026, A027 & A027A

Ms. Erwin presented the staff report with a recommendation for approval with conditions.

For: Jim Warnes

Against: Alison McCullick

Discussion: Mr. Anderson asked if a private entity could discriminate by restricting non-student residents. Mr. Hawkins replied that Athens-Clarke County is not a party to the Episcopal Church agreement with the University of Georgia, and, therefore, bears no liability for such restriction. Mr. Warnes added that student status is not a constitutionally protected classification. This proposal is intended to be for student housing.

Mr. Anderson asked if those who no longer attend class would be evicted. Mr. Warnes replied that this issue is being discussed with UGA. Mr. Joiner added that the provided agreement with UGA requires that the student be enrolled at UGA during at least part of their residency.

Ms. Rowland said that the requested Future Development Map amendment is compatible with the adjacent UGA residential developments.

Future Development Motion: Ms. Rowland made a motion to recommend approval. Ms. Kinman seconded the motion, which passed unanimously.

Ms. Rowland asked about how the access to parking would be monitored. Mr. Warnes replied that only visitors who receive a token from an on-site establishment would be able to exit the parking deck. Mr. Joiner added that a daily rate is likely to be posted for those who do not receive such a token.

Mr. Finkel asked about the parking situation during football game weekends. Mr. Warnes replied that only available spaces would be rented out for games.

Mr. Griffin reminded the Planning Commission that Staff is looking for an agreement between the church and UGA concerning the permission to use University Court for access; however, the other details of such an agreement would not be enforced by Athens-Clarke County.

Discussion followed about how a recommendation should be drafted to address the two requested site plan options.

Mr. Griffin said that the Staff-recommended condition regarding the timing of the agreement with UGA could be modified by the Mayor and Commission to require the agreement prior to issuance of a building permit.

Mr. Scarbrough asked about how left turns would be restricted. Mr. Warnes replied that bollards are proposed to prevent the left turn movements. An additional proposal is to install a “No U-Turn” sign at the intersection and to request a police-monitored traffic camera.

Planned Development Motion: Ms. Kinman made a motion to recommend approval with the following conditions:

1. The development shall be constructed only in accordance with the Option A plans.
2. An agreement with UGA for the use of University Court shall be provided prior to approval by the Mayor and Commission.
3. The proposed Columnar English Oaks shall maintain at least 6’ of separation from the building.
4. Site plan sheet 1.4 shall be corrected to remove the denoted temporary tower location.

Mr. Joiner seconded the motion, which passed unanimously.

NEW BUSINESS

1. 240 & p/o 230 SWANSON DRIVE, 200 JONES DRIVE and p/o 610 EPPS BRIDGE PARKWAY - PD-2017-12-3372

Type II – Preliminary Planned Development

Petitioner: James C. Warnes

Owner: Chestnut Grove Baptist Church; Tyrone M. Barnett

Request: From RS-25 (Single-Family Residential) and Special Use in RS-25 to RS-8 (PD) (Single-Family Residential, Planned Development)

Tax ID: 074 B001, 074 B002, 074 B002A and 074D C006N

Ms. Erwin presented the staff report with comments only.

For: Jim Warnes, Greg Wohl

Against: Jane Sullivan, Mike Oakes, Larry Moon, Nate Kenyon, Latasha Gantt

Discussion: Ms. Rowland asked about the type of stormwater detention. Mr. Bob Smith replied that water quality measures would be provided in the street rights-of-way with rain gardens. Also proposed is a two-tiered detention basin. He hopes that fencing will be unnecessary.

Ms. Morales asked about how close the proposed grading would be to the northern property line. Mr. Warnes replied that some grading is necessary to deal with a steep slope, but only where adjacent to a couple of vacant lots in the Jones-Swanson subdivision. A 20-ft. buffer would then be installed.

Ms. Morales asked about the proposed buffer height compared to the height of the proposed houses. Mr. Warnes replied that the planted trees would grow to be taller than the houses. The buffer would include undisturbed tree canopy or planted trees with planted understory vegetation.

Ms. Morales asked if one person was developing the entire property. Mr. Warnes confirmed that the lots would be sold to any interested builder.

Mr. Scarbrough said that the 20-foot buffer would require substantial screening vegetation. This is not the right place for the proposed development. He knows of other land for sale that is already zoned RS-8, reasonably flat, and within walking distance of restaurants and grocery stores.

Mr. Anderson asked about the proposed lot sizes being smaller than the RS-8 standard of 8,000 sf. Mr. Griffin replied that major subdivisions are regulated by a maximum density amount rather than a minimum lot size. Mr. Cowick added that this flexibility allows for more open space and tree canopy preservation through clustering of the houses.

Mr. Joiner asked about the proposed number of stories in the houses and house sizes. Mr. Smith replied that they would be one story and one-and-a-half story with 1,600 to 2,400 square feet in area.

Mr. Joiner asked if the developer would be willing to provide a bond to ensure that the site is completed after the grading takes place. Mr. Smith replied that it could be bonded to ensure stabilization of the site should an unforeseen event prevent the development.

Mr. Joiner said that we are a small community and we want development to be closer in where there are retail, restaurants, sidewalks and schools, which restricts the amount of available land. The question is whether we want a development on a high-density road, or want development along a current low-density road, which would make it high-density. Regarding the proposed mass grading, he would like to know the experience of the developer with this type of development to provide some assurance that the work will be completed.

Ms. Beresford asked if the Planning Commission would review a major subdivision without a rezoning request. Mr. Griffin replied that the Planning Commission would not see it. It would go through a preliminary plat public comment process, but Staff is limited as to the conditions that could be imposed. Without a rezoning, only half of the proposed density could occur, but there would be no required buffers to screen the adjacent subdivisions, so grading could occur up to the property line. The applicant is offering the buffers as a voluntary rezoning condition.

Ms. Beresford said that fewer houses under the current zoning may have less traffic, but would still exacerbate the problem. Until the Epps Bridge Parkway traffic problem gets resolved, this issue will

arise every time a new development is proposed. She does not like the proposed housing density, but even fewer houses would still cause a problem.

Mr. Finkel said that he understands the traffic concerns of the area residents, but there are plans to build more retail along Epps Bridge Parkway. This development is a minor problem compared to all the retail traffic.

Ms. Kinman said that it is hard to make land use decisions along this corridor when traffic issues are paramount. Even with the two access points to the Parkway that this development is now proposing, it is still causing the neighbors a lot of anxiety.

Mr. Finkel said that we have zero senior housing, yet we are being touted in national publications as a great place to retire.

Mr. Joiner asked what road in Athens does not have too much traffic.

Ms. Morales said that she is troubled by the proposed density and mass grading. She asked if mass grading would be allowed with fewer homes. Mr. Griffin replied that the mass grading would still be prohibited under the current zoning.

Ms. Beresford said that Epps Bridge Parkway is going to continue to get more traffic whether this subdivision happens or not. We have to plan for it and let people in the adjoining subdivisions have a greater degree of safety.

She asked what the statement means that there is no senior housing in Athens. Mr. Warnes replied that it is referring to single-family dwellings.

Mr. Finkel said that Stephanie Leathers had made the same statement during the hearing on the Mitchell Street rezoning about available condominiums. There is a definite shortage.

Mr. Joiner said that Epps Bridge Parkway requires more traffic signaling and safety measures. More consideration needs to be given to the street rather than the projects along it. Traffic from this development will go right on the Parkway to Oconee County for shopping. Left turns are going to be tough.

Mr. Anderson said that the topography would require some safety measures for steep streets within the development. Mr. Warnes replied that the proposed grading is to have no more than 5% grade on any of the proposed streets.

2. 1697-1699 SOUTH LUMPKIN STREET – SUP-2017-12-3354

Type II – Special Use

Petitioner: Hank Randolph

Owner: Barrett Nation Investment Properties, LLC

Request: Special Use in C-N (Commercial-Neighborhood)

Tax ID: 173A3 F006

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

For: Hank Randolph

Against: Melissa Tufts, Hilary Ruston

Discussion: Ms. Kinman said that she supports the Staff-recommended conditions to bring the property up to the ordinance standards. This property needs those improvements. A veterinary clinic is a needed use for the area.

Motion #1: Ms. Kinman made a motion to recommend approval with the following conditions:

1. A screening buffer per the standards of Sec. 9-15-3 shall be provided along the rear property line.
2. A van or universal accessible parking space per Sec. 9-30-4 shall be provided.
3. Permanent edging shall be provided for the existing residential gravel parking area.
4. Street trees shall be provided per the standards of Sec. 8-7-15.
5. A pedestrian connection shall be provided from the frontage sidewalk to the building entrance.
6. The site plan shall be revised to denote the 5' FROW (future right-of-way).

Ms. Rowland seconded the motion.

Ms. Rowland asked if a kenneling prohibition is needed as a condition of approval. Mr. Cowick and Mr. Griffin replied that the binding application report includes that prohibition, so it does not need to be a condition of approval.

Ms. Rowland said that the veterinary clinic is a service needed in the area.

Mr. Scarbrough said that he supports all of the Staff-recommended conditions, although some are more important than others.

Mr. Joiner asked if the applicant has evaluated the cost of the Staff-recommended conditions. Mr. Randolph said that he has not. He added that the commercial building and the house are separate uses. The rear property line is at quite a distance from the proposed vet clinic building. The required accessible parking space will be provided at the rear where the accessible entrance is located. He understands the 5-foot future right-of-way recommendation. Regarding the recommended walkway condition, it is only 12 or 13 feet from the driveway entrance to the existing walkway. He requested that it not be required to be concrete, and allow the use of pavers instead to reduce the cost. A sidewalk would also eliminate part of the small front yard. The recommended gravel edging condition would be around the house. There has not been an issue there with stormwater runoff.

Ms. Kinman agreed with the applicant that the distance from the frontage sidewalk is not very far, but visitors now must use a driveway, which is not the same as a walkway. However, she is agreeable to pavers as an alternative to concrete. Mr. Griffin said that the condition could be reworded as requiring separate pedestrian access from the frontage sidewalk to the existing front walk. He added that the Staff concern is that the driveway is single-lane, instead of two-way, which exacerbates the lack of separate pedestrian access.

Ms. Kinman amended her motion to read per Mr. Griffin's suggestion. Ms. Rowland agreed as the seconder of the original motion.

Ms. Morales said that she understands the Staff-recommended conditions, especially the screening buffer at the rear property line. However, the gravel parking area edging has nothing to do with the business. It is the property owner's responsibility to maintain their property per the standards.

Motion #2: Ms. Morales made a substitute motion for approval with Staff-recommended conditions #1, 2, 4, 5 and 6. Mr. Joiner seconded the motion.

Ms. Kinman said that she could not support the substitute motion. Perhaps the property owner should be the one to provide the gravel parking edging, but it needs to be done. The proposed use will have more traffic using the parking area. This is an opportunity to have the edging installed.

Mr. Joiner said that he supports the substitute motion because he sees the same condition on many properties in the area. He does not see it as a major issue, nor does he see the proposed use as the future use of the property.

Ms. Rowland said that the parking is very limited and does not include staff. There will likely be spillover parking from the business going onto the gravel area.

Mr. Cowick and Mr. Hix noted that the required van accessible ADA space would occupy two of the proposed parking spaces.

Ms. Rowland added that the gravel parking area is on the same lot as the business and parking in the Five Points area fills up quickly.

The substitute motion failed 2 to 7 (Anderson, Beresford, Finkel, Kinman, Rowland, Scanlon and Scarbrough in opposition).

Motion #1 passed unanimously.

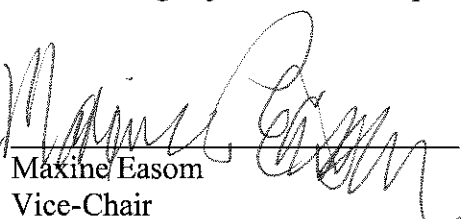
OTHER BUSINESS

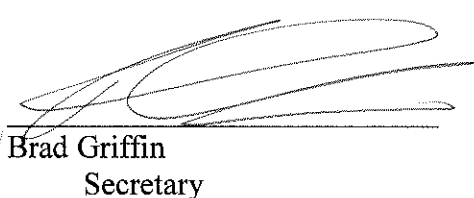
1. Planning Commission Chair's Report: Mr. Anderson reminded everyone of an upcoming Comprehensive Plan steering committee meeting.

2. Planning Director's Report: Mr. Griffin said that he had no report.

3. Miscellaneous announcements. None

The meeting adjourned at 8:30 p.m.


Maxine Easom
Vice-Chair


Brad Griffin
Secretary