

ATHENS-CLARKE COUNTY PLANNING COMMISSION

MINUTES

June 7, 2018

6:00 P.M.

120 W. Dougherty Street

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

MEMBERS ABSENT: David Finkel

STAFF PRESENT: Marc Beechuk, Rick Cowick, Brad Griffin and Amy Riddering (Planning), and John Hawkins (Attorney's Office)

GENERAL BUSINESS

Mr. Anderson called the meeting to order at 6:00 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. Scanlon seconded the motion, which passed unanimously.

2. Approval of May 3, 2018 Planning Commission meeting minutes. Mr. Scanlon made a motion for approval. Ms. Rowland seconded the motion, which passed unanimously.

3. MACORTS Update and Public Comment.

Mr. Griffin announced that he had no report. No public comments were received.

OLD BUSINESS

1. 200 & 215 BOLEY DRIVE / 1180 COMMERCE ROAD – PD-2017-09-2641

Type I – Master Planned Development

Petitioners: James C. Warnes; W&A Engineering

Owner: High Point Investors, LLC; Bertram S. Boley Trust; ACCUG

Request: From *Single-Family Residential, Government and Corridor Business* to *Corridor Business*; From RS-25 (Single-Family Residential), C-G (Commercial-General) and G (Government) to C-G (PD) (Commercial-General, Planned Development)

Tax ID: 161 015, 161 016, 161 016C, 161D4 C004

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

For: Scott Haines, Todd James, Jim Warnes, Gary Armour

Against: Carl Jordan, Diana B. Reese

Rebuttal: Jim Warnes

Discussion: Mr. Joiner asked if the lighting would be turned off when the facility is not in use. Mr. Clint Larkin replied that it would be reduced to a safety level. Mr. Joiner asked how long after an event would it be reduced. Mr. Warnes replied that it would be reduced within 1 or 1½ hours after an event.

Mr. Joiner asked if any other use would be made of the parking lot. Mr. Larkin replied that it would be used for football game parking with their own transit service shuttling visitors close to the stadium. Mr. Joiner asked if the site would be used for a flea market. Mr. Larkin replied that there is not an interest in a flea market, but there is interest in having a car show concert.

Ms. Easom asked if the Boley Drive turn restrictions would apply to the gameday parking. Mr. Larkin replied that they would. He added that they cannot control the direction from which traffic approaches the site, but they can control the direction of the departures.

Mr. Scanlon asked about the number of events per year. Mr. Larkin replied that there would be 30 large events with 50 to 55 total events a year. There would be numerous other uses for the facility in addition to concerts.

Ms. Kinman asked about the legal enforcement of left-only turns onto Boley Drive through the planned development approval. Mr. Griffin replied that it would be a zoning violation if right-turns were allowed. He added that the exit drives could be physically designed to restrict turn movements. Mr. Haines said that the exit onto Boley would be gated unless a traffic attendant was present. He described the various planned traffic attendant locations. The traffic control plans have been reviewed with the Police Department.

Ms. Morales asked about the proposed traffic signal location. Mr. Beechuk replied that the signal would be at the Loop. Ms. Morales asked if the signal was needed without the amphitheater traffic. Mr. Haines replied that a signal was already warranted at the Commerce Road / Loop 10 intersection and that a police officer would also be present at that intersection during events.

Mr. Anderson said that he is impressed with the acoustical analysis by the consultant who made a good effort to prevent adverse impact on the neighbors.

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

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

1. The “future commercial area” identified on the site plan shall either be removed from the planned development prior to Mayor & Commission consideration or be required to submit specific binding plans for review as a future planned development amendment.
2. With the approval of GDOT, the developer shall be responsible for the installation of a traffic signal at the intersection of Outer Loop 10 and Commerce Road prior to Certificate of Occupancy and any other improvements required by GDOT.
3. The proposed “owner’s lodge” identified on the site plan shall be a private, noncommercial, single-family dwelling. The application report shall be revised to add an additional waiver request for a single-family dwelling in a commercial zone. The size of the associated parking area shall comply with single-family dwelling standards.

Ms. Rowland seconded the motion, which passed unanimously.

2. 240 & p/o 230 SWANSON DRIVE, 200 JONES DRIVE and p/o 610 EPPS BRIDGE

PARKWAY- PD-2017-12-3372

Type II – Master 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

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

For: Jim Warnes, Greg Wohl, Carolyn Abney, Dindy Owens, Greg Simpson, Sharon Denero, Randall Abney

Against: Jane Sullivan, Carl Jordan, Pete Konenkamp, William Griswold, Larry Moon, Vicki Connell, LaKeisha Gant, Walter Smith, Nate Kenion

Rebuttal: Jim Warnes

Discussion: Mr. Joiner asked if the HUD standards for over 55 age subdivisions would be met. Mr. Warnes replied that they would. Mr. Joiner read the HUD standards. Mr. Warnes added that they would be made part of the development restrictive covenants. Mr. Joiner noted that a complaint filed with HUD is a serious matter.

Mr. Joiner said that there is a need for such a community, but it is difficult to find a location to build it. The applicants have worked to improve the plans for ingress and egress. This is the best opportunity we have at the present time.

Motion #1: Mr. Joiner made a motion to recommend approval with the following conditions:

1. The Special Use Permit for the adjoining Chestnut Grove Baptist Church property shall be amended accordingly.
2. The plan shall be revised to provide complete metes and bounds information prior to Mayor and Commission consideration.
3. Deceleration lanes shall be provided on Epps Bridge Parkway at both entrances to the development.

Ms. Rowland seconded the motion.

Ms. Rowland said that there are no perfect locations. She has property on a busy street. It is not always easy to exit the property, sometimes you must wait, but she has been able to do it. She prefers not having a homogeneous subdivision of any sort, but it would be the only place for some people to live. Athens is not a cheap place to live. If they are moving here to retire, then they are going to need the wherewithal to do it, so the \$350,000 price point is not outrageous. It is not a perfect project, but the master plan is improved over the preliminary plan. This is a needed type of development.

Ms. Morales said that she appreciates the second exit through the church property. However, we have consistently noted that the proposed development would be very dense. The development is being shoehorned into this property. She is concerned with the grading and wondered what would happen if we have a rainy season when the property is denuded. It is also not compatible with the surrounding neighborhoods.

Ms. Beresford said that the mass grading and density concerns are still there. More damage could occur to McNutts Creek and its tributaries. She appreciates the need for this type of housing and the development looks great, but there are too many houses and too much potential damage to the watershed.

Mr. Scarbrough said that he can see the advantage of the proposed grading. If done right, the development can deal with a lot of rain. This is not the only possible location for this type of development, and it is not the best development for this property. We need to consider how we want Athens to look going forward.

Mr. Anderson said that he would like to object again that a good topographical map was not supplied with the proposal. The topographical lines on the drawing show the ultimate grading lines, but they are not marked well enough for one to readily see them. It is very clear that the topography is predominately down from Epps Bridge Parkway to the back of the property. The falloff from the Parkway to the back is about 100'. After the mass grading the falloff will be approximately 70 feet in the part that is being developed. That means that the bottom end of the project is 50 feet higher than the bottom end, or, generously, 30 feet. The gradient being almost uniformly down means that dirt would

not be moved around on the site because that would require digging the front end of the property down substantially from the level of the Parkway, which is probably not intended. This leaves the question of whether there would be a 30-foot-high dirt wall facing adjacent properties or a steep dropoff from the end of the developed portion, both of which would lead to serious erosion and be potentially disastrous for people downstream. The grading plan would require 28,000 dump truck loads of dirt coming into the site. The reason why the property has not been developed is the topography makes it impractical. Mr. Bob Smith replied that there is no 30-foot wall on the grading plan. The grading will be graduated down the slope of the property. The master grading plan is unchanged from the preliminary plan, so he is surprised that the issue is just now coming up. There will be a gradual slope across the entire project. The grading plan shows how the grades tie back into one another.

The motion failed 3 to 5 (Beresford, Easom, Kinman, Morales and Scarbrough in opposition).

Motion #2: Ms. Morales made a motion to recommend denial. Ms. Kinman seconded the motion, which passed 6 to 2 (Joiner and Rowland in opposition).

3. **610 EPPS BRIDGE PARKWAY; 1645 TIMOTHY ROAD – SUP-2018-03-774**

Type II – Special Use Permit Amendment

Petitioner: Carter Engineering Consultants, Inc.

Owner: Chestnut Grove Baptist Church

Request: Amendment to Special Use in RS-25 (Single-Family Residential)

Tax ID: 074 B001, 074 B001A

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

For: Jeff Carter

Against: None

Discussion: Mr. Anderson asked if the church property would be served by sanitary sewer without the proposed subdivision being developed on the adjacent property. Mr. Carter replied that it would not be possible for the church to connect to sewer without approval of the proposed adjacent subdivision.

Discussion followed about the appropriate recommendation on the church plan since the proposed adjacent subdivision had been recommended for denial.

Variance Motion: Mr. Scarbrough made a motion to recommend approval with the following condition:

1. The variance shall be limited to the proposed parcel north of the planned new street, which is denoted as Tract 1 on the site plan.

Mr. Joiner seconded the motion, which passed unanimously.

Special Use Motion: Mr. Scarbrough made a motion to recommend approval with the following conditions:

1. The site plan shall be revised to provide complete metes and bounds information for Tract 1 prior to Mayor and Commission consideration.
2. Sanitary sewer shall be provided to the property prior to permitting.

Ms. Rowland seconded the motion, which passed unanimously.

NEW BUSINESS

1. 155 & 305 WESTPARK DRIVE – PD-2018-03-1077

Type II – Planned Development Amendment

Petitioner: Michael B. Thurmond

Owner: Centurion Investments, LLC

Request: Amendment to C-N (PD) (Commercial-Neighborhood, Planned Development)

Tax ID: 073 002D, 073 002E

Mr. Anderson announced that the applicant had requested a table. He opened the public hearing on the table request.

For: Wes Baumgartner, Octavius Davis

Against: None

Discussion: None

Motion: Mr. Rowland moved to table the item. Mr. Scarbrough seconded the motion, which passed unanimously.

2. 355 ONETA STREET – PD-2018-05-1451

Type II – Planned Development Amendment

Petitioner: W&A Engineering

Owner: Athens Mill Management, LLC

Request: From RM-2 (PD) (Mixed Density Residential, Planned Development) and I (PD) (Industrial, Planned Development) to C-N (PD) (Commercial-Neighborhood, Planned Development) and I (PD)

Tax ID: 114B 019

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

For: Scott Haines, Michael Smith

Against: None

Discussion: Mr. Griffin said that the applicant has provided railroad documents, so there is no longer a reason for Staff-recommended condition #1.

Ms. Easom asked if all the buildings could have events going on at the same time. Mr. Haines said that they request that any of the buildings be allowed to have a single designated space to hold events. Mr. Cowick added that the event space would be limited to the square footage noted on the binding site plan.

Mr. Joiner asked about the proposed residential unit locations. Mr. Haines replied that they could be located in Buildings B, C or D, most likely in one of those buildings. Mr. Cowick added that the site plan refers to a Phase 2 with potential new buildings, although the single access would limit the number of possible residential units without a waiver.

Ms. Morales asked when the traffic signal analysis would occur. Mr. Griffin replied that its timing is at the discretion of the Transportation & Public Works Department.

Ms. Morales said that, regarding the event space, Boulevard residents are accustomed to noise from the Taylor-Grady House, the Delta fraternity, and the train.

Motion: Mr. Joiner made a motion to recommend approval with the following conditions:

1. Event space located within Buildings A, B or C shall have amplified music restricted per the noise ordinance.
2. The final determination on parking allocation will be made upon adequate demonstration of compliance with the standard ratios for each individual tenant at time of permitting.
3. Due to inadequate sight distance at both driveways, the developer must install an all-way stop at the intersection of Oneta Street and Bryan Street.
4. A traffic signal analysis must be provided at the intersection of Oneta Street and Chase Street.
5. The binding master plan shall be amended prior to any permit issuance so as to address the following:
 - a. Removal of the address and tax parcel number of a former second parcel.
 - b. Indication of the partial I (Industrial) zoning.
 - c. Indication in the “project data” of the recently opened brewery.
 - d. Indication of the location of floodplain on the property.
 - e. Indication of one-way vehicular traffic for the driveway on the north side of Building A.

Ms. Morales seconded the motion.

Discussion followed about a possible added condition to prevent event space from being located adjacent to apartments.

The motion passed unanimously.

4. **FUTURE DEVELOPMENTMAP UPDATE AND RELATED TEXT AMENDMENTS** – Revise Future Development Map in regards to approved Future Development designations from February 4, 2014 to June 5, 2018, proposed new Future Development designations in the 2018 Comprehensive Plan, and updated GIS parcel layer data.

Mr. Griffin presented the proposed map and text amendments.

For: None

Against: None

Discussion: None

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

5. **TEXT AMENDMENT** re. rural event facility

Mr. Griffin presented the proposed text amendment.

For: Sally Shealy, Howard Dye

Against: None

Discussion: Ms. Beresford asked if the amendment would allow a rural events facility as a permanent use. Mr. Griffin replied that it would.

Ms. Beresford asked if the noise ordinance standards are the same for the AR zone. Mr. Griffin and Ms. Kinman said that they think that to be the case.

Discussion followed about an appropriate time limit for the events to conclude.

Ms. Morales said that she likes the ordinance.

Mr. Joiner said that he prefers a Special Use Permit requirement.

Mr. Anderson said that he sees no harm with it being a by-right use.

Ms. Kinman said that she is uncomfortable with such a facility being a permitted use.

Mr. Griffin announced that he will withdraw the amendment and bring it back as a Special Use.

6. **TEXT AMENDMENT** re. bars in the C-D (Commercial-Downtown) zoning district

Mr. Griffin presented the proposed text amendment.

For: None

Against: None

Discussion: Ms. Morales asked what physical size of a bar would have a 100-person occupancy. Mr. Griffin replied that an open room would be about the size of this auditorium, but fixed furniture reduces occupancy space.

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

7. **BYLAW AMENDMENT** re. regular meeting time

Mr. Griffin presented the proposed amendment.

Discussion: None

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

8. **OFFICER ELECTIONS**

Mr. Joiner reported that the nominating committee proposes Mr. Anderson for re-election as chair and Ms. Easom for re-election as vice-chair.

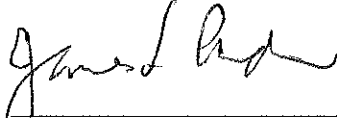
Ms. Kinman made a motion in support of the committee report. Ms. Morales seconded the motion, which passed unanimously.

OTHER BUSINESS

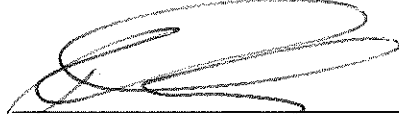
6. **Planning Commission Chair's Report:** Mr. Anderson reported about a recently published book, "Our Towns" by James and Deborah Fallows, about communities, including Greenville, South Carolina, improving their local environments.

7. **Planning Director's Report:** Mr. Griffin formally introduced Amy Riddering as a new member of the Planning Staff. He reported on recent zoning-related actions by the Mayor and Commission, including approval of the 2018 Comprehensive Plan.
1. **Miscellaneous announcements.** The Planning Commission requested copies of the revised by-laws and updated membership list.

The meeting adjourned at 9:45 p.m.



Jim Anderson
Chair



Brad Griffin
Secretary