

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, March 16, 2017, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in the Council Chambers, third floor, at City Hall on March 16, 2017.

Attendees: Nick Brenner, Shawna Bolin, Steve Robb, Jeffrey Risner

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:23 p.m. and administered the oath to all who intended to speak before the commission. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair Present
Christy Zempter Absent
Nancy Bain, Vice Chair Present
Steve Patterson, Mayor Present
Paula Horan Moseley, Service-Safety Director Present

STAFF:

Paul Logue, City Planner Present
Rick Sirois, Code Enforcement Director Present

2. **Disposition of Minutes**

Steve Patterson moved to accept the February 16, 2017 minutes. RJ Sumney seconded. All present voted aye.

3. **Cases**

**Case #17-03 Moore Avenue
Ohio University
Request to vacate portion**

Rick Sirois/Synopsis

Request is for the City of Athens to vacate a portion of Moore Avenue, located between Factory Street and Roberts Street, to Ohio University. The acreage of the original purchase is unknown, and the acreage of the proposed parcels is unknown (Athens County Auditors Plat # P-19 & P-20). The zoning is partially B3 & M.

Mr. Sirois read from Andy Stone’s review: “There are no city-owned utilities in this section of Moore Avenue. There are utilities on Factory and further west on Moore, but I cannot foresee a reason they would have to interconnect. The alleyway is gravel and is difficult to maintain, with street crews adding gravel from time to time. Of note, there are overhead electric lines owned by AEP, along with communication lines using the AEP poles in this right-of-way. They are in place by permission from the city under ORC

4939. If the property is vacated, I believe the utility companies will need to negotiate an easement with the new owner. I believe this section of right-of-way can be vacated or otherwise licensed for long-term use to Ohio University without adverse impacts to municipal operations”.

Shawna Bolin/OU Planner University Planning and Space Management

Presented several slides. Ohio University’s Comprehensive Master Plan has been a collaborative process. Within the plan they envisioned to create a new green at the West Union site. This would primarily serve the School of Engineering and the OU Heritage College of Osteopathic Medicine. A new College Green would be a gateway for OU but also for the city and could lead to business growth. The request is for a vacation of just a portion of Moore Avenue. There is a need for site flexibility.

Discussion

Paula Moseley: Ohio University presented this to council in committee, but then it was realized that they should present to the Planning Commission first.

RJ Sumney: Asked if the roadway would be leased to OU.

Shawna Bolin: The request is to vacate, so it would be ceding for that section.

RJ Sumney: Expressed concern in setting a precedent (with the upcoming plans for Park Place in mind) in vacating a portion of Moore Avenue to OU.

Paula Moseley: Pointed out that the city rarely maintains this portion of the road. OU can’t proceed with this plan if the city does not vacate a portion.

Shawna Bolin: The Park Place project is a partnering project with the city. OU has received over 1,000 comments from the public on this proposed project. One of the survey questions was about mixed transit use, and the response was positive for this use.

Nancy Bain: As they proceed with the plan for a double campus for Engineering and the School of Medicine, will they continue to expand south into the facilities area?

Shawna Bolin: There is a plan for a future phase to expand south toward the facilities area. They have been looking at the Ridges as an option. That is years down the road, phase 2 has not been defined.

Nancy Bain: Has the new parking lot caused any displacement?

Shawna Bolin: The Happy Cat has been displaced for the new parking lot.

Nancy Bain: The other parking that is currently around the facilities; is there a plan because parking is an issue.

Shawna Bolin: They are undertaking a parking study to determine what the needs are.

Nancy Bain: Does the sanitary sewer line need to be vacated, and will AEP bury their lines?

Shawna Bolin: They have not gotten into the design phase yet, just concept planning. They will look at potential relocation items, and take care of the utilities in the proper manner at OU’s expense. The university is working with AEP on burying lines for projects in other areas of campus and they plan to continue the discussion with AEP on this project.

Nancy Bain: Corridor studies have been undertaken by previous Planning Commissions. It is hard to imagine a future without Ohio University, but the impacts are substantial. Not just the increase of the students but the “march” of ownership down the street. Parking issues are a symptom of overcrowding.

Shawna Bolin: City Council asked her about enrollment as well; it impacts OU and the City. The university is working on an enrollment study and is focused on “smart growth”.

Steve Patterson: The gravel portion of the road is difficult to maintain, as opposed to the west portion of Moore Avenue which is paved and lends itself to be continuous with Roberts. Feels that it is positive to dedicate this to pedestrian traffic. Views this as holding true to the verbal agreement in the past. Unfortunately there is nothing documented regarding the exchange and Habitat House.

Shawna Bolin: The documented part of the agreement was a survey looking at the scale.

RJ Sumney: He has lived here since 1971 and since that time the university has encroached on what once was taxable family or business orientated residences and businesses for the city.

Jeff Risner: Will the city be compensated for the fair market value of the property or is this a gift?

Shawna Bolin: This was a former agreement where the university relocated a building that was on the current HRT site and gave land to the city where the Habitat for Humanity House now sits. In exchange for that Moore Avenue was to be vacated.

Steve Patterson: The land that the Habitat House is sitting on has W. Union St. frontage and has market value.

Shawna Bolin: What they are planning on placing here will encourage development for taxable revenue increases in the area.

Paul Logue: The OU Master Planning and real estate acquisitions has been clear for expanding OU HCOM and the College of Engineering. The alley was platted for homes which are all gone now. There is no purpose for the alley now.

Paula Moseley: Other past exchanges have occurred in the past, for example a portion of Stewart Street. She views the OU HCOM expansion as a benefit for the community and is in support of this. We have the Habitat House and the land that the University granted to us.

RJ Sumney: Inquired about other trade agreements with OU.

Steve Patterson: There have been a number of corrections in the past and he views this as a correction that has to be made. The parking garage is sitting on a piece of OU's property and it is a correction that we have to make as well. Corrections need to be made in both directions.

Paula Moseley: Another example is the new Baker Center parking garage deck which is sitting on an un-platted alley of the city before the river was re-routed. The plan is to make all these corrections.

Shawna Bolin: There was an Osteopathic Heritage Foundation gift that they will use, they are moving first with the academic replacement facilities.

Nancy Bain: Is there paper work on this historical agreement between OU and the city?

Shawna Bolin: They have dug through records of the previous planners who were here at the time and found a site survey map as well as notes. She can share these documents with the city.

RJ Sumney: Other exchanges have been made in the past but maybe the decisions weren't wise at the time. Going forward he would like the city to be more vigilant; the city could be losing taxable property.

Shawna Bolin: They see the new construction on West Union Street leading to economic development, which will encourage more building.

Nancy Bain: When the corridor study occurred they were not expecting something this big to be built on this property. Can Shawna say that this is not a precedent?

Shawna Bolin: It isn't a precedent; the process has been very formal. This case is one that has been out there as an outstanding clean-up. She would not call this a precedent.

Steve Patterson: The current city administration is forward thinking. The city is strategic and wants to be involved in land exchanges that are not lopsided. He hears what Nancy Bain and RJ Sumney are saying.

Steve Patterson moved to approve vacating the gravel portion of Moore Avenue between Roberts and Factory St. and in so doing Ohio University will assume all responsibility for the utilities (to include AEP and sewer lines), and with the understanding that this recommendation to City Council is not setting a precedent. All present voted aye. Motion passed.

4. **Communications**

Title 41 Menards 2009 East State Street

Nick Brenner/Corporate Council Menard, Inc.

The proposed site plan consists of a 212,000 sq. ft. building of which 177,000 sq. ft. is heated. Includes 49,000 sq. ft. accessory building in rear of building to store larger home improvement items. Address is 2009 East State Street (site of old Columbia Gas). Menards is a home improvement retailer similar to Home Depot and Lowes. The sales area comprises the majority of the square footage. Other areas include a receiving dock, garden center, and storage. The rear of the main building will be used as storage for large items. There are 444 parking spots in the plan minus 8 for the corral (436), which is in line with a typical Menards store. City code requires more so they will be asking for a variance for the parking.

Discussion

Rick Sirois: The variances are for parking, bicycles, loading docks, and signage. Andy Stone is reviewing the traffic survey. Tonight they are going before the Shade Tree Commission and before April 6th they will go before the BZA. At the next Planning Commission meeting on April 6th they will present the case. He is going through the applications at this time.

Steve Patterson: The bike path runs through the frontage; will there be signage on the bike path to caution the cyclists?

Nick Brenner: This is not on plans, but they will work with the city on this.

Steve Patterson: The landscaping plan along the frontage with E. State, will Menards do something more than just plant grass and trees?

Nick Brenner: Menards sites vary, but they won't just install trees. They will work with the city on this to include what we prefer.

Steve Patterson: Is the land being used all on this single address?

Rick Sirois: The addresses are 2009 and 2011 East State Street. EMS is ok with using 2009 E. State St. address. It is being built on two parcels. They are not using the entire 2011 parcel for building.

Steve Patterson: Will a lot split be required?

Rick Sirois: Either that or they will maintain that for future use.

Paul Logue: There is Columbia Gas property and Renzelli property. Menards is in the process of purchasing the Renzelli property.

Nick Brenner: They are in the process of purchasing both the parcels.

Nancy Bain: Will the storm water be releasing slowly into the river?

Nick Brenner: The detention ponds will be a natural flow.

Rick Sirois: The city will receive a hydrology report from Menards.

Nancy Bain: Will the detention ponds be fenced? Wal-Mart used another procedure.

Steve Patterson: Has Menards ever done a permeable parking lot before?

Rick Sirois: He has spoken with Mr. O'Neal about a permeable parking lot and he is open to considering that. He doesn't believe they have used permeable parking lots before.

Paula Moseley: Storm water will be reviewed by Abbot Stevenson with the Athens Soil and Water Conservation District; she has requested the civil engineer review. Regarding the warehouse, garden and receiving, are these outside and will they be part of the business?

Nick Brenner: Yes, a 14 ft. high wood treated fence will be installed around the yard to shield it. The yard won't be visible from the road. The warehouse is not fully enclosed (a few open sides) but it is all under roof. Customers drive to the outdoor yard to pick up the items they purchased.

Paula Moseley: Will you be providing bicycle parking?

Nick Brenner: They are providing bicycle parking but not as many as required so they will need a variance.

Rick Sirois: Because of the bike path he has asked Mr. O'Neal to add more bicycle racks.

Nick Brenner: This store will be similar to the Menards in Lancaster.

**Title 43 Wireless Telecommunications
20A Monticello Drive
AT&T modification on existing tower**

See below Procedure Review

**Title 43 Wireless Telecommunications
20A Monticello Drive
Verizon modification on existing tower**

See below Procedure Review

**Title 43 Wireless Telecommunications
30 Park Place, Alden Library
Verizon modification on existing roof top sled mount**

See below Procedure Review

Procedure Review Wireless Telecommunications Modifications on existing towers

Rick Sirois

The three Title 43 Communications on the agenda (listed above) are all modifications on existing towers. He is expecting to see a lot more of these simple modifications in the future. These cases require a lot of paperwork; they are generally standard modification requests. He would like the commissioners to consider bypassing the communications step and allow these type of requests to be presented as cases in the future.

Discussion

Steve Patterson: He is fine with that for the simple modifications, but one caveat he would like is with the current legislation, HB 331, which is microcell technology. He doesn't want those situations to just be able to come in without any review.

Rick Sirois: The current Code of Ordinances is being reviewed and language will be added addressing the microcell towers.

Nancy Bain: Is fine with this.

Paula Moseley: Regarding the Verizon wireless modification at 30 Park Place/Alden Library, she doesn't see anywhere that Ohio University has acknowledged or authorized the modifications. She will share this with Ohio University.

RJ Sumney: Add the condition that this is acceptable only for simple modifications on non-university property.

Paula Moseley: The Law Director has requested that they establish rules for Planning Commission. This will be a future agenda item.

Nancy Bain moved to permit the above wireless telecommunication modifications to be heard as cases, with the caveat that the 30 Park Place request demonstrate OU has acknowledged and authorized the modification. Steve Patterson seconded the motion. All present voted aye. Motion passed.

Fairgrounds Tower Update

Rick Sirois

He just received the application. The case will be presented at the next Planning Commission meeting.

5. Report from City Planner and Director of Code Enforcement

Paul Logue

- Buckeye Hills Regional Development: hosting an open house at the Community Center from 4-6 pm tonight. RTIP update.
- Comprehensive Plan: he will provide a brief update at the next meeting.
- Sustainability Commission: he gave a presentation to City Council this past Monday. Draft of the plan is available on the city website.

Rick Sirois

- Green fleet: the city purchased an electric car that he is currently driving.
- Coming up on Fest season.

Steve Patterson: EV purchase is a good step forward. Achieved a substantial savings from the vendor the city used. \$24,000 total cost after a \$10,000 savings.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

None

8. **Adjournment**

The meeting was adjourned at 1:26 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens