

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, June 16, 2016, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in the Front Conference Room, first floor, at City Hall on June 16, 2016.

Attendees: Cherie H. Gall, William J. Bias, Richard Shultz, David Burke, David Reiser, Don Linder, T. Michael Corathers, Jane Forrest Redfern, Rusty Rittenhouse

1. **Call to Order**

Nancy Bain called the regular meeting of the Planning Commission to order at 12:05 p.m. and administered the oath to all who intended to speak before the commission. Quorum was established (two members absent).

PLANNING COMMISSION MEMBERS:

RJ Sumney, Vice ChairAbsent (Present after 12:28)
Christy ZempterPresent
Nancy Bain Present
Steve Patterson, Mayor Absent
Paula Horan Moseley, Service-Safety Director..... Present

STAFF:

Paul Logue, City Planner Absent
Richard Sirois, Director of DEF Present

2. **Disposition of Minutes**

Paula Horan Moseley moved to approve the minutes of June 2, 2016. Christy Zempter seconded. All present voted aye.

3. **Cases**

**Case #16-07 Laurel Properties, 70 Columbus Circle
Lot Split with deed restrictions and possible easement**

Rick Sirois/Summary

The request is for a minor lot split of 70 Columbus Circle. The lot split involves splitting off 6.817 acres from the 20.029 acre tract held by Athens Health Realty, LLC. The 20.029 acre tract will comprise 2.881 acres conveyed to the City of Athens for the bike path, 6.817 acres for the Laurel Property, and 10.331 acres for retention ponds and storm water runoff.

The Quit Claim Deeded easement provides approval of Title 21, Subdivision Regulations, 21.04.04 Subdivision and Site Design. The easement will provide

adequate access to the lots and site. The second Quit Claim Deed provides for the conveyance Grantee, Athens Health Realty, LLC, its successors and assigns, to be responsible for maintaining the retention ponds and spillway. This proposal provides that the area shall be preserved as undeveloped open space, consistent with the reasonable utilization of the land as defined in Athens City Code 21.04.04.

Bill Bias

He was the Project Director when the nursing home (The Laurels) was built. Frank Murphy is the owner of the building, the land and the certificate of need, and he leases out to The Laurels. It is a triple net lease (leasee pays everything including the property taxes). Laurels had objection to paying all the property taxes so Mr. Murphy agreed to split the lot and pay the taxes on the open land. Mr. Murphy is refinancing the mortgage with HUD which will only finance the amount of land that is needed to run the business. Cheri Gall has been hired to address the concerns of the Planning Commission that were brought up at a previous meeting.

Christy Zempter: Her concern regarding the easement for the 10.331 acre property appears to be addressed satisfactorily now. She would recommend approval contingent on the recording of the quit claim deeds.

Paula Horan Moseley: Responsibility for the maintenance is another issue as well.

Cheri Gall: Has provided two deeds. The 1st deed for the 6.817 acre tract has the language that grants the easement back to the retention ponds and spillway. The maintenance clause is included as well. This language was reviewed and agreed to by the City Law Director, Lisa Eliason.

Nancy Bain: Inquired about the other parcel that was previously split off and the access road; if they also drain into the spillway.

Paula Horan Moseley: The City Engineer has indicated that the retention ponds and spillway are functioning and operating as intended.

Bill Bias: He doesn't believe anyone would ever develop the other parcel because of the close proximity to the flood plain. Mr. Murphy is open to zoning the rest of it as open space.

Nancy Bain: Inquired about the other parcel that goes up the hill and if it could be developed in the future.

Paula Horan Moseley: Noted that this is the area that Mr. Murphy is willing to zone as open space.

Bill Bias: Was told by an engineer when they were considering building an assisted living facility against the hill, that it could not be developed.

Nancy Bain: She would like them to follow up and come back to zone the other land as open space.

Cherie Gall: Commented that on the 2nd deed there should have been an additional exception noted. When the bikepath property was conveyed to the city there was an additional piece of 0.035 acres that was also conveyed. The Auditor just brought this to her attention and she will make that change.

Christy Zempter moved to approve the lot split with the contingency that the quit claim deeds be recorded including the 0.035 acre exception. Paula Horan Moseley seconded. All present voted aye.

Case #16-08 Dairy Barn, 8000 Dairy Lane
Title 41. Request for variance for 10 parking spaces and a variance for the use of permeable pavers for the remaining 23 spaces.

Rick Sirois/Summary

The proposed project is for a 5,024 sq. ft. addition and additional parking spaces. The addition will include mercantile, vocational and kitchen areas. They come before the Planning Commission because of the request to use permeable pavers to address the shortage in hard surface parking.

The project requires 94 parking spaces. There are 14 existing unmarked spaces (they will mark these). The project plans provide for 24 new marked hard surface parking spaces, which will bring the total to 38 hard surface parking spaces. The applicant is requesting a variance from the hard surface requirement to allow the use of EZ Roll Grass Permeable Pavers for 23 parking spaces, which will bring the total to 61 parking spaces. The applicant is requesting a variance from ACC 23.08.05 (C) Table B. Grandfathering the 33 parking space requirement from the total requirement of 94 spaces.

Fire Department Chief Robert Rymer had no objection for the request of a variance regarding the installation of a sprinkler system.

Stormwater Protection Team Member Abbot Stevenson requested a plan note be included stating that stormwater controls will be installed before construction begins, along with other concerns involving excavated dirt, sediment control and inlet protection.

Paula Horan Moseley: The applicant is here under Title 41 because of the non-residential expansion and for the fact that there are more than 5 parking spaces being created.

Christy Zempter: Requested clarification about the grandfathering of the 33 spaces and whether the Dairy Barn is currently 33 spaces short. Richard Sirois noted that they are currently short 33 spaces.

RJ Sumney arrived at 12:28.

Michael Corathers

The addition is for a fiber arts program on the 2nd floor, a new lobby, a food prep area, and a new stairwell. If you look at just the addition, there are 8 spaces required. When laying out the site, to bring up to current code (94 spaces), they would destroy a lot of green space. They want to minimize the green space they take away. Now looking at it they may have enough brick to be in compliance, but they won't completely know until they begin. They want to reuse what they have and if they come up short they want to have the option to use green pavers.

When they went to the State because of the sprinkler system with an appeal hearing, the State agreed to their request with the understanding that the existing gallery would have a maximum of 250 at a time which means they will have a fewer number of cars coming in. Occupancy will be limited for the gallery only. The Ohio History Connection reviewed their design.

Nancy Bain: Asked what the slope was on the area designated to disturb indicated on plan sheet SD1.2.

Michael Corathers: Noted that the grade is indicated on page 4, which is a parkable grade. They will not excavate this, although they may create a small swale to at the edge to try to alleviate some of the flooding issues that are on site.

RJ Sumney: Inquired about the location of the waste and recycle bins. Jane Forrest Redfern indicated the location is in the mechanical courtyard between the silo and vocational areas.

Jane Forrest Redfern: Expressed thanks to the City for the recent bridge improvement on Dairy Lane, and the support from the city for their expansion efforts. The Dairy Barn will be able to serve more artists and users, hold more events, making the Dairy Barn more sustainable in many ways. They plan to keep the herb garden and will be creating a nature trail.

Paula Horan Moseley: Would like to make sure that there is compliance with city utilities. There will be a sanitary sewer capacity fee calculated by the City Engineer because the expansion will increase use. Water is supplied by Leax.

Nancy Bain moved to accept the Title 41 request with the inclusion of the Ohio History Connection and the Board of Building Standards recommendations, to grant a variance for the use of the green pavers for 23 parking spaces, and to grant a variance allowing the grandfathering of the 33 parking spaces that currently exist (a total of 61 spaces). With the provision that compliance with city utilities is checked by the City Engineer. Paula Horan Moseley seconded. All present voted aye.

**Case #16-09 Lot 7A University Estates Phase 1 Final Plat
Title 21. Minor Subdivision Lot Split/Land Transfer**

Rick Sirois/Summary

The proposed re-plat/lot split allows for the existing road, Altamonte, to continue on uninterrupted as originally platted and continue onto adjoining and contiguous land owned by Capital First. The development of the new 2.335 acre lot will provide for a needed a 6-bedroom home, specifically designed for people with disabilities. The re-plat is a simple lot split that complies with frontage requirements, with a possible need for a width to depth variance. All utilities and the paved road are available along the frontage of the proposed lot. This will need to go to Council for approval to vacate the current right of way that is in the design.

Paula Horan Moseley: University Estates as a whole is a PUD development and has been re-platted in the past. Council will have to decide on vacating the right of way and the re-plat.

Rusty Rittenhouse

Representing Citizen's Independent Bank Corp. who own a number of lots at University Estates including Lot 7A. The design of Overview Drive and the cul-de-sac does not make any sense as it was originally platted by Dr. Conard because of a steep vertical drop off that exists there. Nothing can be developed at that cul-de-sac.

They are seeking the lot split of Lot 7A from a 6.04 acre tract to a 3.285 acre tract and a 2.335 acre tract. Echoing Hills Village is under contract to purchase the 2.335 acre tract.

Don Linder: Top of slope line on the plans is indicating an approximately 20 foot vertical drop within a less than 100 lineal foot span, so the cul-de-sac could never be built there from an engineering and practical standpoint. The original two dimensional drawing didn't take into consideration the topography of the area.

Paula Horan Moseley: As part of the University Estates settlement the city has agreements stating that the city will assist developers with their needs.

Rick Sirois: The frontage is currently 100' so depending on where the building is positioned, they may need to go to Council to approve a variance (setback).

Don Linder: The property is not landlocked. The Capital First property is landlocked which is why the road needs to stay in place; it is the only way into the Capital First property (currently vacant). The abandonment of the cul-de-sac has nothing to do with the access to the Capital First property.

Paula Horan Moseley: Council approved the changes in the code language for residential care facilities allowing them in any of the zones.

Paula Horan Moseley moved to recommend acceptance of the re-plat and vacating the right of way for Overview Drive. Christy Zempter seconded. All present voted aye.

4. **Communications**

None

5. **Report from City Planner and Director DEF**

Paul Logue

Absent/No Report.

Rick Sirois

- BZA Case #16-07V approved a request for a variance for 15 compact car parking spots at the corner of Grosvenor and Carpenter. (Tearing down the 2 existing buildings. New 200 sq. ft. retail space will require 13 spaces and there will be 30 beds for a total of 43 and they are providing 54.)
- The Solid Waste Inspector has scheduled the cleaning of the uptown trash containers for June 21-24 beginning at 7:30 a.m. each day.
- They have started advertising for a 2nd Solid Waste Inspector.
- On June 18th the Solid Waste Inspector will be participating in Ohio River Sweep on the Hocking.
- Pursuing condemnation requirements for 4 Dalton Avenue.
- Title 43 wireless communications special use permit request was just received and will be on the agenda at the next meeting.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

Planning Commission
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Paula Horan Moseley: The Environmental and Sustainability Commission has a draft plan and will be holding an Open House next Tuesday, 6/21, 6 p.m., at the Community Center.

The next meeting of the commission will be July 7, 2016.

Adjournment

The meeting was adjourned at 1:05 p.m.

Nancy Bain, Planning Commission

Patricia Witmer, City of Athens