

Athens City Planning Commission  
Minutes of Regular Meeting  
Thursday, September 1, 2016, 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 September 1, 2016.

**Attendees:** David Moran, T. Michael Corathers, Tim Snider, Kristi Goldsberry, Matt Gaiser, Ryan Buckley, Diane McVey

**1. Call to Order**

Nancy Bain called the regular meeting of the Planning Commission to order at 12:06 p.m. and administered the oath to all who intended to speak before the commission. Quorum was established.

**PLANNING COMMISSION MEMBERS:**

RJ Sumney, Chair ..... Absent  
Christy Zempter ..... Present  
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**

*Paula Horan Moseley moved to accept the August 18, 2016 minutes. Christy Zempter seconded. All present voted aye.*

**3. Cases**

**Case #16-12 Genesis III Building  
20 East State Street  
Title 41**

Rick Sirois: The application is for construction on an existing building to include an addition and alteration to Genesis III (Matters Building). This will involve changing the existing one story plus basement to a four-story building to include the basement. The improvement will allow the basement to continue to be used as an area for Precision Imprint. The main/1<sup>st</sup> floor will be occupied by retail, currently Zoe’s and Passion Works. The 2<sup>nd</sup> floor will have 7 bedrooms with living areas and the 3<sup>rd</sup> floor will have 11 bedrooms with living areas. The building will be 21,114 square feet. Parking will consist of 29 spaces. The site is located in a B3 Zone, making the proposed use permissible.

T. Michael Corathers/RVC Architects

- The only change in the plans since they presented two weeks ago is the deck size that has been reduced to 3' wide.

David Moran/RVC Architects

- The internal review comments were received a few days ago and will be addressed in the next phase. The comments were mainly from EPW and AFD dealing with water, sewer, and fire protection. These will be addressed after city approval.
- Fully sprinkled in the apartment areas.
- Two means of egress out of the building.
- Regarding the sewer line comments from last week they will find out what the existing conditions are once they have an engineer on board and get started on the next phase of planning.
- Adding two stories on the State Street side.
- They will be utilizing the former Magic Video parking lot. Currently, Zoe's and Passion Works Studios are using some spaces and those will be maintained for their commercial space. Precision Imprint and the apartments will use the spaces below. The basement is hard surface with designated parking spaces.
- Mr. Ingram with the Shade Tree Commission is reviewing the site. Some trees will be on site. They will have to check the utilities underground. They will have to bank most of the trees off site.

Steve Patterson: Happy to see that the patios have been modified to be consistent with others in the area.

Paula Horan Moseley: Previously, with the former Blue Gator balconies, language was incorporated into the leases about the balcony restrictions (furniture, planters, occupancy).

David Moran/RVC Architects

- They are willing to write similar language into the leases for Genesis III.
- Supports for the balconies are not required because they are set back.
- Deck material choices are pavers with a membrane roof, or a membrane roof with wood decking. Structure will span from the external walls to the vertical column supports.
- Three times the span is the standard but they don't have that issue because they are not cantilevered.

Paula Horan Moseley: Council language was strict about the variance for the balconies for the former Blue Gator. She would like to have similar language as a condition for approval.

Paula Horan Moseley moved to approve Case #16-12 Title 41 application for Genesis III with the addition of the condition just outlined. Steve Patterson seconded the motion. All present voted aye.

**Case #16-13 20A Monticello Drive  
Wireless Telecommunications Special Use Permit**

Rick Sirois: AT&T Mobility is proposing to upgrade their system at an existing telecommunication site. Work involves installing three antennas, three RRH's and one surge protection unit on the existing antenna supports on the tower, two DC power trunks on the tower and one surge protection unit on the existing ground frame. Modification is similar to Case #16-03 in May, 2016. This request involves a 195' tower modifying the tower at multiple levels. No changes to the height or to the footprint. Proper documents have been provided. Reviewed and recommended. Zoning R3, estimated value \$45,000.

Paula Horan Moseley: No concern about slippery soils.

Paula Horan Moseley moved to approve Case #16-13 Wireless Telecommunications Special Use Permit. Steve Patterson seconded the motion. All present voted aye.

**Case #16-14 Old Peach Ridge Road  
Title 21 Lot Split Review**

Rick Sirois: The request is for lot splits on Old Peach Ridge Road which involve three tracts of land all under five acres. Each has the required road frontage and the split is not creating any flag or land locked parcels. The split will provide tract #4 the potential for future development. Tracts #1, #2 & #3 have 827' of road frontage on Old Peach Ridge Road, and tract #4 has 253' of road frontage on Stroud's Run. There is a previous easement of .275 acres that the records indicate was used by ODOT during the construction of Route 33. This is now used as a bus turn around and has no bearing on this lot split. On September 17, 2015 the applicant presented a similar case (Case #15-21) before the Planning Commission that involved two tracts of land; the applicant did not follow through with recording the parcels.

Nancy Bain: Many of her neighbors would be interested in this and feels that it shouldn't be under Cases but under Communications.

Matt Gaiser/Orion Ventures

He presented this at the last Planning Commission meeting as a Communications item so that the public was aware of what was coming up.

Paula Horan Moseley: The item was not under Communications at the last Planning Commission meeting, rather it was under Opportunity for Citizens to Speak. Yesterday the city was told that there were no easements needed, which is why it was placed on the agenda as a Case, however, the City Engineer Andy Stone has indicated that there will be a 15' utility easement required for the benefit of the rear property.

Rick Sirois: Andy Stone has since communicated via email with Mr. Gaiser about this 15' utility easement. Mr. Stone stated in this email that he doesn't stand in the way of the proposal by Orion Ventures, however, he went on to stress that the city will not be

funding the public utility extensions in the future. The back parcels can be serviced from Stroud's Run. Mr. Sirois read from Andy Stone's 9/1/16 email:

*"Mr. Gaiser, et al,*

*Let me be clear – I do not "approve" anything on lot splits – I share considerations with the planning commission for them to decide whether to approve.*

*Water:*

*There is city water on Old Peach Ridge Road, with high pressure because it is fed from the Peach tank, that is easily accessible to the three proposed tracts on the west side. The cheapest way to feed water to the remainder parcel would be via an easement across one of the three western proposed parcels and run a service line back to the eastern remainder parcel. The other option is to, as you note below, run a 480' city main in the Strouds r/w back to the Strouds/Columbia intersection. 480' of ductile iron public water main, 4 feet deep, with a hydrant, is quite a bit more expensive. If you intend to sell that parcel and the buyer incorporates the cost of bringing these utilities into a construction loan on a house, I'm not certain a bank will lend them enough money – I suggest you consult the other PEs in this email regarding a cost estimate for this. Perhaps your buyer can afford to do that.*

*Sewer:*

*The current sewer main ends in Old Peach Ridge Road south of the SW corner of your proposed SW-most tract. The public sewer will need to be extended north along Old Peach for any of the three new tracts to be served. The cheapest way to serve the eastern remainder parcel would be an easement crossing one of the three new tracts. The other option is to, as you note below, run a 480' city main in the Strouds r/w back to the Strouds/Columbia intersection. The will go uphill so will need to be a force main, served by a private lift station on that parcel.*

*If your intention is to build these improvements before you sell the subdivided parcels and distribute the costs between the parcels, I think your proposal below is feasible. If you intend to sell the parcels to individuals and they fund the improvements on a case by case basis, I think they will have a very difficult time.*

*I am not standing in the way of this split – nothing is physically impossible with what you propose. But (Rick) I would like the PC minutes to show that the city will not be funding public utility extensions to these resultant parcels so we have a document to explain the situation to new owners in the future."*

Paula Horan Moseley: The City County Health Department doesn't approve a division of land that is in their purview if there isn't a septic system to support the property if it is under 5 acres, so why would the city proceed with approval if a sewer main needs to be built.

Matt Gaiser

The parcels are in the city limits and the water and sewer are available on Stroud's Run Road. Mr. Stone is concerned about his ability to sell the property and a bank's willingness to lend on it, not whether water or sewer is available. There is 200' of road frontage on Stroud's Run and this conforms to a minor lot split within the city limits. There is water and sewer on Old Peach Ridge and on Cable Lane. There is a right of way present to support the utilities.

Paula Horan Moseley: The City Engineer has stated that the sewer needs to be extended north along Old Peach for any of the tracts that need to be served. Concerned about giving approval without having that detailed level.

Matt Gaiser

The utility easement is there, no easement is needed. Water is available all along Old Peach Ridge down to the highway right of way. Sewer is about 15' from the property and will have to be extended inside the city right of way, but the water is there in the right of way.

Paula Horan Moseley: There is no true proposal for the water and sewer extensions and the easements that are needed.

Matt Gaiser

The fact that water is there would tell you that the city has an easement.

Paul Logue: Talking about two different items – 1. Matt Gaiser is saying that there is an easement for water on the Old Peach right of way to service these three lots. 2. Andy Stone is recommending that an easement be created on tract #1 so that water can access the parcel that has frontage on Stroud's Run. If the easement doesn't exist whoever wants to develop that property would have to run a 480' city main in the Stroud's Run right of way from the Columbia intersection.

Paula Horan Moseley: She understands that for the water, however, the sewer main ends on Old Peach Ridge and the public sewer will have to be extended north along Old Peach for those three tracts to be served and Andy is recommending an easement crossing in order to accomplish that.

Nancy Bain: She would like to see more information on the total disposal of the entire parcel specifically on the slip, on the land development ordinance. Questions whether it is in the Planning Commission's interest to split these three parcels off from the larger parcel. Why not develop the entire parcel because it is one of the largest sections of land in the city, it is not well served and not easily developable. Why not tell us what the plan is for the other parcel? She would like to see the land development materials.

Matt Gaiser

He could split off a bunch of little parcels but he wants to have large individual building sites to be sold as R1 building sites.

Nancy Bain: The parcel is big with slopes and the land is slip prone.

Matt Gaiser

The entire parcel is 9.8 acres. The three parcels in the front are 1-1.6 acres each. The residual in the back is approximately 4 acres and is fronted on Stroud's Run Road. There is about 200 feet of road frontage and the width to depth ratio would be very difficult to manage if he were to split the remaining 4 acres. The building sites will be within 25-30 feet of the road.

Steve Patterson: What is the plan for the remaining 4 acres?

Matt Gaiser

He has no plan to develop the remaining 4 acres.

Paula Horan Moseley: She watched the previous case that was presented last year, and the same promise was made that no future divisions would occur. Challenging terrain was brought up last year yet it hasn't been mentioned.

Matt Gaiser

He is aware of the challenging terrain in Athens. The application does not require that they comment on the terrain. He has put the effort into this. This conforms and meets all the criteria for a minor lot split. Nancy Bain lives up in the area and is concerned about her neighborhood.

Steve Patterson: He is concerned about the point of order. This came up at the last meeting under Opportunity for Citizens to Speak. This is being slid in and not going through the appropriate process. It should be a Communication first so that citizens have an opportunity to speak. This is a breach of protocol.

Matt Gaiser

He wasn't intending to bypass the process. The application was submitted prior to the last meeting. The reason he came last time was because it didn't make the agenda for the last meeting. He lost a contract on the first parcel because of the time delay with the Planning Commission.

Paula Horan Moseley: It is difficult to recommend approval when the City Engineer has stated that the public sewer needs to be extended.

Matt Gaiser

To extend sewer is a very common process.

Nancy Bain: Would like to know what the storm sewer plan is. The additional driveways will add to the runoff. This could be done with a single driveway or street to access the

parcels. Land development issues need to be addressed, and he is doing this in a way that is expedient for him.

Matt Gaiser

If he were to build a \$600,000 road then he wouldn't be able to sell these three parcels for \$30-35,000 to single families. All of these issues that are being brought up are subjective.

Paula Horan Moseley: It has to be clear that the city will not be funding any public utility extensions to these resultant parcels.

Matt Gaiser

He is fine with tabling and doesn't want it to be said that there was undue process and people feeling that he tried to slide this in.

Christy Zempter: Because an application is submitted a day before the meeting doesn't mean it will be on the agenda. This is a process and it has gotten off track with the notion that Ms. Bain lives in that community. There are impacts to people in the larger community and the focus needs to shift to ultimately what their responsibility is as a Planning Commission. Mr. Stone's email just came across late this morning. They do not want to rubber stamp this without giving thought to it and allowing citizens to comment.

Rick Sirois: Matt presented this to him two weeks ago. He put it on the back burner and apologizes for the last minute effort to get it on the agenda today. He feels this looks like a proper lot split regardless of the water or sewer issues that Andy Stone has brought forward.

Steve Patterson: Now that we have the City Engineer's comments, the Planning Commission should review the comments from the City Engineer. He would like everyone to review the email from Andy and then come back to the Planning Commission with possible solutions.

Matt Gaiser

He foresees that the first lot that is developed will extend the sewer and share the cost with the remaining lots. He can't do it until they have the lot split. He knows that financially it makes sense to do it all at one time. The back 4 acres is undevelopable because it is cost prohibitive.

Christy Zempter moved to table Case #16-14 to allow for public input and to allow the Planning Commission to review. Steve Patterson seconded the motion. All present voted aye.

*Christy Zempter left the meeting.*

4. **Communications**

**12 East Carpenter/Grosvenor Site Development**

### Ryan Buckley/The Buckley Group

- Three story mixed commercial and residential development.
- 2300 sq. ft. retail. Two stories of bedroom units above.
- Current lot has 4 curb cuts that they are reducing to 2 curb cuts (*2 curb cuts corrected to 3 by Kristi Goldsberry below*) with a sweep through aisle around the building.
- Parking for the facility exceeds the requirements. Parking on the north side of the lot will be for compact cars; they have gone before the BZA to get a variance for this. 52 spaces (requirement is 26). Two ADA accessible spaces (requirement is 2). 16 bicycle parking spaces (requirement is 8). Asphalt parking lot with tree planters around the lot.
- Out of the flood plain/no issues.
- Storm drainage will drain to existing storm drainage infrastructure on Carpenter and Grosvenor.
- Water will be fed from an existing 12" water main on Carpenter Street.
- Sanitary will tap into an existing main on Grosvenor Street.
- Erosion control measures have been met.
- Current zoning is B3 on the lot so it meets its intended use.
- Will have to go before the Shade Tree Commission

Paula Horan Moseley: Has heard that there are delivery truck issues with the neighbors, which may impact the placement of the tree planters. Ryan Buckley is in communication with them about it.

### Kristi Goldsberry/Owner

- Site was bought from Tim Dorman and he leases the adjacent site to Family Dollar. She told Mr. Dorman about the parking lot and restriping, but this wasn't communicated to the tenant. Family Dollar will have to remedy the situation independent of them and their developing the site.
- Going from 4 curb cuts on the combined site to 3 curb cuts: one for Family Dollar, two for them (one off Carpenter and one off Grosvenor, eliminating one off Carpenter).
- Andy Stone had some concern about ingress and egress because it appears that 2 curb cuts belong Family Dollar, but only one curb cut belongs to Family Dollar.
- Trees won't be an impact, they will dress up the property and satisfy the shade tree requirement.
- Question about the process and doesn't want to be tabled like the previous case.

Nancy Bain: This is not a Title 21, it is a Title 41. A better model would be the first case on the agenda.

### Ryan Buckley

- Balconies are inset.
- They will add language to the leases regarding the balcony restrictions.

- Balconies are 4'1" in depth and they vary from 9-11' in width. On two sides of the building (east/west).
- Exterior patio on the first floor for the tenant on the first floor. Have not secured a tenant.
- Already secured the parking.
- Compact car parking will be on the alley.

Steve Patterson: Will look at full plans and questions will be submitted so that they have a chance to address any questions.

Rick Sirois: The City Engineer has started his review already.

Tim Snider/CM Midwest

- Work completed to date: razed two unattractive buildings, removed underground storage and contaminated soil.
- Received final environmental report from GCI today and got a clean bill of health.

## 5. **Report from City Planner and Director of Code Enforcement**

Paul Logue

- The city has been working with RVC Architects and Leslie Schaller from ACENet to do a Market and Use Study for the Armory. There will be a public forum to present the draft findings on September 7<sup>th</sup> at 6:30 p.m. in Room B at the Community Center. The study is focusing on the building; parking spaces will be looked at later.

Rick Sirois

- Upcoming for next meeting: Old Peach Ridge Road lot split and 12 East Carpenter.

## 6. **Opportunity for Citizens to Speak**

Diane McVey/Grosvenor Street

- Interested in the project on the corner of Carpenter and Grosvenor as well as the Armory project. She has observed that this area is becoming more family oriented and she would like the building on the corner to be focused on single professional, young couples and/or family rentals, not student rentals. She has concerns with the balconies and loud students.

Steve Patterson: Affordable Housing Task Force will be reporting soon on some of the topics Diane McVey just brought up. The task force is a planning partnership between the city (Paul Logue and City Council representation), Ohio University and citizens of Athens. They are working on a strategic plan to address affordable housing issues. Millennials do like to live close to town and use mass transit.

## 7. **Announcements & Other Business**

- The next meeting of the commission will be September 15, 2016.
- Press release going out this afternoon about the Armory meeting mentioned earlier.
- Steve Patterson: the Armory asbestos abatement is complete and has a clean bill of health.

8. **Adjournment**

The meeting was adjourned at 1:20 p.m.

---

Nancy Bain, Planning Commission

---

Patricia Witmer, City of Athens