

Athens City Planning Commission  
Minutes of Regular Meeting  
Thursday, September 15, 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 15, 2016.

**Attendees:** Kristi Goldsberry, Matt Gaiser, Austin Richard, Ryan Buckley, Tim Snider, Steve Robb, Jeff Risner

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:03 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 ..... 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..... Absent

2. **Disposition of Minutes**

*Paula Horan Moseley moved to accept the September 1, 2016 minutes. Steve Patterson seconded. Four ayes, one abstention.*

3. **Cases**

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

Paul Logue

The request is for a lot split on a piece of real estate that fronts on Old Peach Ridge Road, to divide an approximately 10 acre parcel to create 3 tracts that front on Old Peach Ridge Road and with a remaining tract fronting on Stroud’s Run Road.

- Applicant: The Buckley Group, completed the included survey
- Owner: Orion Ventures, LLC
- 9.81 total acres
- 3 tracts being created/4 tracts resulting
- Zoning: R1
- Single Family Homes

- The City Engineer is requesting a 15' utility easement for the benefit of the rear property (Tract #4), and noted that Ryan Buckley was informed that the future owners will be required to extend the public sewer, at the owner's expense.

Matt Gaiser/Orion Ventures, LLC

He distributed plans to clarify water and sewer.

- 1<sup>st</sup> page aerial showing the 3 lots.
- On the 2<sup>nd</sup> page the red notes show the property and the blue line is the water that already exists. The water already goes along Old Peach Ridge in front of the property on their side of the road in the city right-of-way.
- The sewer line goes up to within 50 ft. of the property; the red line is where it will be extended within the existing city right-of-way along Old Peach Ridge Road.
- For the remainder of the property that fronts Stroud's Run Road, the water and sewer is about 485' from the property. Along Stroud's Run Road, in the city right-of-way is where they are proposing the water and sewer extension for that property be located. This is the more expensive option suggested by the City Engineer in his email.

Discussion

Nancy Bain: Inquired if the acreage includes the ODOT right-of-way.

Matt Gaiser: Yes, the acreage does include the right-of-way.

Nancy Bain: They are required not to develop on the right-of-way; they could build a driveway but they couldn't put a permanent building there, so will they put this in the deeds? It is a concern because he told the Commission at the last meeting that the builders will decide where the home sites will be located. She would like the buyer to be aware that the right-of-way cannot be developed.

Matt Gaiser: The aerial view on page 1 shows the ODOT right-of-way (indicated in red) which takes up about 24 ft. X 75 ft., and it is paved right now. No homes can be built there. There are "no parking" signs there.

Nancy Bain: Inquired about the status of the plat that was approved last year but not recorded. If the approved plat is still valid, she would like him to agree to not record it if there is an approval for this lot split.

Matt Gaiser: His intention is not to record both plats. If he receives approval today he will shred the one from last year.

Paula Horan Moseley: She would like it to be a part of the process, to rescind the one from last year.

Christy Zempter: Approval would be contingent on the abandonment of the original lot split parameters. Her understanding is that if the Commission denies this one he could record the previous lot split.

Paula Horan Moseley: At the last meeting, he was against adding a 15' private utility easement for the benefit of the rear property

Matt Gaiser: Yes, they would like to go with the other option that Andy outlined in his email, the more expensive option, at their cost.

Paula Horan Moseley: It would be written in that the sewer extensions will be the responsibility of the future owners.

Nancy Bain: Inquired about storm sewer attachments. She is surprised there is no tap fee for this. Storm water will run off of the property. There is no storm sewer up there so it can't be extended.

Paula Horan Moseley: The individual building plans will be reviewed and tap fees will be assessed at that time.

Matt Gaiser: Having these lot splits will not add to the runoff.

Nancy Bain: If you cut down trees it will increase the runoff, and the properties down the hill will be affected. The land development ordinance needs to be applied.

Matt Gaiser: Yes, the land development ordinance would have to be reviewed and followed.

Nancy Bain: Whoever is in charge will have to review it and follow it, which may add some costs to his development.

Matt Gaiser: Robert Wiley, an ecologist at Ohio University, has been on the property. He did some soil coring, prodding, walked the site and looked at the topography. One of his other Orion Ventures partners is a professional civil engineer who has reviewed the lots as well. He can't say where the home sites will actually be, but on each lot there are multiple choices. It will still be up to the buyer and the builder what they are going to do, and to work with the city.

Steve Patterson: Requested clarification regarding the City Engineer's 15 ft. utility easement on Tract 1, instead of going in that direction, they are going with the other option.

Matt Gaiser: He doesn't want to go through Title 41 which is how he would have to proceed if he put the 15 ft. easement in.

Paul Logue: It wouldn't be a Title 41, it would be a major subdivision. It would be a minor subdivision request that needs a variance for an easement of access that would trigger major subdivision regulations and a variance recommendation to City Council.

Paula Horan Moseley: Running a force main uphill 480' will require a private lift station, which is pretty involved. If they move to approve they need to include the statement about future owners being required to extend public sewer at their expense, and also include the contingency to rescind the previous lot split approval.

Christy Zempter: Just to clarify, they could add a contingency that a 15' easement be included but City Council would have to vote on the variance, this wouldn't need to go to the BZA.

Matt Gaiser: His reputation is at stake and he will not sell to a buyer and have them find out about the caveats later. They have some nice wooded lots inside the city limits for \$35,000 - \$40,000.

Kristi Goldsberry: As a past appraiser, the Commission's concerns are probably false because the buyer and the builder won't build on an undevelopable site; a site that may cause runoff or may slide down the hill. A bank wouldn't finance it.

Nancy Bain: The Commission has to consider past experience (for example, Pleasantview, Monticello, Franklin/Grosvenor).

Paula Horan Moseley moved to approve Case #16-14 under the condition that future owners will be required to extend the public sewer at the owner's expense, and with the abandonment of the 2015 lot split approval, Case #15-22. Christy Zempter seconded. 3 ayes, one nay, one abstention. Motion passed.

**Case #16-15 12 East Carpenter/Grosvenor Site Development  
Title 41**

Paul Logue

The application is for commercial and residential construction on 12 East Carpenter Street, a corner lot previously occupied by a tattoo parlor. It will be a three story building with the 1<sup>st</sup> floor approximately 3,000 sq. ft. of retail, mechanical & utility rooms, and patio off retail area. The 2<sup>nd</sup> and 3<sup>rd</sup> floors will each have three 4-bedroom apartments and one 3-bedroom apartment for 30 beds total.

- Architect: The Buckley Group
- Property name: Carpenter Street Apartments
- Zoning B3, Lot size 20,595 sq. ft.
- No minimum lot sq. ft. required because of its zoning
- Height appears to below the maximum height of 45' (this should be checked)
- Parking requirements have been met. A variance was granted from the BZA in June to approve compact vehicle parking for 15 spaces.
- Screening will be provided for the dumpster.
- The Shade Tree Commission reported that their requirements were met, 14 trees will be provided.
- City Engineer comments: curb cut on Carpenter is not permissible without further plans related to Family Dollar parking. Standard curb ramp with detectable warning is required at the alley. Existing tree is too large to relocate so replace with same species, 4" caliper. An existing tree needs to be removed and replaced in order to install the storm line.

Ryan Buckley/The Buckley Group

- Regarding the curb cut on Carpenter and the Family Dollar parking issue, the owners are in contact and a solution is being worked out.
- He has updated plans addressing the City Engineer's comments.
- A curb ramp has been added at the alley with a detectable warning.
- The existing tree will be relocated as per the City Engineer's comments.
- Existing tree at the storm line of MH #1 will be replaced if necessary. They aren't very deep at that manhole and so they are going to try and work around the tree.
- Water line has been switched to a 4" ductile iron all the way to the building.
- Regular valve box switched to heavy duty back flow prevention.
- Metering and the Backflow Prevention Device will be inside the building, with radio read.
- No sanitary or pump stations.
- The Fire Dept. revisions will all be taken care of with the final drawings for the project.

Discussion

Paula Horan Moseley: What is the proposed height?

Ryan Buckley: The height is 40' 1 ¼"

Paula Horan Moseley: Noted that they got the variance for parking and have complied with the Shade Tree Commission. She reserves the right to determine the curb cuts and locations, but will work with them.

Kristi Goldsberry/Owner

- Regarding the curb cuts, there was a situation with a truck driver on her property and she had to involve the APD. She spoke with the property owner and asked him to work with the tenant, Family Dollar, on this issue. Family Dollar tore down an interior wall so that the deliveries can be made. She distributed an email from the property owner to prove that this is no longer an issue.

Discussion

Paula Horan Moseley: Transportation access management and the plans will be reviewed again to make sure that the curb cuts will be worked out.

Ryan Buckley: All the balconies will be recessed and they will include the balcony language restrictions.

Steve Patterson: Appreciates having something in writing about the parking lot issue being resolved between the two owners and the 3<sup>rd</sup> party, Family Dollar.

Christy Zempter: They are over the required number of parking spaces, at 52 spaces, so they may need 3 accessible spots. Regardless, one will have to be van accessible space.

Ryan Buckley: They will check the accessible requirement for 52 spaces. The parking space at the northeast corner is the van accessible spot.

Nancy Bain: The Family Dollar truck is large and she has observed it impacting traffic and parking.

Kristi Goldsberry: Mr. Dorman, the owner, has tried to work with Family Dollar about the large trucks. The communication breakdown is between Family Dollar and their corporate headquarters. They could actually use a smaller truck to deliver their goods.

Paula Horan Moseley moved to approve Case #16-15, 12 East Carpenter Street with the condition that staff recommendations are complied with and that the balcony restrictions language be included. Steve Patterson seconded. All present voted aye. Motion passed.

4. **Communications**

**None**

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

Paul Logue

- The Historic Preservation Committee meeting that was scheduled for this past Monday was cancelled due to lack of a quorum. It has been rescheduled for this Monday, 9/19, at 5:30 in the City Hall front conference room.
- The Sustainability Commission continues to work on the plan and it is expected to be complete in the next few weeks.

- He wasn't able to attend the presentation on the Athens Armory last week, but he heard it went well. They will have the completed report by the end of September at the latest. Working with the Ohio History Connection to make sure everything in the report meets their standards.

Rick Sirois – absent/no report

6. **Opportunity for Citizens to Speak**

- Jeffrey Risner: Thanked the commissioners for doing a wonderful job.

7. **Announcements & Other Business**

- The next meeting of the commission will be October 6, 2016.

8. **Adjournment**

- The meeting was adjourned at 12:53 p.m.

---

RJ Sumney, Planning Commission

---

Patricia Witmer, City of Athens