

Athens City Planning Commission  
Minutes of Regular Meeting  
Thursday, August 16, 2018, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on August 16, 2018.

**Attendees:** None

**1. Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:05 p.m. There was no one in the live audience to administer the oath to. Two members absent, quorum was established.

**PLANNING COMMISSION MEMBERS:**

RJ Sumney, Chair ..... Present  
Christy Zempter ..... Absent  
Nancy Bain, Vice Chair..... Present (arrived @ Item #3)  
Steve Patterson, Mayor ..... Present  
Andy Stone, Service-Safety Director..... Absent

**STAFF:**

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

**2. Disposition of Minutes**

*Steve Patterson moved to accept the August 2, 2018 minutes. Andy Stone seconded. All present voted aye. Motion passed 3:0.*

**3. Cases**

**Case #17-13 Menards Renewal of Application**

Paul Logue/Summary

This Title 41 Site Plan was reviewed and approved by the Planning Commission in June of 2017. The applicants are asking to renew/extend their Title 41 review. They have not begun construction yet; Rick Sirois has been in communication with them about this to remind them that they need to renew their permits. The applicants have submitted renewals for all their permits including the Title 41 Site Plan Review.

Paul Logue read a memo dated August 10<sup>th</sup> from Rick Sirois to the Planning Commission:

*Re: Renewal of Zoning Permit ZN17-000010 issued on June 12, 2017 and Title 41 Permit, TA41117- 000001 issued on June 8, 2017.*

*In accordance with Athens City Code, 23.03.22, Construction Period*

(A) *Construction of a new building, repair or alteration to an existing building shall commence within a year period from the date of issuance of the zoning permit.*

(B) *Construction of a new building, repair, alteration or addition to an existing building shall be completed within a two year period from the date of issuance of the zoning permit after which a new permit must be obtained.*

*Menards of 5101 Menard Drive, Eau Clair, Wisconsin has requested approval for the renewal of permits associated with the construction of a Menards Store on parcels E040280100801 and E040280100801 now owned by Menards and with the address of 2009-2011 East State Street.*

*The Office of Code Enforcement has received a signed Application for Commercial Project and Application for Title 41, request for renewal, from Mr. Thomas O'Neil representative for Menards.*

*Noted that no changes have been submitted and that previously submitted plans and Title 41 requirements are in standing.*

*It was noted that in the email dated August 8, 2018 from Mr. O'Neil, he stated that "He wanted to explain that Menards had a handful of other store sites in Ohio that were purchased a year or more prior to our Athens acquisitions, and those stores are the stores under construction in 2018 for opening in 2019.*

*He further states, "The Athens store is currently slated for construction next year, with a spring 2020 opening".*

#### Discussion

Steve Patterson: Thank you to Director of Code Enforcement Sirois for being proactive about this case, as many inquiries have come in about Menards' timeline for construction. Andy Stone: This is also good news for the cities' far-east end utilities situation. When we did the previous Title 41 review we worked to come up with a mechanism to take a long overdue lift station off line and not have to have it anymore based on the construction of Menards. We had put that on hold because of the delay in construction but with the note that they are moving forward this will be helpful with our public utilities. After learning of this, the contractor for the East State Street Project has an alternate bid to do some of the work associated with that improvement. It should line up okay.

RJ Sumney moved to approve the Menards application renewal. Steve Patterson seconded. All present voted aye. Motion passed 4:0.

#### 4. **Communications**

None

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

Paul Logue

Comprehensive Plan Update

- Online surveys are currently available on the city website: [www.ci.athens.oh.us](http://www.ci.athens.oh.us), search “Comprehensive Plan”. A mass email was sent to about 250 email addresses belonging to residents that had expressed interest. The eight surveys will be up until the first week of October.
- Starting background work on the city corridors.
- Into the fall will reach out to Ohio University students. This work will include a student neighborhood-level meeting in an off-campus neighborhood to better understand the student point of view. Upcoming work will also include piloting some temporary traffic calming solutions in a few different areas of the city.

Nancy Bain: Have we solved the problem of the old 2011 amendment to the Planned Development ordinance, to make a change to code?

Steve Patterson: To have parking moved to the back and address drainage issues?

Paul Logue: With respect to this project, your question is about the setback being so far to the rear as opposed to being near the road?

Nancy Bain: Yes and the problem with drainage.

Paul Logue: And the front portion of the parcel was in the flood plain but the rear was not and there were issues with the amount of fill they had to bring in. He has had conversations with the Chair about looking at corridors to see if we have the right zoning.

Steve Patterson: Are you talking about compensatory fill?

Paul Logue: Yes. The flood plain regulations were updated in early 2009 and that was one of the last things that Debbie Phillips worked on while she was on Council. Those compensatory fill requirements, although they are in our Code, I don't think they are an effective means of addressing flood development issues. The Menards development is a good example, where they would have to clear land/trees to create dry ponds for compensatory storage.

Steve Patterson: This is a good conversation to have; what are the challenges that a developer faces and the conflicts in our Code? A number of variances have been granted regarding compensatory fill.

Andy Stone: The situation at Menards is timely. The legislation you are referring to requires compensatory fill in the 20 and 50 year floodplain; above and beyond the standard. In order to do that at the Menards site, the design plans called for removal of dozens or hundreds of mature trees, subsequently, because of other aspects of our code, we require them to plant back. So it is relatively illogical that we have these conflicting aspects of our code; from a storm water pollution prevention and quantity perspective, it would be better to leave these mature trees. Two things have passed since we made the modifications to the flood plain regulations: 1. Title 5.07 Storm water quality regulations and 2. Lot coverage requirements and limitations which also help mitigate flooding. It is time we look at whether we keep the compensatory fill requirement. At the time one of the reasons to keep it was the thought that it would lower everyone's flood insurance, which has not been borne out. Time to make some common sense changes.

Nancy Bain: Do we need a consultant?

Paul Logue: We could consult with the ODNR Water Office to let them know about the changes we want to make in the flood damage prevention chapter and see if we will still be compliant National Flood Insurance Program.

Andy Stone: We can make modifications in conjunction with some language on conservation design. New construction, particularly subdivisions.

Nancy Bain: At the Menards site, all the trees that are to be cut are close to the river? Are they saplings?

Andy Stone: There are some pretty large trees. They are creating compensatory storage.

Paul Logue: It is defined as development but they won't be developing on it. They could have asked for a variance but they didn't.

Steve Patterson: They did tree bank a significant number of trees.

Nancy Bain: If Menards does not build, the sanitary sewer improvement that is going to be made is needed anyway.

Andy Stone: Yes. I will review the plans to see if there are any variances that we can suggest they request. Regarding the Comprehensive Plan, can you outline how your corridor efforts will nest with the EPW project on Stimson Avenue?

Paul Logue: The consultant, WSP, will be doing some stakeholder engagement in September. For each of the corridors, we plan to 1) do an analysis of the situation/lay of the land/anchors/issues/assessments 2) understand what changes we think are coming up on the horizon.

Andy Stone: An opportunity in the next few years to deliver on the public involvement in the Stimson Avenue project.

**6. Opportunity for Citizens to Speak**

None

**7. Announcements & Other Business**

Next meeting is September 6, 2018.

**8. Adjournment**

The meeting was adjourned at 12:37 p.m.

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RJ Sumney, Planning Commission

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Patricia Witmer, City of Athens