

**Athens City Planning Commission
Minutes of Regular Meeting
Thursday, February 2, 2023 12:00 p.m.**

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on February 2, 2023.

Attendees: Rob Delach, Jared Decker, Chase Minnite, Cabe Cowley

1. Call to Order

Steve Patterson called the regular meeting of the Planning Commission to order at 12:01 p.m. and administered the oath to those in attendance planning to speak before the commission. Quorum was established with four members present.

PLANNING COMMISSION MEMBERS:

Steve Patterson, Chair	Present
John Kotowski, Vice Chair	Present
Nancy Bain	Present
Austin Phillips	Present
Andy Stone, Service-Safety Director	Absent

STAFF:

Paul Logue, City Planner	Absent
David Riggs, Code Enforcement Director	Present

2. Disposition of Minutes

John Kotowski moved to approve the January 19, 2023 minutes. Nancy Bain seconded. Motion passed 3:0 (one abstention).

3. Cases

None

4. Communications

Title 41	960 East State Street Commercial Development (Chipotle and Starbucks) RPG Management
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David Riggs/Summary

- This was a communication in January of 2022. They have made changes to the plan and are resubmitting.
- Per his memo to the Planning Commission dated 1/30/23 (attached for reference) there are some slip potential soils on the property so the developer has proposed a retaining wall. David Riggs have requested either an excavation bond or have additional insurance to cover the slip potential.

- Two separate buildings with shared access, two existing access points.
- Eventually this project may split into two separate lots.

Jared Decker/The PM Company Real Estate Company

- Working in partnership with RPG.
- The last step that they did last year was the geotechnical evaluation which revealed the slip potential. They decided to redesign and added a retaining wall. Confident in the retaining wall engineering (“the “Ferrari” of walls”). Confident that they have addressed concerns expressed by their neighbor, Mrs. Stout.
- Would like to begin in April of this year.
- Another significant change from last year was to put a 2nd access point in.

General Discussion

- John K. asked if the driveway to the west is a common use driveway with the Credit Union.
 - Jared D.: It is a common use driveway with a multifamily apartment building and two residential structures above. It is a private right of way.
- John K. asked for the height of the retaining wall.
 - Jared D.: the height varies between 6-8 feet. They are building it farther up the hill which is more expensive, but safer.
- John K. asked about the risk for material sliding to the west of the wall because the wall doesn’t extend the full length behind the property.
 - Jared D.: Primary slippage is in the center of the wall. The slip levels out which is why the wall doesn’t extend the length of the property. The engineers have said that this wall will more than do the job.
- Steve P. commented that Service-Safety Director Andy Stone, who couldn’t be here today, shared his opinion with him, and that with these two facilities this is an optimal location and he feels comfortable with this plan.
- Jared D. noted that the wall is “over-engineered”. It won’t be poured in place – holes will be bored and poles will be placed, etc.
- David R. shared that the engineer sent a certified letter to him and SSD Stone stating confidence in the geotechnical report. David R shared SSD Stone’s requests:
 - Submit traffic impact data (a full traffic study is not required)
 - Bonding or insurance re the wall
 - Sanitary sewer force main in front and there is a manhole (may be possible to gravity to that)
 - Fats/oils/grease need to be addressed
 - Awareness of special flood hazard area
- Jared D. said that they are single tenant buildings, to reduce traffic concerns.
- John K. suggested that the crosswalks in that area be looked at. The closest crosswalk is at Kroger so Steve P. thought this was sufficient.
- This area is served by the city water system.
- Jared D. will submit a set of civil drawings to David R.

- David R. commented that they may need to go before the Shade Tree Commission. This does not require City Council action.
- Rob Delach/Morris Avenue commented that the crosswalks were an important consideration. He encouraged the commissioners to look at the apron in the new design, and suggested that the sidewalks may need to be updated for accessibility.

This will return the Planning Commission as a case.

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

No reports

7. **Opportunity for Citizens to Speak**

None

8. **Announcements & Other Business**

- Next meeting February 16, 2023

9. **Adjournment**

The meeting was adjourned at 12:29 p.m.

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens

ATHENS, OHIO

January 30, 2023

Memorandum

To: Planning Commission
From: David Riggs
RE: Title 41 Communication – 960 E State Street Starbucks & Chipotle
CC: Chief Pyle
Chief Rymer
Saleh Eldabaja

The existing property consists of two parcels totaling 2.70 acres. The current zoning is B-3 and the current use is an abandoned used car sales business. The site has an existing 400 sf single story block building, is partially graveled and has two existing curb cuts. The site has an existing 18-foot wide access easement and a 10-foot wide utility easement along the west property line (the 10-foot utility easement lies within the 18-foot access easement).

The existing soils are the Vandalia series from 8 to 40% slopes which have a severe slip potential according to the Soil Conservation Service, Soil Survey of Athens County, Ohio. In fact, this property is currently experiencing a soil slip failure on the north portion of the site. Because of these factors, Staff has requested a geotechnical report which the developer has submitted for review.

The geotechnical report recommends a retaining wall designed to the studies recommendation. The developer has indicated that they have designed a retaining wall to these specifications. Staff has also asked the developer to provide an excavation bond or additional insurance coverage for the property owner above the project site (954 E State Street) prior to beginning any work on the site.

The proposed project consists of two separate buildings with a shared access/traffic circulation pattern. The project proposes to use the two existing curb cuts along E State Street for customer circulation. An earlier version of the proposed project had customer parking located in the public right-of-way, however the current design has all of the proposed parking outside of the right-of-way.

The proposed design meets the City's zoning code for setbacks, use, parking, impervious cover, etc. The site has the potential to be split into two lots in the future. The two separate lots will still meet the minimum requirements of the zoning code but will require private access and traffic circulation easements.

The proposed development will require a site lighting plan and a landscaping plan.