

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, May 4, 2017, 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 May 4, 2017.

Attendees: Jeff Risner, Steve Robb, Jim Bloom, Bruce Wentworth, Ken Ryan, Tom O'Neil

1. Call to Order

Nancy Bain called the regular meeting of the Planning Commission to order at 12:13 p.m. and administered the oath to all who intended to speak before the commission. Quorum was established (3 members present, 2 absent).

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair	Absent
Christy Zempter	Absent
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 Moseley moved to accept the April 20, 2017 minutes. Steve Patterson seconded. All present voted aye. Motion passes.

3. Cases

**Case #17-10 T-Mobile/Ben Pelletier
7746 North Blackburn Road
Modification**

Rick Sirois/Synopsis

This is a 300 ft. self-supporting tower. The applicant plans on removing 6 panel antennas and replacing them with 6 antennas at the 270' level. Proper supporting documents were provided for the structural analysis of wind and foundation requirements. After a review of the documents it was determined that it met with Code requirements under Title 43. A similar modification request on the same tower at the 255' level by AT&T was made on July 7, 2016, and was approved.

Applicant: T-Mobile/ Ben Pelletier

Property Owner: Columbus & Southern Power Co, Ohio Electric, 1 Riverside Plaza, Columbus Oh 43215

Tower Owner: American Tower Corporation LLC, 10 Presidential Way, Woburn, MA 01810

Site Location: 7746 North Blackburn Rd, Athens, Oh

Zoning: E1

Estimated value of Improvement: \$20,000

Steve Patterson moved to approve Case #17-10. Paula Moseley seconded. All present voted aye. Motion passes.

**Case #17-11 Title 21 Lotsplit
46 Canterbury Drive
Wanda Cash, Kenneth Ryan**

Rick Sirois/Synopsis

The request was denied earlier based on 21.04.06 – Lot Improvements, because of the irregular lot. The applicant is seeking a variance on the lot split.

Kenneth Ryan/Ryan Law Office

The primary question from his appearance two weeks ago was whether this is a major subdivision split or a minor subdivision split. (Mr. Ryan distributed a packet with three exhibits to the commissioners.)

Exhibit A shows outlined in orange what the new lot will be. The split is the triangular shaped portion in the center of the map which is closest to Canterbury Drive. It would be split off the parcel to the north where Mrs. Cash's house is. The green monopoly house is an example of what might be possible as a building site. The split will be held continuous and contiguous with the lot to the left of the map which is part of the Stanley Heights subdivision. Blue hash marks indicate where the shared driveway would go where the new parcels meet.

Exhibit B shows two scans, one of Stanley Heights and one of Lamar Heights. Mrs. Cash's lot is not a part of either subdivision; it is in between the two subdivisions. The lot that would be held continuous and contiguous is part of the Stanley Heights subdivision, that being lot #56. The split from the "donut hole" part (of Mrs. Cash's property) would be held continuous and contiguous within lot 56 in the Stanley Heights subdivision. The monopoly house is #56 (the west lot). The lot that is being split is not part of the subdivision but the residual outcome of the split (the small lot) would be tied to the Stanley Heights subdivision. There is no modification of lot #56 other than adding acreage to it.

Discussion

Paula Moseley: It's true that the "monopoly" house proposed sits on lot 56 of the Stanley Heights subdivision.

Ken Ryan: That was just an example for a frame of reference, no measurements have been made.

Paula Moseley: You are expanding the triangle of the Stanley Heights subdivision.

Ken Ryan: Those 2 parcels would be connected. Exhibit C is the deed that would effectuate that connection. Parcel 1 identified in the quit claim deed would be the new split and would be held continuous and contiguous with lot #56. The documents would preserve the rights of any new future owners to have the same rights as the current owner, Mrs. Cash.

Paula Moseley: It does sound like it changes the existing platted subdivision (by expanding lot 56).

Ken Ryan: It is adding to, without changing, lot 56. It won't be re-platted or get a new legal description.

Paula Moseley: In the "Driveway Easement and Maintenance Agreement" the maintenance agreement appears to be missing.

Ken Ryan: Yes, this is not specified, but it will be simple to add.

Paula Moseley: Still struggling with what looks to be an enlargement of lot 56.

Ken Ryan: The legal distinction has an effect in a sense that when it comes time to erect a structure, if new residence were located wholly within the little parcel and none was on inlot 56 and the person was qualified to homestead exemption, the auditor would only permit homestead exemption for the little part, not the other. The auditor and taxing authority would hold them separate.

Rick Sirois: There are two variances being sought, frontage and the irregular lot. The frontage includes the incorporation of the shared access driveway.

Nancy Bain: Why did you choose the one you are talking about; the little protrusion? It is in the city right of way/platted, does it in any way intrude this transfer of City right of way?

Ken Ryan: The lines on the GIS map are accurate so the little triangular part is owned by Mrs. Cash without City right of way. Any encroachment would be rectified.

Nancy Bain: There is a lot of land surrounding the area in question.

Ken Ryan: The topography of the surrounding land is a hindrance to additional development, it wouldn't be practical.

Steve Patterson: There is no issue with the Lamar Heights subdivision?

Ken Ryan: Correct, not touching anything in Lamar.

Paula Moseley: Procedurally, this would be a recommendation to City Council.

Steve Patterson: The monopoly house was placed to give a sample; is it with intent that it is by and large on lot 56?

Ken Ryan: It was chosen based on it being the most logical and close to Canterbury Drive.

Paula Moseley moved to recommend to City Council approval of the lot split, Case #17-11, with the following conditions: 1. the "Driveway Easement and Maintenance Agreement" include a maintenance agreement section, 2. language be included in the Quit Claim Deed indicating that this is not altering a platted subdivision, and 3. confirmation be obtained from the Law Director that this is not a re-plat of a platted subdivision. Nancy Bain seconded. All present voted aye. Motion passes.

4. **Communications**

Madison Heights/Sole & Bloom, 252 East State Street

Jim Bloom/Diversified Properties

This request provides compatibility with current market needs and adherence to the comprehensive plan. The property was purchased in 2006 (formerly the Athens flower shop) along with the approval of a 3 story 24 unit apartment project with an underground parking garage as well as numerous residential plans that ranged from 9-11 units (all considered PUD's). Development did not occur during this 11 year period since because of other projects they were involved with, and their inability to successfully market to a commercial buyer or lessee.

They are now proposing a more simplistic and less impactful plan, to create a residential use for the entire property (not a commercial use) by taking two of the existing structures and rebuilding in order to provide four 2 bedroom units and parking for 8 residents. Adjacent to the property are other residential properties that don't have road frontage to Madison or E. State. They are served by an ingress/egress easement. This is a scaled down use of the property compared to the plans previously approved. They will be able to use the existing infrastructure; use existing waterline but will have to introduce a new sewer line. 2 units would go where the existing garage is now with parking underneath, so there would be 4 spots for 4 bedrooms.

Two alternatives: Lot C will be where the development of the 4 residential units will take place. Lot C is noted in two areas (two options which can be attached by easement or they could survey a corridor to make them one parcel). Far right location would be the parking lot for the units that are proposed for the current flower shop. Lots A and B are proposed to be single housing family lots: 1. A fronts along Madison, B has no frontage but has frontage along the easement which provides ingress and egress – so this would allow a building site for a single family home that would require the various approvals without frontage. 2. Appendage on Lot B which reaches out to Madison to satisfy the need for lot frontage.

They would like the Commission to advise and direct to the most appropriate and efficient method to submit for approval. They think a PUD makes the most sense.

Discussion

Nancy Bain: The existing pathway is not a platted street.

Jim Bloom: Snider family properties and two other non-owner occupied properties back there – they have an easement in perpetuity for ingress and egress. People go both ways in reality. They will leave the parking as it is along Madison for guest parking. Taking care of the parking requirements for all bedrooms, guests and single family homes.

Nancy Bain: What about the assignment of addresses?

Paula Moseley: They will work with 911 on the addresses.

Jim Bloom: The flower shop address is 252 E. State St.; the current garage could be a Madison address because it fronts on Madison. Lots A & B could have Madison addresses as well.

Steve Patterson: Are there dwellings behind 260, 262, & 264?

Jim Bloom: Yes, they use the gravel road, the dedicated easement (they don't have frontage). One is a single family residence and the others are non-owner occupied.

Paula Moseley: Zoned B1 and R1, B1 was zoned because of the one business (flower shop). Not sure what the best method is for them to proceed with.

Jim Bloom: This is a challenging location in an ideal location.

Nancy Bain: Lots A and B would be ideal spots for single family homes. What about the strip that runs between 258 and the flower shop?

Jim Bloom: It belongs to the Koontz's. A small cutout was included so that they could do some retention work.

Paula Moseley: A PUD would need a variance in terms of size. We have done it before.

Nancy Bain: Keeping the traffic loop as it is?

Jim Bloom: The loop will remain identical to what it is at this point. Adjacent property owners have ingress and egress there and it is restrained in that way. Lot C is currently a parking lot. If they formally apply as a PUD, for the B1, would they be stepping down in a zoning use? For the two pieces in the back having an R1 use. As a PUD would they need some variances to re-zone?

Paul Logue: Either way it will require re-zoning. Lots A and B as R1's and Lot C would be re-zoned as R3. Typically a PUD is when you're not subdividing into discrete parcels. If you are subdividing real estate from 1 into 3 it is a subdivision with a rezoning request and likely an easement for Lot B. Process is more or less identical.

Steve Patterson: Ultimate intent is to sell these once constructed?

Jim Bloom: Intent (for Lot C), is to take existing structures, rebuild and keep them as non-owner occupied. Lots A and B, once platted with legal descriptions, would be lots in their inventory and they would do a design build with someone.

Steve Patterson: He is hearing differences. A PUD is one parcel and a subdivision is 3 parcels. He is hearing 3 parcels in what was just described.

Nancy Bain: B1 exists because the last comprehensive plan they were interested in retaining the B1 zone. In this case it seems ok to rezone the B1.

Jim Bloom: Customer access and parking is very restricted here.

Nancy Bain: Is Lot B landlocked? Could a 3rd opening onto Madison be constructed?

Paula Moseley: An access road could be called Madison Heights Roadway?

Jim Bloom: Creating frontage for a lot simply to satisfy the condition that a single family lot has frontage – they can do that if so directed, or, they can prepare language to allow B to be a landlocked parcel with access to the loop. Four properties are already like that.

Paula Moseley: Subdivision makes more sense.

Steve Patterson: A subdivision is cleaner than a PUD for future use.

Jim Bloom: Would like an opinion as to how to treat lot B before they submit an application.

Paula Moseley: The Planning Commission can't deliberate since it is a communication, but he can discuss this with the Code Director.

Horvath Communications/Update

Rick Sirois received an email from the applicant indicating that they will be coming to the May 18 meeting. They will have an RF engineer present to discuss the cell tower

issue and will provide beam width antenna characteristic and signal loss numbers, as well as answer any other questions.

Steve Patterson: One question he wants passed on is what the adequate location footprint is. He would like to be provided the radius of the boundaries.

Nancy Bain: Neighbors also had questions to address.

Menards/Mr. Tom O'Neil, Preliminary Plan Review

Nancy Bain swore Mr. O'Neil in as he arrived after the initial swearing in.

Tom O'Neil/Menards

They are under contract for the purchase of several properties along E. State St., to combine and construct a Menards. They have run into issues with the Shade Tree Commission which they will resolve before coming back to the Planning Commission as a case.

Menards is a home improvement store. There are 300 stores in 14 states. They started building pole barns in the 1950's and the emphasis is on building supplies. Competitor is Lowes but their lumber yard is larger. Store in general is larger with a wider selection of goods with a retail concept. At this particular site they are looking to face the store to the east. 200,000 sq ft. store, oriented so the garden center will be toward the south. The property sits within the flood plain and they will have to build up the area to get above the minimum flood plain requirement. Their traffic study has been vetted by Andy Stone and ODOT. They are working with Andy Stone on rerouting existing sanitary sewer issues (lift station) to improve sanitary sewer flow in area. Access would be at the northwest quadrant of the site plan. Lumber purchases will be done remotely (for pick up at the lumber yard). Lumber yard has an accessory structure (50,000 sq. ft.) that stores larger building supplies there. The lumber yard and garden area is enclosed by a fence to secure it and keep light & sound contained in the yards.

Discussion

Paula Moseley: The western entrance is aligned with Hope Drive, will a signal be warranted?

Tom O'Neil: They are working with a firm in Cincinnati and the signal warrants will be at Della Drive.

Steve Patterson: Looking at the rear of the building, the northwest corner, will trucks be backing up to the 20' loading dock and ramp?

Tom O'Neil: No, the loading dock is not enclosed. It eliminates the conflicts with customers and the forklifts, etc.

Bylaws and Rules of Order

Nancy Bain: Feels that a time limit should be enforced under opportunities for citizens to speak. RJ Sumney suggested a 5 minute limit. This can be reviewed at the next Planning Commission when there is a full complement present.

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

Paul Logue

- Working on the Comprehensive Plan.
- In a couple weeks he will be attending the Central Ohio Planning & Development Workshop in Columbus. His intern, Richard Linscott, will be attending as well.

Rick Sirois

- Menards will be at the June 1 Planning Commission meeting.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

None

8. **Adjournment**

The meeting was adjourned at 1:42 p.m.

Nancy Bain, Planning Commission

Patricia Witmer, City of Athens