

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, September 21, 2017, 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 September 21, 2017.

Attendees: T. Michael Corathers, David Moran, Grace Cahill, Jonah Shahid, Deveyn Lipinski, Andrea Delaney, Art Oestrike

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:07 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..... Present

2. Disposition of Minutes

Paula Horan Moseley moved to accept the September 7, 2017 minutes. RJ Sumney seconded. Motion passed 4:0 with one abstention.

3. Cases

**Case #17-17 Title 43 Wireless Telecommunications
13 E. Washington St.
Modification**

Rick Sirois/Synopsis

Verizon Wireless is planning to upgrade and add equipment and new antennas on an existing 34' self-supporting tower (total height of tower to include the garage is 104') located on the top level of the City Parking Garage. This new request involves modifying an antenna platform on the tower. No changes to the height or footprint of the tower will be made. Verizon is proposing to modify the platform at follows:

1. Removing and replacing nine existing panel antennas.
2. Removing and replacing six existing remote radio heads.
3. Removing and replacing three OVP distribution boxes.
4. Removing and relocating on the same platform existing Verizon antennas.

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. Agent: Rich Hansen. Zoning: B2D. Estimated value of improvements: \$55,000.

Discussion

Paula Moseley: Has been in communication with Mr. Hansen. He provided the state inspection and that required the property owners concurrence.

Christy Zempter moved to approve Case #17-17 Title 43 Wireless Telecommunication/13 East Washington Street. Steve Patterson seconded. All present voted aye. Motion passed.

Case #17-18 Title 41 IAW 41.10 (E) Major Modification Genesis III Building 20 E. State St.

Rick Sirois/Synopsis

Previous application was for the construction on an existing building to comprise an addition and alteration to the Genesis III (Matters Building). This will involve changing the existing 1 story plus basement to a 4 story building to include the basement. The improvement will allow the basement to continue to be used as an area for Precision Imprints. The main first floor will be retail (Passion Works, Zoe's), the second floor will add seven bedrooms with living areas, and the third floor will have eleven bedrooms with living areas. This new request is for a modification/change to the site plans by adding one more apartment with four bedrooms on the second floor. The previous plans reflected a common area. Plans were reviewed and he found no changes in square footage or parking requirements. City Planner, Athens Fire Department, and Athens Police Department had no comments. The City Engineer recalculated the tap fees.

Michael Corathers/RVC

Had a common area on the 2nd floor and they found parking to accommodate the new apartment.

Discussion

Paula Moseley: The Planning Commission approved the plans as they were originally presented. As a point of order, if plans change they have to be brought back to the Planning Commission for approval. This should have been addressed earlier; her understanding is that the Code Director discovered this.

David Moran: When they started in September, 2016 there was no intent to increase the number of bedrooms or apartments but in the course of construction the owners evaluated the finances and they decided to change the common space to the new apartment. They needed to begin the construction phase. They always intended to resubmit the plans to the Planning Commission, no deception was intended. Mike L'Heureux went before the city to request addresses and that is when they brought it to the attention of the city.

Paula Moseley: An increase in bedrooms is not deemed a minor modification. She just wants to make sure that everyone is following the process. Nothing else is needed in terms of the parking spaces.

Christy Zempter: Do the number of accessible parking spaces meet requirements?

Rick Sirois: Yes, and they may add another handicapped space in front of Passion Works.

Steve Patterson: There was an accessible parking spot in front of Passion Works installed today. This is an independent installation.

Paula Moseley: Part of this has a commercial use, and the accessible parking is a requirement.

Steve Patterson moved to approve Case #17-18 Major Modification to the Genesis III Building. Christy Zempter seconded. 4:1. Motion passed.

4. **Communications**

W. Union Lot Splits/Art Oestrike

Art Oestrike/Jackie O's

Has been uptown for 12 years but has not had the opportunity to purchase anything (he is at 22 & 24 W. Union and the kitchen within The Union's building). With the fire there has been a lot of construction and now an opportunity has been put forward that the building at 22 & 18 (currently occupied by The Public House) and The Union (owned by Mesta Properties) are willing to sell. Would like to separate the two but not sure if they are allowed to do that. It's all up to current standards but the kitchen is within The Union's building if you are looking at it from the street. He would like to see if a split is possible before he calls in a surveyor.

Discussion

RJ Sumney: Would an easement be able to clarify that?

Paul Logue: Asked if the buildings were currently two separate pieces of real estate.

Art Oestrike: They are one. The Public House is lower than the Union building. Above the Public House, not including the kitchen, that used to be a separate piece of property and at some point in the past they were combined. The townhouse, in the 50's, took half of the downstairs of The Union which is why the Union is skinnier downstairs than it is upstairs.

Paul Logue: So today Jackie O's and The Union are one piece of real estate; two buildings on one piece of land. The subdivision would be 1. Splitting the two buildings and then 2. You may be able to designate the kitchen area as a legal encroachment (after consulting an attorney) into The Union's property. That might be something the city would have to approve as a variance to the subdivision regulations. It might be a civil issue too; if someone purchases the real estate in the future they will know that there is a legal encroachment into The Union's property.

Rick Sirois: Based on the County Auditor's site, we will have a width to depth ratio issue (it won't meet 3:1). Encroachment would involve easements between the owners. From the Planning Commission's viewpoint, we deal with the property lines. Any encroachments would have to have an easement or agreement between the owners.

Paul Logue: Even if we were to approve the lot split without dealing with the encroachment issue, there would be no way to convey the two pieces of real estate separately to The Union and Jackie O's because Jackie O's is reliant on The Union because of the kitchen. There would be no way to get a clear title.

Rick Sirois: We are also dealing with a piece of property where the roof overshadows on another piece of property and they have notched that out. We can approve and both owners have to agree to that. The best approach is for us to do a straight lot split and then work through the encroachment/easement between the two owners.

Steve Patterson: Inquired if The Union has a basement that would also have to be considered.

Art Oestrike: There is only a non-functional crawl space. With the fire and rebuilding there have been many changes so it is complicated. Before he gets the verbiage he wants to tell the Planning Commission what he is doing.

Paul Logue: Subdivisions are about the partitioning of land so the buildings are a separate issue. As long as Mesta applies for a lot split we can approve a lot split to the same owner. It would be up to the bank, title attorney and the property owners to figure out the conveyance to make sure that Jackie O's continues to have access to the kitchen. The encroachment issue is more of a civil real estate issue than a city issue.

Art Oestrike: How to properly allocate property tax?

Paul Logue: That would probably be a civil issue; an agreement between the two owners.

Paula Moseley: We would still have the depth to width ratio to recommend to City Council.

Christy Zempter: Is the depth to width ratio the only potential variance so far?

Rick Sirois: Yes.

Rick Sirois: The property lines determine the lot split, not the roof line up and down.

Art Oestrike: I should get a site survey done to get an idea of how the kitchen is cut out. You can't access the kitchen today without walking down the sidewalk or out into the alley.

Paul Logue: We would be splitting down the middle; the common wall between The Union and Jackie O's. Any other way would have to be structured as a condominium which is more complicated because they own the buildings and not land. If one building owner needs to occupy another property to operate that is an issue between property owners at the time of purchase.

Art Oestrike: If you look at it from a birds eye view, the line isn't going to be straight since the changes after the fire. (Referred to page S101.)

Paula Moseley: Our recommendation is for you to seek legal advice.

Art Oestrike: His attorney suggested he come to the Planning Commission to get started.

Paula Moseley: The general warranty deed from the Couladis's does include some verbiage that looks like these lines were drawn out previously. Recommend speaking with the County Auditor.

RJ Sumney: Would the city allow this?

Rick Sirois: Yes, we would split into a square but wouldn't allow notching. They would get the deed with encroachments worked out. We would deal with just the property.

Christy Zempter: Talk to an attorney about the encroachment. We need to just look at the lines on the property rather than the buildings.

Rick Sirois: Meet with the County Auditor to see how they would tax that.

Bylaws and Rules of Order

Paul Logue: Made changes based on the discussions from last month and forwarded the document to the Law Director, however, she has not had a chance to review the document. He will meet with her this Monday and have more to report at the next meeting.

RJ Sumney: Regarding the Genesis Building, he voiced his concern about sky view in the uptown area diminishing as more people get the idea to add on to the tops of buildings. Has concern that when you go down W. Union, the new building cuts down on day light that comes down into the community. What happens when others build upward in the future and the amount of daylight is further affected?

Paula Moseley: This is something that would come from a change in Code. Genesis met Code. This wouldn't be applicable to our Bylaws and Rules discussion.

RJ Sumney: Parking wouldn't restrict people because the city is open to remote parking.

Paula Moseley: This could be discussed at the Comprehensive Plan visioning session this evening.

Steve Patterson: The topic is well suited for the 20 year comprehensive plan discussion.

5. Report from City Planner and Director of Code Enforcement

Paul Logue

- Comprehensive Plan: There will be a public visioning session at 6pm 9/21 at the Community Center in rooms ABC. Alternative methods to participate will be offered.
- He and Rick have been working with Sarah Conley Ballew on the SolSmart program. There is information on the city website.
- State Planning Conference is next week in Athens Wednesday-Friday.

Nancy Bain: (To Paul Logue) Regarding SolSmart and the ground mount solar panels, would the city even consider this without a full blown analysis?

Paul Logue: Rick and he expressed concerns about ground mounts in single family neighborhoods specifically. There will be a recommendation from SolSmart of what they think is best and then the Planning Commission will have a discussion.

Nancy Bain: She would like information from other places that allow them on small lots.

Rick Sirois

No report

6. Opportunity for Citizens to Speak

None

7. Announcements & Other Business

None

8. Adjournment

The meeting was adjourned at 12:56 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens