

Athens City Planning Commission
Minutes of CDIS and Regular Meeting
Thursday, March 2, 2023, 12:00 p.m.

The CDIS Public Meeting and regular meeting of the Athens City Planning Commission were held on March 2, 2023 in City Council Chambers.

COMMUNITY DEVELOPMENT IMPLEMENTATION STRATEGY (CDIS)
PUBLIC MEETING

Attendees: Boone Troyer, Kristin Miller, Glen Crippen, Chris Chmiel, Laura Olbers, Jessica Adine, Saleh Eldabaja, Mollie Fitzgerald, Andrew Chiki, Christine Knisely, Rob Delach, Sam Crowl, Steve Patterson, Andy Stone, John Kotowski, Nancy Bain, Austin Phillips, David Riggs

Steve Patterson called the CDIS Public Meeting to order at 12:03 p.m.

Steve Patterson presented a PowerPoint that reviewed the past and current CDBG funded projects, reviewed the available CDBG Programs (Community Development, Economic Development Loan & Public Infrastructure Grant Program, and Flexible Grant Program), explained LMI Data/Eligibility, and listed possible future project suggestions.

At the conclusion of the PowerPoint (attached for reference) the Question/Comment period was opened up.

Questions/Comments/Project Suggestions

- City Council President Chris Knisely asked if the proposed possible Allocation projects that were listed will be prioritized. Steve P. said that the city will work with HAPCAP to review and prioritize the projects.
- Andy S. asked if ODOD was still planning on doing away with the Allocation Program. Glen C. with HAPCAP said that, because of a change in leadership, ODOD has made the decision to continue offering the Allocation Program, so it will be available in perpetuity.
- Sam C. asked if there was a specific location in mind for the proposed North Hill Drainage Improvements project. Andy S. replied that there is no specific location at this time as the need is widespread.
- Chris C. asked if the Farmers Market Facility would qualify for one of the programs. Glen C. suggested that it was possible and would depend on who would be benefitting – in an LMI area, area-wide benefit? Andy S. commented that it is on E. State St. which is not an LMI area. Glen C. noted that it is all about service area and who the beneficiaries are. Chris C. noted that the market does a lot with SNAP recipients and many of the customers live in LMI areas.

Public Meeting Adjourned at 12:18 p.m.

CITY OF ATHENS PLANNING COMMISSION

REGULAR MEETING

Attendees: Jared Decker, Mark Welch, Chase Minnite, Jason Minnite, Rob Delach, Sam Crawl, Christine Knisely

1. **Call to Order**

Steve Patterson called the regular meeting to order at 12:20 p.m. Quorum was established and the oath was administered to those wishing to address the commission.

PLANNING COMMISSION MEMBERS:

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

STAFF:

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

3. **Disposition of Minutes**

John Kotowski moved to accept the February 2, 2023 minutes. Nancy Bain seconded. Motion passed 4:0 (one abstention).

4. **Cases**

Case #23-01 Title 41
960 E. State St.
Commercial Development (Chipotle and Starbucks)

David Riggs/Summary

- Staff has reviewed the updated site development plans. The site is about 2.7 acres and will contain two buildings, a Starbucks and a Chipotle, and two access points are proposed. Staff comments are listed in his 3/2/23 memo (attached for reference). The proposed design meets all the city's zoning, setbacks, use, parking, etc. Some deficiencies were noted and included aspects of the landscaping plan, photometric/light trespass, vehicle access, interior traffic flow, storm sewer to the west, storm water quality, and sanitary sewer.
- Plans still show off-site easements.
- He recommends that a geotech inspection company be onsite during construction of the retaining wall.
- A concerned neighbor, Barbara Stout, has communicated concerns with the applicant and the city.

Jared Decker/The PM Company

- Will address all the comments and have them built into the design. The engineer with Pickering Associates, Mark Welsh, is here to answer questions as well.
- Regarding the temporary construction easement, they have been unable to get the temporary easement from the neighbor, so they moved the wall down 6 feet, brought the LOD down and will update the drawings.

Discussion/Questions

- Andy S. commented that the site plan shows an 18' easement and asked if it is a shared access easement. Jared D. replied that it is for the apartments and two houses above their site and the property is encumbered by that. Jared D. said that the 18' is sufficient in getting to the west side.
- Andy S. commented on the sanitary sewer in the area and noted that there is no gravity sanitary in the front. He asked Jared D. if the elevations were validated to which Jared D. confirmed.
- Nancy B. noted the concern expressed by Barbara Stout about the number of people using the narrow access road and asked if they would consider widening the road. Jared D. said that they could look at widening the curb cut (utilities may be a concern).
- Nancy B. asked if they would consider extending the wall a bit so it covers the entire back of the lot. Jared D. noted that the engineers were confident that the wall design is more than adequate.
- Jared D. re history of slippage on the hill: They gave her 2 mil. of commercial general liability insurance for a year after the construction is complete.
- John K. asked how the engineer is able to say that there won't be any problem there if he didn't take soil samples in that area (to the west on that slope). Mark W. replied that they used the soil data from the 10 borings in the area so they know the soil type and the slope where the wall stops will be significantly flatter than it is currently.
- John K. noted that they will be moving water behind the wall to that area. Mark W. said that there will be a diversion ditch installed which will move the water to a catch basin where it will be treated and released.
- John K. asked if the retaining wall can be built without further disturbing the soil. Mark W. noted that some soil will be disturbed. The wall will be built first to minimize the disruption.
- John K. inquired about the engineer on site that the city is requesting. David R. replied that the request is for a geotech inspector to be onsite while the wall is being built. John K. asked if the developer will be hiring/paying the inspector and then report to the city. David R. commented that the city could hire the inspector and bill the developer. The details have not been finalized.
- Mark W. noted that they have plans in place to have a geotechnical engineer on site to ensure that construction is going well.
- John K. asked what the planning process was for the exit/curb cut plan and if there was an analysis done to determine the best egress. Everything seems so close to the road now that they have redesigned from the first submittal. There is little room to stack the traffic there. Jared D. replied that they started with one curb cut and one lane and one lane out. They added a full 2nd access curb cut to address the cities concerns.

They provided traffic generation data which showed that fewer than 100 cars/hour is forecast.

- Austin P. thought that there wouldn't be much more traffic than down at Taco Bell and Shade Restaurant. Starbucks would mainly attract morning traffic and Chipotle would attract p.m. traffic.
- Jared D. noted that the majority of customers are leaving to the right headed back into town.
- Austin P. asked if one cut could be right turn only. David R. noted that those are very hard to enforce, and John K. thought that would be better to have on the common driveway.
- Andy S. commented that right turn only is tough to do. The trip generation study is hard to buy considering they use # of seats at the businesses, because most customers will be utilizing the drive through. The full on traffic study was not requested or required by the commission.
- Nancy B. inquired about data about the seasonal springs, if there was any data about the worse flow. Mark W. said that they are capturing the majority of the water on site and doesn't think that spring flow will overwhelm the system they have.

Andy Stone moved to approve Case #23-01 contingent upon following all the directions outlined in David Riggs' memo. Austin Philips seconded. Motion passed 4:1 (John K. voted against).

David Riggs commented that the developer will need to go through the Code Enforcement Office to obtain the necessary permits.

5. Communications

None

6. Report from City Planner and Director of Code Enforcement

No reports

7. Opportunity for Citizens to Speak

Rob Delach/Morris Avenue

Regarding the zoning changes that are currently going through council, a definition for eating establishments is necessary because there isn't a definition in Code. This was a sticking point that was brought to light during a recent lawsuit.

David Riggs replied that he is working on this with Clerk of Council Debbie Walker.

8. Announcements & Other Business

- The next meeting will be March 16, 2023.

9. **Adjournment**

- The meeting was adjourned at 12:55 p.m.

CITY OF ATHENS COMMUNITY DEVELOPMENT IMPLEMENTATION STRATEGY MEETING

March 2, 2023



AGENDA

1. Introduction
2. City of Athens CDBG Funded Projects List
3. CDBG Programs
 - Community Development Program
 - Economic Development Loan and Public Infrastructure Grant Program
 - Flexible Grant Program
4. LMI Data/Eligibility
5. Project Suggestions
6. Questions/Comments

Introduction

The Ohio Department of Development's (ODOD) Office of Community Development (OCD) receives funds from the U.S. Department of Housing and Urban Development (HUD) for a variety of programs including the Community Development Block Grant (CDBG) Programs.

The OCD administers the program and distributes funds to eligible communities in Ohio.

This CDIS meeting is a biennial requirement to receive CDBG funds. The purpose of the meeting is to share information with stakeholders and the public, and to identify and prioritize potential projects.

City of Athens CDBG Funded Projects List

Completed

- PY11 Allocation Program: Grosvenor St. Slip Repair/\$97,000
- PY12 Allocation Program: Columbus Rd. & Lancaster St./\$85,000
- PY13 Allocation Program: Richland House Rehabilitation/\$75,000
- PY14 Critical Infrastructure Program: Depot Lift Station/\$375,000
- PY15 Allocation Program: Franklin Ave. Improvements/\$75,000
- PY16 Allocation Program: W. Union St. Sidewalk Extension/\$75,000
- PY18 Allocation Program: Kimes Reservoir Rehabilitation/\$150,000

In Progress

- PY20 Allocation Program: W. Washington St. Safety Improvements/\$150,000
- PY20 Critical Infrastructure Program: WWTP Dewatering Equipment/\$500,000
- PY22 Allocation Program: Columbus Road Lift Station/\$150,000

In 2017, the Allocation Program changed from an annual to a biennial program

CDBG Programs

COMMUNITY DEVELOPMENT	To provide communities with a flexible housing and community development resource that can be used to address locally identified needs that are eligible CDBG activities and qualify under the national objective of Low- and Moderate-Income (LMI) Benefit or Elimination of Slum and Blight.
ECONOMIC DEVELOPMENT LOAN & PUBLIC INFRASTRUCTURE GRANT	The Economic Development Loan/Grant Program is used to create and retain permanent, private sector jobs, principally for LMI persons, through expanding and retaining business and industry in Ohio communities. The Residential Public Infrastructure Grant Program is used to improve the safety and reliability of drinking water and sewer systems.
FLEXIBLE GRANT	To provide a means to fund worthwhile projects and activities that do not fit within existing program structures, and to provide supplemental resources to resolve immediate and unforeseen needs. The CDBG Flexible Grant Programs provide funds for "opportunity" projects.

COMMUNITY DEVELOPMENT

Allocation Grants

- Projects include public facilities, public services, housing, economic development, and fair housing activities.
- Cities may apply biennially, non-competitive. Funds available: \$150,000

Neighborhood Revitalization Grants

- Projects include public facilities improvements such as constructing, reconstructing, and/or rehabilitating infrastructure in targeted residential areas of distress.
- Cities may apply biennially, competitive. Funds available: up to \$750,000

Critical Infrastructure Grants

- Designed to assist applicant communities with high-priority, single-purpose infrastructure improvements. Includes roads, flood and drainage and other public facilities projects with high community-wide impact.
- Open cycle, competitive. Funds available: up to \$500,000

ECONOMIC DEVELOPMENT LOAN & PUBLIC INFRASTRUCTURE GRANT PROGRAM

Economic Development Loan Program

- To create and retain permanent, private-sector job opportunities principally for LMI persons.
- Funds available: up to \$500,000

Economic Development Public Infrastructure Grant Program

- To create and retain permanent, private-sector job opportunities principally for LMI persons.
- Funds available: up to \$500,000

Residential Public Infrastructure Grant Program

- Used to improve the safety and reliability of drinking water and sewer systems. Unique water/sewer projects, demonstrated needs.
- Highly competitive. Funds available: up to \$750,000

FLEXIBLE GRANT PROGRAM

Economic & Community Development Flexible Grant Program

- Economic development projects that create and/or retain permanent job opportunities and are not eligible for Economic Development Program funding.
- Funds available: \$250,000

Downtown Buildings Flexible Grant Program

- Private rehabilitation activities only, including structural rehabilitation, façade improvements, interior and exterior building code violation corrections, historic preservation, direct administration costs, and architectural and engineering work related to specific revitalization activities.
- Funds available: up to \$250,000

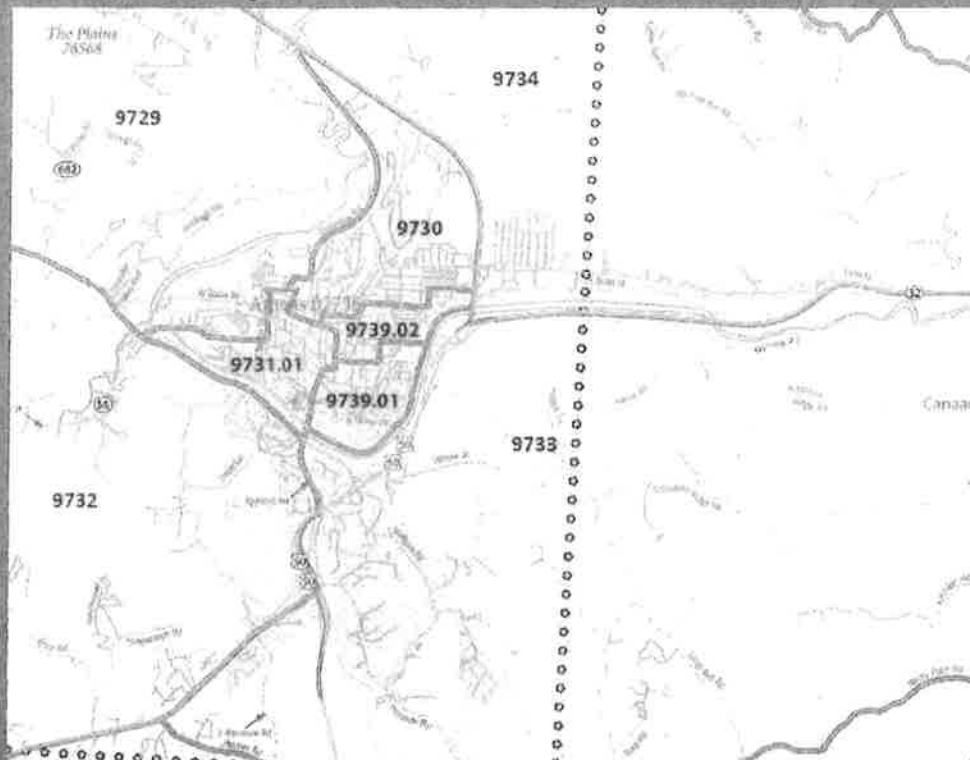
New Horizons Fair Housing Assistance Program – Set-Aside

- To provide funds to units of local government or consortia of units of local government, to affirmatively further fair housing and eliminate impediments to fair housing. Activities funded are in addition to a grantee's Standard Fair Housing Program.
- Funds available: up to \$15,000 for one jurisdiction

LMI Data/Eligibility

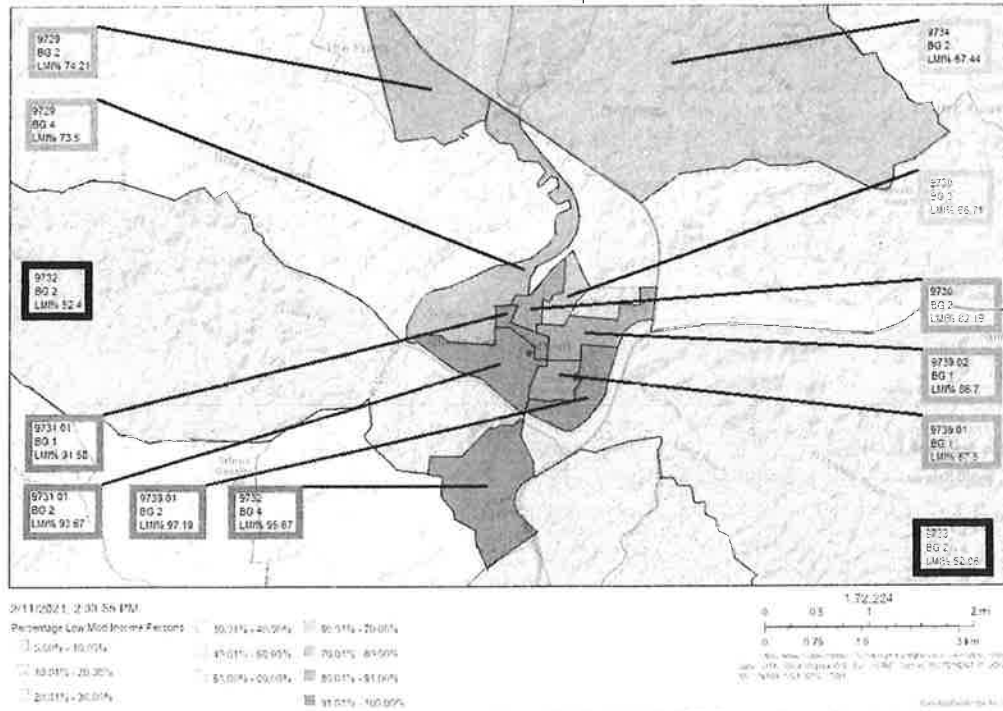
- Projects must qualify under the national objective of Low- and Moderate-Income (LMI) Benefit or Elimination of Slum and Blight.
- The City of Athens falls within 8 census tracts which are each further divided into block groups. LMI is determined for each tract as well as each block group.
- HUD uses the 2011-2015 American Community Survey Low/Moderate Income Summary Data (updated in 2020) as the basis for estimating LMI figures.
- Block groups with an LMI of 51% or greater are eligible for CDBG funding. The City of Athens has 13 block groups within the 8 census tracts that qualify.

City of Athens Census Tracts



City of Athens Block Groups with 51% LMI or Greater

ArcGIS Web Map



HUD ACS Data

City of Athens Block Groups 51% LMI or greater

CENSUS TRACT	BLOCK GROUP	LMI %
9729	2	74.21
	4	73.5
9730	2	82.19
	3	68.71
9731.01	1	91.58
	2	93.67
9732	2	52.4
	4	95.67
9733	2	52.06
9734	2	67.44
9739.01	1	87.5
	2	97.19
9739.02	1	86.7

2010-2013 LMI County Tract and Block Group Data for CMS Non-Cellular Counties

County	Tract	Block Group	LMI %	Population	Median Income	Median Rent
Alameda	010001	010001	74.21	1,000	\$10,000	\$500
Alameda	010002	010002	73.5	1,000	\$10,000	\$500
Alameda	010003	010003	82.19	1,000	\$10,000	\$500
Alameda	010004	010004	68.71	1,000	\$10,000	\$500
Alameda	010005	010005	91.58	1,000	\$10,000	\$500
Alameda	010006	010006	93.67	1,000	\$10,000	\$500
Alameda	010007	010007	52.4	1,000	\$10,000	\$500
Alameda	010008	010008	95.67	1,000	\$10,000	\$500
Alameda	010009	010009	52.06	1,000	\$10,000	\$500
Alameda	010010	010010	67.44	1,000	\$10,000	\$500
Alameda	010011	010011	87.5	1,000	\$10,000	\$500
Alameda	010012	010012	97.19	1,000	\$10,000	\$500
Alameda	010013	010013	86.7	1,000	\$10,000	\$500

https://www.fortlewis.gov/arcgis/rest/services/BlockGroups/MapServer

Project Suggestions

- | | |
|--|-------------------------|
| • Columbus Road Lift Stations | Critical Infrastructure |
| • North Hill Drainage Improvements | Allocation |
| • Lancaster/Columbia Sidewalks | Allocation |
| • City-wide Sidewalk Grinding | Allocation |
| • City-wide Curb Ramp Improvements | Allocation |
| • Arts West accessibility improvements | |
| • Playground accessibility improvements (updated playground equipment) | |
| • Cat shelter and upgrades to County Dog Shelter – a community project/partnership with the County | |
| • Accessibility improvements to public offices/businesses? Perhaps this would fall in the revitalization category? | |
| • Lead Service Line Mapping | |

Questions/Comments



**Office of Code Enforcement and
Community Development**

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<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

March 2nd, 2023

Memorandum

To: Planning Commission
From: David Riggs
RE: Title 41 Case #23-01 – 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). Staff has reviewed the site plans and has the following comments:

- 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.
- Landscaping plan does not meet the minimum tree requirements of ACC 37.01.05(A). Additional tree plantings are needed. Staff does not recommend tree plantings in the City Right-of-way along E State Street. Please relocate the 11 proposed trees in the ROW.
- The photometric plans show some light trespass at the west and east property lines. Please consider light baffles and/or reconfiguring the lighting along these lot lines.
- The Fire Chief commented on emergency fire vehicle access at the west access point. Staff has reviewed with Engineering and conclude that in an emergency response, the curb access is wide enough to allow for emergency fire vehicle access.
- The Police Chief had no comments.
- The City Engineer has some additional questions about interior traffic circulation. Please coordinate with their office to discuss further.
- The existing storm sewer has adequate capacity to collect the proposed stormwater runoff from the site. Please check to make sure that stormwater flows along the west property are collected into the proposed storm sewer system.
- Additional storm water quality measures will be required for the collected stormwater run-off. Please coordinate this with the City's Environmental coordinator, Steve Adams as part of the land development permit.
- The existing sanitary sewer gravity manhole at the south west portion of the site will be utilized to collect sanitary sewer from the proposed development.
- The grading plan shows offsite easements. Please verify that these easements have been acquired.
- Staff recommends that a geotechnical inspection company be utilized during the construction of the proposed retaining walls.
- An email from a neighbor to this property expressing her concerns is attached to this memo.