

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, October 5, 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 October 5, 2017.

Attendees: Jim Bloom, John Sole, students from Dr. Lynch's Ohio University Land Use Planning class.

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:06 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 21, 2017 minutes. Steve Patterson seconded. All present voted aye. Motion passed.

3. **Cases**

**Case #17-16 Madison Heights
Minor Site Plan Modification
Resubmission**

Rick Sirois/Synopsis

This request is for lot splits at Madison Heights on the corner of East State and Madison. The lot split consists of a 1.18 acre lot being split into (5) five parcels. The project is to be approached as a minor subdivision: first, seeking lot split approval, then following with a rezoning of parcels A, B & D to R1 and parcels C & D1 to R3. Upon lot split and rezoning approvals, a zoning application for construction of single homes on parcels A & B and duplexes on parcels C & D1 will be submitted. Submission to the Board of Zoning Appeals will be required to provide approval of requested variances.

The applicant was received by Athens City Council on September 25, 2017. At that time they presented a slightly modified site plan other than what was approved at the September 7, 2017 Planning Commission meeting. City Council instructed the applicant to go back to the Planning Commission for approval of the modification. Please see attachment #1/Approved Site Plan and attachment #2/Modified Site Plan. Changes highlighted in yellow.

Departmental Plan Reviews/Notes:

- Code Enforcement, Richard Sirois, Director of Code Enforcement
The revised modification of the Site Plan shows as follows:
 - Item 1. North/South lot line separating Parcels A & B moved from 82.93' to 88.30' = 5.87' south of the approved line.
 - Item 2. The same line was moved west from 172.28' to 178.89' = 5.81' increase.
 - Item 3. Lot line went from 66.00' to 59.20' = a 6.8' reduction.
 - Item 4. A lot split was added to establish a greenspace.Parcel size changes:
 - Parcel A. Approved 12406.93 sq. ft., revised to 12629.80 = increase of 222.9 sq. ft.
 - Parcel B. Approved 11605.14 sq. ft., revised to 10585.04 sq. ft. = reduction of 1,020.1 sq. ft.
 - Parcel C. Approved 6762.93 sq. ft., revised to 7560.03 sq. ft. = increase of 797.1 sq. ft.
 - Parcel D. Approved 5940.67 sq. ft., no change
 - Parcel D-1. Approved 14827.13 sq. ft., change – designating .2133 of an acre as Green Space.
- City Planner, Paul Logue
Approval based on total site plan and provided architectural renderings and total units.
- Engineering and Public Works, City Engineer Andy Stone
Approved
- Fire Department, Chief Robert Rymer
Drives must be maintained for Fire Truck Access. Recommend hydrant installation in the bend of the drive near proposed parking area.

Discussion

Christy Zempter: Inquired if the changes introduce a need for additional variances, and if the new parcel is reserved just for green space.

Rick Sirois: The required variances have been reduced by one. The changes have increased the square footage required for a house. The new parcel has green space and parking. The green space is not separated as an additional lot, no additional lot split.

Jim Bloom/Diversified Properties

The resubmission is based on two motivations to change the lot lines:

1. After they presented to City Council, there was a potential issue regarding the final vote if they didn't go back to the Planning Commission with the plan modifications first.
2. The changes were made after the original meeting with the Planning Commission and the discussion of process (BZA and Council). They went back to find a way to accommodate as many of the bulk controls as they could to reduce the number of additional variances.

Discussion

Nancy Bain: Wants to assure that the parking will be retained along the street.

Jim Bloom: They are in agreement with that and will designate this on the final plat.

RJ Sumney: There is a strip of land that runs down between the upper driveway and the parking space for the old flower shop; will this be converted to sidewalk?

Jim Bloom: They are going to demolish the existing garage and rebuild on that site. The parking adjacent to that is going to remain. The sidewalk that comes around the corner and goes to the entry of the existing flower shop will be maintained. There is no other place for a sidewalk because the ingress/egress takes up the width from the termination of the

Paula Moseley: We have received requests from people for a sidewalk to be built Madison, so this may come up in the future. The references to the "D" parcels, there are only parcels D and D1, no D2. On the bulk control document, this just shows where they comply and where they do not comply. The zoning changes would go forward at a public hearing, so a portion of that lot would be OS (open space).

Rick Sirois: The parking area is still zoned R1.

Steve Patterson moved to approve Case #17-16 Madison Heights Minor Subdivision Lot Split Resubmission. Nancy Bain seconded. All present voted aye. Motion passed.

Case #17-19 Title 43 Wireless Telecommunication 7746 N. Blackburn Road Spirit Communications

Rick Sirois/Synopsis

This is a modification to an existing 300' self-supporting tower. The applicant, Spirit Communications, plans to mount one Nicom BKG/77 antenna at the 161 ft. elevation. Supporting equipment consisting of a cabinet will be located on the same pole at ground 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 same tower at 255' level was submitted by AT&T was approved in July.

In addition, the applicant is respectfully requesting relief from the \$2500 application fee under ACC 43.27 Relief. The applicant is a 5013C nonprofit organization. WUFM is licensed by the FCC as a noncommercial, educational FM radio station. It is a nonprofit

organization that operates without any commercial advertising and relies entirely on community and listener donations for their funding.

Applicant: Spirit Communications/Chris Winters agent

Property Owners: Columbus Southern Power and Ohio Electric

Tower Owner: American Tower Corp

Zone: B1

Estimated value of improvement: \$15,000

Discussion

Paula Moseley: Does WUFM have call numbers?

Rick Sirois: Yes, it is included in the package.

Paula Moseley: it is not a ham radio, it's an actual FM radio. The antenna is very simple and small.

RJ Sumney: It would be similar to WEAK.

Paula Moseley: The Planning Commission handles the request for relief from the application fee.

Rick Sirois: It will require two votes; one for the relief and another for the modification.

Paula Moseley: Regarding the waiver, we have to deem that it doesn't have any significant effect on the health, safety or welfare of the city and its residents and other service providers.

RJ Sumney: And stipulate that it is a nonprofit organization.

Nancy Bain: Asked Rick Sirois to characterize the content of the radio station.

Rick Sirois: It is a talk/religious station.

Steve Patterson: Items 7 and 8 support that it is a nonprofit 501C3 organization.

Paula Moseley: Wondering if in granting relief it can be stated that we are not setting a precedent.

Christy Zempter: Don't see how it wouldn't establish setting a precedent. Important that we have in the minutes that the nonprofit status was a crucial consideration.

Paul Logue: Can limit that further by specifying not only the nonprofit status but that it is a noncommercial broadcast station, which is what Item #7 states.

Steve Patterson: Do we need some clarification under 43.27 what type of relief this is (temporary, permanent, partial, complete)?

Rick Sirois: We are just addressing this initial application. If they change the antenna they will have to resubmit to the Planning Commission. Other nonprofits will have to apply for relief in the same manner.

RJ Sumney: The burden for proving the need for requesting relief rests on the applicant, so perhaps they should have come in to speak to that.

Rick Sirois: He made the decision to not have them come. (Mr. Sirois provided additional documents from the applicant.)

Paula Moseley: Aware of the separation of church and state, and being in the public sector, what are we establishing as far as a waiver from the application fee.

Christy Zempter: Since this is deemed a religious organization, do we provide waivers to churches for building permits? How is this addressed in other contexts?

Rick Sirois: This is a relief under the wireless communication. There is no application for relief anywhere else in zoning code.

Christy Zempter: Would like to hear from the Law Director; concerned about setting a precedent. Wants to know about the far reaching consequences might be beyond this case.

Christy Zempter moved to table Case #17-19 Title 43 Wireless Telecommunication/7746 N. Blackburn Road. Paula Moseley seconded. All present voted aye. Motion passed.

4. **Communications**

Bylaws and Rules of Order

Paul Logue: The revised draft is based on comments/clarifications from the the Law Director and the comments/clarifications from the commissioners at the last meeting. The Law Director suggested that the commissioners specifically discuss Article V: Public Hearings. This has to do with public hearings conducted by City Council, and requiring the Planning Commissioners to attend. If three members attend then this may be considered a special meeting of the Planning Commission which would then warrant additional public notification.

The commissioners discussed Article V. Comments included:

- The whole section is related to council.
- Mayor attends all council meetings, SSD attends some.
- An option would be to strike the 1st paragraph of the section, leave the last paragraph. If the Planning Commission deems that a quorum needs to be present at a particular public meeting then they could issue a public notice; it would trigger the requirements on page two of a special session.
- Joint sessions between Planning Commission and City Council have not occurred.
- Two of the designated seats on the Planning Commission are the Mayor and the SSD.
- An option would be to strike Article V.
- The Planning Commission addresses meetings separately in this document (Article III). Article V is addressing City Council's public hearings. ACC also addresses public hearings.
- The addition of this section was taken from another city and added to this bylaws document. The Law Director said this section was not required but wanted the commissioners to discuss its relevance.

The commissioners discussed Article III: Meetings. Comments included:

- Need to clarify the 5 minute length of time members of the public may speak to non-agenda items (Item 6).
- The Chair initiated the request so that there is something in place to allow him to cut someone off at his discretion. Offers a protection for the chair.
- Rick Sirois notifies the secretary of the agenda items; this includes the Communication items. The recommended time limit given by the Code Director for Communications is 10 minutes.
- Put a section in relating specifically to presentations (Item 4). This is different from speaking under Item 6.

- Assign the chair the power to make the decision on what makes it on the agenda as a Communication?
- A Communication is for someone to roll out what will be coming back as a case.
- Council time limits are 3 minutes during Item 6, and Communication is a longer time frame.

Next time solidify the time limits and specify when they apply. Look at City Council rules (Rule 14). Make a decision about Article V.

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

Paul Logue

Visioning session for the Comprehensive Plan on 9/21/17 was well attended; approximately 75 in attendance. All of the Planning Commissioners were present. Working with Athens Foundation to provide a summary. New topics that stood out were technology, sustainability, wellness, and accessibility/diversity. Additional topics discussed were quality neighborhoods, trash/litter, evergreen issues, etc. He will meet with the Athens Foundation to wrap up after Halloween, and will schedule a second session.

Rick Sirois

Wireless Telecommunications Case #17-19 will be on the next Planning Commission agenda.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

None

8. **Adjournment**

The meeting was adjourned at 1:07 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens