

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, August 3, 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 August 3, 2023.

Attendees: John Wharton, Pat Lawson, Bret Howard, Rob Delach, Jim McDonald, Hoy Seckinger

1. **Call to Order**

Steve Patterson called the regular meeting of the Planning Commission to order at 12:00 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	Absent
Andy Stone, Service-Safety Director	Present

STAFF:

David Riggs, Code Enforcement Director	Present
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2. **Disposition of Minutes**

John Kotowski moved to approve the July 6, 2023 minutes. Nancy Bain seconded. All present voted aye, motion passed 4:0.

3. **Cases**

**Case #23-02 University Estates P.U.D.
 Homestead Court
 Affordable Housing Development**

David Riggs

- The purpose of the PUD is that if the city has a project they want to move forward, the PUD process enables the city to vary from the strict interpretation of the code that is set before other types of developments. There are a lot of extra steps. The Planning Commission will review and make a recommendation to City Council.
- This proposal has 163 non-conformities to the bulk controls (ACC 23.10), 6 non-conformities to the total lot coverage, and 6 non-conformities to the depth setback. Additionally the Planning Commission will look at non-conformity to 21.09.05 & 06 open space, non-conformity to 21.07.05 street tree plan, and non-conformity to 27.02.04 storm water retention.

Andy Stone

- The PC must establish four findings of fact as part of this process:
 1. The development can proceed within two years of approval
 2. The streets are adequate to handle the increased traffic
 3. Exceptions from code
 4. That the existing/proposed utilities will serve the development (TIF will offset)

Discussion

- John K: Two concerns are 1. The way the sidewalks are being put in and if they will be continuous, 2. Street lighting concerns. Observed that most of the mailboxes in UE have light posts on them. As you get deeper into UE the street lighting becomes sporadic and he has safety concerns about that.
- John Wharton/UE HOA Board: The lights on mailboxes are set dusk to dawn but aren't enough to illuminate the streets. The UE HOA have approached the city and AEP about their desire to install additional street lighting.
- John K: Inquired about the mailboxes and if they could be grouped together.
- Andy S: Suggested that the mailboxes be installed on the building/doors because they would be crowded if they were placed along the street.
- Pat Lawson/Cornerstone: The sidewalks will be put in as each lot is developed and they will fill in the gaps as they go.
- John K: The sidewalks on Walnut Court are not continuous and they don't tie in to anything. It is important for the residents to feel connected and able to walk on the sidewalks safely.
- Pat L: They estimate that the development will be built out in 4-5 years so at that time all the sidewalk gaps will be filled in.
- John K: For the lots where the gas lines cross, will the sidewalks be built over the gas lines?
- Pat L: The sidewalks will be built over the gas line and the gas company is aware. The developer pays for the sidewalks.
- John K: There are a lot of variances being requested. The sidewalks are important, especially with the senior demographic that is expressing interest in these lots.
- Pat L: This project is the first of its kind in Athens. There will be problems but they can be worked through.
- Andy S: Regarding the street tree plan, there is not enough room in front of the properties for trees. Suggested that trees could be added in the ROW along Broadmoor.
- Pat L: Planting additional trees there will be no problem. The existing large white oaks will not be disturbed.
- Andy S: The TIF agreement has a universal design requirement. Will the steps out of a car and into the unit be on one level and accessible?
- Bret Howard/Cornerstone: The accessibility is lot-dependent. Some of the lots are straight slabs, some in the cul-de-sac will be trickier to engineer the access.

- David R: the TIF requirement is only for 3 bedroom units. The 3 bedrooms all have the master and kitchen on the 1st floor, have 36" entry ways and are all open floor plan. For some they have a step up to the porch but ramps can be installed.
- Bret H: the 3 bedroom units have their utility rooms on the 1st floor.

Questions/comments from audience

- Hoy Seckinger/11 Walnut Court: Expressed concerns that Route 682 will be an issue, especially turning left from UE.
- Jim McDonald/ UE Blvd Renter: Currently renting his former home on UE Blvd. and waiting for his purchased unit to be built at Woods Edge. Suggested a bank off mailboxes for the development. Supports the addition of more street lights further back into the development.
- Andy S: A bank of mailboxes requires common ownership. The developers are making this a fee simple development, but there should also be a governing document to address things like mailboxes, rear access, etc. This was discussed at the last meeting and wanted to know if they have worked something out.
- John W: Would like to see the HOA extend to Homestead Court which would address this. They did this with Walnut Court after they petitioned to become part of the HOA. Access to back for mowing will only be an issue for the triplexes and the plan is to have an easement. He doesn't feel that we should worry about issues that come up 20 years from now.
- Andy S: Two neighbors with a dispute always go through Code. Being proactive now about future issues is important and these items can be written in the deed.
- Jim M: Does not want to be part of an HOA. He purchased the unit partly based on not being required to be part of an HOA.
- Steve P: the Planning Commission is not going to make being part of the HOA a requirement. This is up to the residents. The city is aware of the traffic issues on Rt 682 and this will continue to be monitored. The speed limit was recently reduced to 35 mph there.
- Hoy S: Already know what is going to happen traffic wise there with the apartments going in across the street and these 43 units. Even today a train crossing already backs up traffic to the UE entrance.

David Riggs commented that he is still waiting on all the staff comments to the updated plans. Steve Patterson suggested that the Planning Commission vote contingent on receiving the additional staff comments.

Andy Stone moved to approve Case #23-02, approving the non-conformities, validating the four findings of fact, and contingent upon receipt of the additional staff comments. Nancy Bain seconded. All present voted aye. Motion passed 4:0. This will now go to City Council as a Recommendation from the Planning Commission.

4. **Communications**

Proposed Zoning Amendments/Chickens

- David R: Continuing the discussion from the last meeting in regards to allowing poultry/chickens in residential zones, the suggested language changes to 23.04.01 (attached for reference) was included in the commissioner's packets. The change is allowing up to four chickens in residential areas and no roosters.
- Andy S: Read through the suggested changes to 23.04.01. With Planning Commission approval, this will go to City Council as a recommendation for their consideration.
- David R: Title 9 (09.01.01 and .07) currently exists and contains language to control at large and nuisance animals.
- John K: Commented that there wasn't any language outlining what a predator-proof structure is.
- Steve P: This will be on the agenda at the next meeting for a vote.

5. **Reports from City Planner and Director of Development & Code Enforcement**

David Riggs

- Provided an update on the Chipotle/Starbucks development on E. State St. The developers are working on a few minor changes to the site plan that he will review.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- Next meeting August 17, 2023

8. **Adjournment**

John Kotowski moved to adjourn, Nancy Bain seconded, all present voted aye. The meeting was adjourned at 12:39 p.m.

23.04.01. - R-1 Residential Zone (One-Family).

The following regulations shall apply in all R-1 Zones:

(A) Principal permitted uses:

- (1) Residential—One-family or one "housekeeping" unit detached dwellings.
- (2) Institutional and cultural—Churches and other places of worship and Sunday school buildings located not less than 20 feet from any other lot in any R-Zone, schools and colleges for academic instruction, located not less than 40 feet from any other lot, public libraries, public museums, public art galleries and similar public cultural uses, located not less than 20 feet from any other lot in any R-Zone cemeteries.
- (3) Recreational—Public parks, playgrounds, recreational and community center buildings and grounds and golf courses, country clubs, tennis courts and similar recreational uses, all of a noncommercial nature; provided that any principal building used thereon shall be located not less than 40 feet from any other lot in any R-Zone.
- (4) Essential services—(See Chapter 23.10.)
- (5) Planned Unit Development (PUD) (See Title 21).
- (6) Residential health care facilities—Residential care facilities for the developmentally disabled, provided that such facilities comply with all federal, state and local laws and regulations.

(B) Permitted accessory uses: Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established; erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise authorized herein, or any private way or walk giving access to such activity, or any sign other than authorized herein and not including the board of animals or the keeping of ~~fowl or~~ farm animals except in a building at least 100 feet distant from every lot line adjacent home. **Female chickens (no roosters) may be kept for personal enjoyment in an outdoor, predator proof structure. No more than four (4) chickens may be kept at any time. All other types of fowl shall be considered to be farm animals.** Accessory uses may include the following:

9.01.01. - Animals at large.

(A) No person, being the owner of any animal or fowl, excepting unleashed domestic cat(s), or harboring or having charge or control of the same, shall permit such animal or fowl to run at large in any street, lane, alley, market space or public ground, or shall permit such animal or fowl to go upon or enter any private yard, lot or enclosure, without consent of the owner of such yard, lot or enclosure.

(B) For purposes of this section, it shall be unlawful for any owner, harboring, or person in charge of any dog to take or allow said dog to go onto public property or in a public place without being on a leash.

(C) No person, being the owner, harboring or having charge or control of a dog shall permit such dog to cause physical harm to any person. For purposes of this section, "physical harm" shall mean any injury or other physiological impairment regardless of its gravity or duration, provided that no person engaged in illegal activity shall be protected under this section.

(D) The owner, harboring, or person having charge of any animal or fowl, excepting unleashed domestic cat(s), shall have in their possession necessary implements to remove any excrement or objectionable wastes deposited on public or private property other than their own within the municipality or in any area under the jurisdiction of the municipality, and shall remove such excrement immediately.

9.01.07. - Harboring animals deemed a nuisance, when.

(A) No person shall permit any animal or fowl to be kept in any yard, pen, sty, stationary or moving vehicle, or in any other place which is unclean, unsanitary, or productive of offensive odors.

(B) No person shall permit or suffer any animal or fowl harbored by them to become noisy so as to cause disturbance of the peace and quiet of the neighborhood.

AKRON OHIO Ordinance 92.18

A. No person shall keep chickens or other poultry in any dwelling or within one hundred feet thereof.

92.06 Coloring rabbits and baby poultry--Sale or display. No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away, or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.