

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, April 6, 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 April 6, 2017.

Attendees: Brian Giardon, Jack Stauffer, Steve Robb

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:08 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 Moseley noted she already made a minor edit and moved to accept the March 16, 2017 minutes. Steve Patterson seconded. 4 ayes, 1 abstention, motion passed.

3. Cases

**Case #17-04 Title 43 Wireless Telecommunications
20A Monticello Drive
AT&T modification on existing tower**

Rick Sirois/Synopsis

The tower is a 190' self-supporting tower. Cingular Wireless equipment to be replaced is at the 135 ft. level which will include removal of 3 existing antennas, installation of 3 new antennas and related equipment. No changes to the footprint of the tower will be made. Proper supporting documents were provided. After review it was determined that all Code requirements were met under Title 43. There are three layers of antennas on the tower.

Steve Patterson moved to accept Case #17-04. Christy Zempter seconded. All present voted aye. Motion passed.

Case #17-05 Title 43 Wireless Telecommunications

**20A Monticello Drive
Verizon modification on existing tower**

Rick Sirois/Synopsis

Verizon Wireless is proposing to upgrade their system on the existing site. The scope of work includes swapping 6 existing panel antennas, adding 3 new panel antennas, swapping 3 existing remote radio heads, adding 6 new panel antennas, swapping 3 existing equipment mounts, and adding 1 new OVP Distribution Box. This new request involves an existing 195' tower and modifying the platform at the 175' level. No changes to the height or footprint of the tower will be made.

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.

Steve Patterson moved to accept Case #17-05. Christy Zempter seconded. All present voted aye. Motion passed.

**Case #17-06 Title 43 Wireless Telecommunications
30 Park Place, Alden Library
Verizon modification on existing roof top sled mount**

Paula Moseley noted that Ohio University approved this modification per an email communication dated April 5th from David Averion.

Rick Sirois/Synopsis

The sled is located on the rooftop of the building. The existing equipment is to be replaced at the 80 ft. level and will include removal of 3 existing antennas (reducing number of antennas from 12 to 9), installation of 3 remote radio heads, and installation of 3 new over-voltage protection boxes. No changes to footprint of the sled will be made. Proper supporting documents were provided. After review it was determined that all Code requirements were met.

Paula Moseley moved to accept Case #17-06. Christy Zempter seconded. All present voted aye. Motion passed.

4. Communications

Paula Moseley moved to change the order of the Communication agenda items by moving the two Title 21 items before the Title 43 item. RJ Sumney seconded the motion. All present voted aye. Motion passed.

**Title 21 Minor Subdivision Lotsplit
46 Canterbury Drive, Wanda Cash
Application for Lotsplit denied March 22, 2017**

Rick Sirois/Synopsis

Request is for a lot split on Canterbury Drive. This was denied because of a lack of frontage and an irregular lot. An appeal has been submitted and will be presented at the next meeting.

Discussion

Paula Moseley: This is a minor subdivision and the Planning Commission would be making a recommendation to City Council for a variance.

Rick Sirois: Mr. Ryan is not present today to address this or any items pointed out in his March 21 review.

**Title 21 Minor Subdivision Lotsplit
124 & 128 North Lancaster
Jack Stauffer**

Rick Sirois: An application has been submitted by Mr. Stauffer and he requested to come before the commission today.

Jack Stauffer/69 Elmwood Place

There is no 126 N. Lancaster St.; 124 and 128 are beside each other. He referred to drawings that he made at the request of the Code Director. The first drawing is of the existing property and structures in regards to their location on the existing lot, and of the existing front and side setbacks. The second drawing is of what he is proposing and shows additional information and dimensions. On the second drawing he included a dotted line (30') to illustrate that there is plenty of room for a set-back. The proposed new lot will be 100' wide and 80' deep from the City right-of-way, which establishes the 8000 sq. ft. requirement.

Discussion

Rick Sirois: 8,000 sq. ft. is the minimum. The other two are non-conforming existing, which is why this request is odd. It is also odd because of how it is being split. He met with Andy Stone who provided some comments and a drawing to illustrate the existing sanitary sewer. To connect, Mr. Stauffer would have to either pump uphill to the Lancaster line, pump to the left or right to the Mound St. line, or get an easement between the properties and across the street to connect to the sewer line below.

Paula Moseley: Is concerned about the non-conformity and if it would kick in again if you go to develop it do you have to bring it into conformance for seeking a variance?

Christy Zempter: Asked if the lots are currently non-conforming and the non-conformity will be increased from this or will the non-conformity not be affected from the change.

Jack Stauffer: His understanding is that #124 does not meet front setback at this time and it doesn't meet left setback at this time (it is 11'9", not 12').

Christy Zempter: The 30 ft. rear set back will be maintained so this won't increase the non-conformity.

Jack Stauffer: #128 does not meet the front setback or the left setback because it is only 5'.

Paula Moseley: Or the minimum lot size (referring to #128).

Christy Zempter: Say that the house burns down and has to be rebuilt, then it would have to be brought into conformance. For the side setbacks there is not a lot you could do about that at this point, however, for the front setback a new structure could be built to conform to the front setback, and still maintain a 30' rear setback.

Paula Moseley: It still would not meet minimum lot size, another non-conformity. There are a lot of weird existing small lots in Athens that were built before the code changes.

Steve Patterson: For sewer (referring to Andy's drawing) are the two homes at 132 and 134 pumping uphill?

Jack Stauffer: He purchased the properties in the 80's. Early on his thought was to split off and develop the lot facing Mound. He is now considering selling the houses at 124 and 128. If the houses were to be sold to two separate owners, the opportunity to build would be lost. This split will be a benefit to him and the city (he outlined several reasons). Regarding the lack of sewer on Mound St. and there being no sewer line in front of the lot, he was unaware of that until Tuesday of this week. There is a manhole in front of 50 Mound Street and he is assuming it goes down the hill and into the valley behind the houses. The City took the easiest route when doing the infrastructure in the past and didn't consider the future need for the lots in the future. There is no sewer provided for this island of houses on Mound Street, but water and gas is present. He is a victim of the situation but it is a separate issue from his request for a lot split. Doesn't feel like he should be denied a lot split based on the lack of readily available sewer service.

Paula Moseley: She provided to Mr. Stauffer the utility code that states that the developer will provide/install, at their cost, infrastructure improvements where needed.

Jack Stauffer: He isn't putting in a subdivision; he is just trying to utilize his property for his financial benefit and also provide an opportunity for someone to purchase and build on a lot in the inner city. The City did not have the foresight to have sewer line available down the entire street. A sewer line should be available. This should be researched as to why it is not there, where everyone else there has access to sewer.

Steve Patterson: This is not contingent on the approval of the lot split. Upon looking at the GIS, many of the neighboring parcels also don't have sewer, however, they are not built on. He would like to know where the sewer hook ups are for the west properties that are on the map.

Jack Stauffer: It appears to him that there have been 2 lot splits at some point in time to the north of the subject area. Next to 128 is Beverly Flanigan's which goes to Mound and the next two lots have been split and built on. To the south side there is one lot that is not developed on the Mound Street side but next lot to the south has a house that looks like it was split off the back and developed. Those things have happened in the past and he feels he is between a rock and hard place through no fault of his own.

RJ Sumney: The lot split would be a separate issue from the service issues.

Paula Moseley: But the commission has included in the past to other minor subdivision requests directing them, from the City Engineer, about where they would have to obtain water or sewer. Doesn't believe that they can be separated. Gaiser's Peach Ridge case comes to mind.

Jack Stauffer: Unclear on how to proceed from this point.

RJ Sumney: If the services aspect goes with the lot split then that has to be resolved.

Paula Moseley: And non-conformance issues have to be resolved as well.

Paul Logue: There is also a non-conformance with the lot size, and the subdivision is creating non-conformances which require a variance to City Council. The non-conformance with the setback, if there is one, would be a zoning question.

Christy Zempter: The setback non-conformity would not be increased, but you will be creating two non-conforming lots in terms of the area of the lots. If 8000 sq. ft. is the requirement for lot size, the resulting two lots will be brought into non-conformance because they will each be less than 8000 sq. ft. Given the area of the 2 lots you can't create 3 lots to be conforming. This creates a new need for a variance either through us or the BZA.

Rick Sirois: This is not simple, which is the reason he wanted it to be communicated.

Nancy Bain: It looks like Don Harsh built the two houses on Mound St.; the slope is very steep. Harsh-Kridler should be asked where they empty their sewer. It would be helpful to have a slope map. It looks like there is potential there. Pre-zoning is how these houses exist this way.

Jack Stauffer: Both the houses have 2 concrete driveways that can accommodate 3 cars each. What is the next step? There is no sewer line under the street. Most city streets have sewer lines and he doesn't feel that it is his job to dig up the street and run a sewer line; this is uncharted territory.

Paula Moseley: Does not agree that this is uncharted territory because they have identified other cases that have set a precedent.

Paula Moseley: The City Engineer noted that the sewer can be pumped up through the property. We need to work on the variance and non-conformance issues and provide some direction to Mr. Stauffer.

Rick Sirois: Asked the commissioners if they will need to see a platted survey.

Jack Stauffer: Code told him that he needed to get a survey done before he came to the Planning Commission, however, he didn't want to pay for this if the split wasn't going to be approved. Larger companies come before the Planning Commission and this isn't a requirement. He wants to develop his property and doesn't feel like he needs to install the city infrastructure.

RJ Sumney: The options have been laid out by Paula Moseley. Mr. Stauffer needs to have a resolution with Code about how to proceed with the variances before he comes back to the Planning Commission to address the lot split.

Paula Moseley: There are multiple items that need to be addressed. The Planning Commission will work with Code and the City Engineer and provide a response.

Jack Stauffer: Will the Planning Commission run their response by the City Law Director to make sure they are on firm legal ground or should he hire an attorney?

Paula Moseley: It is always good to seek legal advice.

Title 43 Wireless Telecommunications
36 South Court Street, OU Campus
Roof top, sled mounted

Rick Sirois

This is not an Ohio University property. This is another modification of a rooftop sled and will be presented as a case at the next meeting on April 20th.

Menards Title 41 update

Rick Sirois

Planning to present at the April 20th meeting. They will be at the next BZA meeting which is coming up before the 20th.

Horvath Communications Title 43 update

Rick Sirois

Have all their information and will be presented as a case at the April 20th meeting. All information has been emailed to the commissioners.

Paula Moseley distributed a communication from David Averian of Ohio University showing a graphic of options that are available in the area that can be evaluated. They are not as obtrusive as the fairgrounds site; offering their new campus boiler site.

5. Report from City Planner and Director of Code Enforcement

Paul Logue

- Presented a PowerPoint of the 2017 Athens Comprehensive Plan.
 - The last plan was in 2006 and used a considerable amount of city resources. The goal for the 2017 plan is to accomplish a lot of the work in-house by utilizing interns and part-time staff.
 - The vision will drive the plan and give direction.
 - Public engagement is a key part of the plan; the internet, social media, and online surveys will be utilized. Public forums will be city wide and will also occur in targeted communities. “Meetings in a box” (more private) and “pop up engagement” (stopping people on the street) are additional tools.
 - A Steering Committee will be formed; one seat from each board or commission will be on the committee. After the plan has gone through council, he will send an email out to each chair and ask them to discuss and appoint a representative.

Rick Sirois

- No Report

6. Opportunity for Citizens to Speak

None

7. Announcements & Other Business

None

8. Adjournment

The meeting was adjourned at 1:26 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens