

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

Attendees: Trina Bressler, Troy Miller, Steve Robb

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:03 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 Absent
Paula Horan Moseley, Service-Safety Director..... Present

STAFF:

Paul Logue, City Planner Present
Rick Sirois, Code Enforcement Director..... Present

2. **Disposition of Minutes**

Paul Logue clarified his statement recorded in the December 15, 2016 minutes under Item 3. Cases. When asked by Nancy Bain if this is a lot split or a minor subdivision he replied “they are interchangeable”. He clarified that he meant to say that a lot split is a minor subdivision and vice versa; they are the same thing.

RJ Sumney moved to accept the December 15, 2016 minutes with the addition of the clarification made by Paul Logue. Christy Zempter seconded. Three present voted aye, Paula Moseley abstained, one absent. Motion passed 3:1.

3. **Cases**

**Case #17-01 Title 43 Wireless Telecommunication
20 Monticello Drive
Tower Modification**

Rick Sirois/Summary

Modification of an existing tower, proposing to add 3 antennas and one remote radio unit to the existing 190’ self-supporting tower. This new request involves modifying/adding to the platform at the 190’ level. The change will add five feet to the existing height increasing it to 195’. No changes to the footprint of the tower will be made. It was

determined that the new antenna attachment will not add to any visual impact at a one mile radius. 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.

Applicant: Jodi Fertsch/SBA Communications

Property Owner: Willoughby Management

Tower Owner: SBA Communications

Tax Map Parcel: A029040001000

Zoning: R3

Estimated value of improvement: \$10,000

Discussion

Paula Moseley: Asked Mr. Sirois if he had any issues with the increase in tower height and if it aligned with height requirements of telecommunication towers.

Rick Sirois: He drove out to the location and viewed it from 6 locations and found no issues with the height. In some locations he couldn't even see the tower; the antennas are very small. The way they are mounting them adds the height. There will be a light at the top of the tower. In the pictures on page A2 of the plans the site elevation shows where the antennas are added at the top. It is not a typical antenna that comes to a point; it has a flat top.

Paula Moseley: Regarding the height increase, she read from Title 43.10 Height of telecommunications tower(s) A: "...Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten feet lower height to allow verification of this height need..."

Paul Logue: Asked if the tower height was changing or if they are adding an antenna to an existing tower.

Paula Moseley: Read from the summary "*modifying/adding to the platform at the 190' level. The change will add five feet to the existing height increasing it to 195'.*"

Rick Sirois: They aren't increasing the tower height. They are adding mounting brackets and antenna at the top of the tower; the actual physical tower is not changing height.

RJ Sumney: The antenna will be 5' in length with the mounting brackets.

Christy Zempter: Noted that on page A5 the dimensions of the antennae are 1' x 4¼" x 5' high. They are adding three of these to the existing structure.

Rick Sirois: Confirmed the dimensions and also commented that more of these types of cases will be coming forward because the wireless companies are swapping out their antennas to deal with the higher requirements.

Paula Moseley: Understands that this is a modification to an existing tower but would like to ensure that it complies with 43.10 (A), and especially with the knowledge that more cases like this are anticipated in the future.

RJ Sumney: Suggested tabling the case until more information can be obtained from the applicant.

Paula Moseley moved to table Case #17-01. Nancy Bain seconded. All present voted aye. Motion passed 4:0.

4. **Communications**

RJ Sumney moved to switch the order of the Communications agenda items. Paula Moseley seconded. All present vote aye. Motion passed 4:0.

**Title 21 Lot Split
Holzer Health Systems
2131 East State Street**

Rick Sirois/Summary

The lot split consist of two parcels. Parcel one is 3.791 acres and meets lot split requirements. Parcel two is 2.051 acres and will require a width to depth ratio variance. Both parcels have the required road frontage and the splits are not creating any flag or land locked parcels. The 2.051 split will provide the potential for a future EMS development site. The lot split will provide 275' of road frontage for the 3.791 acre parcel and 125' of road frontage for the 2.051 acre parcel off of the service road. A variance is needed for the 2.051 acre parcel with a depth of 702' and width of 125'.

Troy Miller/Chief Strategic Officer, Holzer Health Systems

They have been asked by EMS if they would consider parceling off a lot for an EMS station. They are not under contract but they would like to offer this. They had the lot pinned by a land surveyor. They would like to keep some of the land for future expansion opportunities. The land they have carved out for them (125' x 275') could accommodate an EMS station. This is the first step required in order for EMS to pursue this opportunity.

Discussion

Paula Moseley: By creating the 2.051 acre parcel, is that how the 3.791 acre parcel was created?

Troy Miller: Yes. The middle highlighted parcel in the plans is the one that will need the variance.

Paula Moseley: EMS needs a new station and this is a good location for it, because it offers access to different parts of the county.

Christy Zempter: Asked if the proposed new lot line would split an existing structure.

Troy Miller: It was originally one lot and they are making it into three.

Rick Sirois: There is no existing structure.

Paula Moseley: If the Planning Commission made the recommendation to approve this with a variance to City Council, could they specifically tie this to the EMS station or is this an endeavor by Holzer to divest this property.

Troy Miller: The only reason they pinned it was for EMS, if it needed to be contingent that would be fine. If the EMS plan didn't work out, they would keep it for future building. Rick Sirois communicated to him that he doesn't think this could be done in 2017 because of the steps EMS still has to take with the County.

RJ Sumney: This will come back as a case to the Planning Commission sometime in the future.

SBA Communications Corporation

Wireless Facility County Fairgrounds Sittings for Balloon Test

Rick Sirois: He and Paul Logue reviewed the 1 mile radius and identified areas that could be used for the balloon test, and provided a map with their selected locations.

Paula Moseley: Regarding the wireless facility, but not related to the balloon test, she researched Title 43. 43.14, which speaks to lot size and setbacks, has a "shall": "*All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels...a distance equal to the height of the proposed tower or wireless telecommunications facility structure plus ten percent of the height of the tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater.*" Which is greater?

Paul Logue: It is an M zone with zero setback.

Paula Moseley: Asked how the commission can do a variance if there is a "shall".

Paul Logue: The Planning Commission reviews that. This was discussed with the applicant at the time that they met with them. It is in Title 43 because they specifically conveyed that to them; that it didn't meet the setback requirements and because of that, there would be a variance procedure.

Nancy Bain: How much of the space would they need including the towers plus whatever is on top?

Paul Logue: They haven't submitted an application yet so that information is not available. Rick can relay any questions to the applicant that the commission has. There is a provision in Title 43 that allows Planning Commission to give relief. Paula's point about the "shall" is above his scope of understanding.

Rick Sirois: The overall height is 160 feet, plus 10% would be 176 feet.

Nancy Bain: She would be averse to granting a variance from the distance requirement.

Paula Moseley: Under the applications for new tower it states "*copies of written requests and responses for shared use shall be provided to the city in the application.*"

Paul Logue: They have not applied yet. They are putting together all the information in order to apply.

Rick Sirois: The applicants will be here for the case file. The communication today is for the balloon test siting's, and also to field questions from the commissioner's to communicate to the applicants.

Paul Logue: Suggested that the commissioner's itemize questions they have now so that they can be communicated to the applicant in order that they can address any concerns prior to conducting the balloon test. The commissioner's should address any concerns prior to them investing in the balloon test and other costs.

Nancy Bain: At the last meeting they seemed amenable to other options with respect to the location of the tower.

Paula Moseley: They identified this site as the site they wanted to utilize.

Nancy Bain: There were some options within this site.

RJ Sumney: They were still in consultation with the Fairground Board. They still had some issues that they wanted to work out as well, although they had a preference in terms of height.

Rick Sirois: The preference has to do with the commercial application of the height of the tower.

Paula Moseley: She would like to invite them back prior to the balloon test.

Rick Sirois: He would like the commissioner's questions in advance so that he can present them to the applicant so they can be addressed before they come back before the commission.

RJ Sumney: He would like to know if the Fairground Board has solidified what they want; will they settle on the smaller size or are they flexible with the idea of the taller tower.

Paula Moseley: In addition to her earlier question about the "shall", she listed other sections in Title 43 that need to be complied with: 43.07 C, 43.07 G, 43.07 L1, 43.07 visual intrusion addressed, 43.07 P1 ... Every component in Title 43 needs to be checked.

Rick Sirois: There is a \$5,000 non-refundable fee so the applicant would like to get all the questions answered before they submit their final application. They are not averse to attending another meeting to answer any additional questions the commissioner's may have.

Paul Logue: The preference is to co-locate rather than having to build new.

Paula Moseley: Curious as to their statement that the tower on the parking garage is overloaded.

RJ Sumney: His understanding is that they are looking into the future and the probability that the site will be overloaded. Plus additional companies will want to "piggy-back" on, which is the reason for the height of the tower.

Paula Moseley: They also have to submit to the Planning Commission who the future lessees will be.

Paul Logue: It is a complicated process and towers of this nature are usually not welcome in most communities. Difficult balance.

Rick Sirois: Do the locations on the siting's map meet the Planning Commission's requirements? They would like to come back to the Planning Commission soon.

Conducting a site visit was discussed. It was decided to conduct a site visit at the next meeting. The group will meet at the City Building before noon on January 19th and then be transported to the proposed location at the County Fairgrounds. After the site visit is concluded, the group will be transported back to the City Building and reconvene the meeting of the Planning Commission in Council Chambers.

Paul Logue: Can add to or adjust the siting's at the recommendation of the commissioner's.

The siting's map was discussed and five more locations were added by the commissioner's: Blue Line area, field to the west of the hospital south of Jefferson, hospital parking lot, West Elementary area, University Commons Apartments (south side).

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

Paul Logue

- No report

Rick Sirois

- No report

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- The next meeting of the commission will be January 19, 2017.

8. **Adjournment**

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

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens