

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, January 21, 2016, 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 21, 2016.

Attendees: Jeffrey Risner

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:08 p.m. 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
John Paszke, Director of DEF Present

2. **Disposition of Minutes**

Paula Horan Moseley moved to approve the minutes of January 7, 2016. Nancy Bain seconded. All voted aye.

3. **Cases**

None

4. **Communications**

12/14 West Union Street Update

Paula Horan Moseley

At the last meeting the Planning Commission had a preliminary review of the modification (elimination of the basement and additional height). Since that time the Law Director reviewed the request on behalf of Garry Hunter on behalf of the Carrie Larch Trust. Title 41.10 (b) states “Increase building mass of a principal structure through an increase in height, length or percent of lot coverage”. Their claim is that they are not requesting an increase in overall mass, in fact the overall volume is being decreased by 155 cubic feet. Because an increased building mass is what is used to determine whether a modification needs a full review, she is of the opinion that this a minor modification not needing the full planning commissions review.

Steve Patterson

Mass is an odd word to have been used to begin with because it is ambiguous, and in his communications with the State they are in agreement. He recommends that City Council or John Paszke explore the use of this term as they are considering changes to Title 41.

John Paszke

He reviewed the term “mass” as well and suggests adding “above grade” after “an increase in height”, or it may be better to use “square footage” in place of “mass”.

Christy Zempter

Agreed that substituting “mass” with “square footage” would be ideal.

Nancy Bain

Expressed concern that if the 12 W. Union building has a water problem the other buildings in the area may have similar water problems.

John Paszke

Noted this water problem was discovered when they were excavating to 14 feet, the other buildings have shallow basements, about 7-8 feet.

Nancy Bain

Suggested the term “grade” be better defined in Title 41. Inquired whether the dropped ceilings were included in the cubic footage calculation, to which John Paszke responded that they were included in the cubic footage calculation.

Paul Logue

The Historic Preservation Commission met last week with the architects and approved the modification. The architects made a few minor modifications to the architectural renderings and to the materials (the “white box” was changed to brick material). The Historic Preservation Committee preferred the new renderings to what was originally presented.

Title 41 General Review

Paul Logue

The current review process has been in existence since before he came to the city, approximately 8 years ago, and is unsure how many site plan reviews they have done since then. In noting Nancy Bain’s comments from the last meeting, he asked her to elaborate.

Nancy Bain

She would like to see a review committee established as it has worked well in the past. It worked well in the past with the Regional Planning Commission, especially with environmental issues.

Paul Logue

His understanding is that Title 41 came out of the comprehensive planning process that Athens undertook about 10 years ago. It came out of a concern expressed by the public about wanting a more transparent process so that at a minimum there was a better understanding about what projects were being approved. Whether the site plan review process that is in Title 41 is effective, whether the timelines makes sense, is up for review. Quality of the developments is much better from the standpoint of the city’s public works employees that are involved in the review process; therefore the transparency is effective within the city.

John Paszke

Internal checks and balances have greatly improved construction quality and communication between developers and the city departments. The process is working very well from an administrative standpoint. In fact, some projects that don't require Title 41 review (i.e. Tim Horton's) have been reviewed using the same format. Title 41 review is not a requirement if the construction is less than 5,000 square feet. The Engineering and Public Works Department continues with the internal review on the smaller projects even though it isn't a requirement, so this is working well from that standpoint. Timing wise, "conditions met" are taken care of before it comes to the Planning Commission, the Shade Tree Commission, etc.

RJ Sumney

Inquired if they would make a distinction between the type of client who comes before the Planning Commission as far the bigger projects vs. the smaller projects.

John Paszke

Everyone is treated equally; larger developments generally have to provide much more information and documentation than smaller developments. The time spent in the review of the larger projects is greater.

Nancy Bain

Reiterated that meeting all the internal controls would be a good idea, that they could be announced and reviewed. She continues to feel that the Planning Commission spends a lot of time on the review, that questions don't get answered, and that the process is reactive. She would like John Paszke to go back to what Poggemeyer sent them. If the Planning Commission will be making changes to site plan review items, with respect to what is applicable, without changing the law, then the commission should minimally do that as well as the gross area changes (if we are making everyone come regardless of size).

John Paszke

Clarified that he is not making everyone come regardless of size. He is treating them all from the same standpoint internally, but it isn't a requirement. Tim Horton's choose to come because they wanted the public outreach; it wasn't a requirement that they come.

Nancy Bain

With the bigger projects a delay in the process for better transparency should be considered. This would allow for a little more time and publicity.

Paul Logue

If the transparency is not effective, then something needs to be written into the code to specify the requirement. Title 41 says that a sign is required, so all the signs need to be the same and be consistent. The Planning Commission should be the body to determine the process. The code we have is standard, found around the state and country.

John Paszke

Title 41 states in the intent that it is not to prevent the construction of a project, and that should not change.

Nancy Bain

Changes should only be made to improve and find the defects. The intent is not to stop development.

Paul Logue

If our goal is to improve the language in Title 41, is it our intent to make it better for everyone (i.e. the five commissioners, city staff, public, applicants). He hears from the

Planning Commission
January 21, 2016

Planning Commission that they want to make it better, and from the contractors, applicants and architects that they would like to see a more streamlined process. They find it to be cumbersome.

Nancy Bain

Wanting a streamlined process is a mantra that she has heard.

Christy Zempter

Suggested that the Planning Commission create a list of specific material outcomes that they would like to see from this process, so that they have a list of goals, and take some time to look at it to see how the goals can be achieved. The 12 W. Union Street case identified some issues that need to be addressed. To be productive, the Planning Commission needs to specify what outcomes are desired, and once the goals are determined the Planning Commission can address amending the text in Title 41 and still maintain compliance with the ORC.

Christy Zempter

Volunteered to meet with Paul Logue and John Paszke to work on the language changes to Title 41.

Nancy Bain

Work on the corridors is languishing because they haven't had a chance to get to it, because they only have two hours of meetings per month.

Paula Horan Moseley

The corridors will be part of the Comprehensive Master Plan.

Nancy Bain

Doesn't feel her questions get answered, for example knowing about setbacks (i.e. the setback for Integrated Services).

Paula Horan Moseley

Interested in looking back at Poggemeyer's original recommendations.

Paul Logue

He and John Paszke will be happy to meet with Christy Zempter, but noted that the Service-Safety Director is referred to many times in Title 41 so it would be useful for the Service-Safety Director to be present at the meetings as well. He pointed out that it outlines that the Service-Safety Director is the individual to issue permits, and suggested that they could consider changing some of the references from "SSD" to "Code Enforcement".

RJ Sumney

He has always been curious why the Shade Tree Commission approval comes after Planning Commission approval.

John Paszke

The approval doesn't have to happen that way, it just works out that way, timing wise. He would like to consider changing Shade Tree Commission approval to be in Title 23 as part of the zoning process.

Nancy Bain

It is tedious to do changes like that through council, because of the ORC requirements.

Paul Horan Moseley

Will be at the meetings with Christy Zempter and John Paszke.

John Paszke

Planning Commission
January 21, 2016

He would also like to consider a switch to have developers and architects submit electronic drawings. Currently the requirement is to submit 5 print copies.

Steve Patterson

In his mind this is one more reason to have a thorough code review and make revisions. There are a lot of clunky old items in the code. He is hoping that city council will engage in this as well.

Christy Zempster

Requested that the Planning Commission members look through Title 41 in depth, and come to the next meeting armed with specific concerns so they can discuss them. After that the smaller group can meet to begin working on the changes in language that they can then submit to the Law Director for review.

Comprehensive Master Plan

Steve Patterson

The city is in year 12-14 of the current plan, and recommended that looking forward they don't reinvent the wheel, citing that many items in the plan have been achieved. The original planning group was large, about 40 individuals that were further divided into smaller groups working on different sections. He has reached out to City Council to consider reengaging the Comprehensive Plan Review Advisory Commission. Not necessarily another large body, since there is already a plan in place and the intent is to revise the plan and move forward.

Paul Logue

That commission was established as a standing commission to guide implementation, for tracking and to establish benchmarks. The emphasis was on metrics and not on drafting a plan. There was an ad hoc steering committee formed to actually do the plan. The steering committee consisted of 18 members consisting of the Mayor, City Council Members, Ohio University Student Council, County Planner, Ohio University Administration, Leax Water District, Metropolitan Housing Authority, AceNet, car dealerships, realtors, landlords, and others. He suggested that they initially identify what the plan should look like and put a framework together to start with. Begin with an ad hoc group or small task force.

Paula Horan Moseley

Referred to material that Nancy Bain brought (Athens Comprehensive Plan Visioning Workshop results and Steering Commission), stating that it had 7 different categories and hoped that they would be participating in that even if it was just to attend the public open houses.

Nancy Bain

Council created the commission because it was outlined in the Comprehensive Plan as a requirement.

Paul Logue

He concurred, noting that the tasks were narrow – benchmarks, citizen involvement, annual report. The commission existed for a while but then they didn't feel they could fulfill that duty any longer. He will try to get some sort of framework together for the next meeting.

Paula Horan Moseley

Planning Commission
January 21, 2016

Acknowledged that the Planning Commission has received additional correspondence from citizens about Bed and Breakfast's in R1 neighborhoods. The correspondence has been passed on to council who will hold a public hearing in the future to continue the Bed and Breakfast discussion.

Paul Logue

Thought that they held a public hearing about Bed and Breakfast's in December.

Paula Horan Moseley

She has received an email from a resident of Elmwood Place.

Steve Patterson

He has received two communications from near east neighborhood residents about Bed and Breakfasts, referring specifically to AirBnB's.

Paula Horan Moseley

She understands that this will be brought forth at some future council meeting.

Steve Patterson

Concurred with Paula Horan Moseley, noting that member Fahl is working on it.

Jeffrey Risner

Citizenry in his neighborhood have expressed to him that the Planning Commission has mentioned R1's and R2's in their discussions on this topic. He has advised these individuals that this is not the case.

John Paszke

There is one (Bed and Breakfast) on the Board of Zoning Appeals agenda next month for Richland Avenue, going through as a conditional use.

Paula Horan Moseley

Although she was not present at the last council meeting, she understands that there was a citizen who spoke and mentioned that there are some AirBnB's still in operation in an R1.

John Paszke

Noted that he was aware and that they have been sent letters.

Paul Logue

Made copies of the Bowling Green, Ohio, Master Plan for the commission members to review. Their Master Plan was completed last year and won an award as "Best Small Town Plan". It was accomplished mainly in-house. They used one small outside consultant.

5. **Report from City Planner and Director DEF**

Paul Logue

- Commented already about the Historic Preservation Commission meeting and the Comprehensive Plan.
- The Upgrade Athens County group has facilitated with a non-profit organization called "Clean Fuels Ohio" about how to use electric vehicles for fleets, and how to use alternatives to gas (like propane) for fleet vehicles. They are interested in trying to set up an event in Athens over the next few months where they can bring electric vehicles to Athens for test drives, for up to a week at a time so they can see how they work in real world conditions. They also discussed the lack of infrastructure (charging stations) in Southeast Ohio for the electric vehicles. The

infrastructure for a charging station requires a small station in a parking space. The city could set up some charging stations at the Community Center for people to charge their vehicles while they use the center. No date set for this event yet. Steve Patterson noted that he has been tracking fleet vehicle programs as well. He mentioned a program where the purchase of “x” number of vehicles could earn a charging station as an incentive, possibly at no charge. Ohio University has charging stations limited to OU faculty and staff and students.

John Paszke

- Covered his topics previously, nothing more to report.

6. Opportunity for Citizens to Speak

None

7. Announcements & Other Business

Paula Horan Moseley

Be prepared for the upcoming winter storm.

The next meeting of the commission will be February 4, 2016.

8. Adjournment

The meeting was adjourned at 12:51 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens