

Athens City Planning Commission  
Minutes of Regular Meeting  
Thursday, February 18, 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 February 18, 2016.

**Attendees:** Mark Spezza, Mike Williams, Benjamin Abfall, Tara Wilson

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:10 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 Zempster ..... Present  
Nancy Bain, Vice Chair..... Present  
Steve Patterson, Mayor ..... Present  
Paula Horan Moseley, Service-Safety Director..... Present

**STAFF:**

Paul Logue, City Planner ..... Present

2. **Disposition of Minutes**

*Christy Zempster moved to accept the minutes of January 21, 2016. Steve Patterson seconded. All voted aye.*

3. **Cases**

**#16-01 Abfall Subdivision – Tedrow Road**

Paul Logue

The application is outside the city and within the 3 mile zone where city subdivision regulations apply. Mr. Abfall purchased the property which was one of many tracts of land auctioned off in 2015 by a subsidiary of AEP. Paul Logue and the Service-Safety Director reviewed many of these subdivisions. Most were greater than 5 acres, and all were approved and recorded with the county. Mr. Abfall’s situation is unique in that the split will create a land locked piece of real estate (no road frontage), however, an easement can be identified between one property owner and another to create the required road frontage. An easement is a variance from Athens city subdivision regulations so the Planning Commission is required to review even though the property is greater than 5 acres.

Mr. Abfall is working with an adjoining property owner to create a 20 foot easement. The draft easement is included in the application. Construction is for a single family residence. One outstanding issue due to the easement is the health codes sanitary requirements. Mr. Abfall is working with the Athens City County Health Department to get a soil test done.

Benjamin Abfall

He worked with Kevin Lewis to perform the soil test and is also working on approval of the septic system for a three bedroom house, to comply with city regulations. Mr. Lewis submitted a report and Mr. Abfall emailed it to Chuck Hammer at the City County Health Department.

Paula Horan Moseley

Clarified that the regulations are the City County Health Department regulations, not the city's regulations (acreage requirement for septic systems). She believes that the standard is a 30 foot minimum easement, not 20 feet. She also asked if a dispute resolution clause should be added to the easement language.

Paul Logue

Noted that there is language in the draft easement regarding dispute resolution; Mr. Abfall is agreeing to maintain the easement per the agreement. The information he has states that the minimum easement for a road is 30', for a residential driveway the minimum width is 10' and the maximum is 30'. This easement is for a residential driveway, so the 20' easement would consist of a 10' driveway with 5' on either side.

Paula Horan Moseley

Recommended that the approval language from the City County Health Department be included in the easement.

Christy Zempter moved to recommend approval of the subdivision with the contingencies to include the approval language from the City County Health Department and to also include the recorded easement. Steve Patterson seconded, all voted aye.

**4. Communications**

Paula moved to reverse the order of the Communications agenda items, Christy Zempter seconded, all voted aye.

**4 Cook Drive – possible lot split**

Paul Logue

Mr. Spezza is asking the Planning Commission to advise what the procedure is for determining the depth to width ratio. He is seeking this information prior to having a survey performed. He would like to determine if he needs to get a variance from the Athens City subdivision regulations. If the width is calculated by only using the frontage measured at the street, his proposal does not meet the depth to width ratio requirement as

outlined in the code (depth/width 3:1). Mr. Spezza's surveyor's understanding is that the width is calculated by dividing the sum of the front and rear widths by 2. Mr. Spezza would like the Planning Commission to advise how the depth to width ratio is determined.

Mark Spezza

His understanding is that the 3:1 rule was put into place to prevent "flag lots" from occurring (narrow, long lots). The lot measures 50' wide in the front and 70' in the back.

Paula Horan Moseley

Hesitates to proceed with the communication because it is a proposal, not an application.

Mark Spezza

He is not requesting a pre-approval, but the procedure that the Planning Commission follows in calculating the depth to width ratio. He would like this information before he moves forward and spends money on a survey. Both the lots are in a B Zone. The current house on the lot in question has been vacant for a few years.

Nancy Bain

Concerned that the Planning Commission is entering into a pre-approval process.

The Commission members all agreed that further discussion and research is needed to determine what the accepted procedure has been historically and what the best practices currently are. No definitive response can be given to Mr. Spezza at this time.

**Title 41 Review**

Paula Horan Moseley distributed the Title 41 Site Plan Review document with her comments in red type. The Commission members discussed the following:

- 41.01. - Intent  
The members were in agreement that the language needs to be clarified or enhanced.
- 41.03. (B) – Home Occupations  
Paul Logue - home occupations are permitted with a few rules (separate entrances, single employee, etc.).  
Christy Zempter - they will have to address the home occupation language in other sections of the code if they are considering making a change here.  
Paula Horan Moseley - has heard concerns from some citizens about contracting businesses and taxi businesses that draw vehicles to the neighborhood.
- 41.04. (B)  
Historically, multiple copies were required so that everyone was informed.  
Paul Logue – copies assist in the process if variances are required from other commissions that don't meet as often as the Planning Commission. Most only meet on a monthly basis.

- 41.04. (E)  
Nancy Bain - would like to change the time limit to 30 days.  
Paula Horan Moseley – originally the time constraints were instituted so that the Planning Commission wasn't holding anything up.  
Nancy Bain – a shorter time frame would be like “rubber stamping”.  
Paul Logue – preliminary review is not required to occur at the Planning Commission level. Usually a smaller informal meeting between the Planner, Code Director and the City Engineer is held to work out minor details. He recommends that there be a Planning Commission preliminary review in case the commission has some suggestions, but it is not required. He also suggested replacing references to “Service-Safety Director” with “Planning Commission”. Having an electronic copy of documents and/or posting documents on the city website to help disseminate information would be more effective than having to make multiple copies to be available at the community center.  
Christy Zempter – asked if there are State regulations regarding records. The ORC should be checked to make sure they don't require a paper copy vs. electronic.  
Steve Patterson – the Law Director is looking into this.
- 41.06. Submission requirements  
Steve Patterson – There does not seem to be a standard scale in use.
- 41.07. (A) Standards for review  
Nancy Bain - smaller review groups for straightforward cases.  
Paul Logue – not everything needs to go through the Planning Commission (i.e. minor modifications to existing structures).  
Paula Horan Moseley – access management issues. Consider enhancing or broadening the language.
- 41.08. Bond  
Paula Horan Moseley – does not think that they have been utilizing this.
- 41.09. Site Plan content  
Paula Horan Moseley – consider adding screening language. She would like to work with the City Engineer on this language.
- 41.10. Changes to site plans  
Remove the term “mass”.  
Nancy Bain – recommended that language about buffer zones be covered here.

An American Planning Association article titled “Could you Bnb My Neighbor?” was distributed to the commission members. Steve Patterson noted that it is a good document with useful information. Paul Logue will look into putting a link to it on the city's website.

## 5. **Report from City Planner**

### Paul Logue

- Sustainability planning is going well; they are working on layout and editing their document. There is a work session scheduled this afternoon.

- Next Wednesday he and Council Member Pete Kotses are serving on a panel for the Ohio University Sustainability Film Series. The film is a documentary titled “Bikes vs. Cars” at the Athena, 7:00 PM.
- Historic Preservation Commission is discussing expanding the boundaries of the uptown historic district that was created in the 1980’s. There are buildings that qualify now for national registry in the uptown district as well as some historic homes on College and Congress Street. Some are 100+ years old. There are grant programs for funding this effort if they decide to pursue this.
- Comprehensive Plan – His intern has been working 10-15 hrs/week on mapping. He is setting up base maps utilizing the data that the code office has (land use, rentals, litter citations, etc.). He is putting together a timeline with the Mayor on how he would like to move forward. At some point they will convene an ad hoc group or steering committee.

**6. Opportunity for Citizens to Speak**

None

**7. Announcements & Other Business**

The next meeting of the commission will be March 3, 2016.

**8. Adjournment**

The meeting was adjourned at 1:15 p.m.

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RJ Sumney, Planning Commission

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Patricia Witmer, City of Athens