

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, April 18, 2019, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on April 18, 2019.

Attendees: None

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:01 p.m. There was no one in the live audience to administer the oath to. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair.....Present
Christy Zempter.....Present
Nancy Bain, Vice Chair.....Present
Steve Patterson, Mayor.....Present
Andrew Stone, Service-Safety Director.....Absent

STAFF:

Paul Logue, City Planner.....Present
Lance Alison, Acting Code Enforcement Director....Present

2. Disposition of Minutes from April 4, 2019

Christy Zempter pointed out a spelling error in the list of attendees (last name Oestrick should be corrected to Oestrike). RJ Sumney moved to accept the April 4, 2019 minutes noting the correction. Nancy Bain seconded. Motion passed 3:0. RJ Sumney abstained.

3. Cases

None

5. Communications

Title 43.07 Revisions

Paul Logue

At the Planning Commission meeting several months ago it was requested that he and the Code Enforcement Director review the sections pertaining specifically to the permitting/approval process for co-locations and modifications to existing wireless telecommunications towers. The current requirement is for all of those requests to be voted on by the Planning Commission after review by the Code Enforcement Director. They are typically rubber-stamped. In an effort to streamline the process for applicants it

was recommended that the Planning Commission consider an option where these requests can be reviewed and approved directly by the Code Enforcement Director, without going before the Planning Commission for a vote.

The suggested changes to Title 43.07 (A) (attached for reference) are in red type. The Planning Commission will still retain the authority to review/approve new facilities/towers. Most of the modifications that are reviewed are perfunctory – two such requests will be coming forward soon (Monticello and N. Blackburn).

If these meet the commissioners' approval, and because this is a change to Title 43 and not Title 23, the Planning Commission can make a recommendation to City Council for discussion and a vote.

Discussion

RJ Sumney: If the Planning Commission will still be involved with the Special Use Permits or any changes involving tower footprints, he feels this is reasonable.

Steve Patterson: Increasing the height of a tower would necessitate re-engineering the base. Would requests to decrease the tower height require a change to the tower footprint and necessitate coming before the Planning Commission?

Paul Logue: Increasing the tower height does not fit in the definition of a minor modification, but he is not sure about decreasing tower height – he can check on this if that is requested.

RJ Sumney: Would a company have to apply to take a tower down?

Paul Logue: If a site is going to be abandoned then the company would be required to remove the tower. This is the only section in Code that is changing and the only change is that the Planning Commission will not need to be involved in approving modifications to existing towers.

Steve Patterson: We have seen multiple modifications on the same tower recently.

Nancy Bain: The key phrase is “co-locations and modifications to existing towers”.

Nancy Bain moved to recommend the submitted changes to Title 43.07 (A) to City Council for their approval. Steve Patterson seconded. All present voted aye. Motion passed 4:0.

6. Report from City Planner and Director of Code Enforcement

Paul Logue

- Recently attended the 2019 National Planning Conference in San Francisco. There were many discussions about escooters. The best session for him was about off-campus housing and new best practices. Will look at these strategies in more detail and incorporate them into the Comprehensive Plan.

Lance Alison

- As Paul mentioned, there will be two more applications for modifications to wireless towers coming soon.

- A meeting has been scheduled with the 3 Cook Drive applicants and they will be coming before the Planning Commission soon.
- No updates on Menards or Marshalls.

7. **Opportunity for Citizens to Speak**

None

8. **Announcements & Other Business**

- The next meeting will be May 2, 2019.

9. **Adjournment**

The meeting was adjourned at 12:15 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens

43.07. - Special use permit application and other requirements.

- (A) All applicants for a special use permit for wireless telecommunications facilities or any modification of such a facility shall comply with the requirements set forth in this chapter. ~~The Athens City Planning Commission. The Athens City Code Enforcement Office~~ is the officially designated agency or body of the city to whom applications for a special use permit for wireless telecommunications facilities must be made. ~~The Code Enforcement Director is, and that is~~ authorized to review, analyze, evaluate, and make decisions with respect to granting or not granting ~~or revoking~~ special use permits for colocations and modifications to existing wireless telecommunications facilities. ~~The City Planning Commission is authorized to review, analyze, evaluate, and make decisions with respect to granting or not granting special use permits for new wireless telecommunications facilities or revoking special use permits.~~ foThe city may at its discretion delegate or designate other official agencies or officials of the city to accept, review, analyze, evaluate and make recommendations to the planning commission with respect to the granting or not granting or revoking special use permits for wireless telecommunications facilities.
- (B) All applications for a special use permit for wireless telecommunications facilities or any modifications of such a facility shall be submitted to the Athens City Code Enforcement Office.
- (C) The city may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- (D) No wireless telecommunications facilities shall be installed, constructed, or modified until the application is reviewed and approved by the city, and the special use permit has been issued.
- (E) Any and all representations made by the applicant to the city on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the city.
- (F) An application for a special use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- (G) The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site a copy of the ownership record is required.
- (H) The applicant shall include the following statement in writing:
 - (1) That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all the conditions of the special use permit, without exception, unless specifically granted relief by the city in writing, as well as all applicable city, state, and federal laws, rules, and regulations;
 - (2) That the construction of the wireless telecommunications facility is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the State of Ohio.
- (I) Where a certification is called for in this chapter, such certification shall bear the signature and seal of a registered professional engineer licensed in the State of Ohio.
- (J) In addition to all other required information as stated in this chapter, all applications for the construction or installation of new wireless telecommunications facilities or modification of an existing facility shall contain the information hereinafter set forth.
 - (1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - (2) Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the city. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service