Athens City Planning Commission
Minutes of Regular Meeting
Thursday, December 5, 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 December 5, 2019.

Attendees: Josh Most, Ken White, Charles Culp, Cory Corrigan, Betty Hollow, Jan Hodson, Mary Abel, Robert Delach, Jack Stauffer, Sarah Grace, Chris Fahl, Joan Kraynanski

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:04 p.m. and administered the oath to those in attendance wishing to speak before the commission. Quorum was established.

PLANNING COMMISSION MEMBERS:	
RJ Sumney, Chair	Present
Christy Zempter	Present
Nancy Bain, Vice Chair	Present *(arrived during item 3)*
Steve Patterson, Mayor	Present
Andrew Stone, Service-Safety Director	Present
STAFF:	
Paul Logue, City Planner	Present
David Riggs, Code Enforcement Director	Present

2. **Disposition of Minutes**

Christy Zempter moved to accept the October 3, 2019 minutes. Steve Patterson seconded. All present voted aye. Motion passed 4:0.

RJ Sumney made a motion to amend the agenda and move Communications before Cases. Steve Patterson seconded. All present voted aye. Motion passed 4:0.

3. **Communications**

Ohio University Credit Union Building Addition/944 East State Street

David Riggs/Summary
Title 41. 7,080 sq. ft. 2-story addition off the existing Ohio University Credit Union building located at 944 E. State St.

Josh Most/Wesney Construction, Gahanna, Ohio

- Provided renderings, preliminary civil and architectural drawings to the commissioners and these were also displayed at the podium.
- Planning a Spring, March 1, 2020 start

- First floor interior renovations currently under way at this location to match the recently completed upgrades at the 12 W. Union Street location.
- Upgraded technology and client interaction
- Renderings show addition on rear of building. Two story addition for executive offices on 2nd floor, Membership Services and HR offices on 1st floor. Will match the existing structure.
- Adding 25 parking spaces on the north side. Currently there are 97 parking spaces.
- Will also be seeking approval from zoning to access the private easement as well as an entry off the widened access easement drive to build a one way entrance into the parking lot to create a safer method of entry.
- Exit for existing drive through will be moving to the west and will become a one way exit.
- Building retaining wall close to the hillside.
- Presented a 3 minute video highlighting the exterior and interior design.

Discussion

Andrew Stone: Asked for a description of the easement relationship on the McLaren access.

Josh Most: Has a copy that he can provide as a part of the record. It is a joint relationship between Jim McLaren and the Credit Union that was filed in 2002.

Andrew Stone: Since the original headquarters were built, the city has enacted storm water quality standards. Increasing impermeable surface by adding 7,000 square feet building space plus the additional parking spaces. Demonstrate intent to follow best management practices to meet the storm water quality legislation.

Josh Most: Storm water plan is included in the civil documents. Adding catch basins, Page C6 of civil documents. Total parking spaces 119. 4 ADA existing and adding one ADA for a total of 5. The new parking will be for staff but will have no ADA spaces.

Andrew Stone: E. State St., Sheet C5.0, the drive through is steered more toward McLaren Avenue and the signal. There are pavement markings for right turn and left turn. Add sign to indicate right turn only.

Josh Most: That is a good point, which is why they want to widen the entrance.

Robert Delach/124 Morris

Reduce environmental impact. Are the additional parking spaces actually needed, or are they being increased due to a city zoning requirement or to the needs of the client? Why not reduce the requirement?

Possible Major Subdivision/Herrold Avenue

Andrew Stone/Summary

- The city was approached by the property owner (convoluted owner/long-term lease arrangement) who owns the 1st parcel at the end of Herrold Avenue on the east side of the roadway, right behind the fairgrounds. Former railroad property that was gradually developed over time after the railroad went out in the 1980's. It can't be subdivided anymore because of the fact that there is no public roadway. If five or

more parcels are served by a private easement there has to be a major subdivision to occur, can't be granted as a minor lot split.

- The city proposed back to the owner that if they grant a public highway easement as necessary to go in front on the parcels involved, the city will allow the lot splits. This will solve a messy (utility ownership issues) situation and allow a city street.
- The plat they are showing is what the owner proposed. A surveyor is currently preparing a modification of the plat.
- Zoned B3, viable business zone with economic growth potential.

Discussion
RJ Sumney: When this came to us a few years ago it was proposed that the roadway could be incorporated by the city into a street.
Andrew Stone: That is the thought, to make a public road.

Rob Delach/124 Morris
The implications are for a potential access road, to connect W. Union to W. State?

Steve Patterson: Currently it is a private road and if/when it is released to the city we can start exploring opportunities.

4. **Cases**

Discussion of Case #19-07: City Council Resolution R-08-19
Request to consider amending zoning code to include short-term rentals in residential zones

RJ Sumney/Summary
Had a special session/public hearing a few weeks ago and we received good input from citizenry. Today we are going to begin the process to work toward vote. We will start with a discussion.

Discussion
Steve Patterson: We are proposing amendments to the resolution based on the public hearing.
Andy Stone: This is a sensitive issue with a lot of opinions. Our charge as the Planning Commission is to take the resolution that City Council gave to us and either recommend, not recommend, or recommend with modifications. Based on communication from the public and the administration's own look at the situation, the administration has recommended changes that are marked in red on the resolution (attached for reference).

Review of recommended modifications

- In addition to changes in the resolution, Administration recommends changes to Title 15 Tax Code (transient guest tax) and Title 29 Housing Code (rental permits). The recommended changes will be provided at a later date.
- Page 2, (5) Rentals. Add the sentence as written in red. Right now if you have a rental you only need a permit if it is rented for more than 6 months. This proposal requires

permitting for greater than 30 days, permitting for less than 30 days (short-term rental permit), or getting both. (This would be a change in Title 29).
    - Nancy Bain: Why, it is not that much for a rental permit and this will be a bookkeeping nightmare.
    - Andy Stone: Keep track of 5500 rental permits already. We can look at ways to streamline that process. We want to have a record that it is indeed a short-term rental.
    - Nancy Bain: You would still require all the things that come with a rental permit, like smoke detectors, ground fault, etc.
    - Lance Alison: With these changes, anything that is required for a long-term rental will be required for a short-term rental. Egress, smoke detectors, etc.
- Page 3, (10) Homestay. Remove because it is covered in (5) Rentals.
- Page 3, (C)(3) Tourist Home. Tourist homes in an R1 is lightning rod for controversy. Recommend moving from a conditionally permitted use in an R1 to a principally permitted use in an R3. Also modify the definition as indicated in red. Reason being 6 guests triggers the ORC rooming house rules, a whole other level of regulations.
    - Nancy Bain: Define family in this.
- Page 6, Section V. Changes as noted in red.

This is the administration's proposal to the Planning Commission.

<u>Discussion</u>
RJ Sumney: Does this expand the # of homes that have to be inspected just as regular rentals?
Andy Stone: Yes, we think we will have about 50 or so. Keep track of people who are doing it occasionally and using an external service that monitors, like VRBO, Airbnb, etc. The fact that everyone has to get permits will allow us to track them. Some of the casual folks won't do it because of the regulations.
Steve Patterson: Under the code it doesn't speak directly to the Code Enforcement Department having to be the inspectors, it could be the Fire Dept. assists because it inspects all business already. The way it is written now, someone who does this casually will rethink whether they want to continue.
Andy Stone: To get the rental permit you have to meet the bulk controls as well, which includes parking. So this addresses the parking issues as well.
Nancy Bain: Review the zoning designations. Homestays are out.
Steve Patterson: Tourist homes were moved to R3, so are out of R1. The parking will be covered under Title 29.
Nancy Bain: Even for rooming houses.
Andy Stone: You currently can do rentals in R1's. With this you can do short-term rentals in an R1 if you get a permit and follow the restrictions. We have a functional Code Enforcement Department that is very professional and very good at inspection of rentals, so we need to just track it properly.
Steve Patterson: We appreciate the input from the Code Enforcement Department.
RJ Sumney: This would be conditional upon whether it was accepted as an Airbnb in an R1 to begin with?

Steve Patterson: We need to be careful there. Short-term rental is any of the trade names you are mentioning (Airbnb, VRBO, etc.).
Andy Stone: The change is that you have to get a permit to rent both long-term and short-term and the restrictions for long-term apply to short-term.

Joan Kraynanski/56 Mound

- Appreciates effort and response to the Public Hearing.
- #5/Rentals for any duration? You are opening up short-term rentals in R1 neighborhoods and with no regulations. You could see them everywhere, with no one on site monitoring.
- Change wording to "rental period for one month or more". No one on site, haven't given any definition to this, have to qualify #5. No guidelines for the short-term rental so you have to qualify this so it doesn't include 30 day rentals.
- Would no longer allow Jim Fuller to rent for more than 30 days?
  - Andy Stone: if he intended for more than 30 days and less than 30, he can get both permits.
- Still issue with 5 – leaving it wide open. If LLC-owned, then no one is there on site.

Mary Abel/48 Strathmore

- Echoes Joan Kraynanski's concern. Define the short-term rentals and Airbnb's. What is the intent of the commission, to allow or not to allow?
- Athens city code enforcement office does terrific job and thinks they are going to have more work. They need more help.

Rob Delach/124 Morris

- Confused by the changes. There are a number of faculty who go on sabbatical and have informal agreements for people to stay in their homes. The implication is that they have to get a permit.
  - Andy Stone: Yes, that is the implication.

Jack Stauffer/69 Elmwood

- Doesn't understand everything that was said. No tourist homes in any R1 zone?
  - Steve Patterson: Correct, as defined in the resolution we received from Council.
- Will allow short-term rentals in R1 zones? If so, for the protection of the R1 zone residents there should be regulations that they should be owner occupied at the time of the rental.
  - Andy Stone: Currently you don't need to get a permit to rent your property for under 6 months. This proposal is requiring everyone to get a permit whether less than or more than 30 days. They are subject to the regulations. As far as on-site owner occupied it is not currently a restriction.
- Feels there should be a restriction so that the owner is responsible for monitoring the renters.
- The tourist home petition speaks to the opposition – 93% against.
- Did his due diligence when he bought his house in the R1 zone.

- Re: bulk controls, R1 short-term rentals will have to meet the bulk controls? They have to meet the parking regulations?
  - Andy Stone: Yes, but they could seek a variance.
- Will the BZA deny the request for a variance? Will they be able to go to the BZA and succeed?
  - David Riggs: There is no instance where the BZA is not allowed to grant a variance.
  - Paul Logue: BZA does not issue use variances. However, for set back and parking, etc. they are allowed to ask for a variance from a parking requirement, which are typically denied. Airbnb is a use variance. You are allowed to appeal.
- Can't you just make it so that short-term rentals are not allowed in R1 zones?
  - Lance Allison: The changes that were proposed to 5) Rentals, will automatically make them meet the bulk controls for the parking.
  - Paul Logue: The variance process is established under the ORC.
- Only opposed to this in the R1 zones.

Betty Hollow/31 Maplewood

- Appreciated the public hearing and that you listened.
- One comment related to #5. Concern about the second part "keeping … by a non-resident owner". Concern has to do with affordable housing. This is a concern of the city as well. A house is being taken off the market.

Andy Stone: We are not ready to vote. Will work with staff to get the additional changes. We have until 12/20 to get something to City Council.
Steve Patterson: Appreciate those that came to the public hearing, apologize for not being there but reviewed the minutes. Having this come under Title 29 is a good step forward but need more time to chew.
Andy Stone: Had phone call from an Atlanta phone number who indicated that he wanted to know if short-term rentals were not allowed in the city. He wanted to know what the fine was and that he was going to do one anyway. Felt he was baiting the city.
RJ Sumney: Has a concern about #5, because there is no requirement that the owner has to be on premises. Concerned that since we are formalizing a business within the R1 it becomes a business. If parking is available, what is preventing people from having a business in their homes?
Lance Allison: Personal businesses are allowed in R1 right now.
RJ Sumney: what is preventing them from selling on premises?
Lance Allison: Can pick up product and leave the premises. They are not advertising on site.
Nancy Bain: Look at the R1 and Airbnb questions in other cities?
Andy Stone: If we did, we would request someone give us specific language to use.
Steve Patterson: Councilmember Fahl did a lot of research for this.

Chris Fahl/4th Ward

One thing that is getting muddled is that this is the 1st part of the package that has been going through to council to address this issue. There are concerns among neighbors of all zones, not just R1 or large lot R1's. Zoning is not a good vehicle to put these things in.

The Chapter 11 license requirements are going through council right now. These do address the issue of being on-site and addresses what is allowed to go on in the rooms. Her research was ongoing for 2 years. Looked at sister cities to see what they were doing. Looked at more of the progressive cities. Went to conferences and workshops on this topic. Has been well researched. If nothing is done it will be open season.

RJ Sumney: Doesn't want to recommend something because a wave of people are going to do something and we should adapt to the flow.

Jack Stauffer/69 Elmwood

- Is not concerned about what any other town is doing. Wants to sustain what he has purchased and the quality of life.

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

Paul Logue

- Athens County Hazardous Mitigation Plan is mostly wrapped up. The Regional Planning Commission will forward it on to the State at the end of this month.
- B2D rezoning was approved by City Council, 5:2.
- Wrapping up the draft of the Comprehensive Plan for distribution soon.

David Riggs

- Future meetings OUCU addition and County EMS.

7. **Opportunity for Citizens to Speak**

No comments.

8. **Announcements & Other Business**

Tree Lighting event tonight at 6PM.

The next meeting will be December 19, 2019.

9**. Adjournment**
The meeting was adjourned at 1:24 p.m.

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RJ Sumney, Planning Commission Patricia Witmer, City of Athens