



AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, MARCH 6, 2024 AT 12:00 PM

Streaming is available at www.ci.athens.oh.us/video

Establish Quorum and Administer Oath

Disposition of Minutes

- February 21, 2024

Cases

- Case #24-01 Elliott Street Rezoning Request

Communications

- Rezoning Request - Portions of Grand Park Blvd and Eden Place
- Tobacco Zoning and Marijuana Dispensary Zoning
- Planning Commission 2024 Goals

Reports

- Code Enforcement Director
- City Planner

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business

- Next Meeting: March 20, 2024

Adjournment

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

**Athens City Planning Commission
Minutes of Regular Meeting
Wednesday, February 21, 2024, 12:00 p.m.**

A regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on February 21, 2024.

Attendees: Dan DeLuca, Daniel DeLuca, Robert Delach

1. Call to Order

Austin Phillips called the regular meeting of the Planning Commission to order at 12:01 p.m. and administered the oath to those in the audience intending to speak before the commission. Quorum established with three members present.

PLANNING COMMISSION MEMBERS:

Chris Knisely	Present
John Kotowski, Chair	Absent
Steve Patterson, Mayor	Absent
Austin Phillips, Vice-Chair	Present
Andy Stone, Service-Safety Director	Present

STAFF:

David Riggs, Code Enforcement Director	Present
Meghan Jennings, City Planner	Present

2. Disposition of Minutes

Chris K. moved to approve the January 25, 2024 minutes. Andy S. seconded. All present voted aye, motion passed 3:0.

3. Cases

None

4. Communications

Elliott Street Rezoning Request

David Riggs/Summary:

- The request from Dan DeLuca is to rezone an area of 4 lots south of Stimson Avenue (an area that the city is currently working on an overlay district for, to encourage business development) from R-3 & B-3 to all B-3.
- Mr. Riggs distributed a lot line map to the commissioners (attached).
- His recommendations are:
 - Extend this request south of Mr. DeLuca's 4 parcels to include a parking area that is currently B-3.
 - Include a buffer zone between the residential and M zones.

- Look at rezoning the whole area to the south down to Mill Street as a buffer zone. This would involve three different property owners, one of whom is Athens Mold and Machine.
- Rezone to a B-1, not a B-3. There are currently two existing structures included in this request and if it is rezoned to a B-1 it would be legal conforming. If you made it a B-3 zone the two structures would become legal non-conforming uses because there is residential on the 1st floor. Setbacks and uses for both B-1 and B-3 are about the same. The biggest difference is that with a B-3 you can have a drive-thru.

Discussion:

- Chris K. – asked for clarification about including a buffer zone.
 - David R. - commented that buffer zoning is used in cases where two uses right next to each other are not compatible. For example, you can put an R-2 between an R-1 and a B zone. This protects a single-family residence from being right next to a B zone.
- Chris K. – asked if it would be appropriate to have American StructurePoint look at this request since it is in proximity to the overlay project they are working on.
 - Andy S. – the applicant wants to move forward by early summer so there may not be time to have American StructurePoint review and make it compatible with their zoning overlay.
- Chris K. – American StructurePoint’s presentation talked about including higher density residences and affordable housing in their plan.
- Austin P. – asked Mr. DeLuca if he was open to rezoning to B-1 instead of B-3 and he replied that rezoning to a B-3 makes more sense to him because the parking lot is already a B-3.
- Andy S. - offered clarification about legal non-conforming and not legal non-conforming and how to approach these circumstances. For example, in a B-2 or B-3 zone where residences are not allowed on 1st floors, when these residences cease to exist (if the owner stops renting the space out as a residence) then the rezoning kicks in. At this point a variance could be applied for but there is no guarantee what the BZA would do when/if this were to happen. His recommendation is not to change/extend the rezoning request to additional lots down to Mill Street, to do this incrementally.
- Chris K. – inquired about notifying the contiguous property owners. David R. noted that if the Planning Commission submitted a recommendation to City Council to review the public notification process would begin.
- Austin P. - requested that a decision be made about whether to rezone to a B-3 or a B-1 so that this can move forward as a case.
- The group had a general discussion about the zoning choices and their implications in this case.
- David R. - will have a conversation with Athens Mold and Machine about this rezoning request.
- This will move forward as a case at the next meeting if possible.

Tobacco Zoning and Marijuana Dispensary Zoning

David Riggs/Summary:

- Looking at making some changes to the city zoning code to help control tobacco and marijuana dispensaries in the city.
- Distributed a list of 33 licensed tobacco retailers in the city (attached).

- The thought is to have a certain number of dispensaries/retailers per zone.
- Will continue to look at this and will bring forward a recommendation to the commission.

Discussion:

- Chris K. – City Council tabled an ordinance at the end of 2023 regarding tobacco retailers. Andy S. noted that the ordinance was about the city licensing tobacco retailers. What we are talking about today is zoning existing state licensed tobacco retailers.
- Andy S. – In September there will be recreational marijuana dispensary licenses issued. Cities are allowed to completely prohibit by ordinance or can also manage by zoning. (Logan is considering banning city wide.) The concern is that marijuana dispensaries can be a very lucrative business and that more store fronts will flip, so limiting the number of retailers per zone would restrict that. We do not want to ban it in Athens. Another consideration is should this be a combined tobacco/recreational marijuana limit or should they be kept separate.
- Chris K. – appreciates Andy Stone’s proactive and systematic approach and wondered if the commission will need a request from City Council to move forward, or if can this be acted on without a formal request. Andy S. noted that the commission can put forward a recommendation outside of there being a request from a citizen or City Council.
- Austin P. – the commission will discuss this further at future meetings so that all the commissioners have an opportunity to ask questions and offer ideas.
- A map with the retailers’ locations may be ready by the next meeting.

2024 Planning Commission Goals

Chris Knisely read the draft list of six goals.

Discussion:

- It was suggested to update the tobacco goal to match the previous discussion (see attached updated list which includes the suggested changes.)
- Rob Delach/Morris Avenue - mentioned that City Council had talked about the tobacco retailer 500 ft buffer from schools.
- Andy S. - noted that we do not need to have a local licensing process because there is a state licensing process. The state has additional restrictions.

An updated draft goals list is attached for reference (includes a 7th item that was added later in the meeting).

5. **Reports from Director of Development & Code Enforcement and City Planner**

David Riggs/Code Enforcement Director

- A petition for another zoning request, R-2 to a business zone, will be on the agenda for the next meeting.
- In an effort to refresh/update zoning code with innovative ideas that are coming out, he is considering suggesting zoning code updates to include container homes, Conestoga huts, and tiny homes.

Discussion:

- Chris K. - suggested a review of accessory structures as well.

- David R. - commented that there is a bigger issue with housing in the city that could be addressed.
- Andy S. - noted that we do not want to have a comprehensive re-write of the zoning code. Best to take "small bites of the apple."
- Rob Delach/Morris Avenue - commented that the commission discussed bigger picture housing issues in the city last year and suggested that a group be formed to address code changes and report back to the commission.
- Andy S. - suggested that housing be added to the Planning Commission list of goals for 2024.

Meghan Jennings/City Planner

- Introduced herself and briefly discussed her background prior to accepting the City Planner position.

6. **Opportunity for Citizens to Speak**

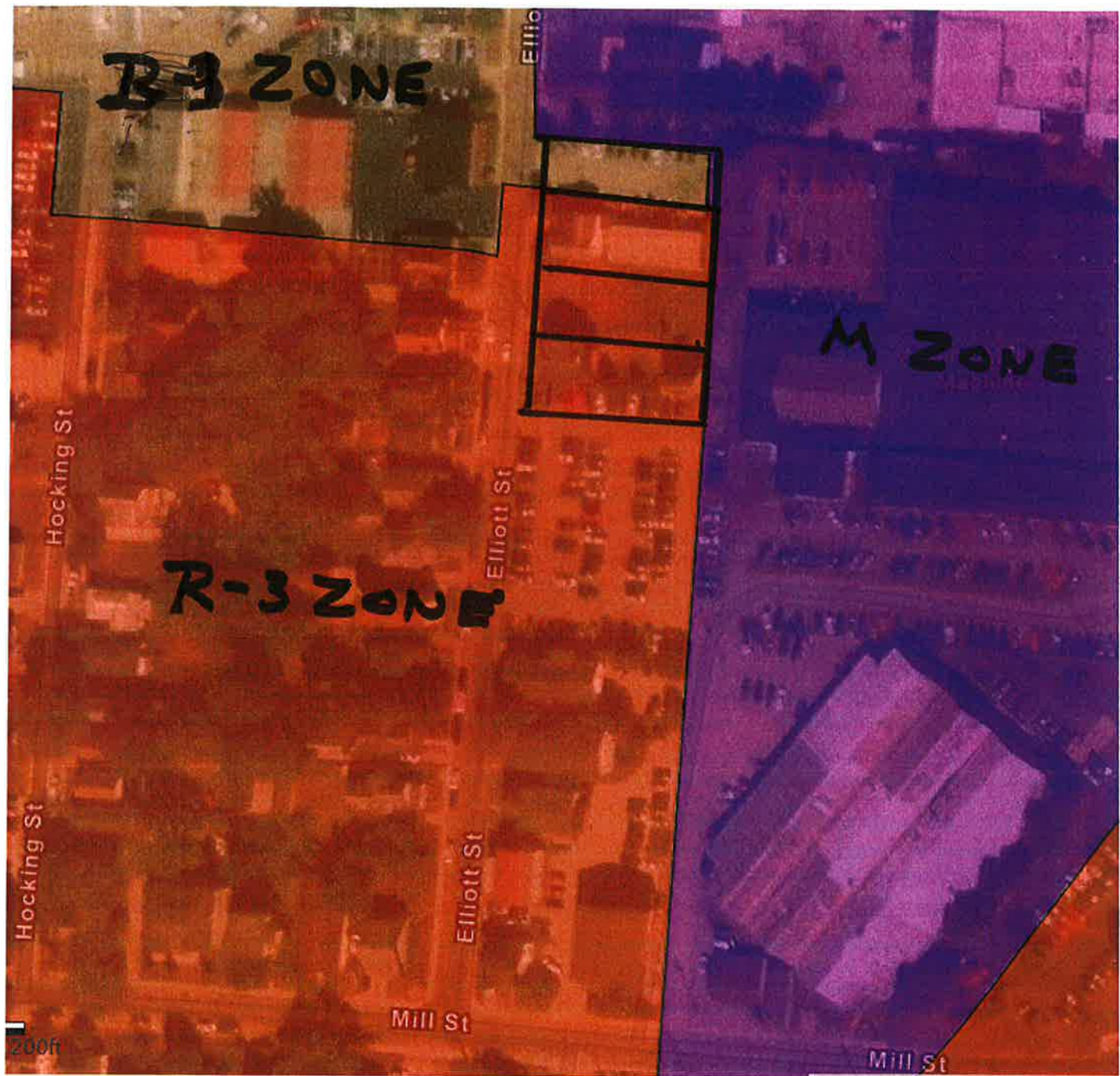
None

7. **Announcements & Other Business**

- Andy S. – regarding the New Community Authority, city staff toured the new sewer line that was installed on the Ridges Tier 2 property from Dairy Lane up the hill. This was successfully accomplished, and the idea is that a road, to increase access to that area, would be do-able.
- Next meeting March 6, 2024.

8. **Adjournment**

Andy S. moved to adjourn; Chris K. seconded. The meeting adjourned at 12:50 p.m.



Elliott Street Rezoning Request

Andy Stone

From: David Riggs <driggs@ci.athens.oh.us>
Sent: Wednesday, January 24, 2024 9:48 AM
To: Andy Stone; Andrew Chiki; Lisa Eliason
Cc: Jessica Branner-Hittle
Subject: businesses with tobacco licenses in Athens

There are 33 businesses in Athens that have a current tobacco license.

1	Wolfhouse LLC	Smiling Skull Saloon	108 West Union St
2	Cranberry Row, LLC	Union Street Market	26 W Union St
3	Silver Serpent LLC	Silver Serpent	55 N Court Street
4	Silver Serpent LLC	Silver Serpent	728 E State Street
5	Silver Serpent LLC	Silver Serpent	13 W Union Street
6	Athens Community Dr	Athens Community Dr	750 E State Street
7	The Kroger Company	Kroger #901	919 E. State St.
8	The Kroger Company	Kroger #901 Fuel	919 E. State St.
9	Pete's BP LLC	Pete's	542 Richland Ave
10	Tobacco & Vape City	Tobacco & Vape City	447 E State St
11	Seamans of Athens	Seamans Grocery	305 W Union Street
12	Seamans of Athens	Seamans Marathon	295 W Union Street
13	Walmart Stores East, LP	Walmart #3486	929 E State ST
14	Family Dollar Stores	Family Dollar #20859	4 E Carpenter St
15	The Kroger Company	Kroger #901 Liquor Stor	917 E State ST
16	Anthony Sylvester Inc	Tony's Tavern	7 West State Street
17	Dolgen Midwest, LLC	Dollar General Store	1016 E State Street
18	Dolgen Midwest, LLC	Dollar General Store	8980 United Lane
19	Nelsonville Grocery Inc	Busy Day Market	30 W. Stimson Ave
20	Compton Point Inc	Cheap Tobacco #81	906 E. State St
21	Par Mar Oil Company	Par Mar Store #153	1 E Stimson Ave
22	Par Mar Oil Company	Par Mar Store #166	50 North Court Street
23	Par Mar Oil Company	Par Mar Store #167	235 Columbus Road
24	GoBrands, Inc.	GoPuff	188 Columbus Rd
25	Athens Smoke LLC	Athens Smoke LLC	12 Carpenter St
26	Speedway LLC	Speedway #9235	319 E State Street
27	Speedway LLC	Speedway #9242	414 Richland Ave
28	Go-Mart, Inc.	Go-Mart #111	928 E. State St
29	Go-Mart, Inc.	Go-Mart #112	707 W. Union St
30	Tobacco & Vape City	Tobacco & Vape City Co	447 E State St
31	Snag Delivery Inc.	Snag Delivery Inc.	13 W. Stimson Avenue
32	Mike's Dog Shack, LLC	The Shack	20 S Court St
33	GoBrands, Inc.	GoPuff	141 Columbus Rd

David Riggs, PE
City of Athens
Code Director

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2024 GOALS
February 21, 2024

1. Study tobacco vender locations and marijuana dispensary locations to determine appropriate distribution in all zones in the city.
2. Design and recommend a zoning overlay for Stimson Avenue (area).
3. Stay apprised of the new Community Authority for The Ridges with timely review of plans and requests. Work to collaborate where possible to make the proposed development plans successful.
4. Integrate the new City Planner (who starts February 12, 2024) to the Athens City Planning Commission and the Athens community.
5. Strengthen the relationship between the City Government and Ohio University as it relates to planning for the Athens community.
6. Review Athens City Code to promote housing.
7. Review developments that come before the Commission, and with planning commission guidelines, encourage growth and development.

Zoning Draft 2022



Zoning draft in 2022, includes Athens County parcel feature service

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APPLICATION for ZONE CHANGE

CITY OF ATHENS, OHIO ATHENS CITY CODE TITLE 23.09

(For Office Use Only)

Permit # ZC24-000001

Date Rec'd 2/16/2024

*Applications must contain all of the following information. An incomplete application will not be processed.
\$100.00 Letter of Zone Change (single parcel) / \$200 Map Zone Change (multiple parcels)*

Parcel ID(s):	Present Use:	Present Zone:	Proposed Use:	Proposed Zone:
1. <u>See attached</u>				
2. _____				
3. _____				
4. _____ (attach additional parcels list to application as needed)				

Applicant	<u>Grand Town Eden LLC</u>	Phone # to call when processed	<u>740-593-3357</u>
Address	<u>c/o Mollica Gall Sloan & Sillery, 35 N. College St., PO Box 958, Athens, OH 45701</u>		
Property Owner (if other than applicant)	_____	Phone	_____
Address	_____		

Property Owners contiguous to/across street from subject parcel:

Name:	Address:
1. <u>See attached</u>	_____
2. _____	_____
3. _____	_____
4. _____ (attach additional properties list to application as needed)	_____

Existing deed restrictions/encumbrances on subject property: See attached

Reason(s) for proposed amendment change: See attached

Describe how this proposed change relates to comprehensive plan: See attached

Owner/Agent Signature:  Date: 2/16/24

For Official Use Only

1. Code Enforcement Admin:

Comments: _____

Signature WAA Date: 2/16/2024

Supporting Documents ☒ Attached ☒ Fee Paid Amount \$ 200

2. Code Directors Review: ☐ Approve ☐ Refused ☐ Missing Documentation

Comments: _____

Signature: _____ Date: _____

3. Athens City Planner: ☐ Approved ☐ Refused ☐ Missing Documentation

Comments: _____

Signature: _____ Date: _____

4. Service Safety Director: ☐ Approved ☐ Refused ☐ Missing Documentation

Comments: _____

Signature: _____ Date: _____

5. Planning commission: ☐ Approved ☐ Refused

Comments: _____

Signature _____ Date: _____

6. City Council President: ☐ Approved ☐ Refused

Comments: _____

Signature _____ Date: _____

Parcels to be rezoned:

<u>Parcel ID</u>	<u>Present Use</u>	<u>Present Zone</u>	<u>Proposed Use</u>	<u>Proposed Zone</u>
A028350005800	Undeveloped	R2	Car dealership parking	B3
A028350005900	Undeveloped	R2	Car dealership parking	B3
A028350006500	Undeveloped	R2	Car dealership parking	B3
A028350006600	Undeveloped	R2	Car dealership parking	B3
A028350006700	Undeveloped	R2	Car dealership parking	B3

Property Owners contiguous to/across street from subject parcels:

<u>Owner and Mailing Address</u>	<u>Address located by parcels to be rezoned</u>
Daewoo Lee and Aeran Lee 7 Grand Park Blvd. Athens, OH 45701	Same
Jeng Fuh Cherng and Yang Fei Chiung 109 Coventry Lane Athens, OH 45701	10 Eden Place
David Thibeault 11 Eden Place Athens, OH 45701	Same
Judith D. Laughlin 8 Grand Park Blvd. Athens, OH 45701	Same
Antoinette Blair and William Blair 6 Grand Park Blvd. Athens, OH 45701	Same
Mithril Enterprises LLC 47 South Johnsonville Farmersville Rd. New Lebanon, OH 45345	1 Grand Park Blvd.
Good, Inc. PO Box 150 Athens, OH 45701	Two parcels behind 810 E. State St.
Jones Buick Oldsmobile Cadillac Co. 82 Columbus Circle Athens, OH 45701	One parcel behind 830 E. State St.

Existing deed restrictions/encumbrances on subject property: As to parcels A028350005800 and A028350005900 only, the addition/subdivision restrictions require a 25-foot setback for all structures and that foundations be at least 3.5 feet above East State Street level.

Reasons for proposed amendment change: Applicant and Don Wood Hyundai are under common ownership. Don Wood Hyundai is using a space too small for its current operations. The dealership specifically needs additional parking lot space for inventory. The proposed rezoning would allow Don Wood Hyundai to pave and use the rezoned parcels for parking (subject to all applicable provision of the Athens City Code).

Describe how this proposed change relates to the comprehensive plan: The proposed change would maintain commercial use along East State Street and residential use to the north; would increase motorist and pedestrian safety at the intersection of East State Street and Grand Park Boulevard, by providing alternate locations where Don Wood Hyundai could park vehicles further from the intersection; and would increase Don Wood Hyundai's ability to continue operating in its current location. The proposed change would also rezone the only remaining R2 parcels between U.S. 33 and Hope Drive, leaving only one large parcel at Hope Drive and owned by the City of Athens as R2. Additionally, because the proposed rezoning only involves undeveloped lots, no housing would be lost.

Ordinance No. _____

Passed: _____

Introduced by: _____

AN ORDINANCE REZONING PORTIONS OF GRAND PARK BOULEVARD AND EDEN PLACE FROM A R2 ZONE TO A B3 ZONE.

WHEREAS, on _____, the City Planning Commission recommended to rezone, from R2 to B3, portions of Grand Park Boulevard and Eden Place; and

WHEREAS, said rezoning would allow for the continued productive use of the adjacent commercial parcels, increase motorist and pedestrian safety at the intersection of East State Street and Grand Park Boulevard, and stabilize and encourage investment in the area; and

WHEREAS, Athens City Council has scheduled a public hearing on _____, in accordance with the Planning Commission's recommendation;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Portions of Grand Park Boulevard and Eden Place are hereby rezoned from R2 to B3, described more particularly in the map attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

Lisa Eliaison is reviewing as to form. I expect her results the week of Feb. 19.

Rezone from existing R2 to B3

R1 (existing)



B3 (existing)

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