



AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, MARCH 20, 2024 AT 12:00 PM

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

Establish Quorum and Administer Oath

Disposition of Minutes

- March 6, 2024

Cases

Communications

- Suggested changes to ACC 21.03.02 and 21.03.07/Subdivisions
- Grand Park Blvd and Eden Place Rezoning Request - Update

Reports

- Code Enforcement Director
- City Planner

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business

- Next meeting: April 3, 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, March 6, 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 March 6, 2024.

Attendees: David Mott, Alan Swank, Robert Delach

1. Call to Order

John Kotowski 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 four members present.

PLANNING COMMISSION MEMBERS:

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

STAFF:

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

2. Disposition of Minutes

Andy S. moved to approve the February 21, 2024 minutes. Chris K. seconded. John K. and Steve P. abstained from voting as they were not present at the 2/21/24 meeting. Two aye votes.

3. Cases

Case #24-01 Elliott Street Rezoning Request

David Riggs/Summary:

- The appellant for this request was not present.
- The appellant owns four lots in the area and his request is to rezone three of the lots to the south from R-3 to B-3.
- The recommendation from David R. and Meghan J. is to rezone to B-1 instead of B-3 because a B-1 would be more effective as a buffer in that area. B-1 would allow residential (like an R-3) but also allow business. A B-3 does not allow residential on the 1st floor. There are two existing structures as part of this request that would become legal non-conforming if the lots were rezoned from an R-3 to a B-3.
- Meghan J. added that a B-1 would be more context appropriate for Elliott Street and the surrounding residential area.

Discussion:

- Steve P. noted that American Structurepoint is working on the Stimson corridor overlay plan and their initial proposal recognizes that we want to see improvements and encourage economic growth in the area. B-1 would fit in the American Structurepoint plan.
- Andy S. asked if David R. still recommends rezoning the parking lot to the south (3 lots owned by Athens Mold & Machine) in addition to the three lots owned by Mr. Deluca.
 - David R. still recommends this; however, he has not heard back from them (AM&M) with an opinion on the suggested change in zoning.
- Andy S. commented that the parcel furthest north is already a B-3 and wondered if it made better sense to keep it B-3 rather than change it to a B-1. For the applicant, just change the zoning of the three lots below to a B-1 but not change the B-3 parcel to the north.
- Chris K. inquired about protocol for changing the zoning when the property owner of several of the lots (AM&M) has not been notified.
 - David R. - the Planning Commission can move forward with a recommendation to Athens City Council. City Council would hold a public hearing and they would be notified.
 - John K. commented that If AM&M opposes it then City Council could modify the rezoning recommendation and just include the three parcels that Mr. Deluca owns.
- Steve P. asked if there was a need to move this through to City Council or if this could be tabled for two weeks to allow AM&M more time to provide feedback.
 - David R. - the appellant has some urgency as they want to do some development work this summer on these lots.
- Andy S. suggested that the commission could make a motion to include the AM&M parcels contingent on approval of the rezoning from AM&M.
- John K. commented that he feels that an R-3 is a better zone there. An update/final plan from American Structurepoint on the Stimson Avenue Corridor Plan has not been received.
- Chris K. asked if the commission could hear from American Structurepoint before this is moved forward.
- Andy S. noted that he has intentionally held off on contracting with American Structurepoint for continued work on the overlay plan because that would cost more money. Buckeye Hills funded the prior work. A higher level of fidelity on the zoning overlay will not be known for several months. American Structurepoint did look at existing parcels' tax revenue and what a TIF could generate. His opinion is that this does not conflict with American Structurepoint's plan.
- Meghan J. commented that at the last meeting David mentioned that the rezoning to B-1 helps buffer the subject lots between the residential uses on Elliott Street and the M zones owned by AM&M to the east.
- David R. pointed out that a B-1 tends to give you more flexibility so both residential and business is okay. The B-1 restriction is that drive-throughs are not allowed.
- John K. asked David R. if business zones require commercial on the first floor, and David R. said that B-1's do not require this. David R. added that a B-1 offers more than an R-3 because the setbacks are less in a B-1 than an R-3, so larger residential buildings can be built in a B-1.
- Chris K. asked for examples of residential in a B-1 in Athens. Andy S. said that there is very little B-1 in the city now, but some examples may be around Village Bakery and the corner of Madison and E. State St.
- Rob Delach/Morris Avenue: Likes the idea of a B-1 and thought that if the parking lot were rezoned to B-1 it could be put to better use.

- Meghan J. agreed that it could inspire the property owner to think more creatively about that property.
- Chris K. recommended that the commission move forward with conditional approval of the case as Andy S. suggested earlier.

Andy Stone moved to recommend to Athens City Council approval of Case #24-01, rezoning of the southern three parcels that the applicant submitted in this request to a B-1, as well as the three additional parcels south of that to a B-1, contingent upon agreement from the property owner of the additional parcels (which will be sought by Athens City staff). Steve Patterson seconded the motion. Motion passed 3:1.

4. **Communications**

Grand Park Blvd Rezoning Request

David Riggs/Summary:

- The request is to rezone an R-2 area, about 5-6 parcels, to the south as B-3 and to the north as R-1. Several years ago, there were more R-2 as a buffer between the business and the single family residential, but most of those R-2's are now all R-1's, except for this area here.
- Proposed use will be part of a parking area for the existing Don Wood Hyundai.

David Mott/MGSS:

- Don Wood Hyundai has been operating for a while in that space. The five lots behind them have been undeveloped, and they need more space. Dealership is growing and they want to expand and pave a lot.
- This is the only remaining R-2 on that side of town other than one parcel down by Hope Drive.

Discussion:

- Chris K. mentioned that a letter of concern from a neighbor, Heather Laughlin, was received yesterday. Heather L. says that work is already being done there (dirt being moved and lights being installed). Heather L. is concerned because of the adjacent residences.
 - David M. acknowledged that they were conducting preliminary work but when they were made aware that they could not do that without rezoning the work was halted.
 - David R. added that when their plans were reviewed it was found that they wanted to develop outside the setbacks for the existing zone, so they submitted this rezoning request in order to continue. The space is currently an undeveloped open space with some lighting installed (which is on the city's ROW, and they will work on getting that straightened out).
- Steve P. noted that there are no duplexes there which is what R-2 is.
 - David M. said three of the five lots are too small for a duplex and for a single-family home they would have to be granted a variance.
- Andy S., considering Heather L.'s concerns, asked if the Planning Commission could impose more restrictions to a rezoning recommendation to City Council. Could this be contingent on there being a 10-foot buffer included on the north side (there was a similar concern during the Stimson Avenue project). David R. will research this option.

- David M. commented that if rezoned to B-3 it would be subject to the full set of zoning regulations. B-3 has a 10-foot minimum side yard requirement and 10-foot minimum rear yard requirement.
- David R. said there are no side yard setbacks for a B-1, B-2, or M-1 but a B-3 has a minimum 5 on one side and 10 on the other for a total of 15.
- Chris K. noted that there could be a condition put on a recommendation. Fencing could be a possibility, type of fencing, downward lighting. The current lighting there is very high, very bright and was installed in the city ROW. The lighting in our ROW was installed without the city's permission. The city could ask them to remove them or change them. They would have to obtain city permission (after the fact).
- Steve P. added that this will also have to be reviewed by the Shade Tree Commission.
- David R. said that this would not trigger Title 41 because it is not a building. This is not in the floodplain.
- Andy S. said that it is subject to stormwater quality regulations, Title 5.
- John K. read into the record the letter from Heather Laughlin (attached for reference). There will be a public hearing at the City Council level.
- Rob Delach/Morris Avenue commented that lighting is a major concern because it affects quality of life. His home is two parcels over from Stimson Avenue and lighting from the businesses on Stimson is an issue for him. A parking lot would remove the potential for residential properties. Property tax on a parking lot is minimal.
- John K. mentioned that a balance regarding the lighting, a balance needs to be found between taller lights vs. lower lights, etc.
- David M. reiterated that this is not a potential housing area in Athens. The lots have remained undeveloped for years.
- Alan Swank/Townsend Place commented on his experience on the far east side regarding lighting, visibility, construction zone eyesores, fencing, property taxes, and existing drainage issues. He suggested that the commissioners talk with the neighbors.

David Riggs will address these questions and concerns to Don Wood Hyundai before this moves forward as a case.

Tobacco Zoning and Marijuana Dispensary Zoning

David Riggs/Summary:

He and the City Planner have been working on drafting suggested zoning code language changes (attached for reference). They looked at where the city may want cannabis establishments and did not feel that R zones or B-1 zones should be considered so they started with the B-2 business zones. Mr. Riggs requested to change his references to "cannabis establishments" in his draft to "establishments with state cannabis sales license" because this will allow more city control over the number of establishments in a certain area (because the city is not licensing them). Mr. Riggs reviewed the proposed language changes in the draft document per zone and asked if the commission would like to further restrict the M zone.

Discussion:

- Steve P. said that we do not have guidance from the state on this, but he wants to get ahead of their guidance so that we can regulate the locations. His primary concern is that there is limited open retail space in the uptown B-2D zone, and he does not want to see this area become a mix of bars and recreational marijuana retailers. He has watched the

development of Harvest and Debbie's (the city's two medical marijuana dispensary locations), and they are heavy on security. He assumes security will be a requirement for recreational retailers as well.

- Chris K. requested clarity on the #'s that they suggested for the different zones in the draft.
 - David R. said the #'s are currently for existing tobacco retail establishments and the suggested # is for the # of recreational marijuana retail establishments.
- Andy S. commented that the commission should pass zoning changes that put a cap on the number of state tobacco licenses in particular zones, as well as put a recommendation forward to City Council to change the zoning for cannabis licenses. The two can be a parallel effort that can be taken up by City Council. The assumption is that existing tobacco retailers will seek recreational marijuana licenses as well. If we recommend a combined change it may get stalled for one or the other, so best to keep these separate recommendations.
- Andy S. asked if the B-3 zones should be further split up the B-3 zones.
 - The commissioners agreed to further split up the B-3 zones and use Rt. 33 as a demarcation line.
- David R. suggested further restricting, for both tobacco and cannabis, the distance away from events or activities (schools, parks, etc.).
 - John K. and Steve P. agreed, and Steve P. said that this is the case for liquor control licenses and medical marijuana dispensary licenses.
- David R. said that the city can be more restrictive but not less restrictive than the state. David R. thought he would add language with restrictions on schools, parks, recreational facilities, and maybe day care. Steve P. suggested that he just look at the medical marijuana dispensary language. Andy S. did not think that daycare facilities needed to be included.
- Rob Delach/Morris Avenue commented that Athens City Council tabled their ordinance at the end of last year and they were looking at similar restrictions. We are not licensing the establishments. State not doing a good job of licensing to ensure the retailers are not close to a school, etc. There is also almost no enforcement.
- Andy S. agreed that it would be easier if there was local licensing. Cities have the most control with zoning on these situations.
- Chris K. we are putting restrictions by zoning. If we recommend this to Athens City Council do we ask the state to look at our zoning restrictions? Andy S. said that it is up to the business to do their due diligence when applying.

2024 Planning Commission Goals

- The commissioners agreed to review the list of goals (attached for reference) every 3-4 months to measure progress.

Andy Stone moved to accept the 2024 Planning Commission Goals as presented. Chris K. seconded the motion. All present voted aye, motion passed 4:0.

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

David Riggs/Code Enforcement Director

- At the next meeting he would like to discuss the Planning Commission's role in managing sub-divisions.

Meghan Jennings/City Planner

- No updates to report

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- John K. suggested that a discussion occur to clarify what zoning overlays are at a future commission meeting where there are only a few or no agenda items.
- Next meeting March 20, 2024.

8. **Adjournment**

The meeting was adjourned at 1:16 p.m.

Zoning Draft 2022



Zoning draft in 2022, includes Athens County parcel feature service

Maxar, Microsoft | State of Ohio GIS | Esri Community Maps Contributors, WVU Facilities, VGIN, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Elliott Street Rezoning Request

Patricia Morris-Witmer

From: Patricia Morris-Witmer
Sent: Tuesday, March 5, 2024 8:16 AM
To: Andy Stone; Austin Phillips; Christine Knisely; John Kotowski; Steve Patterson
Cc: David Riggs; Meghan Jennings; Wendy Armstrong
Subject: Planning Commission Communication from Laughlin

Good morning,

The following was received by Heather Laughlin regarding concerns about the Grand Park Blvd rezoning request that is on tomorrow's agenda.

Thank you,
Patty

From: Heather Laughlin <heather.laughlin3@gmail.com>
Sent: Tuesday, March 5, 2024 6:18 AM
To: Patricia Morris-Witmer <pwitmer@ci.athens.oh.us>
Cc: David Riggs <driggs@ci.athens.oh.us>; Wendy Armstrong <warmstrong@ci.athens.oh.us>; Alan Swank <alanswank1@gmail.com>
Subject: Re: email addresses

73132726093__5A61F0D8-D878-4AED-B6F6-09DAFB9AE2BE.HEIC

Patty,

Please share my letter below and pictures with the planning commission.
I have also attached it in a Google Doc

Thank you-
Heather

March 5, 2024
Planning commission -

I am sharing concerns for the change in zoning for the lots on Grand Park Blvd. from residential to business behind the Don Wood Hyundai.

The work for a parking lot on this property was started several months ago, and is currently being used as such (prior to proper zoning).

I understand the right of way onto East State Street is a safety issue, but the safety and needs of the residents also need to be addressed and considered.

I grew up in the house at 8 Grand Park Blvd. My mother currently resides there and one day it is the hope that one of my children will raise their family there.

Some restrictions/guidelines/resident's input need to be in place.

-lighting- I have attached a picture I took this morning to show how bright it is.

New pole lights have been installed. They are very bright (it looks like daylight 24/7 at the end of Grand Park). If additional lights are to be installed they need to be facing away from the houses. These lights also need to be dimmed. They are very distracting to the neighboring houses.

-My understanding is to rezone the lot that would be considered 5 Grand Park. That is very close to the house at 7 Grand Park for lights and more congestion. This would work if the current grassy area that has been left on the lots to separate the lot from residents remains.

-Will there be additional turn in and outs from the parking lot onto Grand Park and Eden? This is a huge concern for safety and congestion for the residents. Residents at the lower end of Grand Park already have to deal with loud, racing and reckless cars speeding up the street all day from Don Wood and the business in the Chevy garage (4 Grand Park).

-Will fencing be installed to make a separation from business to residential?

While not ideal, I do think this can work-with the above considerations (and possibly more from other residents). I am not exactly sure how the logistics work between the planning commission and the zoning board? But the affected residents mentioned in the proposal need to be notified (they have not) and given an opportunity to provide their input. As I read this it is in the planning stages at your commission. I happened to find this as I regularly check city agendas in my role for FENA.

Thank you for your time. I will be sharing this information with residents to give them an opportunity to give input, as well as sharing at FENA Thursday.

The time of noon for this meeting conflicts with my work schedule, and I am unable to attend in person. I would like this letter read and considered at the meeting.

Heather Laughlin

Planning commission -

On Mon, Mar 4, 2024 at 12:16 PM Heather Laughlin <heather.laughlin3@gmail.com> wrote:

Yes, it is. I have a couple questions and concerns about an agenda item.
I am currently at work, but will share my email later this afternoon.

Thank you

On Mon, Mar 4, 2024 at 11:48 AM Patricia Morris-Witmer <pwitmer@ci.athens.oh.us> wrote:

Hi Heather,

Is this regarding something that is on the Planning Commission agenda for Wednesday? I have cc'd the Code Enforcement office for awareness.

Thank you,

Patricia Witmer

Grants Administrator

Prevailing Wage Coordinator

8 E. Washington St.

Athens, Ohio 45701

(740) 592-3338

From: Heather Laughlin <heather.laughlin3@gmail.com>

Sent: Monday, March 4, 2024 11:28 AM

To: Patricia Morris-Witmer <pwitmer@ci.athens.oh.us>

Subject: Re: email addresses

will do! thanks

It may be this evening, Will you have time if you do not receive it until tomorrow? to reach them prior to Wednesday's meeting.

On Mon, Mar 4, 2024 at 11:12 AM Patricia Morris-Witmer <pwitmer@ci.athens.oh.us> wrote:

Hi Heather,

Please email me and I will forward it to the commissioners.

Have a nice day,

Patricia Witmer

Grants Administrator

Prevailing Wage Coordinator

8 E. Washington St.

Athens, Ohio 45701

(740) 592-3338

From: Heather Laughlin <heather.laughlin3@gmail.com>

Sent: Monday, March 4, 2024 10:22 AM

To: Patricia Morris-Witmer <pwitmer@ci.athens.oh.us>

Subject: email addresses

Hi Patty,

Could you please provide me with the email addresses for the members of the planning commission? I need to email all of them regarding an upcoming agenda item.

Thank you,

Heather Laughlin



APPLICATION for ZONE CHANGE

CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23.09

(For Office Use Only)

Permit # ZC24-0001801

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

Clerk of Council

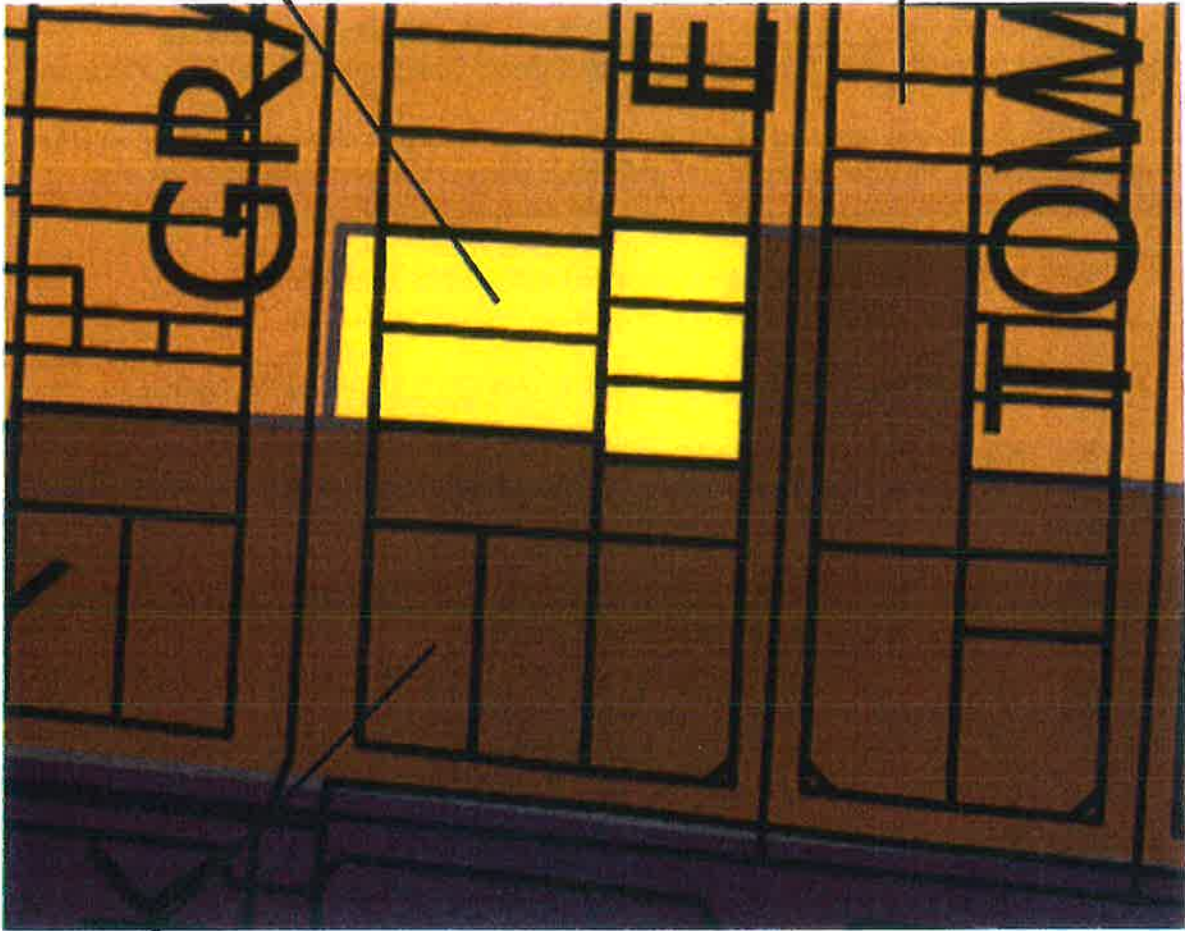
*Lisa Eliaison is reviewing
as to form. I expect
her results the week of
Feb. 19.*

APPROVED:

Mayor

Rezone from existing R2 to B3

R1 (existing)



B3 (existing)

23.04.05. - B-2 Business District.

A) Principal permitted uses. Any convenience business or general business or services establishment, subject to the following general conditions:

- (1) Residential uses are permitted only on the second story and above.
- (2) Automotive services and service stations shall be at least 50 feet from any R-Zone and shall have no openings adjoining the R-Zone, other than stationary windows and fire escapes.
- (3) Other uses: Any other retail business or service establishment or use, which determined by the BZA to be of the same general character as the above permitted uses, but not including any use first permitted or not permitted in the B-3 Zone.
- (4) "Bed and breakfast" establishments.
- (5) Hotels and motels.

(6) CANNABIS ESTABLISHMENTS. NO MORE THAN 2 ESTABLISHMENTS ARE ALLOWED WITHIN THE B-2 BUSINESS DISTRICT.

(B) Permitted accessory uses: Accessory uses and structures as permitted and as regulated in the R-3 Zone and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted uses.

23.04.06. - B-2D Downtown Business Zone.

Same as specified in B-2, except for schedule of bulk controls Table A.

- (A) Entertainment—Night clubs, theaters, billiard parlors, pool halls, bowling alleys, and similar enterprises shall be at least 100 feet from any R-Zone.
- (B) "Bed and breakfast" establishments.
- (C) **CANNABIS ESTABLISHMENTS. NO MORE THAN 5 ESTABLISHMENTS ARE ALLOWED WITHIN THE B-2D DOWNTOWN BUSINESS ZONE.**

23.04.07. - B-3 General Business Zone.

(A) Principal permitted uses: Any use permitted and as regulated in the B-2 and B-2D Zones, except as hereinafter modified in the following general conditions:

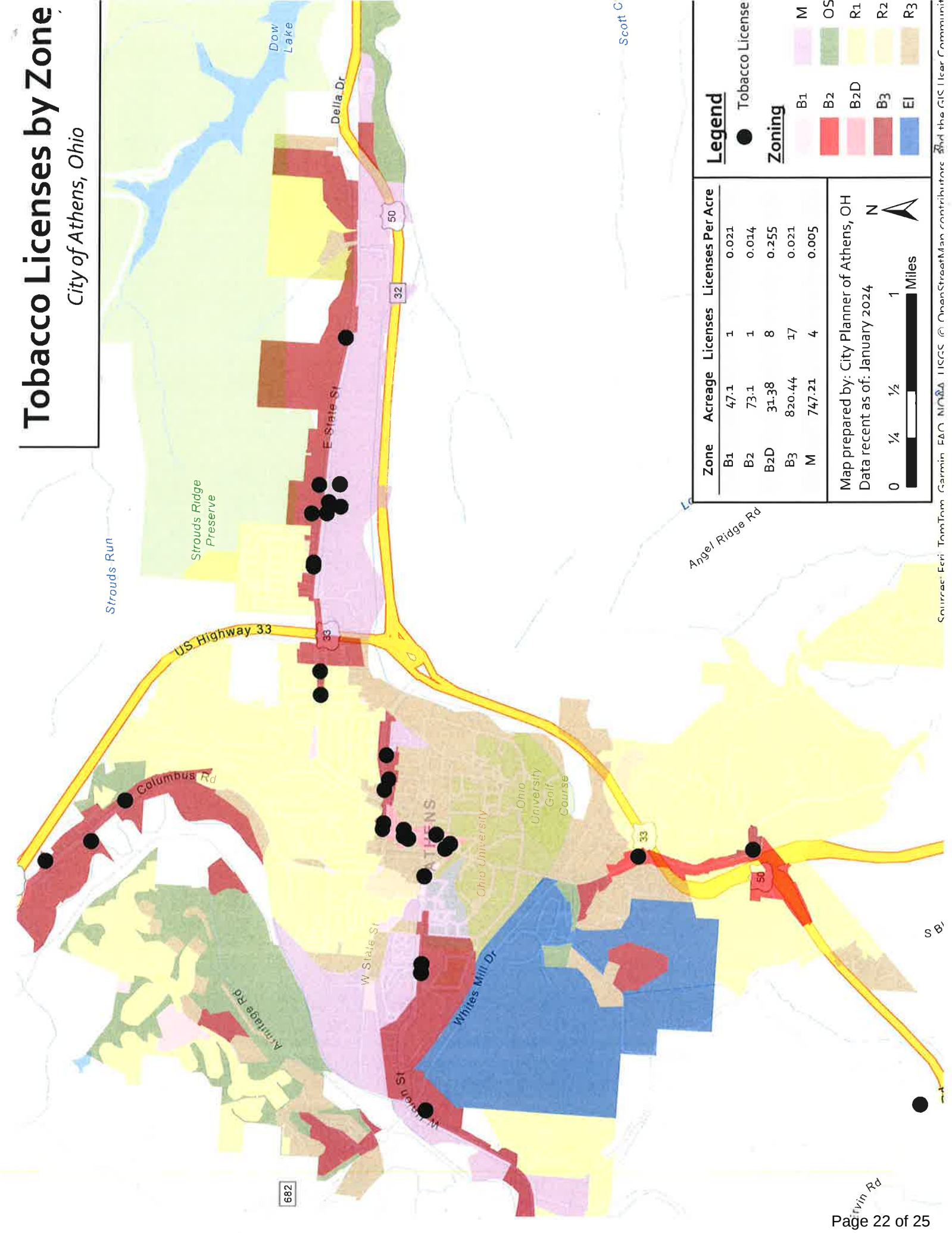
(14) CANNABIS ESTABLISHMENTS. NO MORE THAN 12 ESTABLISHMENTS ARE ALLOWED WITHIN THE B-3 GENERAL BUSINESS ZONE.

(154) Other uses—Any other use which is determined by the BZA to be of the same general character as the above permitted uses, but not including any use which is first permitted in the M-Zone, or which is prohibited in the M-Zone.

(B) Permitted accessory uses: Accessory uses and structures as permitted and as regulated in the B-1 Zone and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses.

Tobacco Licenses by Zone

City of Athens, Ohio



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

ATHENS CITY PLANNING COMMISSION
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.

Planning Commission Members,

The county auditor does not review lot splits greater than 5.00 acres. Our city code does not have a 5.00-acre cutoff for review but this is allowed by ORC 711.131. Also, the ORC does not require a major subdivision when access easements are created, although our city code does. This may be overly restrictive.

I suggest changes to ACC 21.03.02 as follows to meet ORC requirements as follows:

21.03.02. - General procedure.

Before any land is subdivided the owner of the property, or their authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- (A) Parcel split, minor subdivision, or similar development. **WHERE ALL OF THE PROPOSED LOTS FRONT ON A PUBLIC STREET AND ARE GREATER THAN 5.00 ACRES IN SIZE, THE PROPOSED DIVISION SHALL NOT BE CONSIDERED A SUBDIVISION UNDER THIS SECTION. ~~These~~ ALL OTHER PARCEL SPLITS, MINOR SUBDIVISIONS, OR SIMILAR DEVELOPMENTS LESS THAN 5.00 ACRES** shall be handled by planning commission and may require a plat of survey, a deed with a legal description, and fees. However, approval without a plat may be granted if the proposal meets all of the following conditions as noted in Section 21.03.03 below.
- (B) Platted subdivision, major subdivision, or similar development. These involve approval actions by the planning commission before plat signature by the planning commission chair. The approval process for a major development, whether a subdivision cluster development, or planned unit development (PUD), is essentially the same, and includes three principal steps: an optional sketch plan, a preliminary plan, and a final plat.

Along with:

21.03.07. - Outline of conditions for major subdivision.

A proposal involving any of the following shall be subject to major subdivision procedures:

- (A) More than five lots, any one of which is less than five acres, including the original tract.
- (B) Creation, widening or extension of a street ~~or access easement.~~
- (C) **CREATION OF AN ACCESS EASEMENT FOR TWO OR MORE LOTS.**
- (~~C~~D) Division or allocation of land as a utility or drainage easement.