



AGENDA
ATHENS CITY COUNCIL
MONDAY, APRIL 22, 2024
7:00 PM
e-mail: dwalker@ci.athens.oh.us
Streaming is available at www.ci.athens.oh.us/video

PLANNING & DEVELOPMENT COMMITTEE:

- Elliot Street Rezoning (R-3 & B-3 lots to B-1)
- Grand Town Eden LLC (request to rezone 4 parcels on Grand Park Blvd. and Eden Place from R-2 to R-3)
- USACE Hocking River Study (local participation/local share FY24-26)

CITY & SAFETY SERVICES:

- New FEMA Mapping (amend ACC 25.01.07)

TRANSPORTATION COMMITTEE:

- 2024 Annual Street Paving, Project #370

FINANCE & PERSONNEL COMMITTEE:

- Interest Allocation

Sam Crowl
President of Council

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.

MEMORANDUM

To: Athens City Council
From: Athens City Planning Commission
Subject: Recommendation
Date: March 26, 2024

Case #24-01/Elliott Street Rezoning Request

On March 6, 2024, the Athens City Planning Commission met to review Case #24-01/Elliott Street Rezoning Request. The Planning Commission voted 3:1 to recommend to Athens City Council approval of Case #24-01 as follows:

Rezoning of the southern three parcels that the applicant requested to a B-1 zone. The Planning Commission also recommends rezoning to B-1 three additional parcels to the south that are not owned by the applicant. This recommendation is contingent upon approval from the property owner of the additional three parcels to the south.

Please refer to the attached zoning maps. Also attached are the minutes from the February 21, 2024 and March 6, 2024 Planning Commission meetings.

This recommendation is consistent with several city planning documents including the following:

- The city's 2040 Comprehensive Plan on page 5, as it relates to guiding principles for economic development, states *"We will enhance our neighborhoods to maintain a high quality of life and... we will collaborate in economic opportunities."*
- The city's 2040 Comprehensive Plan on page 36, as it relates to multi-modal and active transportation recommendations, states *"Zoning changes are needed to help shift development focus from cars to people.... Within neighborhoods, B-1 type zoning should be strategically placed to allow for walkable restaurant/retail locations close to where people live."*
- The city's 2040 Comprehensive Plan on page 68, as it relates to the corridor analysis for Stimson Avenue, states *"This plan recommends... allowing for change in development concurrent with the desire for neighborhood level amenities..."* It further states, *"The south side of Stimson... should be re-zoned to B2D or similar designation. Such a location could provide neighborhood-level amenities, such as convenience shopping or restaurants to the residents in the surrounding area. Such a development would... improve the walkability of the corridor overall."*
- The city's 2040 Comprehensive Plan also supports the Athens County Economic Development Council's strategic plan and recommends flexibility with zoning to accommodate changing uses and needs for economic development.
- The Stimson Avenue Corridor Plan, completed by American Structurepoint in fall of 2023, includes the subject properties within the plan's Study Area. This plan establishes the community vision for Stimson Avenue as an attractive, convenient, livable, accessible, and economically vibrant corridor for residents, businesses, and visitors. The plan speaks to the importance of a mix of businesses along the Stimson Avenue corridor and states on page 51, *"emphasizing the implementation of neighborhood retail establishments will create numerous economic opportunities, fostering a thriving commercial hub that serves the local community."*

Thank you for your time and consideration in this matter.

Enclosures



APPLICATION for ZONE CHANGE

CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23.09

(For Office Use Only)

Permit # ZC24-000002

Date Rec'd 3-22-24

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>A02713008400</u>	<u>Parking</u>	<u>B-3</u>	<u>Partly</u>	<u>B-3</u>
2. <u>A02713008500</u>	<u>Residential</u>	<u>R-3</u>	<u>Residential</u>	<u>B-3</u>
3. <u>A02713008600</u>	<u>Empty lot</u>	<u>R-3</u>	<u>Business</u>	<u>B-3</u>
4. <u>A02713008700</u>	<u>Residential</u>	<u>R-3</u>	<u>Residential</u>	<u>B-3</u>

(attach additional parcels list to application as needed)

Applicant Dan DeLucy Phone # to call when processed 740 517 5471

Address 15 dove drive

Property Owner _____ Phone _____
(if other than applicant)

Address _____

Property Owners contiguous to/across street from subject parcel:

Name:	Address:
1. <u>Athens Mold & Machine</u>	<u>180 Mill St</u>
2. <u>Baker & Lavelle LTD</u>	<u>35 Elliott</u>
3. <u>Francis Childs</u>	<u>25 Elliott</u>
4. <u>RVM Realty South</u>	<u>42 Elliott</u>

(attach additional properties list to application as needed)

Existing deed restrictions/encumbrances on subject property: _____

Reason(s) for proposed amendment change: _____

Describe how this proposed change relates to comprehensive plan: Build Commercial Business on
A02713008600. Adjacent to Stinson Business Corridor.

Owner/Agent Signature: _____

Date: 3/22/24

For Official Use Only

1. Code Enforcement Admin:

Comments: Changing from R-3 to B-3 with make 2 parcels
Legal Non-conforming
Signature _____ Date: _____

Supporting Documents ☒ Attached ☒ Fee Paid Amount \$ _____

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

Comments: B-1 zone would be more appropriate
Signature: [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

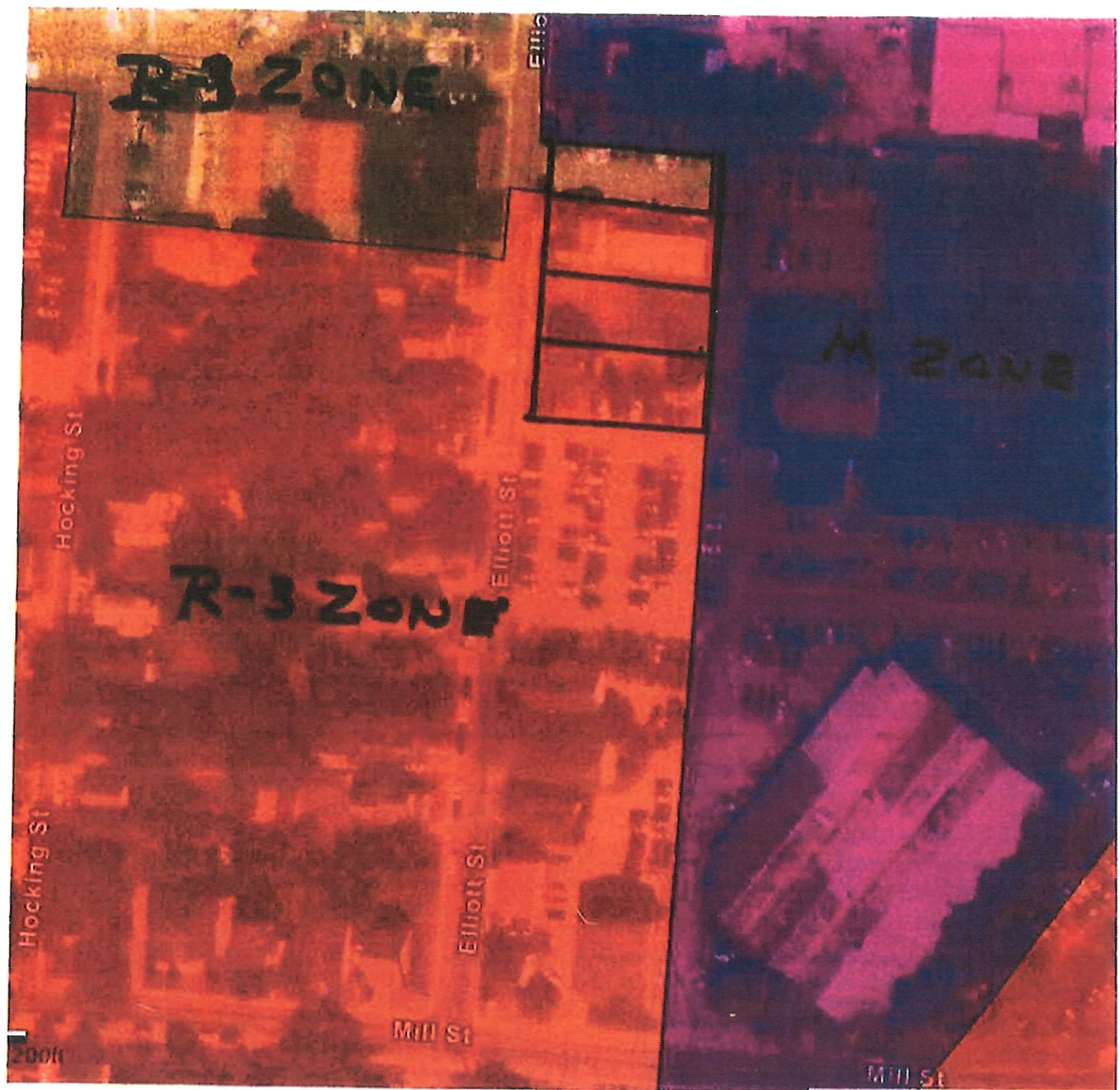
Comments: _____
Signature _____ Date: _____

Zoning Draft 2022



Zoning draft in 2022, includes Athens County parcel feature service

Maxar, Microsoft | State of Ohio GISCC | 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

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.

**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.

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

April 10, 2024

Athens City Council and
Athens City Council President, Sam Crawl
RE: Planning Commission Case #24-02

Zoning Permit #: ZC24-000001

Dear Mr. Crawl,

The City has received a request for a Title 23.09 zone change permit for the property located at parcel numbers A028350005800, A028350005900, A028350006500, A028350006600, and A028350006700. The applicant Grand Town Eden LLC is requesting to change the zone of these properties from R-2 to B-3.

The zone change permit has been reviewed by the Code Office and the Planning Commission (case #24-02; please see attached Planning Commission minutes from 4/3/24) and motion was passed 5:0 to forward to City Council rezoning the five parcels to R-3, not B-3.

If you have any questions or need additional information please let me know.

Regards,



David R. Riggs, PE
City of Athens
Director of Development and Code Enforcement

C: Andy Stone, Service-Safety Director
Saleh Eldabaja, City Engineer
Mayors Office



APPLICATION for ZONE CHANGE

CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23.09

(For Office Use Only)

Permit # 2024-000001

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>		<u>Grand Park</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: _____

David J. Jones

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: [Signature] Date: 4-5-24

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

Comments: Agree with Planning Commission

Signature: [Signature] Date: 4/9/24

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

Comments: Agree w/ Planning Commission

Signature: [Signature] Date: 4/9/24

5. Planning commission: ☐ Approved ☐ Refused

Comments: Recommended R-3 Rezoning

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.

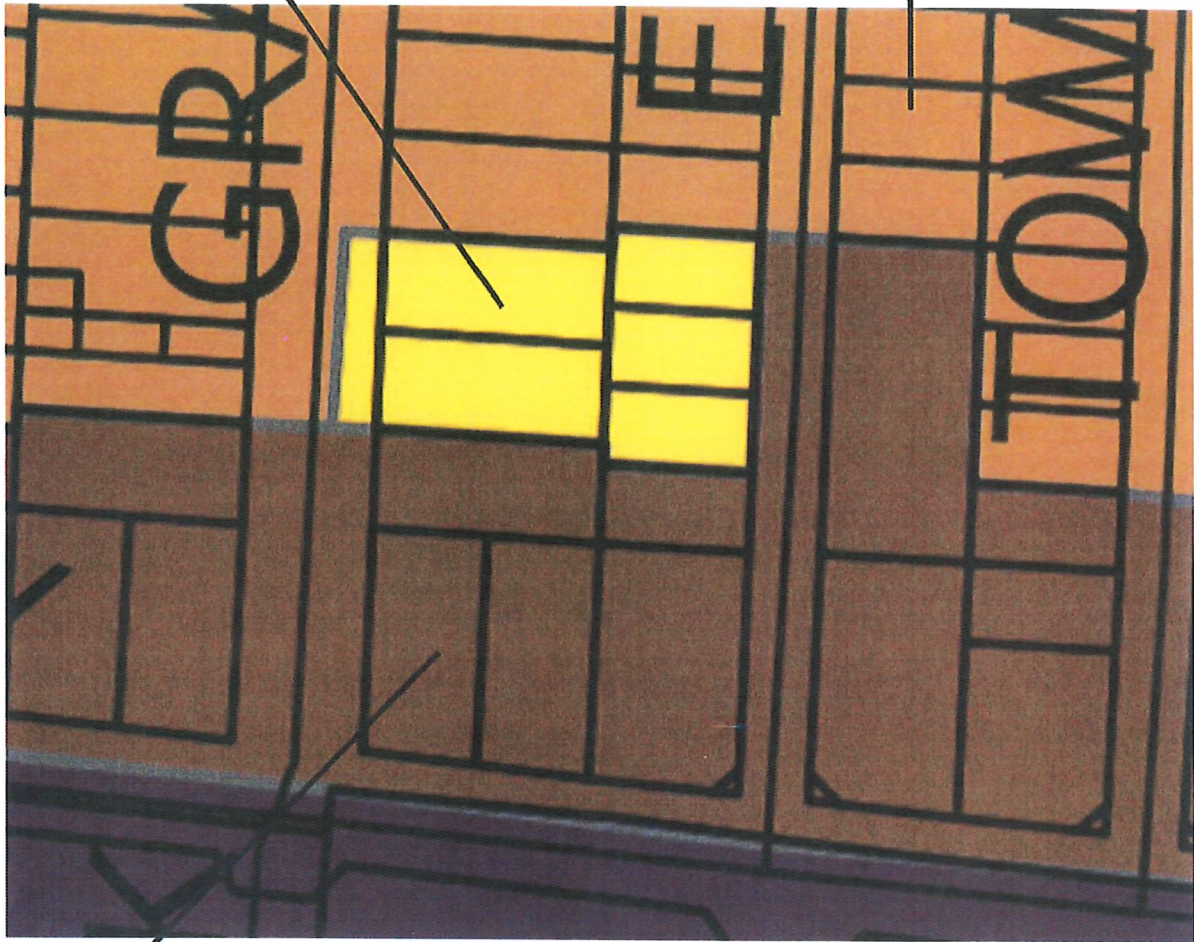
Existing deed restrictions/encumbrances on subject property: As to parcels A028350005800 and A028350005900 only, the addition/subdivision restrictions require a 25-foot setback for all structures and that foundations be at least 3.5 feet above East State Street level.

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.

Rezone from existing R2 to B3

R1 (existing)



B3 (existing)

**Athens City Planning Commission
Minutes of Regular Meeting
Wednesday, April 3, 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 April 3, 2024.

Attendees: John Anderson, Mark Welch, William Blair, Heather Laughlin, Kimberly Good Kelly, 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 was established with all members present.

PLANNING COMMISSION MEMBERS:

Chris Knisely	Present
John Kotowski, Chair	Present
Steve Patterson, Mayor	Present
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

Austin P. moved to approve the March 20, 2024 minutes. Andy S. seconded. Motion passed 4:0 (Chris K. abstained).

3. Cases

Case #24-02 Grand Park Blvd. & Eden Pl. Rezoning Request

David Riggs noted that the appellant's representative is present today to answer questions posed at the last meeting regarding light trespass and fencing.

David Mott/Mollica, Gall, Sloan & Sillery

His clients are in the conceptual phase and there are no developed site plans at this point. The request is for a parking lot for inventory. They are planning to address light trespass by considering using shorter light poles and screening the lights from the residences. They plan to install a fence (minimally an 8' chain link with plastic inserts). They are also considering a landscaped fence. They will comply with the current code about lighting, screening, and fencing requirements, so if a chain link fence is not in compliance, they will choose another type of fencing.

Discussion:

- Andy S. asked about the status of the current special use of the right-of-way permit for the lights that were constructed on the public property. It is not specifically related to this rezoning request but does bear on the situation. David R. replied that The Buckley Group, hired by the city, is in the process of surveying to define where the encroachments are. After this is complete the applicant will be able to move forward with the Title 49 special use of the ROW permit.
- Andy S. asked Mr. Mott that if there were encroachments found and the special use permit denied, would his client be prepared to remove the lights. David Mott has not had that discussion with his client, but his client is aware of the potential outcome.
- Chris K. observed that while Don Wood Hyundai says they are in the conceptual phase, lights have been installed and dirt has been moved so it appears more than conceptual. (David M. replied that the lights are a separate issue and that they were replacing existing lights.) The Planning Commission needs to decide on a recommendation to City Council, but the lights do affect how the space will look. Can the commission make a recommendation considering these pending issues?
- Austin P. asked if the commission could approve the rezoning with conditions. David R. is not sure the commission has ever done that before, but City Council may be able to place conditions on the request.
- John K. asked if a recommendation with conditions goes to City Council could they accept the recommendation without those conditions. David R. replied yes.
- Chris K. asked if City Council could place conditions on the fence and the quality of the fencing. David R. replied yes.
- David Mott reiterated that Don Wood Hyundai will comply with all ACC regulations. Rezoning requests are really about the long-term use. In this case it is more about what should the property be zoned for, commercial use or residential use.
- Andy S. noted that according to ACC, R-1 zones do not allow as much density as we need given the shortage of housing in Athens. Could the use (parking lot) occur in an R-3 zone? David R. replied yes, parking lots are acceptable uses in R-3 and business zones.
- David Mott noted that R-3 is limited to residential use so a developer could put thirty apartments there which would result in increased traffic.
- Steve P. expressed concern that this is a "concept" that can evolve to anything. David Mott said the client needs parking/space for inventory, the final details/looks are conceptual, the use is not conceptual.
- Chris K. asked if this were changed from R-2 to B-2 could it then go from a B back to an R? David R. thought it could, but he does not know of any instances of this.
- Steve P. remembered that this area was rezoned when he was on council, and he recalls that the owner asked to retain these as R-2 for future development. This is why these are the only lots in the area that are R-2.
- Heather Laughlin/8 Grand Park Blvd: Some of the lights are new, not all of them are replacement lights. She asked if it were a B-3 could a McDonald's be developed there?

Lighting is a huge concern. Fencing just along the back is inadequate. Traffic and safety are concerns.

- Chris K. asked if B-3 allows for a drive through. David R. noted that drive-throughs are allowed in B-3, but they are limited to 200' from residential zones. So, a drive-through at this location would not be allowed without a variance.
- Kimberly Good Kelly/32 Strathmore (owner of the Don Wood Hyundai building): Her family did own the 5 parcels in question, and they never developed them for a variety of reasons. She feels a parking lot is the best use of the space. All the other areas there are business zones butting up to R-1's. Don Wood has a 20-year lease so it will be a dealership for a long time.
- Alan Swank/40 Townsend: If this is passed it will go City Council's Planning and Development Committee of which he is chair. He has reservations about this being recommended to City Council. This is more about the long-term use and what the future will look like. Mr. Swank illustrated his concerns by showing a series of pictures of neighboring areas. Making this an R-3 zone would be an effective way to allow the parking lot for Don Wood Hyundai. He also expressed concerns about the lack of visibility vehicles have trying to get onto E. State Street because the current lot there has parked vehicles obstructing the view.
- Rob Delach/Morris Avenue: Likes the idea of an R-3 designation based on the discussion. It keeps long-term use in mind.
- Heather Laughlin: She would like to see a hedge or fence that is 20-25 ft. from the property line.
- John K. pointed out that there is a side yard setback so that would come into play.
- David R. said that a side yard setback does not pertain to parking lots or fencing 6' or less. A setback or a taller fence would be a zoning change that would go to the BZA after, and if, this request is approved. The parking lot would be required to be paved with asphalt or concrete which impacts run-off and drainage.
- David Mott addressed the above stated concerns: No increase in business traffic is anticipated for this, the lot is to house inventory. They will comply with ACC on runoff/drainage regulations along with all other code regulations. The photos that Alan Swank showed of B-3's are in violation of ACC, so this is an enforcement issue, not a zoning issue. B-3's are all up and down E. State St. and not all of them look like those Mr. Swank illustrated.
- Chris K. asked David R. if he saw any negative long-term impacts in changing this to an R-3, David R. replied no.
- Andy S. commented that the Planning Commission can recommend an R-3 even though the rezoning request was submitted as a B-3.
- The group further discussed zoning, parcel ownership, procedure and process, traffic, lot coverage, etc.

Austin Phillips moved to approve Case #24-02 as stated in the request, rezoning the five parcels to a B-3. No second was offered.

Chris Knisely moved to approve Case #24-02, however, to recommend to Athens City Council rezoning the five parcels to R-3, not B-3. Andy Stone seconded the request. All present voted aye. Motion passed 5:0.

Case #24-03 Changes to Athens City Code
Subdivisions – 21.03.02, 21.03.03, 21.03.07
Minimum Allowable Lot Sizes – Title 21 Table 1 & Title 23 Table A

David Riggs noted that in the last 30 days Code Enforcement and Development has received 18 applications for lot splits in and outside of the city. Making the suggested subdivision changes to ACC as outlined at the last meeting would help the office manage these requests. He reviewed the changes that they are proposing and noted that he and the Planner have contacted both the county and the health department because these changes would affect them.

He and the City Planner would like to request that the changes to subdivisions and the changes to minimum allowable lot sizes be separated into two requests. They would like more time to conduct research concerning minimum allowable lot sizes and to fine tune their language recommendations.

The discussion of Case #24-03 was tabled. The case will be on the agenda at the next meeting so that a vote can be taken for both items contained in the case.

4. **Communications**

Title 41 Review/Southeast Beverage Warehouse Addition

Austin Phillips recused himself from the discussion as he is the owner.

David Riggs/Summary

This is a site plan review for a warehouse addition for Southeast Beverage. The plans were received and reviewed. No staff comments were submitted. He requested the applicant to submit the photometrics and a landscaping plan. These have been received but not shared or reviewed by him yet. The site is not set up to plant the number of trees required, but in the past there has been flexibility afforded to developers on the shade tree requirement, and trees have been banked.

Discussion:

- The property is currently a paved parking lot. The impervious area will not change by much. No existing trees.
- Steve P. thought that the shade tree requirement should be lenient for what is currently a paved treeless area.
- Chris K. asked about the percentage increase in lot coverage and impervious area. David R. said it was all within regulations.
- Mark Welch/Pickering Associates: the area is currently used for trailer storage. Trailer storage will still happen to the south of the building. Will not be adding additional paving.

Percentage of Impervious area is located on the drawings, page C-104. 72% impervious area will increase by 2% to 74%.

- Andy S. asked if there would be a jobs component and/or economic development component to this project.

At this point Austin Phillips was brought back in to answer additional questions.

- David R. noted that the estimated shade tree requirement is about 120 trees.
- Chris K. said she would like to see the shade tree considerations apply to this even though it is currently paved and an industrial park, there is a benefit to having trees as part of the plan.
- Rob Delach/Morris Avenue: suggested having some trees, not the full requirement, and adding the remaining trees to the tree bank.
- Andy Stone posed his question again about a job's component.
- Austin Phillips/Southeast Beverage: Last year they added seven employees, and this is the main reason they need to build an addition, for elbow room. No anticipated increase in jobs. The target completion date is July 4. The addition is about 26,000 sq. ft. and will match the existing building design.
- John Anderson/Mondo Building: They are ready to begin when/if this is approved. A green roof is not part of the plan.

John Kotowski commented that this will come forward as a case at the next meeting.

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

David Riggs/Code Enforcement Director

- No report. (Meghan J. offered that The Ridges Information is being gathered by David R.)

Meghan Jennings/City Planner

- No updates to report

6. Opportunity for Citizens to Speak

None

7. Announcements & Other Business

- Next meeting April 17, 2024.
- Chris K. suggested that ACC be reviewed for regulations about paved impermeable surfaces, and if anything can be built into code regarding green roofs.
- John K. inquired about the progress of the Chipotle and Starbucks development on E. State Street. Mark Welch reported that the project is moving along well – pilings have been installed, concrete work will be complete by the end of next week. The expected timeline is to finish Chipotle first and then Starbucks.

8. Adjournment

The meeting adjourned at 1:19 p.m.

Introduced by Alan Swank, Chair
Planning & Development Committee

**ORDINANCE
CITY OF ATHENS, OHIO
ATHENS, OHIO WHITE'S MILL CAP SECTION 1135 PROJECT
MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT
DESIGN AND CONSTRUCTION PROJECT
ATHENS COUNTY, OHIO**

AN ORDINANCE AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE CITY OF ATHENS, ATHENS COUNTY, OHIO, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE DESIGN AND CONSTRUCTION OF THE ATHENS, OHIO WHITE'S MILL CAP SECTION 1135 PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT, AND AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF ATHENS, OHIO AND OTHER CITY OF ATHENS, OHIO OFFICIALS, TO ACT FOR AND ON BEHALF OF THE CITY OF ATHENS, OHIO, IN EXECUTING, ACCEPTING, OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE PROJECT.

BE IT ORDAINED by the City of Athens, Athens County, Ohio, that:

SECTION I: The City of Athens, Ohio authorizes its Service-Safety Director, by and through its authorized officers and officials, to participate with the Department of the Army, Corps of Engineers, in the design and construction of the Athens, Ohio White's Mill CAP Section 1135 Project Modifications for Improvement of Environment, Section 1135 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2309a), which project is located in Athens County, Ohio.

SECTION II: The Service-Safety Director of the City of Athens, Ohio, and other appropriate City of Athens, Ohio officials, including the City of Athens, Ohio's Attorney, are authorized to execute on behalf of the City of Athens, Athens County, Ohio, all documents necessary to implement participation by the City of Athens, Ohio in the design and construction of the Athens, Ohio White's Mill CAP Section 1135 Project Modifications for Improvement of Environment, being the design and construction of modifications to a previous channelization project for improvement of the environment in the City of Athens, Athens County, Ohio, in conjunction with the Department of the Army, Corps of Engineers, including but not limited to the Project Partnership Agreement between the Department of the Army and the City of Athens, Ohio, for the design and construction of the Athens, Ohio White's Mill CAP Section 1135 Project

Modifications for Improvement of Environment, that provides, among other things, that the City of Athens, Ohio shall:

a. Provide without cost to the United States Government all lands, easements, and rights-of-way, including suitable borrow and dredge material disposal areas, all modifications, relocations, and alterations of structures, including but not limited to buildings, utilities, including relocations of on-site underground utilities, roads, bridges, sewers, and water supply facilities, and repair or replacement of all intakes, drains, and appurtenant facilities necessary for the construction, operation, and maintenance of the Project;

b. Hold and save the United States Government free from damages due to the construction, operation, and maintenance of the Project, exclusive of damages due to the fault or negligence of the United States Government or its contractors;

c. Operate, maintain, replace, and rehabilitate the Project upon completion, and as constructed, in accordance with the regulations or directions by the Secretary of the Army and all without cost to the United States Government;

d. Pay its percentage share of total project costs as required by The Water Resources Development Act of 1986, (Public Law 99-662), as amended, and by the Project Partnership Agreement;

e. Prevent obstruction of or encroachment on the Project that would reduce the level of protection it affords or that would hinder operation and maintenance thereof;
AND

f. Comply with the provisions of the Uniform Relocations Assistance and Real Property Acquisitions Policies Act of 1970, Public Law 91-646, approved 2 January 1971; and Section 221, Public Law 91-611, approved 31 December 1970, as amended.

SECTION III: The City of Athens, Ohio hereby approves and ratifies all prior participation and acts of the City of Athens, Ohio, by and through its officials, with the Department of the Army, Corps of Engineers, in relationship to said Project.

SECTION IV: The Service-Safety Director of the City of Athens, Ohio and other appropriate City of Athens, Ohio officials are hereby authorized to purchase, or otherwise acquire from private property owners, in the name of the City of Athens, Ohio, and in accordance with said Agreement, any and all interests in real property necessary for the construction, operation, and maintenance of the property.

SECTION V: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

Duly passed in accordance with the laws of the State of Ohio, this ____ day of _____, 20__.

CITY OF ATHENS, OHIO

Passed: _____

ATTEST:

APPROVED AS TO LEGAL FORM:

LISA ELIASON,
Attorney for the
City of Athens, Ohio

ATTESTED AND CERTIFIED AS TRUE AND CORRECT:

Notary Public

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR DECISION DOCUMENTS AND AGREEMENTS**

I, _____, do hereby certify that I am the Financial Officer of the City of Athens, Ohio ("Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Athens, Ohio White's Mill CAP Section 1135 Project Modifications for Improvement of Environment; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the project and to satisfy the Non-Federal Sponsor's obligations under the Athens, Ohio White's Mill CAP Section 1135 Project Modifications for Improvement of Environment Feasibility Cost Sharing Agreement (FCSA). I understand that the Government's acceptance of this self-certification shall not be construed as obligating either the Government or the Non-Federal Sponsor to implement a project.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, 20____.

BY: _____

TITLE: _____

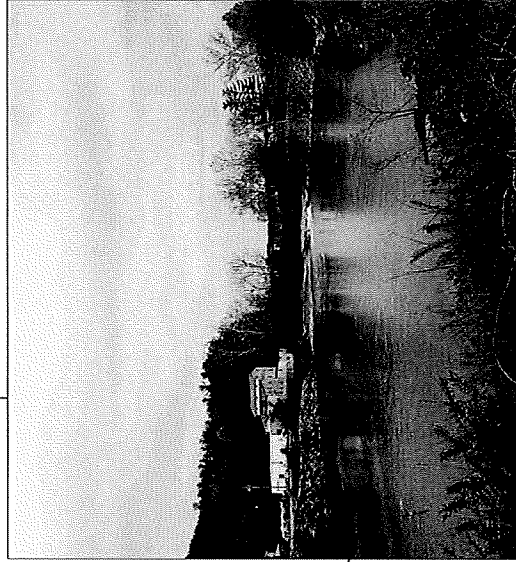
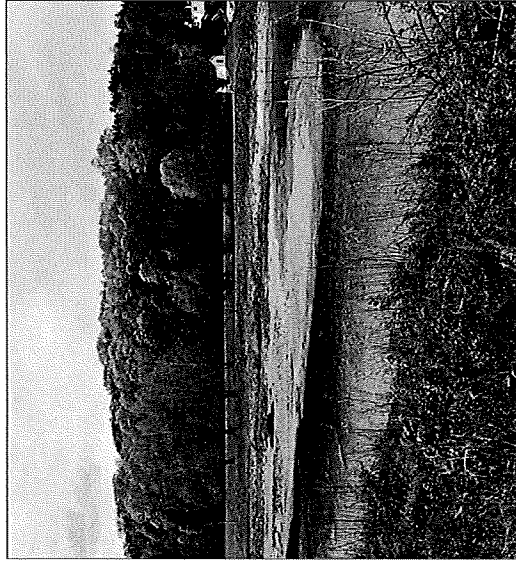
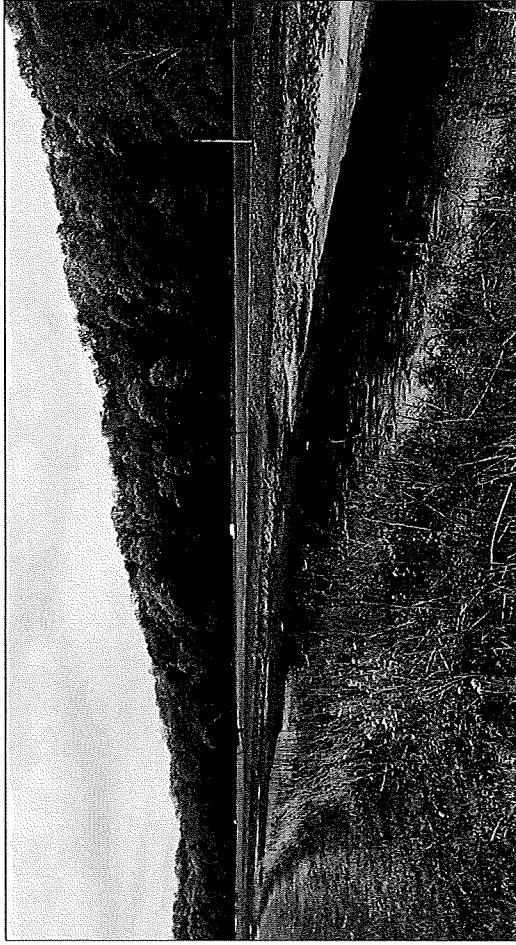
DATE: _____

**ATHENS, OHIO WHITE'S MILL
CAP SEC 1135 PROJECT MODIFICATIONS FOR
IMPROVEMENT OF ENVIRONMENT**

Feasibility Scoping Meeting
Non-Federal Sponsor: City of Athens, Ohio

Project Manager: Amanda Payne
Environmental: Megan Wilburn
Plan Formulation: Sarah Glass
Engineering: Ben Foreman
Cost: Tim Moya
Legal: Emily Click
Real Estate: Gary Slone

12 Dec 2023



SUMMARY

Location: Southeastern Ohio along the Hocking River in the City of Athens

Purpose:

- Modification to a previous USACE Local Protection Project in Athens, Ohio to improve habitat diversity and water quality in the Hocking River

Authority: Section 1135 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2309a)

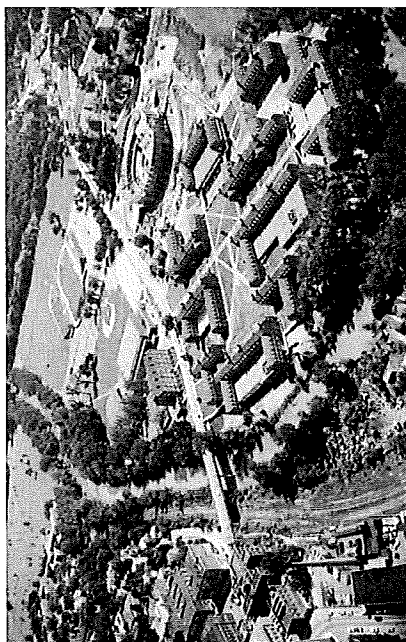
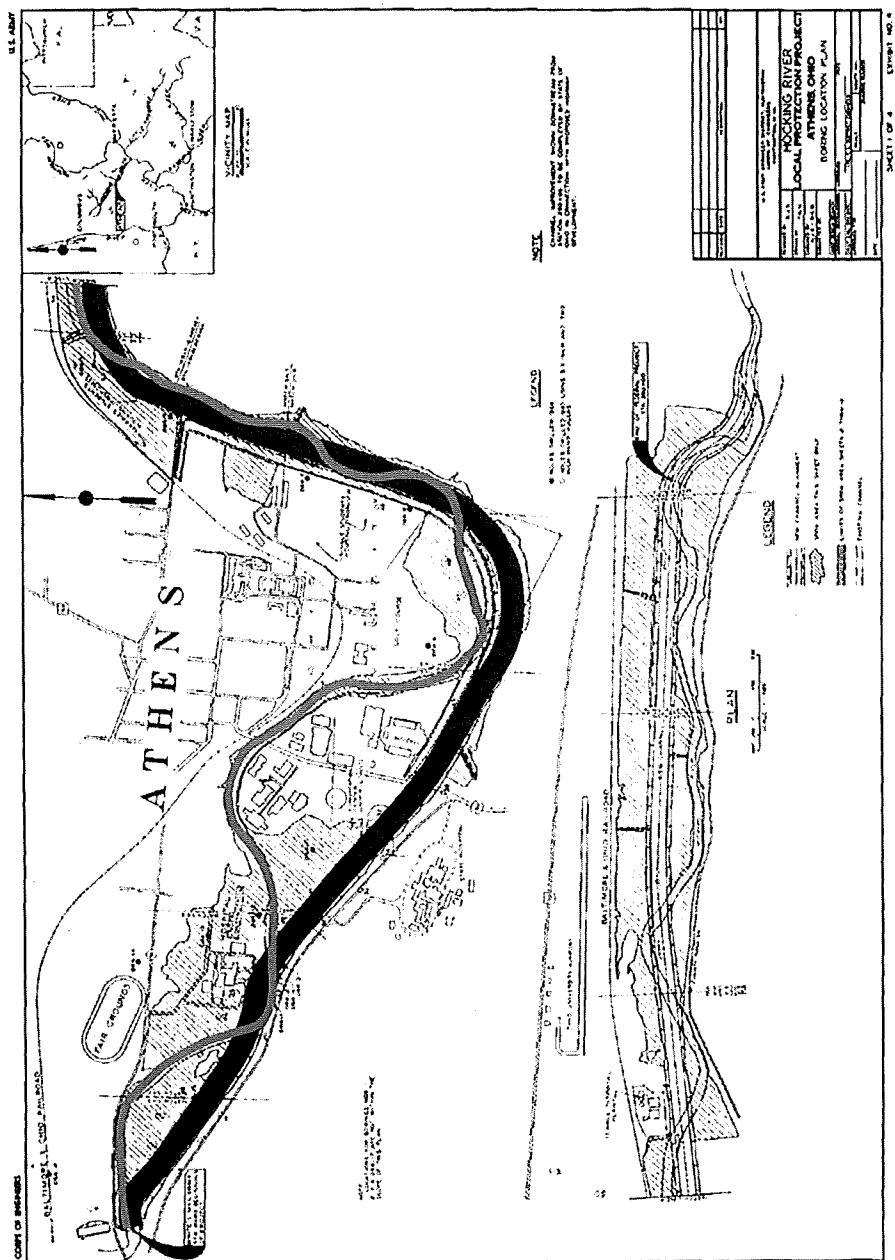
Non-Federal Sponsor: City of Athens, Ohio; Letter of Intent received 21 December 2022



PROBLEMS, OPPORTUNITIES, OBJECTIVES, CONSTRAINTS

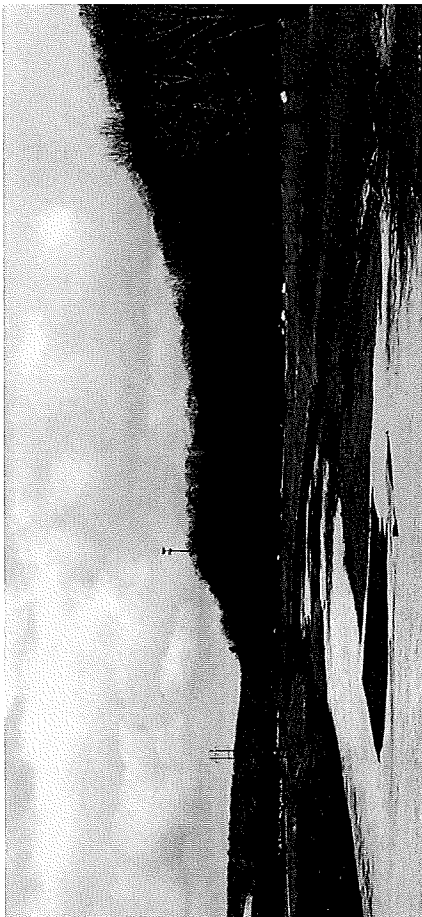
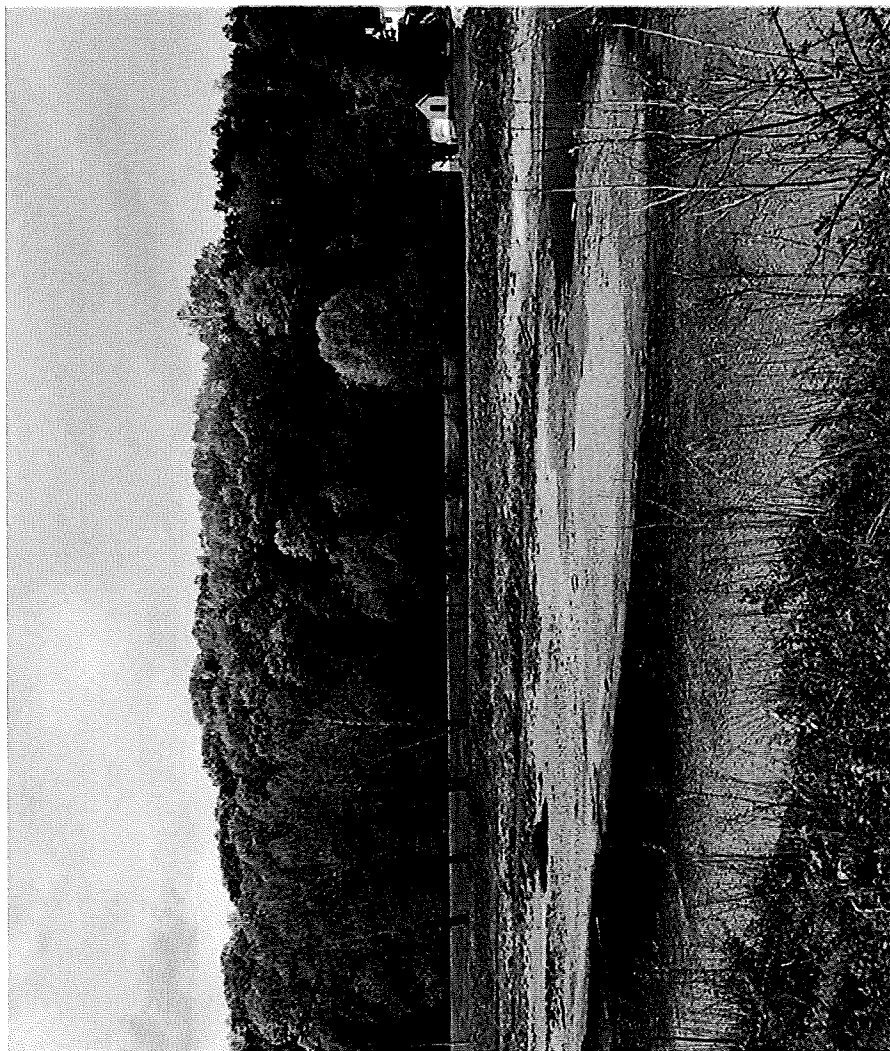
Problems ☐ Previous stream channelization has resulted in low habitat diversity and decreased water quality ☐ A natural rock outcrop at White's Mill decreases the movement of aquatic species between stream reaches	Opportunities ☐ Improve aquatic and riparian habitat ☐ Improve water quality ☐ Improve passage of aquatic species in the White's Mill area
Objectives ☐ Enhance the Hocking River ecosystem impacted by the Local Protection Project by: ☐ Increasing riparian and in-stream habitat diversity ☐ Place in-stream structures into the waterway to improve water quality such as temperature and water oxygenation ☐ Reduce the barrier to aquatic organism movement at White's Mill	Constraints ☐ Authorization related to previous project boundaries and impacts ☐ Flood risk management purpose of the project must be maintained

LOCAL PROTECTION PROJECT



CURRENT HOCKING RIVER CONDITIONS

5



Measure	Objective			
	Habitat diversity	Water Temperature	Oxygenation	Movement
In-stream structures (ex. cross vanes, j-hooks, weirs)	X			
Modified channel structure		X	X	
Riparian pollinator plantings	X			
Riparian woody plantings	X	X		
Fishway				X

ALTERNATIVES

Alternative A – No Action

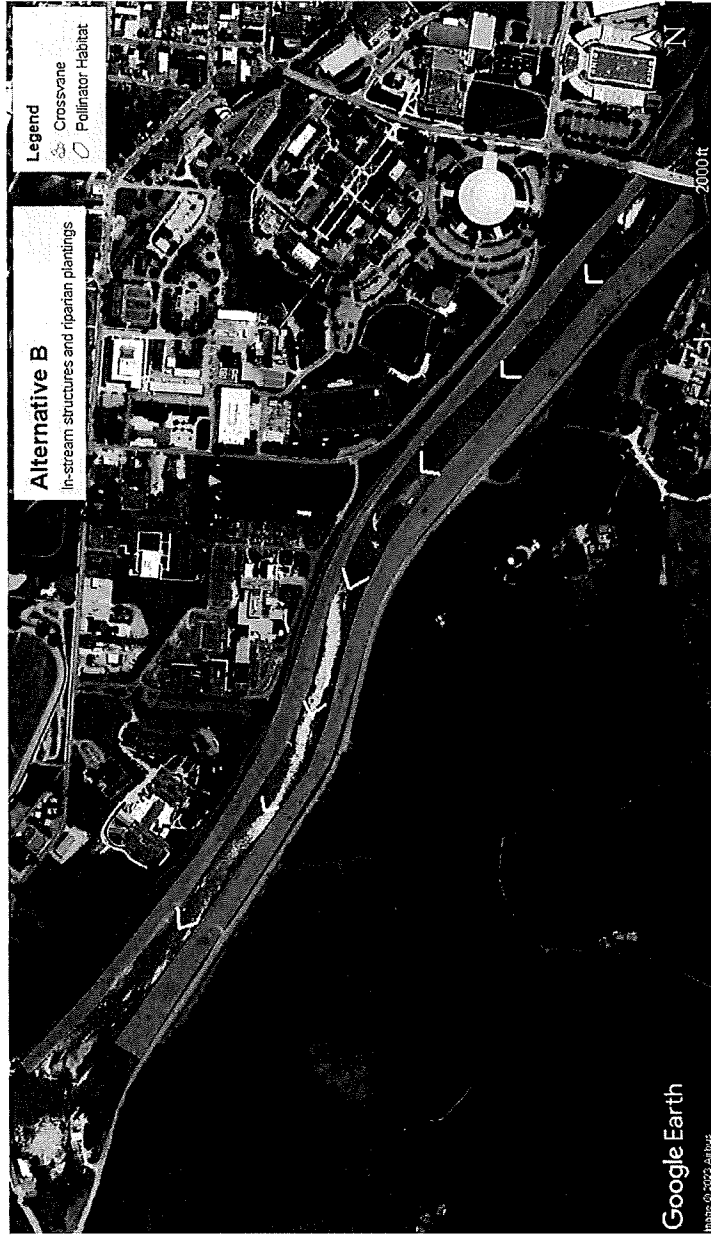
Alternative B – In-stream Structures and Riparian Pollinator Plantings

Alternative C – Fishway, In-stream Structures, and Riparian Pollinator Plantings

ALTERNATIVE B

In-stream Structures and Riparian Pollinator Plantings

- Cross vane rock structures stretching the width of the river to control the grade and flow of water, provide refuge habitat and feeding lanes, and increase dissolved oxygen
- Riparian pollinator plantings of herbaceous plants along both streambanks to increase habitat diversity



ALTERNATIVE C

Fishway, In-stream Structures, and Riparian Pollinator Plantings

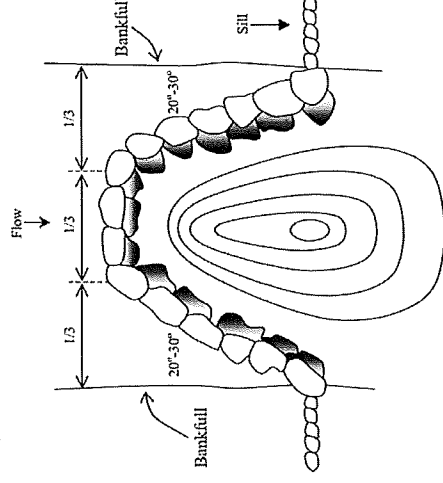
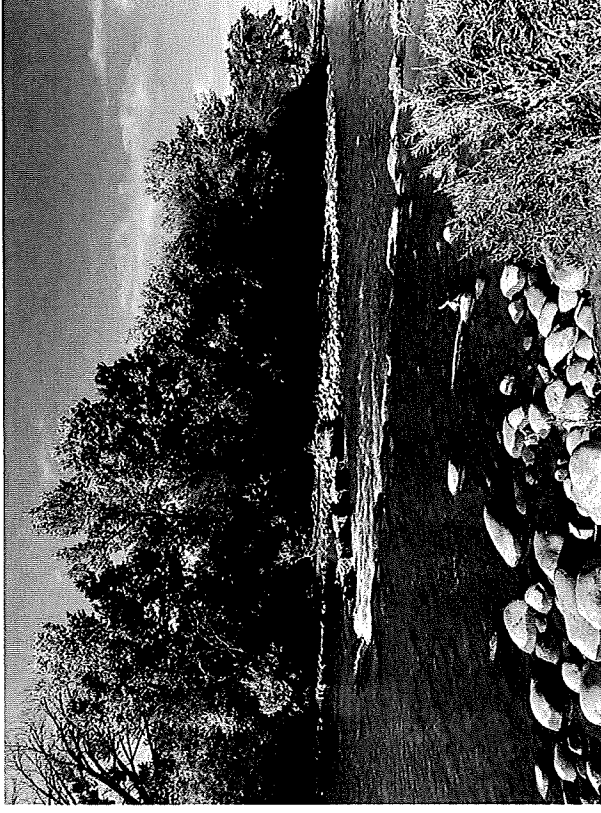
- Cross vane rock structures stretching the width of the river to control the grade and flow of water, provide refuge habitat and feeding lanes, and increase dissolved oxygen
- Fishway improves stream connectivity for fish and other organisms
- Riparian pollinator plantings of herbaceous plants along both streambanks to increase habitat diversity



CROSS VANES

In stream structures address habitat diversity and water quality.

- Increase habitat diversity by:
 - Providing refuge cover
 - Developing feeding lanes
 - Introducing spawning areas
- Improve water quality by:
 - Redirecting flow to the center of the stream
 - Concentrated flow maintains lower temperatures during hot and dry conditions
 - Increase water oxygenation from riffle structures

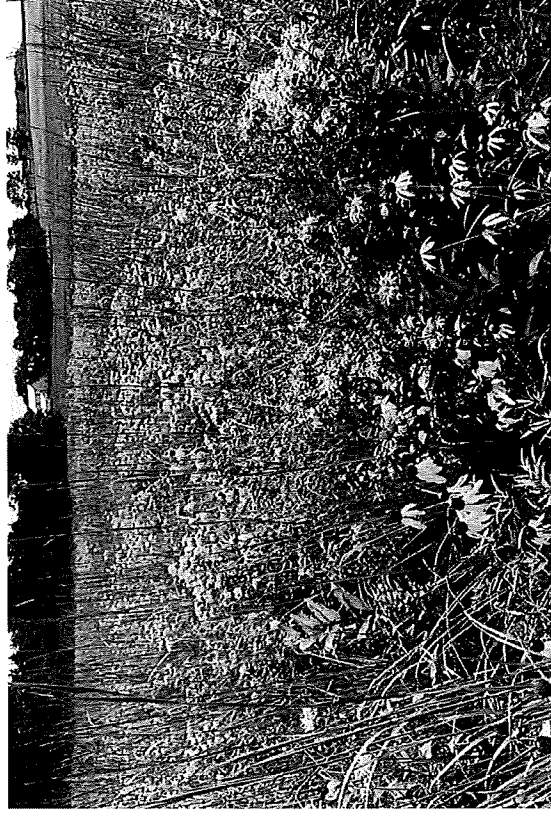


RIPARIAN POLLINATOR PLANTINGS



Riparian pollinator plantings will increase habitat diversity by:

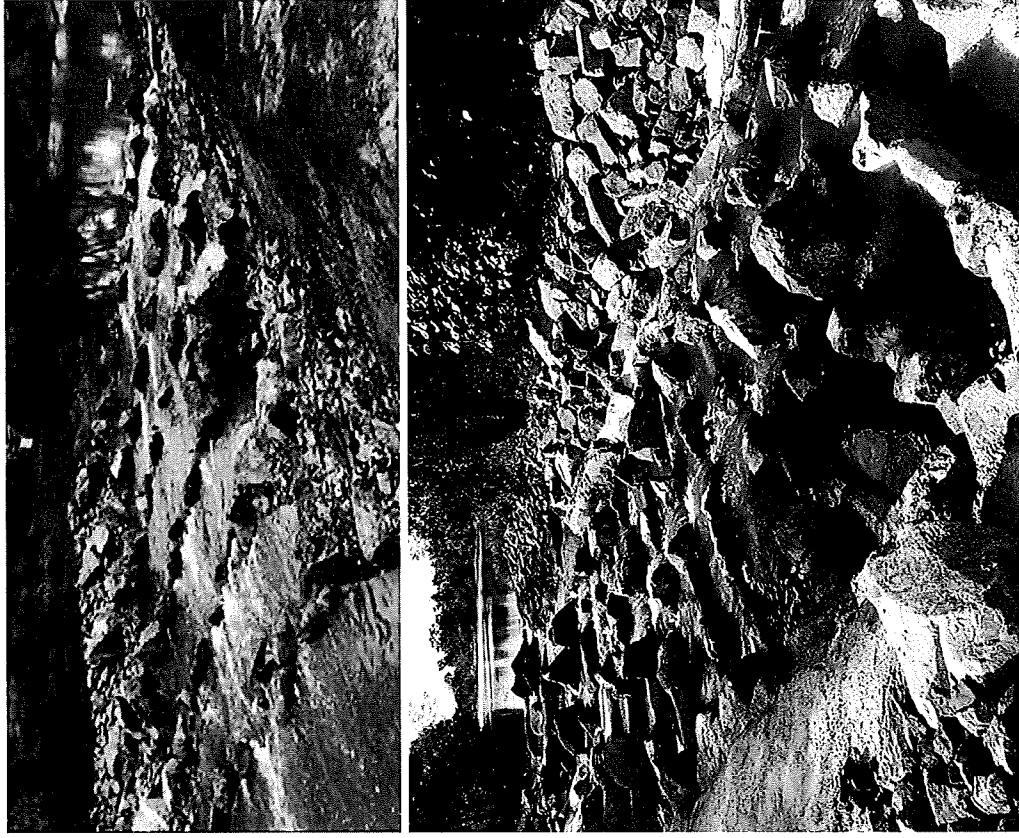
- Introducing plant diversity to the existing short grass riparian areas (mowed turf grass)
- Providing food sources for pollinator species
- Providing refuge cover for small riparian birds, mammals, reptiles, and amphibians



FISHWAY

A rock fishway structure could provide graded slope access from the upstream Hocking River into the channelized section. Benefits include:

- Provide improved access and connectivity by increasing the movement of fish, amphibians, and macroinvertebrates between the restored channelized section and the more ecologically diverse upstream section
- Allow for the natural colonization of the newly improved habitat by existing aquatic communities in the adjacent reach



PROJECT ISSUES AND CHALLENGES

Potential issues/challenges/points of discussion:

- Authorization related to previous project boundaries and impacts
 - Project is considered a levee downstream of the Richland Avenue Bridge under a current 408 review and could be a restriction for progressing the project downstream.
- Change to the Current Operations & Maintenance manual would be required as a result of the CAP project.
 - O&M of the LPP must still meet any Inspection of Completed Works (ICW) requirements.
- The White's Mill Dam property is listed on the National Register of Historic Places.
- Must not adversely impact any recreational needs of the community.
 - There are walking paths on the top of the bank that are heavily used. Must take into account that plantings should not adversely impact the public's usage.

[illegible]



SCHEDULE MILESTONES

Milestone Name	Milestone Code	Current Scheduled Date
Start Study / Receipt of Initial Funds	CW140	16 MAR 2023
Federal Interest Determination Approval	CW170	12 JUL 2023
Feasibility Scoping Meeting	CW050	12 DEC 2023
Feasibility Cost Share Agreement (FCSA)	CW130	03 MAY 2024
Tentatively Selected Plan Meeting	CW190	06 FEB 2026
Approval of Final CAP Decision Document	CW170	14 DEC 2026
Project Partnership Agreement Execution	CW130	24 AUG 2027
Start Plans and Specs	CW300	12 AUG 2027
Draft P&S Complete	CW310	24 NOV 2027
Certified BCOES Review	CW320	29 FEB 2028
Contract Award	CC800	08 SEPT 2028
Project Physical Completion	CW450	26 APR 2030
Project Fiscal Closeout	CW470	06 SEPT 2030
Notice of Project Completion	CW480	09 SEPT 2030

BUDGET SUMMARY – FULL FEDERAL FUNDING UNDER BIL

- Feasibility Budget As Presented in FID: Cost in excess of first \$100,000
- Total Feasibility Phase Budget at FSM: 814,988.00 (including first \$100,000 at full Federal expense)
- Change In Budget: +/- \$714,988.10
- Cost Share Breakdown:

Project Phase	Cost Category	FY23/FY24 Funding Received to Date	FY24	FY25	FY26	Totals
Feasibility Phase	Total Feasibility Study Costs	\$100,000	21,340.58	86,015.92	189,433.34	296,789.84
	Federal Share					
	Non-Federal Share		21,340.58	86,015.92	189,433.34	296,789.84

Remaining Federal Funding Needs\$	
Federal Funding Provided to Date	\$100,000.00
Remaining Need	\$714,988.00
Total Federal Funding (Feasibility)	\$814,988.00

Non-Federal Share Breakdown	
Cash	\$0
In-Kind Credit	N/A
Total Non-Federal Funding (Feasibility)	\$357,494.00

0--24

Introduced by Alan Swank, Chair
Planning & Development Committee

**AN ORDINANCE AUTHORIZING THE LOCAL SHARE OF THE UNITED STATES
ARMY CORPS OF ENGINEERS HOCKING RIVER STUDY.**

WHEREAS, in accordance with Ordinance _____, the design and construction of the White's Mill CAP Section 1135 project modifications for improvement of environment (FY24-26);

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

SECTION I: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the sum of Forty Thousand Dollars (\$40,000.00) to Storm Water Fund, 755.635, T.C. 500, and increasing the total appropriations by said amount.

SECTION II: The Service Safety Director is hereby authorized to expend up to Three Hundred Thousand Dollars (\$300,000.00) from Storm Water Fund, 755.635, T.C. 500, for said local share.

SECTION III: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0--24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 25, FLOOD DAMAGE PREVENTION, CHAPTER 25.01, GENERAL PROVISIONS, SECTION 25.01.07, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

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

SECTION I: Athens City Code Title 25, Flood Damage Prevention, Chapter 25.01, General Provisions, Section 25.01.07, Basis for Establishing the Areas of Special Flood Hazard, is hereby amended to read as follows:

25.01.07. - Basis for establishing the areas of special flood hazard.

For the purposes of these regulations, the following studies and/or maps are adopted:

- (A) Flood Insurance Rate Map for Athens County, Ohio and Incorporated Areas, effective ~~December 18, 2009~~ **September 26, 2024**.

Flood Insurance Study for Athens County, Ohio and Incorporated Areas, effective ~~December 18, 2009~~ **September 26, 2024**.

- (B) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard include:

Appalachian Flood Risk Reduction Initiative (AFRRI) Flood Risk Study for the City of Athens, Ohio, effective February 2004 and revised March 2007, issued by the Ohio Department of Natural Resources, Division of Water, Floodplain Management Program.

"City of Athens Higher Risk Floodplain Boundaries" Map, adopted on Sept. 21, 2009.

- (C) Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the State of Ohio which has been approved by the City of Athens, Ohio, as required by Chapter [Section] [25.04.03](#) Subdivisions and large scale developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the city building, 8 East Washington Street, Athens, Ohio, 45701.

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

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0--24

Introduced by Jeff Risner, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING THE 2024 STREET PAVING AND REPAIRS
PROJECT (#370).

WHEREAS, Ohio University is participating in the annual paving program and will contribute an amount commensurate with their share of the work; and

WHEREAS, City Administration will seek an amendment to this ordinance upon determination of that amount;

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

SECTION I: The Service-Safety Director is hereby authorized to accept bids and enter into contract(s) with the lowest and best bidder, for 2024 street paving and repairs, Project (#370).

SECTION II: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the following sums:

Six Hundred Thousand Dollars (\$400,000.00) to Street Fund, 220, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) to State Highway Fund, 226, T.C. 500, and increasing the total appropriations by said amounts.

SECTION III: The Service-Safety Director is hereby authorized to expend up to Seven Hundred Thousand Dollars (\$600,000.00) as follows:

Three Hundred Thousand Dollars (\$400,000.00) from Street Fund, 220, T.C. 500; and

Four Hundred Thousand Dollars (\$200,000.00) from State Highway Fund, 226, T.C. 500, and increasing the total appropriations by said amounts, for said paving and repairs.

SECTION IV: 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

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.03, EXECUTIVE; OTHER OFFICIALS, SECTION 3.03.21, INVESTMENT OF TREASURY FUNDS.

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

SECTION I: Athens City Code Title 3, Administrative Provisions, Chapter 3.03, Executive; Other Officials, Section 3.03.21, Investment of Treasury Funds, is hereby amended to read as follows:

3.03.21. - Investment of treasury funds.

(A) Whenever there are moneys in the treasury of the city which will not be required to be used for a period of six months or more, such moneys may, in lieu of being deposited in a bank or banks, be invested in accordance with the provisions of Sections 731.56, 731.57, 731.58 and 731.59 of the Ohio Revised Code. Investments purchased shall be sold in accordance with Section 731.57 of the Ohio Revised Code.

(B) The city auditor is hereby directed to ~~credit all~~ distribute monies earned in the city's bank accounts and investments ~~to the General Fund of the city, effective July 1, 1991, to all city funds based on the month-ending fund balance,~~ except those funds for federal or state grants which prohibit earning such interest, ~~funds for which the City of Athens is acting as a custodial agent, funds that receive money derived from a motor vehicle license or fuel tax, bond funds that have been received and invested for a specific purpose/project, or the principle of a non-expendable trust fund. In the case of those funds that are an exception, the auditor is directed to credit all monies earned to the funds to which the principal sums of such deposits or investments belong. This shall be in accordance with ORC 135.21.~~

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

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor