



AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, MAY 15, 2024 AT 12:00 PM

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

Establish Quorum

Disposition of Minutes:

- May 1, 2024

Cases

Case #24-05 Tobacco Zoning and Cannabis Zoning

Communications

Reports

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business:

- Next meeting: June 5, 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, May 1, 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 May 1, 2024.

Attendees: John Anderson, Solveig Spjeldnes, Robert Delach

1. Call to Order

John Kotowski called the regular meeting of the Planning Commission to order at 12:00 p.m. and administered the oath to those in the audience intending to speak before the commission. Quorum 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 April 3, 2024 minutes. Andy S. seconded. Motion passed 5:0.

3. Cases

Case #24-03 Changes to Athens City Code Title 21 & Title 23

Meghan Jennings/Presentation

The Title 21 updates (subdivisions) have been discussed at prior meetings and are summarized in the attached document. The presentation today addresses the proposed changes to Title 23 (bulk controls).

Meghan J. reviewed her "Addressing Athens Housing: Bulk Controls" slide presentation (attached for reference).

Key points:

- Main goal of these proposed changes is to begin addressing housing affordability issues.
- Covering only the bulk control changes to the residential zones in this presentation.
- Changes allow for more dense development and efficient use of existing infrastructure.
- Changes relating to city zoning in Title 21.04 Table 1 are included.
- The minimum hillside requirements table is no longer necessary with the proposed changes.

- Title 23 Table A changes have been researched and refined and now include business and industrial zones. Proposed changes in general reduce the minimum lot sizes and adjust the yard setbacks.
- The proposal includes gentle increases in density and brings more viability and compatibility between the residential zones.
- Examples outside of Athens, in SC and KY, were included for insight on how Athens' neighborhoods could look with the proposed changes.
- American Structurepoint's Stimson Avenue Corridor Plan bulk requirements recommendations were utilized because they are applicable across all of Athens.
- The proposal will allow duplexes to be a more viable option in Athens.
- The majority of our bulk controls are minimum standards.
- Not proposing new uses, only updating dimensions for what exists.
- Gentle increases in density as you go up in zoning categories.
- Redevelopment of existing lots: Two 60' width lots in an R-1 you could build 3 new homes, three 60' width lots - 4 ½ new homes, and four 60' width lots - 6 new homes.
- Yard Regulations - added language regarding averaging front yard setbacks, so the structures will be compatible.

Discussion:

- Steve P: suggested that in the R-3 multifamily proposal, to allow greater density, to consider increasing the height from 3 ½ stories to 4 ½ stories. The obstruction of a four-story building is not noticeable. In our community it is the 5-6+ story buildings that are noticeable.
 - Meghan J: the ½ story activates a gable pitch, but the maximum height can be adjusted and increased to 4 ½ stories.
 - David R.: the idea for only increasing to 3 ½ stories was to be respectful of the surrounding structures, especially single-story structures.
- Austin P: suggested that in Table A for R-1 to consider getting rid of the maximum front yard setback so that folks in non-downtown lots can be allowed to set their structure farther back from the road.
 - Meghan J: the averaging provision of front yard setbacks mentioned earlier will help prevent disparity in front setbacks between lots.
- Chris K: asked for clarification on the 5 ft. side yard setbacks, the hillside requirements, and the required parking. Clarifying comments:
 - The minimum side yard setback combined is 10 ft. between structures, 5 ft. set back each lot. Eaves and bay windows can be built into the set back.
 - The slope table is no longer needed because with these proposed changes to the bulk controls, building closer to the road will be allowed. The hillside development requirement was established to protect the slope and to allow a variance to the setback in order to build structures closer to the road, away from the hillside. With these proposed changes the hillside development requirement will not be necessary as it will be duplicative.
 - The Comprehensive Plan calls for us to revise our parking regulations, which is a big task. The required parking is mentioned here to acknowledge that parking requirements do exist even though we are looking to revise them.
 - The lot comparison slide was discussed regarding where a garage or driveway could be situated on a lot.
- Chris K: asked about percentage of allowable square footage and how building an accessory structure would fit in.

- David R: lot coverage would not restrict that enough. People do that anyway regardless of the total lot coverage.
- John K: asked about hillside development and what protections exist.
 - David R: they are not removing all the hillside requirements for development. This is just for the front yard setback.
- Steve P: shared the letter of support that was received for these changes, from a member of the Affordable Housing Commission.
- Rob Delach/124 Morris Avenue: expressed support for these changes. Would like changes to go even farther. Consider revisiting the front yard setback because in addition to porches, porch steps are included in the calculations.
 - David R: porch steps and stoops are in a different section of code, so that section could be changed, which he would recommend instead of further changes to the bulk controls changes proposed today.

Andy Stone moved to accept Case #24-03 as presented with these exceptions as discussed: Strike front yard maximum requirement in the R-1 one family; Remove uncovered steps from front yard setback requirement; Increase height maximum in R-3 zones from forty-five ft. 3 ½ stories to fifty-five ft. 4 ½ stories. Steve Patterson seconded the motion. All present voted aye, motion passed 5:0.

Case #24-04 Title 41 Review/Southeast Beverage Warehouse Addition

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

David Riggs/Summary

This is a site plan review for a warehouse addition for Southeast Beverage. No staff comments or concerns have been submitted. The Shade Tree Commission recommended that the Planning Commission approve the landscape plan that the applicant submitted.

Steve Patterson moved to approve Case #24-04 as presented. Chris Knisely seconded. All present voted aye, motion passed 4:0 (Austin P. recused).

4. Communications

Tobacco Zoning and Marijuana Dispensary Zoning

Meghan Jennings/Summary

This proposal (see attached for reference) has been refined from the original communication that was presented several weeks ago.

Summary of changes:

- Listing the use as cannabis establishments. Within the proposal these establishments are included as principal permitted uses.
- A limit on the number of establishments per zone is included.
- A distance requirement, and uses of which to buffer from, is included (carried over from ORC medical marijuana distancing). At least 500 ft. from a school, public library, public playground, public park, or any other cannabis establishment.
- The zones that they are allowing as principal permitted uses are B-2/max 2 establishments, B-2D/max 5 establishments, B-3/max 12 establishments, and M/max 5 establishments.

Discussion:

- John K: asked why they are proposing different numbers than the current number of licensed tobacco locations in the zones.
 - David R: they also looked at the number of vape stores and added those to the number of tobacco stores, so the numbers match up.
- Steve P: appreciates the distance limits that they carried over from the medical marijuana dispensary legislation and that they added other cannabis establishments to the list.
- Andy S: suggested that the commission set a similar number of limits for state tobacco licensed establishments and send these simultaneously to City Council as a recommendation for changes to the zoning code.
- Austin P: requested clarification regarding the B-3 zone with twelve establishments, and if those could be concentrated in one area.
 - David R: there is a distance requirement, so they could not be any closer than a block apart, about 500 ft.
- Chris K: regarding Andy's suggestion, asked if the same distancing limits on the tobacco establishments were imposed, because currently there are establishments that are closer than 500 ft.
 - David R: the current establishments would be legal non-conforming. Permitting will be done on a first come first served basis. Existing tobacco establishments could also add cannabis, the distance limit would not apply. Applicants can request variances as well if there is a special situation.

John Kotowski commented that this will come forward as a single case at the next meeting with the suggested tobacco component changes included with the cannabis components discussed today.

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

David Riggs/Code Enforcement Director

- No report

Meghan Jennings/City Planner

- No report

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- Steve Patterson shared that Governor DeWine announced this morning the second round of Implementation Funding within southern Ohio. Recipients included the City of Athens (6.5 million), Mt. Zion Church (7 million), SE Ohio History Center (2.5 million), and Chauncey.
- Next meeting May 15, 2024.

8. **Adjournment**

The meeting adjourned at 1:09 p.m.

Planning Commission Members,

In preparing for recreational marijuana legislation from the State, the Staff researched existing tobacco licenses by zone and proposes the following changes to Athens City Code in order to permit and restrict cannabis establishments throughout the community of Athens.

We suggest changes to the following sections of ACC 23.04 as follows:

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 AND THEY SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER CANNABIS ESTABLISHMENT.

(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 AND THEY SHALL BE AT LEAST FIVE**

HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER CANNABIS ESTABLISHMENT.

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 AND THEY SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER CANNABIS ESTABLISHMENT.

(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.

23.04.08. - M Industrial Zone.

(A) Principal permitted uses: Any use permitted and regulated in the B-3 Zone and any industrial use, except as hereinafter modified in the following general conditions:

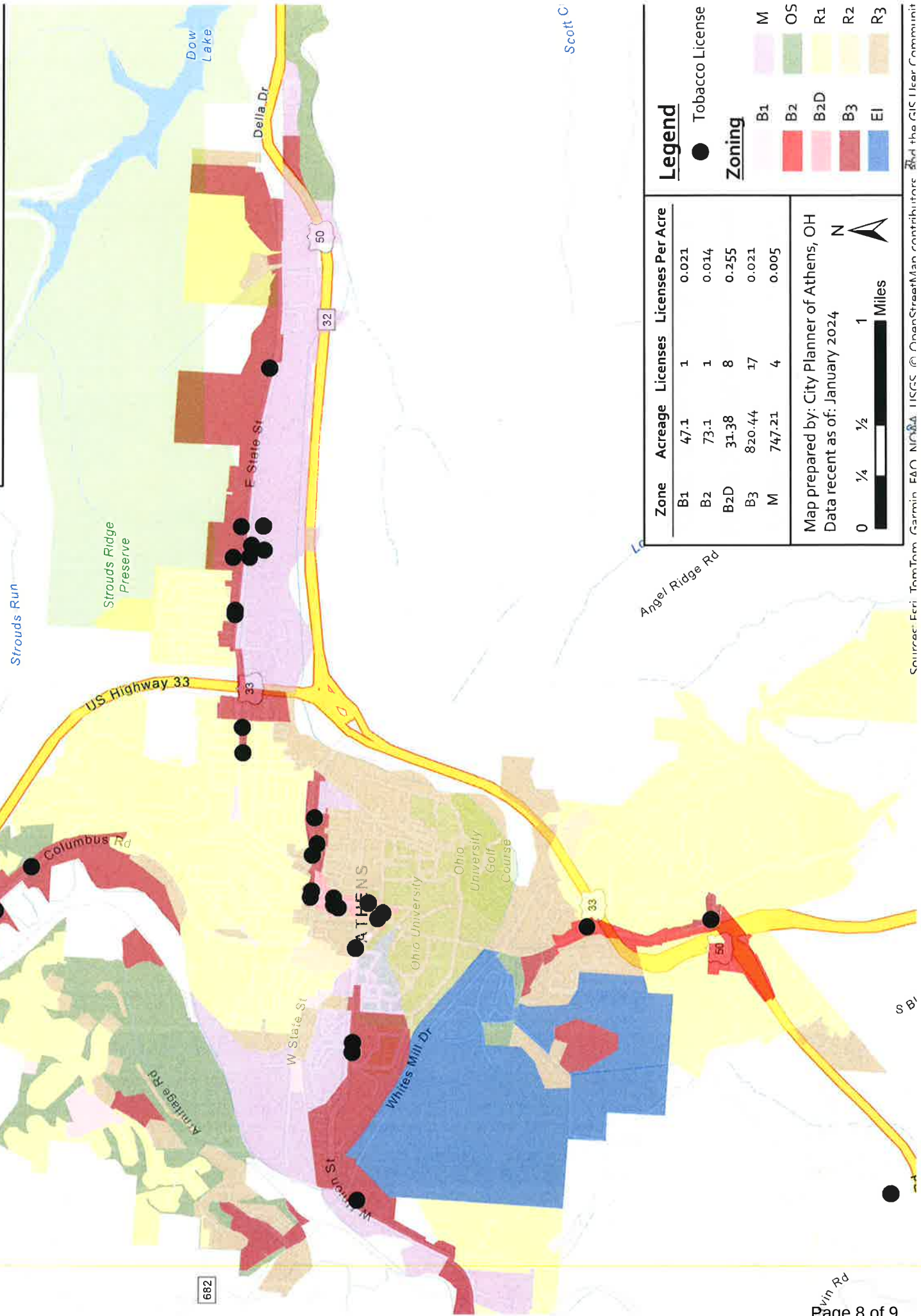
(5) CANNABIS ESTABLISHMENTS. NO MORE THAN 5 ESTABLISHMENTS ARE ALLOWED WITHIN THE M INDUSTRIAL ZONE AND THEY SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER CANNABIS ESTABLISHMENT.

(65) Other uses—Any other use that is determined by the BZA to be of the same general character as the above permitted uses but not including any use that is conditionally permitted in the M Zone under Section 23.04.07(B) or prohibited under Section 23.04.07(C).

(B) Permitted accessory uses: Accessory uses and structures permitted and as regulated in the B-2 Zone, except as hereinafter modified and such other uses and structures customarily accessory and incidental to any of the foregoing principal permitted uses for an M Zone.

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