



AGENDA
ATHENS CITY COUNCIL
MONDAY, JUNE 10, 2024
7:00 PM
e-mail: dwalker@ci.athens.oh.us
Streaming is available at www.ci.athens.oh.us/video

COMMITTEE OF THE WHOLE:

- The Ridges New Community Authority (appointment/reappointment to the Board of Trustees)
- New National Opioid Settlement

PLANNING & DEVELOPMENT COMMITTEE:

- Title 49, Special Right-of-Way Permit (Don Wood Hyundai)
- Title 23, Tobacco and Cannabis Zoning (Planning Commission recommendation)

FINANCE & PERSONNEL COMMITTEE:

- Appropriations

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.

0--24

Introduced by All Members of Council

A RESOLUTION APPOINTING A NEW MEMBER TO THE BOARD OF TRUSTEES OF THE RIDGES NEW COMMUNITY AUTHORITY TO REPLACE A VACANCY IN THE OFFICE OF THE CITIZEN MEMBERS OF THE BOARD OF TRUSTEES; RE-APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE RIDGES NEW COMMUNITY AUTHORITY; AND DECLARING AN EMERGENCY.

WHEREAS, on June 15, 2023, this Council adopted Ordinance 0-77-23, which states that successor members of the Board of Trustees (the "Board") of the Ridges New Community Authority (the "Authority") are to be selected in the same manner as the initial Board members until such time as this Council adopts an alternative method of selection or election; and

WHEREAS, on June 15, 2023, this Council adopted Resolution No. R-07-23 by emergency measure, appointing Dominick Brook and Shawna Wolfe to initial one-year terms as Citizen Members of the Board that expire on June 14, 2024; and

WHEREAS, on October 27, 2024, Shawna Wolfe submitted a letter of resignation and resigned from her position as a Citizen Member of the Board, creating a vacancy in the office of the Citizen Members of the Board; and

WHEREAS, this Council desires to appoint Randy Gonzales to fill the vacancy in the office of the Citizen Members of the Board for an initial term which expires on June 14, 2026; and

WHEREAS, this Council desires to re-appoint Dominick Brook to a successive term as a Citizen Member of the Board which expires on June 14, 2026.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, STATE OF OHIO:

SECTION I: In accordance with the method of selection prescribed in Ordinance 0-77-23 and pursuant to R.C. 349.04, this Council hereby appoints Randy Gonzales to fill the vacancy in the office of the Citizen Member of the Board for an initial term which expires on June 14, 2026.

SECTION II: In accordance with the method of selection prescribed in Ordinance 0-77-23 and pursuant to R.C. 349.04, this Council hereby re-appoints Dominick Brook to a successive term as a Citizen Member of the Board, which expires on June 14, 2026.

SECTION III: This Council and any other officials of the City are authorized and

directed to take such actions and make such arrangements that are consistent with the purpose of this Resolution and necessary and proper for the appointment and re-appointment of members to the Board.

SECTION IV: This Council hereby finds and determines that all formal actions taken relative to the passage of this Resolution were taken in an open meeting of the Council, and all deliberations thereby of the Council, and any of its committees, that resulted in such formal action were in meetings open to the public, and all in compliance with legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Resolution shall be an emergency measure necessary for the preservation of the health, welfare, and safety of the residents of the City of Athens, Ohio, in order to allow the Board to meet the quorum requirements for Board meetings contained in Revised Code Chapter 349; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, then it shall be in full force and effect immediately upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

**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

May 6, 2024

Athens City Council and
Athens City Council President, Sam Crawl

RE: T4924-0000003

Dear Mr. Crawl,

The City has received a request for a Title 49 special right-of-way permit for the use of the City's property located at 810 East State Street. The applicant, Don Wood Hyundai, is requesting use of the City's right-of-way for off-street vehicle parking and light poles.

The special right-of-way permit has been reviewed by the Code Office, the City Engineer and the Safety Service Director.

The term of these special right-of-way permits will be seven (7) years.

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



TITLE 49 APPLICATION

Use of the City's Public Rights of Way

In accordance with Title 49, Application Fee: "At the time that a person submits an application for Use of Right of Way Permit, such person shall pay a non-refundable application fee of \$50 payable to the City of Athens."

(For Office Use Only)

Permit # 74924-000003

Date Rec'd 5/16/2024

Applicant shall comply with all sections of Athens City Code Title 49 Right of Way. All required information shall be attached to application, including such things as but not limited to detailed site plans, a certificate of liability insurance listing City of Athens Ohio as certificate holder. Property owner shall be solely responsible for the maintenance and upkeep of said right-of-way.

Applicant Don Wood Hyundai LLC Phone 740-593-6641
Mailing Address 900 E. State St., Athens, OH 45701
Email Address donwood@donwood.com
Address of Project/ Site 810 E. State St.
Parcel Number A028350006000, A028350006100, A028350006200 Zoning Designation B3
Property Owner Good, Inc. Phone 740-593-7889
Property Owner Mailing Address PO Box 150, Athens, OH 45701
Project Description Off-street vehicle parking, light poles, associated underground electrical wiring and conduit

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND ATTACHED REQUIRED DOCUMENTATION ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

By signing this application, the applicant agrees to comply with all facets of Athens City Code Title 49.

Applicant Signature Donald J Wood Digitally signed by Donald J Wood Date: 2024.04.29 12:53:09 -04'00' Date _____

By signing property owner agrees to indemnify, and save the City of Athens harmless from all claims, demands, costs, expenses, real estate taxes, if any, and compensation which might arise from the encroachment of permittee upon property of the City of Athens that is the subject of this application.

Property Owner Signature Good Inc By: Kimberly Kelly Date 4/29/24

For Official Use Only

1. Code Enforcement Admin: Signature _____ Date _____
☐ Supporting Documents Attached ☐ Fee Paid Amount \$ _____
2. Code Directors Review: ☐ Approved ☐ Refused ☐ Missing Documentation
Remarks _____
Signature _____ Date _____
3. City Engineer Review: ☐ Approved ☐ Refused ☐ Missing Documentation
Remarks _____
Signature _____ Date _____
4. Service Safety Director: ☐ Approved ☐ Refused ☐ Missing Documentation
Remarks _____
Signature _____ Date _____

Rev. 04/2023

Applicant's Proposals for Special Use of Right of Way Permit

Applicant, Don Wood Hyundai, LLC, proposes the following terms for consideration in relation to its application under Section 49.03.01 of the Athens City Code:

1. Applicant will provide proof of insurance, showing the City of Athens as an additional insured, within 30 days of issuance of the permit.
2. Applicant will provide indemnification to the City of Athens. Accordingly, indemnification by the property owner, Good, Inc., should be unnecessary, and the permit should be granted without requiring an indemnification agreement from the property owner.

Applicant asserts that such terms are consistent with the goals and intent of Title 49 of the Athens City Code and are not detrimental to the interests of the City of Athens.

**ATHENS COUNTY
ATHENS TOWNSHIP
SECTION 04
TOWN 9N, RANGE 14W
OHIO COMPANY PURCHASE
STATE of OHIO**

Legend

- MONUMENT FOUND
- ⊙ MONUMENT SET
- △ POINT
- ⊕ LIGHT POLE
- FACE OF CURB/EDGE PAV.
- EDGE OF PAVEMENT
- SURVEY LIMITS
- ⚡ FIRE HYDRANT
- STRUCTURE

Pertinent Documents and Sources of Data Used:

DEED REFERENCES: (145 NOTES)
 DR 304 PG 525 DR 231 PG 267 DR 219 PG 314 DR 337 PG 531 DR 228 PG 186 DR 205 PG 199
 DR 225 PG 186 DR 221 PG 274 DR 176 PG 168 DR 304 PG 523 DR 403 PG 523

SPECIFIED COUNTY TAX PARCEL MAP:
 CURRENT
 SPECIFIED ROADWAY MAPS:
 ATHENS CO. S.H. 156 SEC. ATHENS & A* R/W PLANS
 CITY OF ATHENS, OHIO EAST STATE STREET IMPROVEMENTS PHASE 2
 ATHENS PLAZA TO CORK DRIVE 2002
 STATE OF OHIO DEPT. OF TRANSPORTATION ATH-CAST STATE STREET ROW
 SIDEWALK EASEMENT ON THE PROPERTY OF OHIO UNIVERSITY LRP 2015
 CURRENT & PREVIOUS SURVEY & SUBDIVISION PLATS:
 EDEN PLACE FIRST ADDITION BY G.D. WALKER IN 1958 ENVELOPE 347A
 TOWNSHIP ADDITION BY SCOTT R. WOLFE IN AUG 1923 ENVELOPE 273B & 316A

Basin of Bearing:
 STATE PLANE COORDINATE SYSTEM
 OHIO SOUTH ZONE, NAD 83 (2011)

ATTENTION:
 THIS PLAT OF SURVEY REPRESENTS THE
 MINIMUM STANDARDS FOR BOUNDARY
 SURVEYS IN THE STATE OF OHIO AS
 ADOPTED 05-01-80 OF THE
 ADMINISTRATIVE CODE CHAPTER 4733-37.
 LOCAL GOVERNING REQUIREMENTS IF
 MORE STRINGENT, SHALL BE ADHERED TO.

PLAT OF SURVEY FOR CITY OF ATHENS

SURVEY LOCATION:
 BIO E STATE ST
 ATHENS OHIO 45701

DATE 04/02/24
DRWN. DAC **||** **CHECK** RCG
JOB NO. 242318

Robert C. Canter
 PROFESSIONAL SURVEYOR No. 7226
 STATE OF OHIO
 DATE: 04/15/24

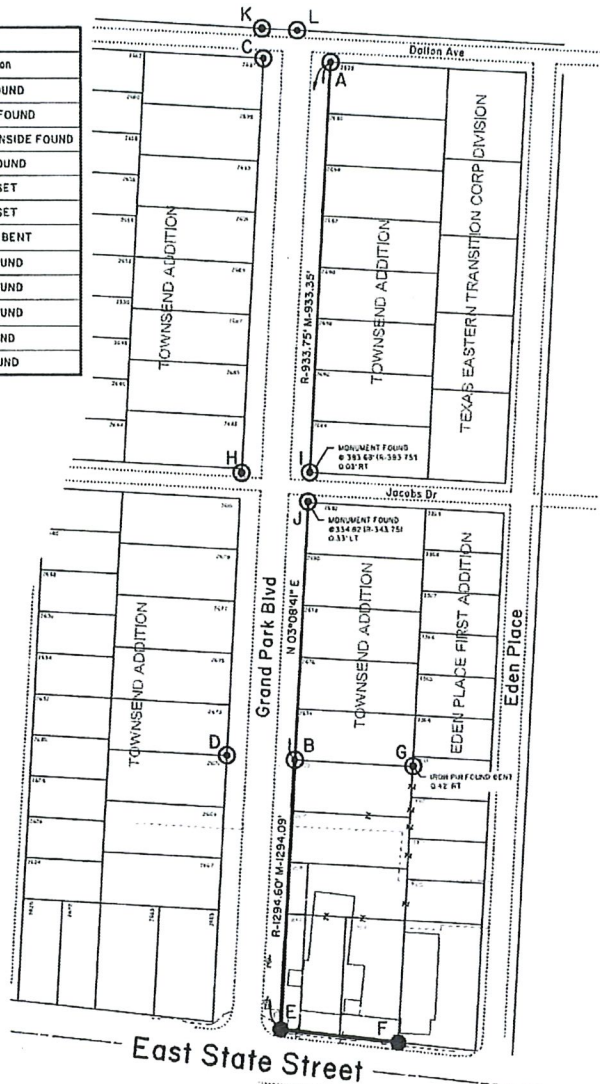
STATE OF OHIO
ROBERT CANTER
S-7226
REGISTERED SURVEYOR

buckleygroup
 engineering+surveying
 6801 STATE ROUTE 56
 ATHENS, OH 45701
 (740) 589-5001
 www.buckley-group.com

ATHENS COUNTY
ATHENS TOWNSHIP
SECTION 04
TOWN 9N, RANGE 14W
OHIO COMPANY PURCHASE
STATE of OHIO



Point Table			
Point #	Northing	Eastng	Row Description
A	488673.244	2089198.775	1" IRON PIPE FOUND
B	487741.300	2089147.571	1-1/2" IRON PIPE FOUND
C	488678.582	2089107.207	IRON PIPE W/MAGNAIL INSIDE FOUND
D	487747.315	2089055.720	2" IRON PIPE FOUND
E	487301.099	2089127.781	BRASS PLUG SET
F	487364.142	2089287.090	BRASS PLUG SET
G	487732.925	2089307.773	IRON PIN FOUND BENT
H	488123.748	2089076.627	MONUMENT FOUND
I	488124.397	2089168.645	MONUMENT FOUND
J	488065.614	2089166.163	MONUMENT FOUND
K	488718.803	2089105.342	IRON PIN FOUND
L	488716.167	2089153.264	IRON PIPE FOUND



- LEGEND**
- - MONUMENT FOUND
 - - MONUMENT SET
 - △ - POINT
 - ⊕ - LIGHT POLE
 - FACE OF CURB EDGE
 - - - OF PAVEMENT
 - SURVEY LIMITS
 - STRUCTURE

0 180 360
1 INCH = 180 FEET
NOTE: DRAWING SCALE MAY BE
ADJUSTED DUE TO REPRODUCTION

DATE 04/02/24
DRWN: DAC LCHK, RCC
JOB NO. 242310

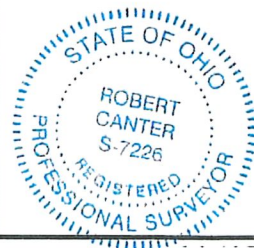
PLAT OF SURVEY FOR CITY OF ATHENS

SURVEY LOCATION:
810 E STATE ST
ATHENS OHIO 45701

buckleygroup
engineering + surveying

6801 STATE ROUTE 56
ATHENS, OH 45701
(740) 589-5001
www.buckleygroup

ROBERT C. CANTER
PROFESSIONAL SURVEYOR No. 7226
STATE OF OHIO
DATE: 04/15/24



ATHENS COUNTY
ATHENS TOWNSHIP
SECTION 04
TOWN 9N, RANGE 14W
OHIO COMPANY PURCHASE
STATE of OHIO

BASIS OF BEARING:
STATE PLANE COORDINATE SYSTEM
OHIO SOUTH ZONE, NAD 83 (2011)

ATTENTION:
THIS PLAT OF SURVEY REPRESENTS THE
MINIMUM STANDARDS FOR BOUNDARY
SURVEYS IN THE STATE OF OHIO AS
ADOPTED 05-01-80 OF THE
ADMINISTRATIVE CODE CHAPTER 4733-37.
LOCAL GOVERNING REQUIREMENTS IF
MORE STRINGENT, SHALL BE ADHERED TO.

PHOTOGRAPHED ON 04-09-2024

DATE 04/02/24
DRWN, BAC | CHCK, RCC
JOB NO. 242318

PLAT OF SURVEY FOR CITY OF ATHENS

SURVEY LOCATION:
810 E STATE ST
ATHENS OHIO 45701

buckleygroup
engineering+surveying

6801 STATE ROUTE 56
ATHENS, OH 45701
(740) 589-5001
www.buckleygroup

ROBERT C. CANTER
PROFESSIONAL SURVEYOR No. 7226
STATE OF OHIO
DATE: 04/15/24



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/25/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Zurich - Account Service Center
7045 College Blvd.
Overland Park, KS 66211
Fax: 888-734-6776 Ph: 877-225-5276

CONTACT
NAME: Zurich - Account Service Center
PHONE (A/C No. EXT): 877-225-5276 FAX (A/C No.): 888-734-6776
E-MAIL ADDRESS: service.center@zurichna.com

INSURED MO21141819
DON WOOD AUTOMOTIVE INC.
900 E STATE ST
ATHENS, OH 45701

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Zurich American Insurance Company	18535
INSURER B: American Zurich Insurance Company	40142
INSURER C: American Guarantee and Liability Ins. Co.	26247
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSR	INSUR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	☒	☐	ADP0911944-02	03/01/2024	03/01/2025	EACH OCCURRENCE
	☐ CLAIMS MADE ☒ OCCUR						\$1,000,000
	☐						DAMAGE TO RENTED PREMISES (Ea occurrence)
	☐						\$
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person)
	☐ POLICY ☐ PROJECT ☐ LOC						\$5,000
	☐ OTHER:						PERSONAL & ADV INJURY
A	AUTOMOBILE LIABILITY	☒	☐	ADP 0911944-02	03/01/2024	03/01/2025	GENERAL AGGREGATE
	☒ ANY AUTO						\$3,000,000
	☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS						PRODUCTS - COMP/OP AGG
	☒ HIRED AUTOS ☒ NON-OWNED AUTOS						\$
	☐						
C	☒ UMBRELLA LIAB ☒ OCCUR	☐	☐	AUC 0449279-02	03/01/2024	03/01/2025	COMBINED SINGLE LIMIT (Ea Accident)
	☐ EXCESS LIAB ☐ CLAIMS-MADE						\$1,000,000
	☐ DED ☐ RETENTION \$						BODILY INJURY (Per person)
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	☐	☐				BODILY INJURY (Per accident)
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N						\$
	(Mandatory in NH) ☐						PROPERTY DAMAGE (Per accident)
	If yes, describe under DESCRIPTION OF OPERATIONS below						\$
A	Garagekeepers - Direct Coverage	☐	☐	ADP0911944-02	03/01/2024	03/01/2025	Total Limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Reason for Certificate: GENERAL LIABILITY

30 Day notice of cancellation applies, except for cancellation due to non payment of premium.

See Additional Remarks Schedule Attached

CERTIFICATE HOLDER

DON WOOD PROPERTY HOLDINGS LLC
900 E STATE ST
ATHENS, OH 45701

Attn:
Fax:

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mark G. Kampfer

MEMORANDUM

To: Athens City Council
From: Athens City Planning Commission
Subject: Recommendation
Date: May 23, 2024

Case #24-05/Tobacco Zoning and Cannabis Zoning
Changes to Athens City Code Title 23

The recommended changes to Athens City Code Title 23 were submitted by the Code Enforcement Director and the City Planner and affect the following sections of ACC Title 23:

23.04.04. – B-1 Neighborhood Business Zone.
23.04.05. – B-2 Business District.
23.04.06. – B-2D Downtown Business Zone.
23.04.07. – B-3 General Business Zone.
23.04.08. – M Industrial Zone.

On May 15, 2024, the Athens City Planning Commission met to review Case #24-05/Tobacco Zoning and Cannabis Zoning. The Planning Commission voted 4:0 to recommend to Athens City Council approval of Case #24-05 as follows:

Approve the changes as presented with the following recommended modifications: Add additional language to include the 500 ft. distancing requirement from other tobacco establishments, to each of the five sections listed above,

The recommended changes to Title 23 are in preparation for recreational marijuana legislation from the state. This recommendation is consistent with several city planning documents including the following:

- The city's 2040 Comprehensive Plan on page 21, as it relates to economic development, states "The city will continue its policy of step-ahead regulation which is to say, that Athens attempts to be proactive rather than reactive to emerging technologies."
- 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.

Attached please find the following:

- Attachment #1: Proposed Title 23 changes with PC recommended modifications noted above.
- Planning Commission minutes from 2/21/24, 3/6/24, 5/1/24, and 5/15/24.

Thank you for your time and consideration in this matter.

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:

23.04.04. - B-1 Neighborhood Business Zone.

(A) Principal permitted uses: Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood:

(1) General conditions:

- (a) Business in enclosed buildings: All business, services or processing shall be conducted wholly within a completely enclosed building.
- (b) Production for sale at retail: All products on the premises whether primary or incidental shall be sold at retail primarily on the premises where produced.
- (c) Use must be nonobjectionable: Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

(2) Offices—Business and professional.

(3) Eating and drinking places—Restaurants, not including entertainment or dancing, and not including drive-in or drive-through restaurants.

(4) Residential uses—Any use permitted and as regulated in the residential district adjoining the B-1 Zone; and if there are adjoining two or more different categories of residence zones, the regulations of the least restrictive residence zone shall prevail.

(B) Conditionally permitted uses:

(1) Accessory uses and structures as permitted and regulated in the R-3 zone and any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-1 uses.

(2) LICENSED CIGARETTE, VAPOR PRODUCT, OR OTHER TOBACCO PRODUCT RETAIL DEALERS. ESTABLISHMENTS SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT, AND OTHER TOBACCO PRODUCT RETAIL DEALER.

(32) Any other retail business or service establishment determined by the board to be of the same general character as the above permitted uses, not including those which first permitted or are not permitted in the B-2 zone.

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) LICENSED CIGARETTE, VAPOR PRODUCT, OR OTHER TOBACCO PRODUCT RETAIL DEALERS. ESTABLISHMENTS SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT, AND OTHER TOBACCO PRODUCT RETAIL DEALER.

(7) 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) LICENSED CIGARETTE, VAPOR PRODUCT, OR OTHER TOBACCO PRODUCT RETAIL DEALERS. ESTABLISHMENTS SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT, AND OTHER TOBACCO PRODUCT RETAIL DEALER.

(D) 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) LICENSED CIGARETTE, VAPOR PRODUCT, OR OTHER TOBACCO PRODUCT RETAIL DEALERS. ESTABLISHMENTS SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT, AND OTHER TOBACCO PRODUCT RETAIL DEALER.

(15) 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.

(164) 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) LICENSED CIGARETTE, VAPOR PRODUCT, OR OTHER TOBACCO PRODUCT RETAIL DEALERS. ESTABLISHMENTS SHALL BE AT LEAST FIVE HUNDRED (500) FEET FROM A SCHOOL, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK, OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT, AND OTHER TOBACCO PRODUCT RETAIL DEALER.

(6) 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.

(75) 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.

**Athens City Planning Commission
Minutes of Regular Meeting
Wednesday, May 15, 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 15, 2024.

Attendees: No attendees

1. Call to Order

John Kotowski called the regular meeting of the Planning Commission to order at 12:01 p.m. and established quorum with four members present.

PLANNING COMMISSION MEMBERS:

Chris Knisely	Present
John Kotowski, Chair	Present
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 May 1, 2024 minutes. Austin P. seconded. All present voted aye, motion passed 4:0.

3. Cases

Case #24-05 Tobacco Zoning and Cannabis Zoning

Meghan Jennings/Summary

- At the request of the commissioners at the last meeting, additional language has been added relating to tobacco products. The final text being reviewed today (attached for reference) includes the original language regarding cannabis (limiting the number of establishments per zone and setting distancing buffer requirements) with added text relating to the retail sale of tobacco products.

The updated paragraph (found in 23.04.04.-B-1(B)(2), 23.04.05.-B-2(A)(6), 23.04.06.-B-2D (C), 23.04.07.-B-3(A)(14), and 23.04.08.-M(5)) was read and explained.

- Both the cannabis and tobacco establishments are listed as principal uses in the B2, B2D, B3 & M zones. Tobacco establishments are listed as a conditional use in B-1 zones.

Discussion

- Austin P: Asked for clarification on whether all current cigarette retailers would have to comply, like a gas station that also sells cigarettes.

- Meghan J: The principal use for a gas station is selling gas so selling cigarettes is an accessory use.
- Austin P: Asked for clarification on distancing.
 - Meghan J: Property line to property line. Churches not included.
- John K: Commented that regarding tobacco zoning, the number of establishments is not being restricted, only a distancing requirement is being added (the distancing will drive it). With cannabis there is a number limit and a distancing requirement. Cannabis is more restrictive than tobacco so potentially there will be fewer cannabis locations.
- Andy S: Asked for clarification on why they did not include a limit on the number of licensed tobacco establishments.
 - David R: A number limit can be added, but their thinking is that cannabis will be a new use. Tobacco is not new, and the number of tobacco and vape shops is known. Given the uncertainty with the cannabis shops they thought having a little more control over cannabis would be appropriate.
- Andy S: Commented that the list of thirty-three current licensed tobacco retailers includes establishments where it is not the principal use (like WalMart, Kroger, etc.). He suggested that the list be further delineated by principal use retailers and not principal use retailers, and set the numbers based on the actual locations that are a principal use.
- Chris K: This would take more time, so process-wise, if it can be done in the next few weeks, she would support taking care of putting limits on the number of tobacco establishments now as opposed to coming back later.
- John K: Wondered if it was necessary to put a limit on the numbers.
- Andy S: Commented that he would like this to be sent to council as a package. Athens will get hit with recreational marijuana sooner than we can get this legislation ready. Beginning in June the Department of Commerce will be issuing the first licenses for recreational cannabis to medical marijuana dispensaries. We have two in Athens, and they will likely be getting their recreational marijuana licenses.
- Chris K: Inquired about the timeline to get it to council as a communication item and then have all three readings before July recess.
- Andy S: This will also require a public hearing, so there will not be any way that this will be adopted before July recess, but it should be sent to City Council as soon as possible.
- John K: Should the cannabis be more restrictive than tobacco?
- Andy S: Thinking more about the character of community, rather than the actual substance, the attempt is to establish zoning, and he would keep both along the same lines of restrictiveness, (but not restrict retailers if it is not the principal use).
- Chris K: In going through the list and counting the principal use establishments, depending on the number that is picked, we could be at capacity for licenses already.
- John K: If we are at capacity, someone could go to the BZA with a request for a variance if they wanted to open a smoke shop.
- Austin P: In order to sell cigarettes, you have to apply for a license, so if you apply the state can turn you down. It is not financially viable to open a tobacco-only store, so are we adding restrictions that we do not really need?
- David R: The vape stores are a stand-alone based on that they sell "nicotine-related products."

- Andy S: The Department of Commerce is considering, in their initial set of rules, a 1-mile radius around cannabis shops. State could change this, but this puts a much greater limit than what is being discussed here. We should move forward even though it could change.
- John K: Should this be rewritten by the planner and code enforcement director with updated tobacco #'s?
- Andy S: Yes, and do we want a distance requirement between the establishments?
- Chris K: It would help protect some areas where we want to see diversity in economic development.
- David R: We want to consider these as two separate things, so is it okay to have a cannabis store next to a store that sells tobacco? And do you want establishments (if they sell both tobacco and cannabis) to hold two separate licenses as well?
- John K: It is likely that some tobacco stores will want a cannabis licenses, so they may not just be right door to each other but be one in the same.
- Andy S: That is the presumption. There are additional layers of restrictions imposed by the state (like security, etc.) put on recreational cannabis stores.
- John K: Do smoke shops have places to sit and smoke? And if so, do we see that happening with cannabis stores?
 - David R: Some will let you sample the different flavors.
- Andy S: On-site consumption is something we need to find out about.
- Austin P: Struggling with this because cannabis alters your state (like alcohol), but cigarettes/vape products do not. Why would we restrict this product versus another? There is a difference in his mind between cannabis and tobacco. He does not want to restrict a business from selling cigarettes if the State of Ohio says that they could.
- Chris K: If we do not restrict the tobacco, this would be ready to go.
- Andy S: Suggested that they just add the 500 ft. buffer requirement. Add a line to the paragraphs. Current stores are grandfathered in.

Andy Stone moved to adopt Case #24-05 as presented with the following modifications as discussed: add text requiring a 500 ft. buffer between establishments to the licensed cigarette, vapor product, or other tobacco product retail paragraphs (5). Chris Knisely seconded the motion. All present voted aye. Motion passed 4:0.

4. **Communications**

Andy Stone

Shared the May 1st announcement from the Governor's Office about the second round of Implementation Funding (ACG). Recipients included the City of Athens (6.5 M for a streetscape project along Carpenter, State, & Stimson, to include burying the overhead utilities), Mt. Zion Church and the SE Ohio History Center.

Austin P: Asked what burying lines looked like and if was a Union Street project all over again.

Andy S: No, particularly if they bore the conduit in. There will be spot installations for transformers, which will be the most difficult. The Union Street project completion date is November. There is a change order under review allowing the return to two-way traffic by the end

of July. The biggest barrier is not space, but private property service lines must connect via underground to the ground transformers. This has been done before in Athens along Court Street.

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**

- Next meeting: June 5, 2024.

8. **Adjournment**

The meeting adjourned at 12:35 p.m.

**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.

**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.

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.