

Athens City Planning Commission  
Minutes of Regular Meeting  
Thursday, September 5, 2019, 12:00 p.m.

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The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on September 5, 2019.

**Attendees:** Mark Seckinger, Mike Mackey, Jack Stauffer, Joe Mayer, Katie Bauman, Robert Delach

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:04 p.m. and administered the oath to those in attendance wishing to speak before the commission. Quorum was established.

**PLANNING COMMISSION MEMBERS:**

RJ Sumney, Chair	Present
Nancy Bain, Vice Chair	Present
Christy Zempter	Present
Steve Patterson, Mayor	Present
Andrew Stone, Service-Safety Director	Present

**STAFF:**

Paul Logue, City Planner	Present
David Riggs, Code Enforcement Director	Present
Lance Allison, Code Enforcement Inspector	Present

2. **Disposition of Minutes**

*Christy Zempter moved to accept the July 17, 2019 minutes. Andrew Stone seconded. Motion passed 3:0 with two abstentions (Nancy Bain and Steve Patterson).*

*RJ Sumney moved to accept the August 15, 2019 minutes. Christy Zempter seconded. Motion passed 4:0 with one abstention (Andrew Stone).*

4. **Cases**

**Case #19-04 BZA Proposal for Small-Lot Variance Requests**

Lance Allison/Summary

This is a proposal from the BZA to address requests from homeowners who want to make improvements to small non-conforming lots. The homeowners' requests are getting refused and referred to the BZA because they can't meet any existing setbacks because their lots are too small. BZA is approving them unanimously every instance. BZA looking to streamline the process and have this handled administratively.

## Discussion

Andrew Stone: recommends the substitution be “Service-Safety Director or his/her designee” instead of “BZA” that is currently in that section of code.

Nancy Bain: is this going to be put under the table of bulk controls.

Lance Allison: the change is to ACC 23.05.02, not bulk controls.

Nancy Bain: this specifically addresses bulk controls because it doesn’t involve uses. Has only seen 23.05.02 used once, where it is only substituting uses like “R” for a “B”, etc. This is an adjustment to the bulk controls which is a much simpler thing.

Lance Allison: there is a difference when you are looking at the substitutions and the bulk controls. A substitution is asking for something that isn’t any more non-conforming. These requests already have an existing non-conformity. They are not asking for a change in the bulk control.

Nancy Bain: you are asking for a change in the bulk controls in the specific lot, and to allow it to happen. The word “use” is the problem. It’s not a non-conforming use, it’s a non-conforming structure. It doesn’t fit in 23.05.02. The Law Director should look at this before voting.

Lance Allison: it also talks about buildings and enlargements. There is a difference between use and a building.

Andrew Stone: the first sentence where we talked about the change “a non-conforming use of another not more objectionable non-conforming use be made”, what we are seeing in the examples are all situations where a homeowner is trying to make an improvement that will make it less non-conforming than what was previously there. The process, because of 23.05.02, sends them to the BZA. It won’t usurp the power of the zoning code or the powers of the BZA to streamline the process.

Steve Patterson: this still has to go through the Department of Development and Code Enforcement so their eyes are on it. This is one of the issues that came up through the all-city boards and commissions meeting, when the chair of the BZA asked to streamline the process because the vote was always unanimous. This is similar to the Planning Commission’s request to streamline the process involving minor modifications to cell towers.

Nancy Bain: putting a deck in your entire back yard could be allowed under this principle.

Lance Allison: that wouldn’t occur because you would be expanding the non-conformity. This applies more for the left side and rear setbacks.

Nancy Bain: will neighbors receive notification with these requests? Send to the Law Director for her input.

RJ Sumney: with this change does an objecting neighbor have a form of redress?

Lance Allison: no, but they wouldn’t currently if it was in conformity anyway, and met all the bulk controls.

Andrew Stone: bulk controls has 8,000 sq. ft. as a minimum lot size in an R1. Don’t find this in the city. More appropriate for suburbia. We have to allow for smaller lot size. We do need to look at bulk controls especially with respect to lot sizes.

Nancy Bain: would like to see the Law Director look at this before voting.

Andrew Stone commented that the Law Director looks at everything they recommend to City Council so a delay in voting is not necessary. Andrew Stone made a motion to

recommend to City Council Case #19-04, the change to ACC 23.05.02 as noted above. Christy Zempter seconded. Motion passed 4:1, Nancy Bain opposed.

**Case #19-05 Ohio Health  
New Medical Office Building**

Paul Logue/Summary

Title 41 Site Plan Review. OhioHealth is requesting approval for a +/- 30,000 square foot commercial medical building to be constructed on the O'Bleness Hospital campus on West Union Street in Athens.

Facts

Applicant/ Developer: OhioHealth 3430 OhioHealth Parkway, Columbus, OH 43214

Parcel number (s): A027250002200

Contractor: TBD

Architects: DesignGroup 515 East Main Street, Columbus, OH 43215

Zoning: B3

Surrounding Land Use: Medical, Multi Unit Residential, Grocery

Current Land Use: Vacant

Proposed Land Use: Medical Building

Proposed number of buildings: 1 building

Lot Area: 4.625 Acres (~201465 sq. ft.)

Building Size. ~30,000 sq. ft.

Asphalt Parking: ~90,000 sq. ft.

Total Impervious Area: ~110,000 sq. ft.

Estimated Cost of the Project: +/- \$9,000,000

Staff Reviews and Comments

Were received from the Office of Code Enforcement and Community Development, Director of Code Enforcement, City of Athens Fire Department, City of Athens Police Department, City of Athens City Planner, and the City of Athens Engineering and Public Works Department.

Discussion

Mark Seckinger/President, OhioHealth O'Bleness

Other individuals are present to answer questions. The building is 2 stories so the footprint is 15,000 sq. ft. The contractor has been identified - Elford, Columbus, Ohio.

Steve Patterson: please describe any resulting increase in jobs.

Mark Seckinger: there will be a slight increase in jobs. This is mainly a relocation of existing practices (Parks Hall current operations will move to this location and to Castrop, Jim Sammons' Union Street office will be relocated here, and Columbus Road offices will move here).

Andrew Stone: the Fire Department had a significant number of requests which he supports. City engineer Robert Heady has been working with them closely and he

recommends that any approval the Planning Commission grants today be contingent on any further direction from Mr. Heady. Water service redundancy to the medical complex is important. The site plan calls for future expansion and we previously talked about a 2<sup>nd</sup> point of access to the area via the Gawande building. For the record, he recommends that the Planning Commission request a traffic impact study at such time that the expansion is proposed because of impacts on Union Street.

RJ Sumney: please address exterior lighting issue addressed by Capt. Harvey from the Police Department.

Joe Meyer/DesignGroup

The parking lot lighting design has not been developed yet. There will be the code required lighting including dimming after hours.

Katie Bauman/EMHT

The photo metrics were submitted. The fixture was on that as well.

Andrew Stone made a motion to approve Case #19-05 contingent on any additional direction from the city engineer. Steve Patterson seconded. All present voted aye. Motion passed 5:0.

5. **Communications**

**Rezoning North Court Street**

Steve Patterson/Summary

The first Comprehensive Plan was codified in 2006/7. Included in the plan was to have N. Court Street between State and Congress to be zoned in alignment with S. Court Street between State and Union, as B2D, and it wasn't accomplished. Changes have been made with some of the points that were brought forward in the plan, like storage parking and noise. Since we have 24 hour parking in the city, and we have an excessive noise ordinance, we have eliminated the storage parking issue. Trying to become a more walkable community to alleviate parking issues. The current B3 requires that parking be available to 1<sup>st</sup> floor businesses. Parking appears to be readily available now and a change to a B2D on N. Court could be accommodated. Possibility in the future of Court going 2-way again and a change to B2D would help make that possible. This change would be another way to diversify the local economy and be more attractive to businesses that want to open up. City Planner Paul Logue created a map of the proposed change from B3 to B2D. State up to Carpenter, east along Carpenter to Grosvenor, end on north side of Grosvenor and continue down to E. State, Carpenter, down Fern to create a B2D zone in the uptown area which will give relief to properties under the B3 for their parking requirement. Already in the nearly complete 2040 Comprehensive Plan.

Discussion

Paul Logue: Changes that have occurred since this was last discussed is the expansion of the Athens Public Transit System. In 2010 it was a very small project and now it has

grown for a number of reasons. We have seen a change toward less reliance on automobiles.

RJ Sumney: would making this change do something towards increasing the density in the city?

Paul Logue: it would create a little more density. Parking areas currently used for commercial purposes could be utilized for something different (expand a business, for example).

Andrew Stone: the US economy has changed with the advent of ecommerce. In the last 40-50 years, the primary source of retail is more peripheral. The central business district is more entertainment, restaurants, etc. Have our central business district be more dense – live-work-play. There is not as much a demand for cars or parking.

Nancy Bain: why don't you take it further down E. State? Grosvenor is allocated parking, Family Dollar has allocated parking.

Steve Patterson: City Council will be seeing legislation about the Special Improvement District (SID). This aligns with the SID boundary. Property owners pay into a 501 C3 for beautification, sidewalks, light posts, etc. There will be a coordinated plan and a board established with the Mayor and City Council represented.

#### Jack Stauffer/69 Elmwood

He is not against the rezoning. His concern would be the reduction in the use and types of businesses that would be allowed. Some businesses are allowed in B3 that are not allowed in B2D. He doesn't want to see options reduced for current businesses owners.

Lance Allison: will look for any differences in uses for the two zones.

Paul Logue: there are use differences, but there have been very few changes in the last 10 years – there was one instance involving internet cafes, they are now outlawed by the state. There are also other differences between the two zones.

Steve Patterson: some of the prohibitive uses in a B2D are hospitals, animals hospitals, commercial recreation, building and related trades, printing and related trades.

Jack Stauffer: what about Precision Imprint?

Paul Logue: they aren't on the map.

Jack Stauffer: Nancy Bain just recommended it.

Steve Patterson: we will look at it.

#### Rob Delach/124 Morris Avenue

This change is something that he has been talking about for 1-2 years. He organized a group called "Athens curbside conversations". One conversation focused on the first block of N. Court Street and the potential on the block with businesses closing, but the zoning was prohibitive. This makes perfect sense but he does support looking at unintended consequences.

## 6. **Report from City Planner and Director of Code Enforcement**

### Paul Logue

- Working with the county on updating the Athens County Natural Hazard Mitigation Plan. Presented to city council last week and a draft plan will be available in October,

which the Planning Commission can review. Working with practitioners and stake holders who are on the ground to better understand what their experiences are. Need to have it approved by the end of the year to meet FEMA requirements.

- Continuing to work on the Comprehensive Plan and will have a draft soon.

#### Lance Allison

- Received an application for scooters and is working on their permit.

Andrew Stone commented that he attended a conference recently in Denver and rode scooters everywhere. Legislation passed earlier this year.

The new Code Enforcement Director, David Riggs, was introduced and Lance Allison was thanked for filling in as interim while a search was being conducted.

### 7. **Opportunity for Citizens to Speak**

#### Jack Stauffer/69 Elmwood

Watched Monday night's Air BnB discussion during City Council. Lives in an R1 district on the near east side which will be adversely affected if this goes through. The Planning Commission will review the list of definitions that was provided to him (guest, guest night, guest room, home stay, short term rental, tourist home). Will the PC read/approve these definitions?

Steve Patterson: this body will take this up as a communication first. We will decide whether or not we need to hold a public forum. It will come forward as a case after the communication. If this passes Planning Commission then it goes back to council for approval. Council passed the resolution and recommended it be reviewed by the Planning Commission.

Andrew Stone: our charge as the Planning Commission is changes to Title 23 (zoning) and not Title 11 (business).

RJ Sumney: we can't recommend a public hearing until it has come before us as a case.

Jack Stauffer: there isn't a definition of owner, manager, or operator. How it is going to be overseen?

RJ Sumney: this will be discussed.

Jack Stauffer: My concern is the R1 zone and that this is an infringement on property rights. The list of definitions is incomplete.

RJ Sumney: when this comes before the Planning Commission as a communication and as a case all these concerns will be addressed.

Steve Patterson: this has not come forward as a communication or a case yet, but it all will be discussed at upcoming Planning Commission meetings.

RJ Sumney: this will be handled at the communication and case stage, and the idea of having a public forum is in the public interest.

### 8. **Announcements & Other Business**

- Parking garage elevators are not operational, were damaged during a lightning storm event. Will be repairing when the parts arrive.

- Parking garage renovations project is underway.
- The next meeting will be September 19, 2019.

9. **Adjournment**

The meeting was adjourned at 1:04 p.m.

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RJ Sumney, Planning Commission

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Patricia Witmer, City of Athens