

**Athens City Planning Commission  
Minutes of Regular Meeting**

**Thursday, January 6, 2022 12:00 p.m.**

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on January 6, 2022.

**Attendees:** Greg Akers/SPL Solar, Brent Boyd/SPL Solar, Austin Musser/Bricker & Eckler, Jared Decker/PM Company, Chase Minnite/PM Company, Christopher Roush/RPG, Deana Roush/RPG, Elaine Goetz/OU, Solvieg Spjeldnes

**1. Call to Order**

Steve Patterson 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 with four members present.

**PLANNING COMMISSION MEMBERS:**

Steve Patterson, Chair	Present
John Kotowski, Vice Chair	Present
Nancy Bain	Absent
Austin Phillips	Present
Andy Stone, Service-Safety Director	Present

**STAFF:**

Paul Logue, City Planner	Present
David Riggs, Code Enforcement Director	Present

**2. Election of 2022 Officers**

*John Kotowski nominated Steve Patterson to continue as Chair. Austin Phillips seconded. All present voted aye. Motion passed 4:0.*

*Steve Patterson nominated John Kotowski to fill the Vice-Chair position. Andy Stone seconded. All present voted aye. Motion passed 4:0.*

**2. Disposition of Minutes**

*John Kotowski moved to accept the October 21, 2021 minutes. Austin Phillips seconded. Motion passed 3:0 (Andy Stone abstained).*

**3. Cases**

**None**

**4. Communications**

**Armitage Road Solar Field**

Paul Logue/Introduction

There is a Purchase Power Agreement in process. Armitage Road was initially proposed for golf course as part of the University Estates project and zoned open space. There is interest in

putting in a large scale solar project there to help generate electricity for the Ohio University campus. They are here to talk about the project and some of the issues, the biggest of which is related to the open space zoning.

#### Austin Musser/Bricker & Eckler

- Assisting OU and SPL Solar with the zoning process.

#### Brent Boyd/SPL Solar

- Ohio University awarded them the project in October, 2021.
- They have site control of the 100 acres which are adjacent to the Innovation Center.
- Proposing to build a 17 megawatt project on the site to power approx. 25% of OU's main campus load.
- 15 to 21 million-dollar investment to build and maintain over a 25 to 30-year period.
- Will create tax revenue.
- Current open space zoning so they are considering to add other amenities (dog park, education walking trails, education and workforce development opportunities, etc.)
- Growing industry.
- Plant pollinator gardens amongst the solar array.
- They have letters of interest/intent from Ohio University faculty to do certain types of agricultural research on the land.
- OU does not own the land. Brent Hayes owns the land.

#### Austin Musser/Bricker & Eckler

- Reviewed Athens City Code and was pleasantly surprised to see that the code actually talks about solar. Shows that Athens is a solar friendly community.
- Open space zoning does pose a problem.
- Solar is considered as an accessory use in most other zones but not open space.
- Considering the following approaches: 1. Rezoning it to manufacturing or getting a variance, or 2. Adding solar as a use city-wide. Add this to a principal list of uses.
- Feels that their proposal fits well with the open space zoning so they would like to add solar to the principal use list. There is an argument that solar is a resource protection use.

#### Discussion

- Andy S. commented that this is a city source water protection area. Solar use is ok, but there are restrictions to agricultural use (herbicides/pesticides, etc.).
- Steve P. asked if there a fencing requirement around the solar farm.
  - Austin M. noted that only the arrays need to be fenced. The trails and pollinator gardens would be interspersed among the panels.
- Steve P. read from 23.04.09 of ACC and noted the reference to "resource protection". The city is committed to protecting its resources. This project will get the city on its way to meet this commitment. Reducing carbon emissions is resource protection. The city has many solar projects (WTP has solar array with micro grid).
- John K. commented that he is excited about this project. Would like to see more solar projects in the city. He asked How long would it take to change zoning code and if it would be easier to pursue a variance.
- Andy S. commented that the ideal approach would be to get a variance from the Board of Zoning Appeals, but also make a parallel effort to do the zoning change. He also noted that there have been disagreements in the past with OU about zoning when OU owns the land, however, OU doesn't own the land.

- Paul L. commented that for open space zoning, some of the things that are allowed to be on there are golf courses, and if they came to you requesting to install solar on their clubhouse roof it would be allowed. Roof top solar is not occurring as fast as expected in the country
- Steve P. agreed that golf courses, pools, etc. all require accessory buildings which can have rooftop solar panels.
- Austin P. clarified that the Power Purchase Agreement is for 20-25 years.
  - Brent B. noted that they are leasing the property for 50 years. The units have a warranty of 25 years, useful life 30-40 years.

This only will come back to the PC as a case if a parallel path is pursued as discussed above.

**Title 41            960 E. State St.  
Commercial Development  
RPG Management**

David Riggs/Introduction

Two addresses eventually, two different projects, two different buildings that will have the same access point. Would like PC to consider them together as one case. Applicant has requested City Council to approve a Title 49 special use of public ROW (to allow parking in the ROW along E. State St.). This is a big ROW there. By moving the whole project to the south they reduce the amount of issues with soil, slope stability, etc.

Jared Decker/VPM Company

- Two Buildings: 1. 4,226 sq. ft. two-tenant building anchored by a national coffee chain. 2. 2,325 sq. ft. total 6,551 proposed sq. ft.
- Have met the city's zoning requirements. Don't see any issues with the access point.

Discussion

- Steve P. noted that both buildings will have drive-through's and asked if there were any issues regarding the proximity of drive-through's to R-1's and R-2's.
  - David R.: not an issue with the B-3 zone, but he will double check the proximity issue. Some of the houses behind it are outside of the city corporate limit.
- Andy S. and Jared D. discussed the two parcels and the need for shared access easements. They also discussed the west side access to adjoining property. Andy S. said it would be useful to have. Andy S. asked if they looked at sewer utilities because it is a force main flowing from east to west. The 2325 sq. ft. building access to gravity sewer without pumping.
- Andy S. commented that this is an under-utilized parcel. Prior use as a gas station and slope stability are issues.
  - Jared D. noted that Pickering and Associates will be the engineers. Geotech engineer is out there this week doing a slope analysis.
- Steve P. and Jared D. discussed having parking in rear to showcase the building.
- John K. observed that there will be a total of three tenants with just two having drive-through's.

Steve P. noted that this will come back to the PC as a case.

5. **Report from City Planner and Director of Code Enforcement**

Paul Logue

- Received updated FEMA Flood Insurance Rate maps. Very little change from the 2013 maps. Participated in a call with the flood office this morning. It will take about 1 year until the maps will be adopted at the federal level and approved for use. Will be on the RPC agenda next week. Happy to share the maps with members of the PC if requested.

David Riggs

- Expecting WODA phase 3 & 4 to come to the PC soon as a communication.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- City Planning Commission appointments to the Regional Planning Commission
  - Per Paul Logue, the Planning Commission appoints 4 seats with voting powers on the RPC. Currently Paul L. and Steve P. are members and there are two vacancies. The SSD and the City Engineer are ex officio members.
  - The PC will think about possible appointments and discuss at the next meeting.
- Next meeting January 20, 2022

8. **Adjournment**

*Steve Patterson made a motion to adjourn, seconded by Austin Phillips. All present voted aye, motion passed. The meeting was adjourned at 12:57 p.m.*