

# Athens City Planning Commission

A regular meeting of the Athens City Planning Commission was held in the City Council Chambers, third floor of City Hall, on January 21, 2026, at 12:00 PM

**Motion:** Mr. Stone made a motion to appoint Ms. Knisely as the Vice Chair of the Planning Commission.

**Second:** Mr. Patterson seconded the motion.

**Vote:** Motion passed unanimously.

## 1. Call to Order

Vice Chair Ms. Knisely called the meeting to order at 12:01 PM and administered the oath to those in the audience intending to speak before the Commission. A quorum was established.

### Planning Commission Members

- Chris Knisely, Vice Chair-Present
- John Kotowski, Chair-Absent
- Steve Patterson, Mayor-Present
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Present

### Staff Present:

- David Riggs-Code Enforcement Director
  - Meghan Jennings-City Planner
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## 2. Consideration and approval of the minutes from the December 17, 2025, meeting.

**Motion:** Mr. Patterson moved to approve the minutes.

**Second:** Ms. Knisely seconded.

**Vote:** Motion passed 4-0

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## 3. Cases

### Case 26-01 / Hugh White Honda Annexation – Recommended Zoning

#### Overview

- Ms. Jennings stated the annexation is before Council and requires a zoning recommendation from the Planning Commission; the current zoning is B-3.

## Discussion

- Mr. Stone noted zoning should ideally have been addressed earlier and stated that B-3 zoning is logical and consistent with the adjoining parcel and intended use.

**Vote:** Mr. Patterson moved to approve the zoning of the Hugh White Honda annexation parcel as B-3.

**Second:** Mr. Stone seconded the motion.

**Vote:** Motion passed 4-0

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## Case 25-08 / Neighborhood Corridor Overlay Zone-Updated Language

### Overview

- Ms. Jennings noted that the public open house held approximately one year prior was integral in shaping the draft language currently under consideration. The initial draft was presented to the Planning Commission in December, where members discussed potential edits to the code.
- Ms. Jennings presented the current packet, which included:
  - A full redline version of the proposed code, with all text in bold, capitalized, red, and underlined to indicate new additions.
  - A second version showing previously discussed code in black, with proposed edits in red, to facilitate tracking changes by Planning Commission members.
- Ms. Jennings introduced a supplementary document containing additional items identified last minute.

### [23.04.11 (D)(4)(b)]- Language change #1

- Ms. Jennings explained that the proposed language change would allow commercial uses permitted in the B-1 zoning district on the ground floor when the base zoning district does not allow commercial uses.
- Ms. Jennings stated that B-1 uses were selected due to their neighborhood scale and compatibility with neighborhood corridors.
- Ms. Jennings stated that some neighborhood corridors might still have outdated residential zoning. This language allows appropriate neighborhood-scale commercial uses in those areas, within the overlay zone, without requiring a formal zoning change.
- Ms. Rapp Lee asked for clarification regarding the prohibition on first-floor residential uses in the area, specifically whether the proposed change would allow first-floor residential or maintain the prohibition.
- Ms. Jennings clarified that the proposed change would not allow first-floor residential. The language ensures the prohibition applies without conflicting with the underlying residential zoning. Properties would not be permitted residential uses on the ground floor,

but could utilize B1 or similar commercial uses there, while allowing residential uses in the upper floors of the structure.

- Ms. Rapp Lee asked why first-floor residential is being outright prohibited, noting that while neighboring businesses might conflict with residents, she questioned the benefit of this restriction given the current housing shortage.
- Ms. Jennings stated that many former commercial buildings have been converted to residential, reducing neighborhood-scale commercial uses. The overlay zone aims to encourage mixed-use buildings, preserving ground-floor commercial uses while allowing residential above if development requirements are met, helping residents access commercial uses without relying on a vehicle to reach East State Street or Uptown Court Street.

#### **[23.04.11 (D)(4)(c)]-Language Change #2**

- Ms. Jennings provided an overview of a proposed language change, discussed at the December meeting, to allow artisan-scale industrial uses—such as printing, welding, blacksmithing, foundry, metal casting, and other metalworking shops—limited to 1,500 square feet to maintain an artisan scale.

#### **[23.04.11 (D)(12)(d)(1-4)]-Language Change #3**

- Ms. Jennings presented a proposed language change to allow projecting signs, canopies, and balconies within the overlay zone without requiring City Council approval of a Title 49 permit. The proposed language includes:
  - Ministerial approval of Title 49 permits if all regulations are met.
  - Submission of proof of insurance with the permit application.
  - Limiting projections to signs, canopies, and balconies only.
  - Projections may extend no more than 2 feet into the right of way and must maintain a minimum vertical clearance of 8 feet from sidewalk level.
  - Projecting signs must comply with B2D projecting sign regulations (Athens City Code 23.03.13 (I)(1)(G), including maximum sign area, mounting height, and horizontal clearance.
- Mr. Stone mentioned the benefit of a Title 49 being it can be revoked if there is a safety problem. He also mentioned this language change is just helping streamline the redevelopment process in these instances.
- Ms. Knisely asked if ministerial means departmental or administrative.
- Ms. Jennings confirmed that it does.
- Ms. Knisely suggested revising item two in this section so that the phrase “allowable projections shall be...” instead reads “allowable projections shall only be...”. This clarification would ensure that any projections other than projecting signs, canopies, or balconies would be required to go through an additional review or approval process.
- Mr. Patterson asked for clarification on the current B2D regulations regarding signage and right-of-way, specifically whether the standards are based on square footage.
- Ms. Jennings confirmed that the regulations are based on square footage and cited the relevant code: Athens City Code 23.03.13(I)(1)(G).

## **Additional Questions and Discussion**

- Ms. Jennings read the first unanswered question from Ms. Knisely's email regarding sidewalk requirements in the Neighborhood Corridor Overlay Zone (NCOZ): Both NENA & FENA have expressed interest in this component of pedestrian accessibility. How do we set priorities about sidewalk repairs/expansions as part of a NCOZ or just sidewalk itself? I remember your comment that NENA may not need NCOZ.
- Ms. Jennings clarified that the overlay zone is intended to be corridor-specific, enhancing commercial uses along main arteries to provide neighborhoods with walkable access to services and amenities.
- She noted that applying it to entire neighborhoods is not appropriate, as the focus is on corridors with existing commercial presence and access to transit and multimodal amenities.
- Ms. Jennings stated that Ms. Knisely's next question concerned how shade tree requirements apply within a Neighborhood Corridor Overlay Zone (NCOZ).
- She clarified that shade tree requirements apply when a Title 41 application is required, meaning proposed development exceeds 5,000 square feet of building area. This requirement continues to apply within the overlay zone.
- Ms. Jennings noted Ms. Knisely's question about whether surface parking should be listed as a principal use.
- Ms. Jennings' review of the zoning code indicated that surface parking is an allowable principal use only in the R3 zone and is not listed as a principal use in other zones, including business zones.
- Consequently, surface parking was not included in the list of prohibited uses.
- Mr. Riggs confirmed that in other zones, surface parking is either prohibited or considered an accessory use.
- Ms. Jennings addressed Ms. Knisely's question regarding distance buffering requirements for restaurants near residential zones.
- She noted that in the B3 zone, restaurants are listed as standard restaurants and as drive-in/drive-through restaurants, with drive-through components requiring a 200-foot buffer from R1 and R2 zones.
- She stated that within the Neighborhood Corridor Overlay Zone, drive-through establishments are already prohibited; therefore, the buffering requirement does not apply.

## **Public Comments and Discussion**

- Alan Swank (City Councilmember 4<sup>th</sup> Ward) noted concern about limiting canopies and balconies to only two feet, citing examples where functional awnings and balconies extend farther. He also stated concern about the 8 foot vertical clearance requirement not being very high. He asked if in language change number 3 if they are talking about projections in general or if they are talking about signs only.
- Ms. Jennings stated that Section 3 applies to all projections. Signs could remain limited to 2 feet, while canopies, balconies, and awnings could have a different allowance. The language could be amended to clarify whether awnings are explicitly included as allowable projections.

- Mr. Stone stated that the sign ordinance still governs overall sign size. While a 2-foot projection is limiting, greater projections could be allowed under ministerial approval without City Council review. Projections beyond that could require a Title 49 permit as an additional step.
- Mr. Patterson stated he supports keeping signs limited to 2 feet over the right-of-way but recommended allowing awnings and balconies to extend up to 4 feet, citing functional use for shade, rain cover, and outdoor seating.
- Ms. Knisely asked whether the City currently has any 4-foot balconies projecting into the right-of-way and if there are any associated safety concerns.
- Mr. Swank stated that City Council just approved a 4-foot balcony at 43 S Court Street, over the right of way.
- Mr. Stone clarified that the recently approved 4-foot balcony was permitted through a Title 49 process. He noted the Planning Commission aims to allow such projections in the overlay zone without City Council review unless they exceed the established limit.
- Ms. Jennings recommended that since Section 4 addresses projecting signs under existing B2D regulations, it could cover signs, while Section 3 could be amended to read: “Projections, except for signs, shall not protrude more than [decided dimension, e.g., 4 feet] into the right-of-way.”
- Mr. Stone clarified that building fronts are not always aligned with the right-of-way; therefore, a 4-foot projection could result in deeper balconies or canopies in some cases. He noted that the discussion pertains specifically to the right-of-way.
- Mr. Stone and Ms. Knisely stated that the amended language submitted that morning, along with Ms. Knisely’s suggested change in Item 2 to “shall only” and the revision allowing projections up to 4 feet into the right-of-way (instead of 2 feet), could be voted on for approval.
- Mr. Swank raised concerns regarding the proposed 1,500 square foot size limit for artisan facilities, questioning the basis for the figure.
- Ms. Jennings responded that the 1,500 square foot limit was developed through internal discussion and reflects an approximately 30-by-50-foot building, consistent with the intended scale of neighborhood corridors.
- Mr. Stone asked minimum lot size for B2, B1 minimal lot width. On the line of all control.
- Ms. Jennings confirmed that B1 lot width minimum is 50 feet. Making the lot 50 feet by 30 feet.
- Mr. Stone asked for clarification on how front setback variances are evaluated, particularly in cases involving porches or similar structures. He noted that when an applicant cannot meet the required front setback and observes that neighboring properties also do not meet the standard, what rule or process is used to make that determination. He asked if that was a BZA function.
- Mr. Riggs explained that there are two primary ways such situations are addressed. One approach is through the BZA, where the request would be reviewed as a minimum variance. Staff also noted that there are provisions within the zoning code that allow for reduced front setbacks without requiring BZA approval. Specifically, when a property is located between two existing houses, the code includes a section that defines how close a structure may be to the right-of-way, effectively waiving the minimum front yard setback under certain conditions.

- Mr. Stone stated that the reason for raising the question was to explore whether standards could be tied to adjacent properties or others on the same block, rather than relying on a fixed square footage requirement, in order to better maintain scale and neighborhood consistency.
- Ms. Knisely clarified that the discussion was about whether additional language in the zoning code could address this approach.
- Mr. Swank raised concerns about the proposed 1,500 square foot limit for artisan space in the new corridor area, stating that existing mixed-use developments, such as Kindred Market with residential above, would not be feasible under this limitation.
- Mr. Stone clarified that Kindred Market could locate in the corridor, but that heavier industrial uses (e.g., metal shops or foundries) would not be appropriate beneath residential units.
- Mr. Patterson explained that the 1,500 square foot limitation applies specifically to artisan or industrial-type uses and was intended to restrict higher-intensity industrial activities while allowing smaller-scale artisan operations. He noted that several non-permitted uses originally identified raised concerns about industrial compatibility, and the square footage cap was intended to provide guardrails for appropriate use types. He provided examples of acceptable uses included small artisan studios, such as silversmithing or sculpture work, while larger or more intensive operations would be restricted.
- Mr. Swank observed that other existing businesses, such as Passion Works, would not be able to locate in the corridor due to size limitations.
- Mr. Swank questioned the definition of walkability, asking whether it referred to walking to destinations or walking between businesses once on site. He provided examples of existing businesses where most patrons arrive by car, raising concerns about the impact of reduced or eliminated parking requirements.
- Mr. Swank raised concerns that reduced parking could result in overflow parking in adjacent residential neighborhoods, particularly in the Near East Side, creating ongoing congestion issues.
- He also questioned whether an economic or market study had been conducted to assess demand for additional retail, noting multiple vacant commercial spaces along East State Street.
- Mr. Swank raised concern to a prior statement about reducing “walls of residential” along corridors, and clarification was requested regarding which corridors this applied to and how it aligns with the city’s housing needs.
- Ms. Jennings responded that the comment referred to concerns about residential uses on the ground floor of corridor developments. She explained that, given market demand and reduced setbacks, allowing ground-floor residential could result in corridors being dominated by residential buildings rather than active mixed-use development.
- Mr. Delach from the Near East Side Neighborhood expressed support for the intent of the proposal, noting that streamlining the process and providing flexibility for developers was a positive approach.
- He referenced existing zoning code language related to projecting signs, which requires a minimum two-foot horizontal clearance from the curb line, and noted that this provision addresses concerns about encroachment into the street.

- He also noted that balconies and canopies are not currently addressed as sign projections, and therefore similar clearance language may need to be explicitly included in the proposed standards.
- Mr. Delach suggested that if four feet of projection is permitted for balconies and canopies, the code should clarify that such projections must still maintain at least two feet of clearance from the curb, eliminating uncertainty about right-of-way boundaries and preventing encroachment into travel lanes.
- Ms. Knisely asked Ms. Jennings whether there was a recommendation for incorporating this clarification into the proposed four-point amendment introduced earlier in the meeting.
- Ms. Jennings responded that the recommendation was important and should be included, but noted that additional time was needed to determine the most appropriate wording and to review the applicable B2D standards.
- Mr. Patterson made a suggestion was offered that the code could state that balconies or awnings may project up to four feet into the public right-of-way, provided they do not conflict with the two-foot curb clearance requirement. He noted that this approach would allow developers to determine feasibility based on site conditions while maintaining safety and consistency with existing clearance standards.
- Ms. Knisely summarized that two to three suggested modifications had been made to the four-point amendment submitted earlier:
  - Revise the projection standard to allow projections other than signs to extend up to four feet into the public right-of-way (revised from two feet).
  - Clarify that allowable projections shall only include projecting signs, canopies, and balconies.
  - Add language to ensure projections do not conflict with the two-foot clearance requirement from the curb.
- Ms. Jennings noted that referencing the sign code could be confusing due to differing measurement directions and suggested alternative wording. She proposed revised language stating: “Projections shall not be closer than two feet from the edge of the curb.”
- Ms. Knisely noted that final language adjustments could be considered fine-tuning and would be reviewed by the Law Director as needed.

**Motion:** Mr. Patterson made a motion to approve the case, contingent upon incorporation of the amendments discussed during the meeting.

**Second:** Mr. Stone seconded the motion.

**Vote:** Motion passed 4-0.

## 4. Communications

### Dairy Lane Rezoning for Ridges Redevelopment / 317 Board

#### Overview

- Ms. Jennings explained that the 317 Board seeks to acquire land from the Ridges Community Authority redevelopment project, currently zoned EI and owned by Ohio

University. They request rezoning the land to R3 to develop additional supportive housing adjacent to land they already own. She noted an upcoming funding deadline of approximately \$2 million, contingent on zoning compliance.

### **Presentation from 317 Board representative**

Attorney David Mott, representing the 317 Board, provided additional information:

- This project was incorporated into the Ridges redevelopment proposal.
- The funding is through OHFA (Ohio Housing Finance Agency) and getting funded is essential to the project.
- The accelerated funding requires demonstration of local zoning compliance by March 12.
- The 317 Board does not currently own the land; the request must be formally initiated by the Planning Commission.
- Support has been received from key stakeholders involved in development design, though formal approval from Ohio University is pending.
- The project consists of 15 single-bedroom units designed for individuals seeking independent supportive housing.

### **Recusal**

- Ms. Rapp Lee recused herself from discussion and voting due to a professional relationship with the 317 Board.

### **Commission Discussion and Questions**

- Mr. Patterson noted that several properties in the area of the proposed development are already zoned R-3.
- Mr. Stone asked how this rezoning request differs from other OHFA-funded projects.
  - Mr. Mott stated the site is lightly developed, adjacent to property owned by the 317 Board and the State of Ohio, and is expected to have minimal neighborhood impact.
- Ms. Jennings clarified that the rezoning applies only to a surveyed portion of the existing parcel, as shown on page 31 of the meeting packet.

### **Public Comment**

- Mr. Swank (City Council member) outlined the timeline for council consideration, including first and third readings and publication requirements, to ensure compliance with the March 12 funding deadline. Noting that failure to vote at this meeting would require special sessions to meet the timeline.

**Motion:** Mr. Patterson moved to recommend rezoning the development site to R3 and forward the recommendation to City Council.

**Second:** Ms. Knisely seconded the motion.

**Vote:** Motion passed unanimously, with Ms. Rapp Lee abstaining.

**This communication is now considered a case. The case number assigned is Case 26-02.**

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## **Zoning text amendments to address Residential Facilities as defined in ORC 5119.34**

### **Overview**

- Ms. Jennings explained the item was brought up to discuss regulation of existing and future residential facilities in Athens, particularly regarding local zoning and density.
- She explained there are regulations in the Ohio Revised Code the commission can follow but the commission's authority as a local governing body is to regulate the density of those uses. She stated the facilities are allowed in residential zones, per ORC. The ORC has different density requirements in R1 versus multifamily zones. She clarified that what she means by density, it is the limit of number of residents staying in those homes.
- Mr. Stone clarified that the agenda item was added to discuss land use in R1 zones, specifically regarding residential health care facilities. He explained that local code permits these facilities but limits the number of unrelated individuals per dwelling.
- He noted that the Ohio Revised Code (ORC) preempts local restrictions, meaning:
  - Local limits cannot prevent up to five unrelated residents in these facilities.
  - Local code allows three unrelated people in single-family homes, but state law takes precedence.
- Mr. Stone emphasized that the city cannot fully prohibit these facilities in R1 zones due to state preemption.
- Mr. Riggs stated that several such facilities exist in town, and more are anticipated, emphasizing the need to manage density before issues escalate. He mentioned density per neighborhood as a potential regulatory approach. He said facilities could be required to maintain a minimum distance apart to prevent clustering.
- Mr. Stone emphasized that the city cannot prohibit these facilities, but can regulate density and add additional permitting requirements through a conditional zoning permit, which would require Planning Commission approval and forwarding to City Council.
- Mr. Swank mentioned two facilities that have created safety concerns for neighbors.
- He also mentioned House Bill 58, currently in the Ohio House which:
  - Would establish a certification of need program for recovery homes.
  - Mandates annual inspections by the local 317 Board.
  - Creates a process for investigating complaints and potentially removing problematic facilities.
  - The bill has bipartisan support.
- He also asked how many facilities similar to the two facilities he mentioned.
- Mr. Allison confirmed there were eight additional facilities.
- Mr. Swank emphasized that density regulation must remain compliant with state law, but noted ongoing concerns due to resident complaints and police involvement.
- Mr. Lee, property owner at 51 Madison, stated that he allowed a residential treatment facility on his property to avoid potential fair housing violations. He supports requiring local permits and compliance with all applicable rules and laws, and advocates for not

limiting the number of treatment facilities in Athens, emphasizing that people need access to help.

- Mr. Patterson asked Mr. Riggs about prior Council discussions regarding restrictions on short-term rentals operated by non-residents of Athens, noting concerns about who is responsible if issues arise. He suggested reviewing that existing code language to potentially apply to these zoning text amendments.
- Mr. Riggs confirmed that there are restrictions but only on certain streets
- Mr. Stone asked about options for regulating density of residential treatment facilities.
- Mr. Riggs outlined several approaches:
  - Minimum distance between facilities (e.g., 300–500 ft) to avoid clustering.
  - Limit the total number of facilities per zoning district (e.g., R1, R2, R3).
  - Subdivide regulations by neighborhood or district (e.g., Far East vs. Central Athens) for finer control.
  - Both approaches could be used together.

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## **5. Reports**

### **Meghan Jennings-City Planner**

Nothing to report.

### **Lance Allison-Assistant Code Enforcement Director**

Nothing to report.

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## **6. Opportunity for Citizens to Speak About Items Not Listed on the Agenda**

No additional comments were offered on items not listed on the agenda.

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## **7. Announcements & Other Business**

No announcements or other business.

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## **8. Adjournment**

**Motion:** Mr. Stone motioned to adjourn meeting.

**Second:** Ms. Knisely seconded.

**Motion:** Motion passed 4-0.