

# 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 February 18, 2026, at 12:00 PM.

## 1. Call to Order

Chair John Kotowski called the meeting to order at 12:00 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-Present
- Steve Patterson, Mayor-Present
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Present

### Staff Present:

- David Riggs-Code Enforcement Director
  - Meghan Jenning-City Planner
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## 2. Approval of the minutes from the February 4, 2026, meeting.

Ms. Knisely mentioned two corrections: the address name should be Elmwood, and the word “Recover” on page 12 should be changed to “Recovery.”

**Motion:** Mr. Stone moved to approve the minutes as amended.

**Second:** Ms. Rapp Lee seconded.

**Vote:** Motion passed 5-0

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## 3. Cases

No cases were presented.

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## 4. Communications

### Residential Care Facility and Recovery Housing - Draft Language

## Overview and Discussion

- Ms. Rapp Lee recused herself
- Mr. Riggs explained that he incorporated the Commission's prior recommendations into draft amendments to Title 23 and Title 29, with comments outlining the proposed changes and key decision points included in the meeting packet.
- He then listed the changes made to:
  - R1 Zone: Requires a 1,000-foot separation for Residential Care Facilities (5 or fewer residents) and limits Recovery Housing to three unrelated individuals per unit, with a rental permit, inspections, and a use permit required.
  - R3 Zone: Residential Care Facilities (6–16 residents) permitted per the Ohio Department of Behavioral Health, with 1,000-foot separation from similar facilities; Recovery Housing (4 or more residents) requires a state permit, Certificate of Occupancy from the Ohio Department of Commerce and Ohio department of Behavioral Health, and adherence to density limits (1,000-foot separation from similar facility), and is a conditional use.
  - Business Districts: Not permitted in B1; permitted in B2 and B3 under the same density and occupancy standards as R3.
- Mr. Stone asked whether facilities located in B-2 or B-3 districts would be permitted to utilize the first floor, or if such use would be prohibited.
- Mr. Riggs responded that, under the current code structure, both facilities would be permitted to use the first floor.
- Mr. Riggs further stated they could allow residential care facilities housing six to sixteen residents to be permitted on the first floor within a business zoning district and allow recovery housing to be limited to the second floor and above.
- Mr. Patterson noted potential ADA concerns if residential care facilities were not permitted to operate on the first floor.
- Mr. Riggs stated he would revise the draft language in Section 23.04.05(A)(9) to clarify that housing for four or more unrelated residents shall be permitted on the second floor and above, subject to a valid rental permit and periodic rental inspections.
- Mr. Stone commented that the revised language should be similar in structure to Section 23.04.05(A)(1).
- Mr. Riggs stated that staff reviewed parking requirements for both residential care facilities and recovery housing residents. Definitions for both uses were added to Title 23. He noted that the definition of residential care facility mirrors the Ohio Revised Code and Department of Behavioral Health language, while the recovery housing definition was slightly modified but maintains the intent of the state definition.
- Mr. Riggs explained that parking requirements were reviewed in the off-street parking table. Recovery housing would require one parking space per bed; however, if located within 1,500 feet of public transportation, the requirement may be reduced by half, resulting in one space per two beds. Residential care facilities would require one parking space per 3,000 square feet of floor area, consistent with other institutional uses, and this requirement could also be reduced by half if located within 1,500 feet of public transportation.

- Mr. Riggs further stated that recovery housing residents were added to Title 29 under rental dwellings, short-term rentals, and housing permits. Recovery housing would be treated similarly to other rental properties within the City, requiring a rental permit, application, and periodic inspections.
- Mr. Kotowski asked if recovery housing would allow three unrelated individuals in certain districts, with four or more permitted in business districts.
- Mr. Riggs clarified that facilities housing four or more unrelated individuals would be treated similarly to rooming houses, requiring an occupancy permit and compliance with additional safety requirements. In R-3 districts, such uses would be conditionally permitted and subject to Board of Zoning Appeals approval.
- Mr. Kotowski asked whether state law permits up to five unrelated individuals in such facilities and how that aligns with the proposed regulations.
- Mr. Riggs explained that staff previously considered separating the regulations into subsections but determined it would be more consistent to treat recovery housing similarly to other rental types to strengthen enforcement and maintain uniformity.
- Mr. Stone stated that the Commission reviewed Ohio Revised Code Sections 5119.34 (residential care facilities) and 5119.39 (recovery housing). He explained that state preemption applies to residential care facilities in certain zoning districts but does not apply to recovery housing. Therefore, the City may impose reasonable conditions on recovery housing, provided they are consistent with how other residential uses are regulated. He noted that recovery housing in R-1 districts would be treated similarly to other rentals, permitting three or fewer unrelated individuals without additional restriction.
- Ms. Knisely asked whether the Commission needed to address a comment regarding the definition of “personal services,” noting a potential inconsistency with the Ohio Revised Code.
- Ms. Jennings explained that she had included the ORC definition in her notes for consideration but had not specifically identified the City’s definition as an issue requiring revision.
- Mr. Stone introduced the topic of density restrictions for residential care facilities and recovery houses, explaining the proposed minimum separation of 1,000 feet between uses and referencing prior approaches for other uses, like tobacco and cannabis sales. He noted that overly restrictive limits could create enforcement challenges or be seen as discriminatory, and emphasized finding a reasonable balance for the limited number of such houses in the City.
- Mr. Kotowski asked how 1,000 feet translates to city blocks.
- Mr. Riggs and Mr. Stone explained that typical lot frontages are about 40 feet (previously 60 feet), making 1,000 feet roughly two to two-and-a-half city blocks.
- Mr. Kotowski stated he was generally comfortable with the 1,000-foot distance and asked other Commissioners for their opinions.
- Ms. Knisely expressed agreement and noted she was also comfortable with the proposed distance, as it aligns with other standards.

- Mr. Kotowski stated that the 1,000-foot separation distance is a good starting point and asked that the Law Director review the amendments, including the distance requirement, before forwarding to Council.
- Mr. Kotowski raised a concern about shared driveways after receiving a letter from a resident at 53 Madison, noting potential access issues if recovery housing facilities are in residential districts with common driveways; also asked whether residents have personal vehicles or use vans. He also asked whether recovery housing and residential care facilities have full-time staff and whether they are required to.
- Mr. Stone explained that state law requires certification for recovery houses and licensing for care facilities, with staff likely present depending on the level of care; noted parking is within the City’s regulatory authority for rentals.
- Mr. Patterson noted shared drives exist but are not common.
- Mr. Stone explained that shared drives are typically governed by deed arrangements between parcels, requiring owners to coordinate access.
- Mr. Riggs suggested shared driveway issues be addressed separately under Title 21 minor subdivision regulations, not within these zoning amendments.
- Mr. Stone added that lot splits trigger review of shared driveway arrangements.
- Mr. Kotowski invited representatives from Nex Level to comment before opening the discussion to others.

### **Representatives from Nex Level**

- Ms. Joy Jones (Owner of Nex Level Behavioral Health) explained the mission of her program, stating she was unaware of registration requirements, has since complied, and is willing to meet all City requirements. She described the couples-based recovery model and emphasized a “good neighbor policy.”
- Ms. Sophia Hancock (Director of Housing) stated she oversees two houses in the community, visits daily, addresses issues as they arise, and emphasized the program’s supportive services and structure.
- Residents (Casey and Nate) shared personal testimony about their recovery journey, stated the program has positively changed their lives, and described efforts to contribute to the community.

### **Public Comments**

- Mr. Jack Stauffer (Elmwood) expressed concerns regarding R-1 zoning impacts, lot sizes, house spacing, shared driveways, density, supervision requirements, background checks, parking, distance from bars/dispensaries, and suggested making the use conditional rather

than permitted. He urged stronger separation distances and protections for existing residents.

- Mr. Alan Swank (City Council, 4th Ward) provided perspective on the 1,000-foot distance, asked about the definition of unrelated persons, questioned language allowing facilities to be “actively pursuing” state certification, and encouraged balancing protections for permanent residents with support for individuals in recovery.
- Ann Ruben (88 Maplewood Dr.) stated there are many shared driveways on the east side of Athens and asked why recovery housing is listed as a primary use rather than an accessory use like long-term rentals. She also asked whether certification is required, what evidence of local need was considered, whether the Comprehensive Plan addressed this issue, and whether the Affordable Housing Commission was consulted.
- Mr. Riggs explained recovery housing is listed as a primary use because accessory uses require a primary use; said the State treats recovery housing differently than long-term rentals due to additional regulations; confirmed certification is required under state law.
- Mr. Kotowski stated the Commission is responding to a growing presence of recovery homes and trying to balance regulations with community needs; said they are working to protect permanent residents while incorporating recovery housing appropriately.
- Mr. Patterson emphasized the broader issue of limited housing stock and the need to preserve owner-occupied housing in R-1 neighborhoods.
- Mr. Stauffer asked for clarification about state certification timelines and whether facilities can operate during the 18-month certification period.
- Mr. Riggs & Mr. Stone explained state law (ORC 5119.391 & 5119.392): recovery homes must register within 30 days of operating and have 18 months to obtain certification; operators must already be certified service providers.
- Ms. Jones (Owner of Nex Level Behavioral Health) stated they are certified providers through OhioMHAS, houses are now registered, and joint accreditation is pending; explained staffing model (peer support, senior residents), acknowledged paperwork delays, addressed background check concerns, and asked the Commission to allow them to remain and serve the community.
- Mr. Rob Delach (124 Morris Ave.) encouraged the Commission and city administration not to over-restrict locations for recovery housing or similar facilities. He cited past examples, like tobacco/vape/cannabis regulations, where adding restrictions (e.g., near churches) made certain areas unusable for businesses. He recommended a reasonable, balanced approach.

**Motion:** Mr. Kotowski made a motion to forward the communication Residential Care Facility and Recovery Housing - Draft Language to the Law Director for review before it becomes a case and the Commission votes on it.

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

**Vote:** Motion passed 4-0

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## **5. Reports**

No reports were presented.

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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**

Ms. Knisely raised the topic of data centers and asked the Commission to explore potential regulations proactively, noting state legislation and the importance of community oversight.

Mr. Patterson highlighted prior discussions from the US Conference of Mayors and the National League of Cities about data center impacts (energy, water, community negotiation, possible moratoriums or bans) and recommended initiating conversations at the local level.

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## **8. Adjournment**