

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, August 13, 2018**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M.

**ROLL CALL**

Planning Commission members present were Frank Doden, Acting Chair, Council Representative Marianne MacQueen, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Solicitor Chris Conard. Pelzl was absent due to illness.

**REVIEW OF AGENDA**

Doden reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

Minutes of July 9, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as Written. The MOTION PASSED 4-0.

**COMMUNICATIONS**

MacQueen re: Bowen Housing Recommendations

**COUNCIL REPORT**

MacQueen reported on progress with Bowen National Housing Consultants, and invited all members of PC to attend the upcoming report to Council which will occur on August 20<sup>th</sup>.

**CITIZEN COMMENTS**

Emily Seibel, Home, Inc. Executive Director, informed PC that Home, Inc is preparing to bring two project to PC for review. She described a project for 14 units characterized as a PND overlay to serve a wide array of need. Seibel estimated either a September or October hearing date for the project.

Seibel noted that Home, Inc. has a purchase option on the property noted, and stated that while Home, Inc. has no plan to request any variances, they do have several general questions for PC regarding the site plan design.

Seibel asked about incentives related to minimizing parking spaces.

Swinger noted that the number of parking spaces has been set at 1.5 per unit for the PND.

Donnell commented that he is unable to answer questions without a concept plan.

Donnell noted that the depth of the sanitary sewer and water flow issues will be of significant concern, as will stormwater management.

Donnell commented that any way to demonstrate alternate means of transportation will assist in possible incentives.

Seibel noted that Home, Inc. is preparing a PUD application for low-income senior housing, in partnership with St. Mary Development. Home, Inc. hopes to have this application ready for September, and hopes to have a final response to the project before the end of the year.

**PUBLIC HEARINGS:**

**Rezoning Application** ó Antioch College is applying for a map amendment to rezone their property located at 117 East North College Street ó Parcel ID #F19000100090029400 from E-I, Educational Institutions to R-C, High Density Residential for the construction of a Pocket Neighborhood Development.

Swinger introduced the hearing as follows: Antioch College is planning the construction of the Village of Yellow Springs first Pocket Neighborhood Development (Exhibit A) since the Planning Commission added this new and innovative use to the zoning code last year. One of the requirements of the PND is that the property must be located in a residential district. Currently, the property is zoned E-I, Educational Institutions. The location, at 117 East North College Street, Parcel ID ##F19000100090029400, abuts the R-C, High Density Residential District on both the north and west sides. The property was subdivided into three sections, Lot #294, 295 and 136. After research by both staff of the Village of Yellow Springs and Greene County, it was determined that Lot #136 was part of Antioch's land. Antioch filed a replat with the zoning office, combining the three parcels into

two (Exhibit B). The final step before Antioch's PND conditional use hearing with Planning Commission is this map amendment to rezone the property as residential.

Stiles wondered if Antioch College would have to pay taxes if no longer zoned as Education.

Swinger responded in the affirmative, and then explained Greene County's methodology for condominium units.

Tom Manley, Antioch College President, expressed support for the project, noting that it is a goal of the College to create an intergenerational sustainable community, and that the proposed PND is a pilot for a part of that community.

Kevin Magruder briefly described the project in light of the goal of sustainability and community interaction. He noted that the College projects a 34 unit development across the street for the future.

Doden OPENED THE PUBLIC HEARING.

Patricia Brown spoke in support of the PND. She asked for support for composting toilets for the development, which is under the purview of Greene County.

Kim Claus asked what the plan was for parking overflow.

Magruder noted several parking options nearby.

Claus asked whether the parking regulations for Livermore Street would be amended, and whether the infrastructure would be able to support the proposed PND.

Swinger clarified that the issue at hand was only the rezoning request, but that if the project was moved to the next phase, the concerns noted would then be addressed during the site plan review. Swinger commented that a preliminary review by the Public Utility Supervisor showed no reason for concern regarding the infrastructure.

Faith Morgan asked whether the alley between her property and the property in question would be affected.

Swinger commented that the alley is not vacated, and so would need to remain accessible.

Karen Wintrow spoke in support of the project as a means of turning unproductive land into an asset.

Doden CLOSED THE PUBLIC HEARING.

MacQueen expressed her support for the proposal.

Swinger explained the reason for the need to rezone the area, and described the process for that approval.

Donnell commented in favor of the idea of the PND development, and lauded the focus around sustainability. Donnell commented that he believed it to be unfair to community members to try to go off grid, since the Village electric utility is 95% green, and since every consumer helps to maintain this green energy through their participation in the electric system. He made the same case for participation in the water and sewer utilities, and asked that the College consider opportunities to partner with the Village to help sustain existing green systems, rather than by replicating their own versions thereof.

Donnell commented further that the units seemed to him too institutionalized to fit in well with the character of the Village, and asked that further thought be given to the design aspect of the project.

Magruder responded that the units are planned to be on the grid, and that the off grid aspects mentioned by Pat Brown earlier are projected for a future pilot.

MacQueen noted that she likes the design, opining that there is a wide variation in individual taste.

Stiles MOVED TO APPROVE THE REQUEST TO REZONE THE PROPERTY LOCATED AT 117 EAST NORTH COLLEGE STREET FROM E-I TO R-C. MacQueen SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

**Conditional Use Application** ó Brittany Baum is applying for a conditional use hearing to add outdoor patio seating in conjunction with a permitted restaurant located at 134/138 Dayton Street ó Parcel ID #F19000100110022800 in the B-1, Central Business District.

Swinger described the request as follows: local resident Brittany Baum is planning to open the Levitate Café at 134 Dayton Street. She currently operates Brezel, a gourmet Bavarian pretzel store with locations in Columbus and Cincinnati. She intends to offer grab & go fresh food options at the Yellow Springs location, including salads, juices, smoothies and healthy options that focus on local ingredients. Her concept for the store also includes many vegetarian and vegan options. The hours of operation would be from 7:00 AM until the early evening. If the need is there, she might expand her hours and offer carry out services later in the evening. She will have a few tables inside, but will mostly cater to grab & go customers.

The Public Works Director viewed the location of the table and chairs proposed by Ms. Baum and has no objection to her proposal. He indicated it will not block passenger access from parked cars nor will it block pedestrian traffic since there will be over seven feet of passageway between the location of the table and the store entrance.

Ms. Baum indicated she has been in contact with Greene County Building Regulations for her certificate of occupancy and they have agreed to less than 25 people including staff as the maximum occupancy allowed.

Brittany Baum applied for a change of use permit with the zoning office for the café. As a permitted use, this was approved by the Zoning Administrator. She has also submitted plans to add a small 24" table and two café chairs between the light pole and the tree out in front of the building, and adding a ledge above the gas meters to give a small space for customers to stand. Staff explained that the sidewalk in front of the building is in the public right-of-way. Ms. Baum pointed out other locations in town with tables and chairs in public ROWs. Outdoor patio seating in conjunction with a permitted restaurant is a conditional use.

Baum described the area in which she envisions the table and chairs, and responded to clarifying questions.

Doden OPENED THE PUBLIC HEARING. There being no public comment, Doden CLOSED THE PUBLIC HEARING.

Stiles spoke in favor of sidewalk interaction.

MacQueen noted the energizing effect of having customers out on the street and interacting.

Donnell commented both positively and negatively, noting that there are some visitors and residents who feel intimidated by the crowded sidewalks. He suggested mandating some number of feet of clearance, perhaps painting areas of the sidewalk in different colors to indicate walking vs sitting areas.

PC reviewed the suggested conditions, including parking, removal of the chair and table after hours, and carrying liability insurance.

PC considered various options, and discussed any impact upon parking.

Rick Slothman, owner of the Laundromat, objected to indication of parking in the rear, given that most persons think that his lot is the lot referred-to.

Stiles supported the indication that there is parking in the rear.

Donnell argued that monitoring parking for merely approving a table and chairs is onerous.

Donnell MOVED TO APPROVE THE CONDITIONAL USE APPLICATION as REQUESTED with THE CONDITION THAT THE OWNER PROVIDE PROOF OF LIABILITY INSURANCE NAMING THE VILLAGE AS AN ADDITIONAL INSURED ENTITY. MacQueen SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Text Amendments:**

**1260.02 (e) Minimum Lot Frontage.**

Swinger noted that PC had essentially approved the suggested changes at their last meeting, and read the changes as noted below.

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Donnell MOVED APPROVAL OF THE TEXT AMENDMENT TO CHAPTER 1260.02 (e) as RECOMMENDED BY STAFF. Stiles SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Amend Chapter 1260.03 (a) Parking and Storage – adding driveway standards to the zoning code.**

Swinger read through the proposed text amendment as follows:

**1260.03 (a)** On a legally zoned lot, there shall be no more than one driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the frontage of the lot will be located along an access easement, the access easement shall be recorded on the deed of all properties which are subject to the easement and shall clearly specify the party or parties that shall be responsible for the maintenance of the easement area. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The access easement shall provide lot frontage at least equal to the minimum required lot frontage of that zoning district

Swinger noted that the Public Works Director had added a requirement that driveway aprons need to be concrete, and made note of other additions as below:

The Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

- (1) All driveways shall be constructed and subsequently maintained to meet the following standards:
  - A. A driveway must commence at a dedicated road
  - B. Shall be a minimum width of 15 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW)
  - C. Curb cuts and driveway aprons must be made of concrete per Village of Yellow Springs Public Works Department standards.
  - D. Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties
  - E. Utility easements for storm, sewer, water, electric and gas are to be maintained along the back and side yard property lines as it was in the original subdivision.
  - F. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of eight (8) feet from the center line of the driveway
  - G. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles
  - H. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street
- (2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in section 1, be required to also meet the following conditions:
  - A. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter
  - B. Have a turnaround at the end suitable for use by emergency vehicles
- (3) Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. Should the driveway require a culvert, pipe or bridge, no zoning permit will be issued until a recommendation is received from the Village of Yellow Springs Public Works Department. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Village of Yellow Springs Public Works Department before construction.

Swinger noted that the section regarding RV parking is amended as follows:

(bc) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village, and to use the same as a dwelling, except for the expeditious loading and unloading of the vehicle. This provision shall not prohibit the temporary occupancy for periods up to 72 hours of a recreational vehicle; provided the recreational vehicle contains sleeping accommodations, is parked on a lot in a Residential District, and is for the use of the owner of that lot or guests of the owner.

Swinger responded to a question from Stiles, noting that while enforcement will still be done on a complaint basis, the text amendment prevents simply moving the vehicle slightly, and prevents street parking.

MacQueen sought clarification regarding curb cuts.

Doden OPENED THE PUBLIC HEARING. There being no public comment, Doden CLOSED THE PUBLIC HEARING.

Stiles MOVED APPROVAL of the AMENDMENTS TO CHAPTER 1260.03(a) PARKING AND STORAGE AS RECOMMENDED BY STAFF. Donnell SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Amend Chapter 1260.04 (a) (13) Uses – striking driveway setback language from this section of the zoning code.**

**Amend Chapter 1260.04 Uses – adding clarifying language regarding tiny homes on wheels.**

Swinger introduced the section commenting that although tiny homes are often accessory to the primary dwelling, they may also be the primary dwelling. For this reason, she recommended keeping it under 1260.04 Uses as publicly noticed, but list it as (h) Tiny Home.

**(h) Tiny Home. A structure built on a permanent chassis with or without wheels which must receive a certificate of occupancy from Greene County Building Regulations in order to be used as a dwelling unit or accessory dwelling unit on a single-family zoned lot. Greene County Building Regulations will only issue a certificate of occupancy with proof of the following:**

- 1) **Built as a manufactured home, proof of certification with a HUD seal is required.**
- 2) **Built as an industrialized unit, proof of the industrialized home compliance certificate is required.**
- 3) **Built in another state, proof of their former certificate of occupancy is required.**
- 4) **Built/constructed in another manner, proof of certification by an Ohio Certified Engineer.**

Donnell asked that "Ohio Certified Engineer" be changed to "Registered Ohio Design Professional." This was agreed-upon.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE THE TEXT AMENDMENTS TO CHAPTER 1260.04 as RECOMMENDED BY STAFF, WITH THE ADDITIONAL CHANGE AS PROVIDED BY DONNELL, AND WITH THE ADDITION OF A NEW SECTION (h). MacQueen SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

## DISCUSSION

Swinger noted that while she had noticed Chapter 1226.11 as a Public Hearing, she had not noticed several areas which she believes PC should consider. For that reason, she stated, she would like the PC to hold a discussion, and to hold a Public Hearing at a later date, based upon the outcome of the discussion.

Swinger explained her rationale as follows:

The public hearing notice to "Amend Chapter 1226.11 Minor Subdivisions" to add formal action by the Planning Commission in certain circumstances as determined by the zoning administrator was published in the Yellow Springs News on August 2, 2018. Chapter 1226.11 Minor Subdivisions, will be in a separate report because of changes discussed by Planning Commission at the July 9, 2018 meeting which, if approved, will require Planning Commission's approval under certain circumstances.

In reviewing the discussion regarding minor subdivisions and replats and when and in what situations Planning Commission approval should be required, Swinger said, it became apparent to staff that the discussion will need to continue at September's meeting. In order to properly notify neighbors, text amendments will need to be made to Ch. 1226.11, 1226.12 and also 1226.13. Additionally, PC will need to consider adding definitions so they are consistent in both the Planning and Zoning codes.

Swinger then read through the proposed amendments as follows:

(b) Approval of a minor subdivision by the Zoning Administrator, with formal action by the Planning Commission shall be required in the following circumstances, along with additional conditions:

(1) The proposed subdivision is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1260.02 (e) and 1260.03 (a) of the Yellow Springs Zoning Code.

(2) The proposed subdivision creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a minor subdivision if such division poses no apparent nuisance and the Planning Commission deems it appropriate. Approval may be granted upon review of additional criteria specified in 1226.06 (a) (5).

(3) Approval of the minor subdivision shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, and such other material the Planning Commission determines is necessary.

Swinger then discussed her amendment to Minimum Lot Frontages as follows:

(e) Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

Donnell noted that sewer and water connection would be required to be shown in the plans for the minor subdivision.

Swinger then noted the Public Notice process:

(4) Public Notice. When an application has been filed in proper form with the required data, the Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the minor subdivision application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

Swinger stated that the setbacks would need to be followed.

Swinger commented that she will need to re-notice, and that PC can vote on the text amendments at their September meeting.

A discussion regarding fees ensued, and PC members generally agreed with all recommendations made.

## **OLD BUSINESS**

**Comprehensive Land Use Plan Update.** Swinger noted a Work Session scheduled for August 27<sup>th</sup> from 4-6pm.

Donnell asked for a preliminary approval of the Table of Contents so that the discussion can drive from that document.

PC members agreed to the order of the Table.

MacQueen requested the addition of "Elder Care and Child Care" and "Health Care and Wellness" and "Local Foods".

Donnell agreed to add these items, and to send a revised document to PC members.

## **AGENDA PLANNING**

Antioch College Pocket Neighborhood Development  
Inclusionary Zoning  
Home, Inc. PND

Chapters 1226.11; 1226.12 and 1226.13

PC discussed information needed before the Home, Inc request can come for a hearing. Swinger opined that the rezoning issue may be ready for September.

Donnell commented that PC should begin looking at issues of utilities with regard to connectivity to potential development, noting particularly the Glass Farm, Pitstick and Kinney properties. He asked whether major utility lines could be identified by the Public Works Director so that PC can begin to consider these areas.

MacQueen noted that she has been in contact with the Kinney family, and asked how this communication should continue.

Swinger commented that she would be agreeable to making contact, and will communicate with Johnnie Burns so that she knows where the connections may be.

Donnell noted that the PC in any municipality has the right to dictate where roads or utilities will connect to a developable property.

**ADJOURNMENT**

At 9:15pm, Stiles MOVED and Donnell SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

---

Frank Doden, Acting Chair

---

Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*