

**Planning Commission
Regular Meeting**

Virtual Meeting @ 7:00pm

Tuesday, September 14, 2021

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Liaison Laura Curliss, Sarah Amend, Susan Stiles and Stephen Green. Also present were Denise Swinger, Zoning Administrator, Johnnie Burns, Public Works Director, Village Manager Josue Salmeron and Village Solicitor Breanne Parcels.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of July 13, 2021 Regular Meeting. Doden MOVED and Stiles SECONDED a MOTION TO APPROVE the Minutes as amended. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

Constance Richeson re: Oberer Development
Wayne Gulden re: Comedy Club
Bette Kelley re: Comedy Club
Mary Duckwall re: Comedy Club
Wayne Gulden re: Comedy Club Parking Study
Nick Boutis re: Comedy Club
Leslie Lippert re: Johnson Hearing
Ellen Hoover re: Johnson Hearing
Jane Nipper re: Comedy Club
LJB re: Response to Critique of Parking Study
Rick Jones re: Johnson Hearing

All communications were noted and will be filed by the Clerk of Council.

COUNCIL REPORT

Curliss noted that Council has approved a Village Building Department. Plan reviews and permitting has been outsourced, and Council is now considering an ordinance to set the fees for these services.

Curliss noted sidewalk clearance concerns and asked that residents keep sidewalks clear.

A first reading of a Municipal Broadband ordinance has taken place, and Curliss encouraged future subscription to this new utility.

Curliss noted a suggested made by Lori Askeland at the last Council meeting regarding a way to use Spillan Road as a bikeway, and encouraged those present to look at the proposal in the packet.

The Village Manager spoke about the Building Department as an economic development tool.

Salmeron addressed a question regarding the Building Department, stating that it is effective only within the Village boundaries.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS

- 1) **Conditional Use and Site Plan Review** – B-1, Central Business District – Max Crome of Crome Architecture, on behalf of Iron Table Holdings, has submitted a conditional use application with a site plan review for a restaurant serving alcohol, entertainment space, and outdoor patio seating at 225 Corry Street – Chapter 1250 Business Districts, Chapter 1262 Conditional Use Requirements, Chapter 1268 Site Plan Review. **Greene County Parcel ID# F19000100100020400.**

This is an existing building measuring 6,319 square feet. An existing covered entry will be removed at the front entrance on Corry Street. This will be replaced with a marquee extending out at the front, along with an outdoor patio seating area at both the front and rear of the building. Although the outdoor patio area at the rear is

located inside the rear yard lot line, it is also inside the five-foot setback and a variance hearing before the BZA will be required. The outdoor patio area at the front will be in an existing impervious area.

A storm water mitigation plan for the added patio area at the rear of the property has been submitted. Iron Table intends to remove a portion of the impervious surface area at the front of the building and replace it with pervious pavers to offset the outdoor patio area at the rear.

Swinger stated that the noise from the use should be only that from human conversation, which averages about 65 decibels.

The applicant has calculated 3,203 sq. ft. of UFA for the restaurant, which includes the two outdoor patio areas, plus 1,503 sq. ft. for the nightclub. The applicant indicated that they will provide a shuttle service for show participants. Shows will be scheduled for four nights a week between the hours of 6:00PM and 2:00AM. The restaurant will operate 7 days a week between the hours of 11:00AM and 10:00PM.

Two public parking facilities are located within 600 feet of the building. The parking lot abutting the building has 33 spaces and the Kieth's (sic.) Alley parking lot has 23 spaces. With the six spaces on site, this provides 62 spaces total within this buffer zone. Just outside of the 600-foot buffer zone is the parking lot at Dayton & Railroad Street (50-feet) and the John Bryan Center parking lot (90-feet).

Stiles received assurance that no work has started on the building.

Max Crome addressed the parking aspect of the project, showing a map with available parking near the Comedy Club. He showed photos of those parking lots at the times that patrons would be seeking parking for the Club.

Crome emphasized a project that he is contributing to as a pro bono effort to increase the safety and lighting of the bike path between the Brewery and the Club.

Crome presented a site plan, and described the shuttle service which will be available for all patrons, and which will originate at the former Union Schoolhouse parking area.

Crome went into detail as to the interior design, describing the venue and amenities, as well as the Eatery and the outdoor seating areas.

Frequent reference to the only residence in the area was made, with much attention paid to the concerns of those two residents.

Crome stressed the ambition of taking some of the Village's underutilized buildings and restoring them to their highest and best use.

Regarding signage, Crome stated that a marquee sign is necessary, and he noted that it fits the criteria as such a sign and is not located on the roof of the building.

With regard to lighting, Crome said that low-level lighting will be used on the street side, with a little more light on the back side of the structure for safety reasons.

Dave Chappelle spoke to the unique nature of the project, stressing that he is working to curate a culture here, and expressing confidence that prominent artists will come to the Village to perform, and that local artists will be afforded opportunities. Chappelle stated, "I'm not just trying to make a club: I'm trying to make a way."

Chappelle's podcasting partner Talib Kweli spoke in favor of the project and its fit with the culture of the Village.

Crome stated that "as much local talent as possible" will be employed in the construction and operation of the Club and Eatery.

Stiles asked whether the sound for the outdoor portion of the Eatery could be minimized.

Crome responded that he has moved seating as far from the residence as possible, but that it is an open air environment. Crome stated that there will be no outdoor music, and that the sound will be that of human voices.

Swinger responded to a question from Amend, saying that the marquee sign would not be permitted if it were a roof sign, and that it is not in fact located on the roof, although it is level with the roof.

Swinger stated that all of the factors listed in the zoning code for these uses have been addressed, and that the hearing is because the use, while allowed, is conditional.

Doden addressed Dan Hoying of LJB regarding the traffic study, asking for the methodology and a brief explanation of the numbers.

Hoying explained that the data was gathered by cameras located at the intersection of Xenia Avenue and Corry Street as well as across the street from the proposed site. Once the data was collected, it was turned over to LJB's traffic engineers for analysis.

Tom Flask, Traffic Engineer for LJB, was introduced, and noted that he had selected data from the busiest time period available (5-6pm Friday) to provide a "worst case scenario" for analysis, and had then added in the number of cars estimated for the Club and Eatery. This resulted in about 100 trips for the Club and Eatery.

Flask stated that the intersection operated at the same level of service with the added traffic. He then added all of the possible directions in which arriving and departing traffic could go, which still yielded a manageable traffic flow.

The Solicitor established Flask's credentials as follows:

Parcels: Do you believe this analysis could have been done by the average lay person with or without your level of expertise?

Flask: No. There is a specific methodology that needs to be followed.

Parcels: How long have you been employed at LJB?

Flask: 2.5 years at LJB, and 7 years in a similar position prior to this position.

Parcels: What is your title?

Flask: Traffic Engineer and NEPA (National Environmental Policy Act) Specialist.

Parcels: Educational background?

Flask: MA in Civil Engineering from University of Akron; Registered Professional Engineer and Certified Professional Traffic Operations Engineer.

Parcels stated that Flask can be considered an expert witness for the purpose of traffic engineering.

Dave Chappelle introduced The Kennedy Center's Artistic Director of Hip Hop Culture, Kamaal Fareed, who spoke in favor of the project and its potential for positive impact.

Green received information from Crome that the outdoor seating could be enclosed with a retractable trellis, making it a three-season option. He commented that there will be seating for 20-30 persons indoors.

Curliss expressed concern regarding "the cumulative impact of all of the lights." She asked for consideration to make the lighting as soft as possible.

Crome stated that he will be experimenting with the lighting to produce the right ambiance and reduce the impact on the surrounding area. He would take the comments of the nearby residents seriously in the process, he stated.

Doden OPENED THE PUBLIC HEARING.

Issa Walker, long-time resident, stated his connections to the community and pointed up the need to diversify the Village culturally and to provide more cultural opportunities. Walker commented that he sees the project as a boon to all of the area businesses as well.

Bette Kelley, one of the two nearby residents, reiterated her concern regarding lack of parking, particularly in the winter months.

Jamie Sharp, representing the Downtown Business Association (DBA) gave the strong support of the Association for the proposal. She cited a survey posted to members, commenting that it showed unanimous support for the project.

Recent resident “Jill” expressed support for the project.

Business owner Mark Heisse expressed gratitude for the business Chappelle has brought to the Village as well as the addition to the community.

Luke Dennis, Station Manager for WYSO, noted the importance of culture, but stated that Yellow Springs is “running on the fumes” of the 1960’s counter-culture. Dennis characterized the project as an investment in cultural vitality.

Nate Cornett and Lisa Wolters from YS Brewery stated their support and appreciation for the business opportunities that will accompany the project.

Jim Johnson expressed his support, reminding those present that there used to be an opera house in town.

Lindsay Burke, spoke as a single parent and business owner in favor of the project.

Wayne Gulden, nearby resident, expressed concern for lights, noise, and congestion in general. He stated that he is unconvinced of the results of the traffic study, and noted his concern regarding parking.

Valerie Kosheleff spoke in favor of the project as a cultural expression of storytelling, but expressed concern for moths and birds due to the lights. She asked for a LEADS certified building.

Dino Pallotta stated his support, noting that his 7-10pm business will pick up tremendously. He commented that Chappelle has “created a family”.

Doden CLOSED THE PUBLIC HEARING.

The Clerk received confirmation that the signage issue related to the marquee sign specifically can be addressed by the BZA.

Curliss MOVED to APPROVE THE REQUEST AS SUBMITTED WITH THE FOLLOWING CONDITIONS:

- 1) Variance from the east-side outdoor lot line patio setback is sought from the BZA
- 2) Variance from BZA for east side outdoor patio area and for identified signs exceeding the size, number per street frontage and total number of signs is obtained
- 3) Lighting plan and final signage plan are approved by the Zoning Administrator, taking into consideration the comments made tonight.

Doden SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Swinger commented that she, Burns and Salmeron have been working on the project with Chappelle for over a year, and thanked PC for their deliberations.

- 2) **Conditional Use Application** - R-B, Moderate Density Residential District - Alex Melamed of Axis Architecture, on behalf of Karla Bachi, has submitted a conditional use application for an accessory dwelling unit (ADU) at 118 Marshall Street - Chapter 1248 Residential Districts, Chapter 1262.08 (e)(1) Conditional Use – Specific Requirements - Accessory Dwelling Units. **Greene County Parcel ID# F19000100080029600.**

Swinger briefly described the request noting that the ADU will share metering, and will be located above the existing garage on the property. The use meets Village goals in promoting infill, she said, and meets code regulations in all respects.

Green asked Melamed for an elevation, and this was provided.

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

Doden MOVED TO APPROVE THE APPLICATION AS SUBMITTED. Stiles SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 3) Conditional Use Application – R-C, High Density Residential District – Jim Johnson has submitted a conditional use application for a Bed & Breakfast establishment at 310 Dayton Street – Chapter 1248 Residential Districts, Chapter 1262.08 (e) (2) Conditional Use Specific Requirements – Bed and Breakfasts. **Greene County Parcel ID# F19000100110000300 and F19000100110032900.**

Swinger described the request, noting that the home owner will live on site, and will provide breakfast and an evening snack as required.

As a bed & breakfast, the use will have guests coming and going. The plan is to have a small parking pad at the front of the property. A stormwater mitigation plan to offset the added impervious surface area will be required unless the applicant intends to use pervious pavers.

The three letters received regarding this request have all been in support of the use.

Curliss received clarification on several matters.

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

Doden MOVED to APPROVE THE USE AS REQUESTED. Curliss SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Green asked where the process was with regard to the parking study PC had noted earlier. This resulted in a general discussion around downtown parking. Swinger noted that a parking study had been done when the Comprehensive Land Use Plan was enacted several years ago, but that Council had voted not to include this plan in the final version of the CLUP.

Amend suggested that the Downtown Business Association could submit a request to Council.

Curliss suggested engaging LJB for the parking study.

Burns commented that enough has been spent on studies, and he would appreciate it if Council could accept the several recommendations staff have made to increase parking and put that money towards creating that additional parking.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Swinger noted that several downtown businesses have taken advantage of the easing of patio restrictions during COVID, and now need to come to PC for conditional use hearings to be able to continue this use. This will likely mean three of these hearings in October.

ADJOURNMENT

At 9:03pm, Curliss MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Frank Doden, 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.