

**Planning Commission
Regular Meeting**

In Council Chambers @ 7:00pm

Tuesday, December 12, 2022

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Susan Stiles, Acting Chair, Council Liaison Gavin DeVore Leonard, Gary Zaremsky, Stephen Green, and Scott Osterholm. Also present were Denise Swinger, Zoning Administrator and Amy Blankenship, Solicitor.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Osterholm MOVED TO APPROVE the minutes of the November 15, 2022 Regular Planning Commission meeting. Zaremsky SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

Caroline Mulline, YS Senior Center re: 221 Xenia Avenue
Marianne MacQueen re: West Davis ADU
Kate Hamilton re: 221 Xenia Avenue
Wayne Gulden re: 221 Xenia Avenue

COUNCIL AND COMMITTEE REPORTS

DeVore Leonard reported that Council approved PC's recommendation on the preliminary plan for the Millworks PUD. They also asked for legislation which will increase Planning and Zoning fees in 2023 to bring those fees more in line with actual cost.

CITIZEN COMMENTS

Riley Dixon asked whether PC had information regarding the Comedy Club project. Swinger responded that the project is still underway.

PUBLIC HEARINGS:

- 1) **Final PUD** - Pending Council's approval of Planning Commission's recommendation for the Preliminary PUD to be held on December 5, 2022, Allison Moody of APR Investments, LLC, has submitted a final plan review for Millworks existing PUD designation at 305 North Walnut Street and 185 Yellow Springs-Fairfield Road – Chapter 1254.06 Planned Unit Development; Chapter 1268.06 Site Plan Review
**GREENE COUNTY PARCEL ID #'s: F19000100110025900; F19000100110026700;
F19000100110032400; F19000100110032500.**

At their meeting held Monday, December 5, 2022, Village Council affirmed Planning Commission's findings and accepted the recommendation to approve the Preliminary PUD Plan for the Millworks property. Below are the requirements for the final development plan, which includes a site plan review. Staff and/or Planning Commission can waive specific requirements of a site plan review.

Swinger stated her opinion that the information provided in the Preliminary PUD plan staff report covers the requirements necessary for this specific PUD, and asked that Planning Commission waive the site plan review requirements. She noted that there have been no changes made between the preliminary plan and the final plan.

Stiles MOVED to waive all elements of the Level B Site Plan. Zaremsky SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Green MOVED TO APPROVE THE FINAL PLAN WITH NO MODIFICATIONS. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 2) **Conditional Use Application – R-B, Moderate Density Residential** – Toby Dean has submitted a conditional use application for an accessory dwelling unit (ADU) at 129 West Davis Street – Chapter 1248 Residential Districts; Chapter 1262.08 (e)(1) Conditional Use – Specific Requirements – Accessory Dwelling Units. **Greene County Parcel ID# F19000100090023400**

Dean commented that their home cannot accommodate visiting relatives, and the ADU will allow for this and can also serve as a home office. He confirmed that the footprint will not exceed that of the existing structure.

Stiles OPENED THE PUBLIC HEARING.

There being no comment made, Stiles CLOSED THE PUBLIC HEARING.

Swinger commented that a neighbor had made contact with questions, but had no objection.

Osterholm MOVED TO APPROVE THE CONDITIONAL USE AS REQUESTED. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 3) **Conditional Use Application** — B-1, Central Business District – Steve Pitchel on behalf of Iron Table Holdings, LLC has submitted a conditional use application for 221 Xenia Avenue to have a dwelling unit on the upper floor of a building with a nonresidential use at street level. Ch. 1262 Conditional Use - Specific Requirements; Ch. 1250.02 Schedule of Uses: Business Districts. **Greene County Parcel ID#F19000100100002500.**

Iron Table Holdings purchased the property, which formerly housed the retail store Earth Rose and an upper story apartment. The new owner intends to demo the building because its condition is not safe.

Swinger noted that the hearing is to permit a residential unit over retail: the retail uses are permitted.

There are no parking areas created for the structure, and Swinger noted that in the B-1 this requirement is generally waived given the scarcity of space and the availability of nearby parking areas. She commented that this may, however, be a consideration for PC because of the residential use, which would normally require two parking spaces.

Swinger noted that as long as storm water is routed to the existing storm system catch basin at the rear, runoff should not be an issue.

Green receive confirmation that retail is a permitted use for this building.

Swinger noted that the new building will be slightly larger than the existing structure, but adheres to all lot coverage and height requirements.

Regarding setback, Swinger stated that the building is set back two feet from the front property line. However, the front roof deck shows a canopy that encroaches into the right-of-way by one foot. Staff has informed the applicant that the canopy sign cannot encroach the right-of-way and they intend to push it back.

The Village zoning code states that setbacks are measured from the furthest edge of a building, which includes roof eaves, balconies, etc. Side setbacks have a zero lot line in B-1. There is a concrete paved area at the rear with a setback of at least 12-feet so it is possible to push the building back since the rear setback requirement is five feet. The applicant has asked to set the building back three feet from the front property line which would allow the three-foot wide canopy to end at the front property line for a front zero lot line setback.

Swinger cited Chapter 1260.02:

(a) Average Front Setback. The minimum front setback requirements for a principal building in any Residential District may be reduced in accordance with the following:

- (1) Where two or more lots entirely or partially within 200 feet of a subject lot, on the same side of the street and the same block, are occupied by principal buildings whose existing front setback is less than required by the zoning district, the average of the established setbacks for those buildings shall be the minimum required front setback for the subject lot.

Swinger confirmed that there are at least seven properties along this section of Xenia Avenue whose buildings are located on the property line. She stated her opinion that PC can allow a zero lot line for the canopy at the front of the building, but that any signage should be flush with the property line.

Swinger noted that “The Zoning Administrator may permit the average front setback as described on in Chapter 1260.02 (a),” and is doing so in this instance.

Max Crome, the designer for the project, shared a presentation. He stated that it was his opinion that the building was beyond salvage, and showed photos to that effect.

Crome stated that due to the presence of asbestos, he was also unable to salvage the façade.

Addressing some of the objections to the design that had been expressed, Crome described modern architectural principles generally, and offered his opinion that a blend of architectural styles is endemic to the Village. He offered several examples of this to illustrate the point, arguing that while his design is not traditional, it is consistent with other structures in the downtown area.

Crome noted that the space will have two storefronts—one at the front and one at the rear.

Osterholm inquired as to whether the apartment will have a designated parking space.

Crome stated that he is not in favor of creating more parking, and asserted that there is a parking area at the rear. He pointed out that if the upper level use were retail, no parking area and no hearing would be required.

Stiles asked about the requirement for residential parking.

Blankenship responded that because the prior use did have a residential unit that did not have a designated parking space, no space is required by code.

Green asked whether there will be an entry point between the front and rear businesses, and was told that this is not currently contemplated.

Regarding the exterior color, Crome stated that grey is being used because It is the color of plaster. This could be painted in the future, he said.

DeVore Leonard received confirmation that there are no design standards in the code.

Blankenship noted that she will be asking PC to waive the Level B site plan review, most of which is covered in Swinger's report, since she essentially conducted such a review as a Level A plan review at the staff level and that is included in her staff report.

Blankenship detailed the aspects of the Level B review, which would still not cover design or color aspects.

Responding to a question from Osterholm, Crome stated that demolition would be likely to begin as soon as possible in 2023, with construction following.

Stiles OPENED THE PUBLIC HEARING.

Bette Kelley expressed concern regarding retail fronting onto the alley (which faces one of their homes). She opined that the alley is generally unsafe, and asked a number of questions regarding construction. She asked a number of questions regarding the retail uses.

Dino Pallotta stated that he has owned the business adjacent for 25 years. He stated that there have been no improvements to the structure in that time, and the rebuild will bring much needed economic energy to the area. He added that there is ample parking in the area. Pallotta noted that the sewer tie in has been repaired since Iron Table purchased the property.

Wayne Gulden asserted that safety would be compromised with a rear facing retail entity. He followed his logic into an assertion that drunken individuals would be wending their ways from the Comedy Club to this rear-facing store, likely straying into his driveway enroute. He added that he and his wife do not seem to matter in this equation.

Riley Dixon attempted to ask general non-hearing related questions about the proposed structure, which was not under consideration, but was asked to direct those questions to the petitioner outside of the hearing. He asked "what is the vision for Kieth's Alley".

Stiles CLOSED THE PUBLIC HEARING.

Blankenship address one previously asked question, stating that the conditional use is good for 24 months, and can be extended for another 12 months past that point upon request.

Swinger addressed a question regarding lighting, stating that a lighting plan is requested by staff and will need to be approved by staff.

Corey Grimm, the construction manager for Iron Table Holdings gave a broad statement that while "we

would like to start construction right away”, many factors would affect that ability, including difficulty of demolition.

Grimm responded to a question from DeVore Leonard, commenting that she does not anticipate added traffic along Keith’s Alley due to the retail use.

Green commented that there are in fact several businesses that front onto the alley.

Blankenship noted that the definition of “alley” in the zoning code does include direct access to businesses.

Zaremsky noted that the entrance to the alley is not well marked, and that this might be helpful to undertake.

DeVore Leonard asked that a vision for Kieth’s Alley be placed on a future PC agenda.

The Village Manager stated that now that the Village has attained an easement to the entry of the alley, signage can be improved.

Pallotta commented that Crome could do away with the apartment and not need to go through the hearing process. He stated that his business is open to the alley.

Swinger stated that PC will need to vote to waive the Level B site plan review and will need to request that storm water be routed to the existing storm basin at the rear, and that a lighting plan be submitted to staff.

In response to a question from Stiles, Swinger stated that business hours in the B-1 are not regulated, and that noise complaints would go to the police department for remedy.

Green MOVE TO WAIVE A LEVEL B SITE PLAN REVIEW. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Green MOVED TO APPROVE THE CONDITIONAL USE WITH THE FOLLOWING CONDITIONS: THAT STORM WATER IS ROUTED TO THE EXISTING STORM CATCH BASIN AT THE REAR OF THE BUILDING, AND THAT A LIGHTING PLAN, WITH SCREENING AS NEEDED AT STAFF DISCRETION, BE SUBMITTED TO STAFF. Osterholm SECONDED.

Green received confirmation that the Gulden home is within the B-1, and falls within B-1 zoning.

Stiles CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Swinger added a discussion regarding Kieth’s Alley to the future agenda, and noted a Home Occupation Permit and a retail use at Millworks as upcoming agenda items.

ADJOURNMENT

At 8:13pm, Osterholm MOVED and DeVore Leonard SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Susan Stiles, 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.