

**Planning Commission
Regular Meeting**

In Council Chambers @ 6:00pm

Tuesday, January 9, 2024

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Council Liaison Gavin DeVore Leonard and Gary Zaremsky. Also present was Meg Leatherman, Zoning Administrator.

REVIEW OF AGENDA

Stiles noted that the first agenda item regarding 410 North High Street has been withdrawn.

REVIEW OF MINUTES

Zaremsky MOVED TO APPROVE the Minutes of the December 14, 2023 Regular Planning Commission meeting. Green SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

Carol Cottom re: Opposed to TGL

Planning Administrator re: Housing Committee Information

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee: No Report.

Council: DeVore Leonard reported that new Council member Trish Gustafson was sworn in on January 2nd. On the same meeting, Council voted Kevin Stokes in as Council President and Gavin DeVore Leonard as Vice President.

Council authorized the IVM to contract with local realtor Allison Moody to actively market the CBE land.

Council authorized the IVM to move forward with the sale of Renewable Energy Credits and purchase of green e-RECs.

Burns let Council know that six of the available lots in the Spring Meadows development have already sold.

Burns reported that the team has submitted a grant application to ODOT for sidewalk replacement to cover a large portion of the Safe Routes to School plan. Final application will be submitted in February for this 1.4 million dollar grant.

Council will hold a retreat at the end of January to discuss Village goals, among other things.

DeVore Leonard noted that Council will also discuss Board and Commission liaison assignments, and that he will let PC members know of any changes that may affect PC.

Housing Committee: Leatherman and DeVore Leonard reported that the Housing Committee will meet on Thursday. Leatherman noted the outline she had provided which lists discussion items and actions suggested by the committee to date.

CITIZEN COMMENTS

Mitzie Miller Thanked Leatherman for working with the “Citizen Action Group” regarding sidewalk improvement.

Ellen Hoover asked that PC revisit the 500’ proximity restriction for TGLs, commenting that the village is “saturated with Air BnBs”, and that the restriction has failed to protect her downtown-proximate neighborhood. She urged cautious review of restrictions, asking that PC consider impact upon more congested neighborhoods.

Steve Deal, also a resident of a downtown-proximate neighborhood, presented a chart showing residences and TGLs, arguing along the same lines as Hoover.

PUBLIC HEARINGS

- 1) Conditional Use Application – Frederick Peterson has submitted a Conditional Use application for Transient Guest Lodging at 1114 Livermore Street – Chapter 1248 Residential Districts, Chapter 1262.08(e)(7) Conditional Use – Specific Requirements – Transient Guest Lodging - Medium Density Residential District (R-B), Greene County Parcel #F19000100070004200.

Leatherman detailed compliance with all required noticing.

Leatherman introduced the hearing as follows: Frederick Peterson, property owner, submitted a conditional use application to operate a Transient Guest Lodging Unit (TGL). The proposal includes sectioning off a portion of his home for guests, while the owner remains in the other portion. No exterior construction is proposed. The closest TGL in the vicinity is located at 1050 E Herman Street and it is approximately 550 feet away.

Leatherman read through the five requirements for obtaining and retaining a TGL license.

Fred Peterson stated that he has owned the home for about 10 years, and now wants the option of renting the house (he resides in the smaller semi-attached annex) as a TGL.

Peterson asked for clarification regarding the limitation of two adults for a TGL.

Leatherman responded that this is a code requirement. After further questioning from Peterson, Leatherman indicated that she would ask the Village Solicitor for details as to how this restriction could be changed if possible.

Deborah Dixon, Peterson’s partner, asked whether there was any restriction on children, and was told there was not. She inquired further regarding the restriction to two adults.

Stiles OPENED THE PUBLIC HEARING.

Mitzie Miller commented that many TGL’s, in her opinion, do not follow the restriction to two adults.

Laura Curliss, identifying herself as a neighbor, stated that she, too, wanted permission to operate a TGL. She went into a detailed history regarding her efforts, including renovations and expenditures, arguing that she had started the process in 2017 and that this approval would then put her within 500 feet of another TGL.

Curliss then referenced Peterson's application which seemed to her to have room for six adults, which, in her opinion, would then create a parking problem.

Curliss concluded by asking how she could receive permission for a TGL.

Leatherman responded that she had previously emailed Curliss with the information that she could apply for a variance once she is ready to proceed with a TGL request.

Curliss asked rhetorically whether all of the persons making investments in TGLs would simply miss out "if their neighbor is quicker".

The Clerk noted that the zoning code allows a maximum of two years from permission to construction or the use is vacated.

Stiles CLOSED THE PUBLIC HEARING.

DeVore Leonard iterated that contacting the Zoning Administrator is the most effective way to address a violation of any of the TGL restrictions.

Stiles noted that there is no restriction or approval process for renting on a long term (over 30 days) basis.

Deborah Dixon stated that her family has six adults, and asked whether the restriction would apply to the TGL if a similarly large family were renting.

Leatherman responded that she would follow up with Dixon either following the meeting or in the morning.

Green MOVED TO APPROVE THE CONDITIONAL USE REQUEST AS PRESENTED, with the following five conditions:

1. No more than two adults shall occupy the accessory dwelling unit.
2. An inspection by the Miami Township Fire and Rescue (MTFR) for the installation of smoke and carbon monoxide detectors must accompany the application for transient guest lodging. The detectors will be inspected by MTFR annually.
3. Transient guest lodging permits are non-transferable. A change in the ownership of the property will void the permit.
4. Completion of the Transient Guest Lodging registration with the Finance department is required annually and prior to initial occupancy.
5. A bi-annual reporting of all earnings must be returned to the Finance Director annually, even if there were no earnings. A 3% lodging tax will be due with the reporting by April 15th and October 15th for the preceding six months, annually.

Stiles SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

- 2) Zoning Map Amendment (Rezone) Application – Sandra Smith has submitted a Zoning Map Amendment application to amend the Village of Yellow Springs Official Zoning District map to rezone property at 545

Dayton Street from Conservation (C) to Medium Density Residential (R-B) – Chapter 1280 Amendments and Rezoning, Chapter 1248 Residential Districts, Greene County Parcel #F19000100070004200.

Leatherman detailed compliance with all required noticing.

Leatherman presented information as follows: Sandra Smith and Jean McKee, property owners, submitted a zoning map amendment application to rezone their property from the Conservation (C) District to Medium-Density Residential (R-B), in order to construct a single-family home on the property. The Conservation zone does not allow residential uses. The applicant would like to demolish the existing structure and build a new single-family home for their own use.

Leatherman responded to a question from Stiles, stating that Ms. McKee's father purchased the property in 1982, and subsequently it was rezoned to the Conservation District without their knowledge. Staff conducted research and determined that the Conservation zoning was inadvertently applied to the property when the adjacent Bill Duncan Park was zoned Conservation.

Leatherman stated that the proposed rezone to R-B does not require expansion of public infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting because they already exist. The property has road frontage on both Dayton and Limestone Street. The recent multi-modal path project expanded the sidewalk along Dayton St, and a water and sewer main run down both Dayton and Limestone Street. A sewer and water lateral tap are required for full connection, and this is provided for during the building permit process, at cost to the owners.

Leatherman noted that the proposed rezone to R-B is not a spot zone because the adjoining properties to the east and south are zoned R-B.

Sandra Smith stated that they would like to maximize their possibilities for the property, and as such would like it rezoned.

Stiles OPENED THE PUBLIC HEARING.

Mitzie Miller spoke in favor of the rezoning.

Mike Wilson inquired as to the street address of any future home and remarked upon his frustration at having to live near construction.

Stiles CLOSED THE PUBLIC HEARING.

Zaremsky commented that the zoning code would permit construction of a duplex.

Stiles MOVED TO RECOMMEND TO COUNCIL TO REZONE THE PARCEL IN QUESTION FROM R-C to R-B. Green SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Leatherman referenced information she had provided Planning Commission regarding any TGL legislation passed by surrounding communities. She noted that none have been as proactive as Yellow Springs, and none are reporting TGLs as problematic at this time.

Stiles asked that any discussion regarding a change to the TGL code be held for a few months. She suggested that perhaps PC should request direction from Council.

The Clerk noted that PC is in the position to see any problems with the code and potential need to amend the code ahead of Council, and that while this would not prevent Council from making requests, that PC would be the appropriate body to consider the need for amendments.

DeVore Leonard opined that the matter does not seem urgent, and that while there seem to be some matters to discuss, there does not seem to be strong inclination to change the TGL portion of the code at this time.

Stiles commented that she would like to see more effort go to encouragement of long term rentals and affordable housing. She related a list of suggestions, including separate metering, stating that she wanted know why ADUs cannot be separately metered, since this seemed to her to present a barrier.

The Clerk suggested this topic be an agenda item so that an un-noticed discussion did not occur.

Green commented that while he is happy to wait on the discussion, he does not agree that TGLs are necessarily reducing availability of long term rentals.

NEW BUSINESS

PC End of Year Report to Council. Stiles asked that the report be scheduled for February 5th so that she will be able to present.

NOMINATION/VOTE FOR CHAIR and VICE-CHAIR

Green NOMINATED Stiles for Chair. The Clerk CALLED THE VOTE, and the NOMINATION PASSED 3-0 with Stiles abstaining.

Stiles NOMINATED Green for Vice-Chair. The Clerk CALLED THE VOTE, and the NOMINATION PASSED 3-0 with Green abstaining.

AGENDA PLANNING

Leatherman stated that she does not yet have applications for a February meeting.

ADJOURNMENT

At 6:50pm, Stiles MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Susan Stiles, 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.