

Planning Commission

Regular Meeting

In Council Chambers @ 6:00pm

Tuesday, December 10, 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, Scott Osterholm, Council Liaison Gavin DeVore Leonard, Stephen Green and Gary Zaremsky. Also present was Meg Leatherman, Zoning Administrator.

REVIEW OF AGENDA

There were no changes made.

CONSENT AGENDA

Minor Subdivision Application: Low-Density Residential District (R-A) –Rick Kristensen has submitted an application for a Minor Subdivision located at 450 Allen Street. Chapter 1226 Subdivision Regulations.

Osterholm MOVED and Green SECONDED APPROVAL OF THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF MINUTES

- 1. Minutes of September 10, 2024 Regular Meeting
- 2. Minutes of September 25, 2024 Work Session

DeVore Leonard MOVED TO APPROVE the Minutes of the October 15, 2024 Regular Planning Commission meeting. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard MOVED TO APPROVE the Minutes of the September 25, 2024 Work Session. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

Matt Raska re: Objection to Council’s Decision re: Cascades Project Continued Funding

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee. Zaremsky reported on the MVRPC walking audit of the Village’s downtown area, noting that they will provide a report on infrastructure needs related to traversing the downtown area.

Council. DeVore Leonard provided the following information:

October 21; Council approved PC’s recommendation to rezone 3.6 acres of property at 420 East Enon from RA to RC (Ordinance 2024-11).

Council approved the final plat plan for the Spring Meadows subdivision Phase 2, which will consist of 34 single family homes, by (Ordinance 2024-12).

November 18; Council authorized a PUD on less than 5 acres, which will allow the Windsor Companies to move forward with a proposal to develop apartments on the site of the former Antioch College Student Union. Next steps required are as follows:

- 1- Planning Commission Public Hearing on PUD Preliminary Development Plan and Rezone
- 2- Village Council 1st Reading of PUD Preliminary Development Plan and Rezone
- 3- Village Council 2nd Reading and Public Hearing on PUD Preliminary Development Plan and Rezone
- 4- Planning Commission meeting on PUD Final Development Plan

December 2; Council approved the 2025 budget for the Village.

Council approved a RFP for the proposed LIHTC development. Should a developer be selected by the RFP review committee on Monday, December 16th, that recommendation will come to Council on the 16th for a vote.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS

Leatherman provided an overview of the Map and text amendments as follows:

When evaluating the zoning code for potential sites to develop affordable housing, it was identified that the Gateway Overlay Zone would limit the total number of potential dwelling units and other forms of development due to the height restriction. Village Council directed staff to evaluate the Gateway Overlay Zone and determine a means to remove this potential barrier. After an in-depth evaluation, staff found that the majority of the regulations within the Gateway Overlay Zone were replications of standards from other sections of the zoning code.

Staff proposes removing the Gateway Overlay Zone while simultaneously adding back two standards that are not replicated in other sections and are prudent to keep in place for safety reasons. The underlying zoning standards will remain in place and become the sole zoning regulation for the applicable properties.

The Gateway standards limit height of new development to 30 feet or two stories. With removal of the Gateway zone, the underlying zone's height limit would become applicable. Staff does not recommend action beyond repeal of the Gateway and to allow the underlying zoning to control height.

The Gateway section requires a 20-foot-wide greenbelt area along all street frontages. The landscape section of Village code, section 1270, applicable to all zones, requires a greenbelt only with construction of a parking lot. Staff recommends adding a clause to section 1270 to require a greenbelt along all street frontages with new development.

The Gateway limits the distance between driveways to 100 feet and does not allow a driveway within 150 feet of an intersection. For safety purposes, staff recommends adding the same driveway limits to section 1260.03, applicable to all zones.

Leatherman provided an overview of the height restrictions provided in the zoning code, as compared with those listed for the Gateway Overlay, which restricts height to two stories or 30 feet. She noted that most of the prohibitions listed for the Gateway are repeated for other zones.

Leatherman explained the driveway standards as described for the Gateway, stating that these are a safety feature.

Responding to a question from Green, Leatherman stated that limiting the number of driveways improves safety, and that there are viable solutions, such as easements or shared access, to the limitation. She reminded PC members that the change would not be retroactive.

Leatherman addressed the Greenbelt, which is defined as “A preserved linear landscaped area along one or more property lines, providing a defined edge and/or screening.” She stated that this landscape feature does provide some screening and said that her recommendation is for a 10-foot minimum for all districts.

Green received clarification that the Greenbelt is located behind the Right of Way.

Zaremsky asked for further explanation of property widths vis a vis different zones, which could force shared driveways in some scenarios.

Leatherman noted the lot-widths for each zone.

Leatherman commented that her concern is more for arterial streets than for residential streets, and that the issue could be fleshed out prior to taking a recommendation to Council.

Leatherman explained her final modification, one that is not part of the Gateway zone, to expedite review of new projects. Presently, all new permitted uses occupying a building of 5,000 square feet or more must obtain approval from the Planning Commission at a public hearing with a Site Plan application. Staff recommends modifying the code to allow review of Site Plans associated with a permitted use by the Zoning Administrator. This will reduce the time to process a Site Plan application and reduce the perceived risk associated with a public hearing. In addition, the code presently includes a clause that allows the Zoning Administrator to submit the Site Plan application to the Planning Commission if the Administrator believes the project may have a negative impact on surrounding properties. All Conditional Uses will still be required to obtain approval from the Planning Commission and will require a public hearing.

Stiles noted a concern that there could certainly be projects which neighbors would want to weigh in on, particularly larger-scale endeavors.

Leatherman responded that the noticing requirements would slow a project down by a minimum of a month, and that she strives to be sensitive to projects that may require additional scrutiny.

Amend Section 1256.3 OVERLAY DISTRICTS – Repeal the entirety of the Gateway Overlay District (section 1256.03), to remove standards that may limit development.

Stiles OPENED THE PUBLIC HEARING.

Jackie Hempfling commented that the driveway standards could have a chilling effect on housing, and advocated for this not to be added back into the zoning code.

Emily Seibel, Executive Director of Home, Inc. and April Wolford both spoke in favor of the repeal of the Gateway Overlay.

Riley Dixon, Yellow Springs News, asked for clarification as to what constitutes a Sexually Oriented Business.

Stiles CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE A MAP AMENDMENT REPEALING THE GATEWAY OVERLAY DISTRICT AND AMENDING SECTION 1256.3. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Amend Section 1256.01 PURPOSE – Amend the purpose statement to reflect repeal of Section 1256.03.

Stiles OPENED THE PUBLIC HEARING. There being no response, Stiles CLOSED THE PUBLIC HEARING.

Osterholm MOVED TO APPROVE AMENDMENT OF SECTION 1256.01 AS RECOMMENDED BY STAFF. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Amend Section 1260.03 DRIVEWAY STANDARDS, ACCESS EASEMENTS, PARKING AND STORAGE – Add driveway location standard that is being removed with the repeal of the Gateway District. New driveways shall be more than 150 feet from intersections and two may not be located within 100 feet of each other.

Leatherman noted that the amendment is meant to clarify the code so that standards are located in one portion of the code.

DeVore Leonard clarified that the recommendation now is to add driveway standards to arterial roads.

Leatherman briefly described Sexually Oriented Businesses and why these must be permitted in some area of all Ohio municipalities.

Osterholm MOVED TO ADD THE WORDS “ON ARTERIAL STREETS” as a prefix to Sections I and J. Green SECONDED, and the MOTION PASSED 5-0 ON VOICE VOTE.

Stiles OPENED THE PUBLIC HEARING.

Jackie Hempfling received clarification of the amendment made to Driveway Standards and of the definition of “driveway”.

Stiles CLOSED THE PUBLIC HEARING.

Green MOVED TO APPROVE THE TEXT AMENDMENTS TO SECTION 1260.03 AS RECOMMENDED BY STAFF WITH THE APPROVED AMENDMENT. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Amend Section 1268.02 APPLICABILITY – Remove requirement that Site Plan review for permitted uses be conducted by the Planning Commission.

Leatherman briefly reiterated her earlier comments on the proposed amendment.

DeVore Leonard stated that he is in agreement with the amendment in that it removes a layer from the requirements encountered for a project.

Stiles OPENED THE PUBLIC HEARING.

There being no comment, Stiles CLOSED THE PUBLIC HEARING.

Osterholm MOVED TO APPROVE THE TEXT AMENDMENT TO SECTION 1268.02 AS RECOMMENDED. Green SECONDED, and the MOTION PASSED 5—0 ON A ROLL CALL VOTE.

Amend Chapter 1270 LANDSCAPING – Add Landscape standard that is being removed with the repeal of the Gateway District. New development shall provide a greenbelt along all street frontages.

Leatherman commented that she believes the addition would ensure a good feel to the community. She commented that the greenbelt would be in addition to the setback requirement.

Zaremsky expressed confusion regarding the requirement. He stated that it not clear whether the setback can serve as the greenbelt.

Responding to a question from Green, Leatherman commented that the definition is broad, and could include grass, rock, etc.

Discussion ensued regarding parking areas which are often in the right of way as opposed to any requirement for a greenbelt.

Osterholm received clarification that the greenbelt refers to the first ten feet of the property.

Leatherman responded to several questions, stating that Right of Way in this iteration refers to property owned by the Village.

DeVore Leonard pointed out that greenbelt might discourage community. He added that removing the greenbelt requirement may encourage density, with which he is in favor.

Green commented that the requirement will create additional confusion, and spoke in support of “letting it go.”

Stiles commented that she is comfortable with the requirement, and received confirmation that the requirement would apply to all zoning areas.

Stiles commented that the setback requirement allows for the space needed.

Stiles OPENED THE PUBLIC HEARING.

Jackie Hempfling suggested that the requirement be “50% of the required setback”.

Stiles CLOSED THE PUBLIC HEARING.

Green suggested abandoning the requirement entirely as confusing and unnecessary.

Zaremsky noted an existing requirement which is only applicable to parking lots. He commented that most residents have no idea where their property line begins, which will add to the confusion.

The Clerk incorrectly advised that PC did not need to vote on the matter, given that the matter was not requested as a change by Council, but was administratively brought.*

*Later consult with the Village Solicitor revealed that PC should properly have voted on the suggested text amendment and an ordinance then brought before Council. The text amendment will therefore receive another Public Hearing on January 14th so that it can be sent on to Council.

Stiles CALLED AN INFORMAL VOICE VOTE TO TAKE NO ACTION ON THE MATTER. All agreed with the decision to take no action on the recommendation that new development provide a greenbelt along all street frontages.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Leatherman noted an upcoming Right of Way vacation.

Leatherman stated that she could bring a recommendation regarding Food Trucks.

DeVore Leonard asked that Planning Commission consider 2025 goals.

Keith's Alley, Inclusionary Zoning, Transient Guest Lodging were all mentioned as items for discussion should 2025 goals be brought to the next agenda.

ADJOURNMENT

At 7:24pm, Stiles MOVED and Osterholm SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 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.