

**VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION  
MINUTES**

**In Meeting Rooms, A & B, Bryan Center**

**January 12, 2004**

**CALL TO ORDER**

Chair John Struewing called the meeting to order at 7:04 p.m.

**ROLL CALL**

John Struewing, Dawn Johnson, George Pitstick, Bruce Rickenbach and Cy Tebbetts were present. The Village Manager Rob Hillard and the Zoning Administrator Phil Hawkey was also present.

**REVIEW OF AGENDA**

Rickenbach suggested and the Commission agreed that the Commission should agree on the time to be spent on each of the remaining four items under Old Business. The Commission had listed the public hearing on the Site Plan Review ordinance and four additional items.

Struewing citing the Commission's bylaws briefly discussed the nomination and election of the chairperson. He suggested that the Commission nominate and elect the chairperson earlier in the year rather than wait until March as stated in the bylaws. The Commission would discuss this further under Old Business.

**REVIEW OF MINUTES**

**December 8, 2003.** Pitstick MOVED and Tebbetts SECONDED a MOTION for APPROVAL of the minutes as amended. The MOTION PASSED UNANIMOUSLY.

**REPORTS**

**Council Update.** Referring to his written report, Pitstick reviewed the last meeting of Council. The report included the five pieces of legislation passed by Council, which included the passing of a resolution supporting Home Inc.'s application for HDAP funding, the Annual Appropriations Ordinance and membership dues to several municipal organizations. Council also heard the annual report for the Environmental Commission and the Records Commission. Pitstick also reported that although the Village representatives to the Planning Commissions for Greene County and Miami Valley must be elected officials, any member of Planning Commission was welcomed to attend. Pitstick also reviewed upcoming agenda items for Council.

The Clerk explained that the Record Commission was updating the Records Retention Policy for the Village. She also explained that many of the items received by Planning Commission were public records and should be returned to the Clerk at the end of the individual's term. The Clerk would go into further detail at a later date.

Pitstick also reminded the Commission that their annual report to Council was scheduled for February 2<sup>nd</sup>.

The Commission would be notified when the Greene County Regional Planning Commission and the Miami Valley Regional Planning would meet.

**Bike Enhancement-Northern Gateway Committee-**Struewing announced the resignation of Marcia Sauer from this Committee. Struewing also stated that he would like to have a replacement on this Committee also. He added that he would stay on the Committee until a replacement was appointed.

Rickenbach asked if there was a description of the Committee's charge? Struewing explained that the Committee sponsored some yearly projects and have a responsibility to meet because they aid in the enforcement of the bike laws. The Committee has the video that is shown to offenders. Struewing added that he was not sure if all of the information is on paper.

Rickenbach stated that he was not sure if he were willing to serve and make a contribution until he knows what that actually means.

Tebbetts asked was it necessary to have a Planning Commission member on the Committee? Struewing answered yes.

Pitstick added that this Committee was a subcommittee of the Planning Commission.

**Springfield-Beckley Municipal Airport**-Struewing reported the Committee does not meet until March. He added that the proposed noise ordinance would be placed in the appendices of the zoning code and not be requirement. He will keep the Planning Commission updated.

## **CITIZENS'S COMMENTS**

There were no comments from the audience.

## **OLD BUSINESS**

**Election of the Chair**-Struewing explained that the chairperson presents the annual report to Council that includes the pass year's accomplishments along with the upcoming year's goals. He then suggested that the nomination and vote for the chairperson should be in January. He added that the bylaws would have to be amended to reflect this change.

Rickenbach suggested the nomination and election take place in December. Tebbetts asked when did the term expire? Struewing answered that the term was for one year.

Struewing **MOVED** to amend the bylaws and state that at the first meeting in January the Commission would nominate and elect a chairperson. Rickenbach **SECONDED** the **MOTION**. The **MOTION PASSED UNANIMOUSLY**. The Commission agreed to amend the bylaws at their February meeting.

Johnson commended Struewing for his role as chairperson of Planning Commission. Struewing stated that the Commission was in "good shape" in part was due to the Village Manager Rob Hillard.

**Site Plan Review Ordinance...Public Hearing/Recommendations**-Hillard explained the process of how the amendments were developed. He also explained that if passed this SPR would allow for a two-step process of review.

Struewing opened the public hearing. Having no comments, Struewing closed the public hearing and brought the discussion back to the Commission.

Rickenbach **MOVED** and Tebbetts **SECONDED** a **MOTION** to **APPROVE** the amendments to the Site Plan Review ordinance and pass this recommendation onto Council.

Rickenbach reminded the Commission that it had agreed that this was an interim step and that when a dollar amount was established the Commission would request that amount from Council in order to pay for professional assistance in further refining the SPR and PUD.

Johnson stated that in her research she had found that communities use the SPR much differently. Some use it for shopping centers and use another mechanism for condos and apartment buildings. She hopes a professional would help guide the Commission towards mechanisms that can be useful. The **MOTION PASSED UNANIMOUSLY**.

**Nonconforming Structures Zoning Amendments**-Hawkey recommended that three sections of the code be amended. They included 1240.08 Amendments, 1266.07 Nonconforming Structures, and 1278.03 Exceptions to Area, Yard and Height Requirements. He then reviewed each amendment.

In his review Hawkey explained that the amendments in 1240.08 would eliminate the neighboring property owner of signing-off on map amendments and the inclusion of a survey or legal description to the map was added.

Hillard explained that it was customary for neighboring property owners within 300' to be notified.

In 1266.07, the change would allow additions to nonconforming single-family dwellings. The additions would be limited to 50% of the original size. Tebbetts asked why 50%? Hawkey explained that this was a reasonable size without a total rebuild.

The amendment in 1278.03 would clarify the automatic adjustment to the front yard requirement in existing neighborhoods.

The Commission agreed to discuss this further at their next meeting.

**Eco-Friendly Position Paper**-This position paper authored by Tebbetts included several additional documents as attachments. Tebbetts stated that his objective was to have Planning Commission approve the document and forward it onto Council. The Commission then reviewed the position paper.

Struewing suggested that if anyone had any major concerns with the position paper that they could meet with Cy outside of the regular meeting.

Rickenbach expressed concerns regarding Section 3, adding that Planning Commission is fairly specific when making recommendations to Council.

Pitstick indicated that Council may not have a lot of meeting time to discuss this however it could be an item for discussion during a joint meeting between Council and the Commission.

Johnson stated that she felt the position paper had “talking points” and was not ready to be a formal document from the Commission to Council.

Struewing suggested that this could be forwarded to Council as an FYI and Council could decide what they would do with it.

Struewing MOVED and Johnson SECONDED a MOTION to forward the Eco-Friendly Position Paper to Council just for their consideration and nothing more. Rickenbach asked what importance does this have? Planning Commission sends actions steps and/or recommendations along with documents to Council. Rickenbach was not comfortable with forwarding the position paper as it is written now.

The roll was called. The MOTION PASSED 4-1, with a no vote from Rickenbach.

**Building Impediment Survey**-Struewing asked if this survey was done from a zoning code point of view and were there other arenas that could be included? He then reviewed each survey questions. He asked if the Commission wanted to deal with just zoning questions? There could be other issues, which impede a developer from building in our area.

Tebbetts added that operational issues could be an impediment. He suggested that a cover letter include why this letter is being sent, include a list of questions to respond to and enable the person comment on other items not covered by the survey.

Hawkey stated that from an administrative point of view it would be a shame to do the survey without including other items such as utilities.

Rickenbach stated that he thought zoning was the area of the Commission’s expertise. He agreed with Hawkey that there could be other area of concerns beyond zoning and if there are then those questions could be included and those responses distributed accordingly.

Johnson asked if different builders built the new dwellings? Hawkey explained that one builder built three homes, Starfish home built one and two homes have not been started yet. Johnson suggested that there could be more specific questions that should be asked to specific builders. Johnson and Struewing will do more work on the survey and bring it back at the next meeting.

**Urban Service Area**- Johnson stated that the topography of the drainage areas need to be more clearly defined. The Commission agreed to continue this discussion at their next meeting.

## **NEW BUSINESS**

There were no items under New Business

## **AGENDA PLANNING**

**Selection of the Chair**

**Amendment to the By-laws**

**Nonconforming Structures Zoning Amendments**

**Building Impediment Survey  
Urban Service Area  
2004 Planning Commission Goals**

**ADJOURNMENT**

Having no further business, Tebbetts MOVED and Rickenbach  
SECONDED a MOTION for AJOURNMENT. MOTION PASSED  
UNANIMOUSLY at 9:05 p.m.

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John Struewing, Chair

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Deborah Benning, Recorder