

**VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION-MINUTES**

**In Village Council Chambers**

**June 11, 2007**

**CALL TO ORDER**

Chairperson Bruce Rickenbach called the meeting to order at 7:00 p.m.

**ROLL CALL**

Bruce Rickenbach, Bill Bebko, John Struewing and Tim Tobey were present. Village Manager Eric Swansen and Assistant Planner Ed Amrhein were also present. Commission member Matt Reed and Council Clerk Deborah Benning were absent.

**REVIEW OF AGENDA**

Bebko MOVED and Tobey SECONDED a MOTION to APPROVE the AGENDA as presented. The MOTION PASSED.

**REVIEW OF MINUTES – May 14, 2007** Bebko MOVED and Struewing SECONDED a MOTION to APPROVE the minutes as amended. The MOTION PASSED.

**REPORTS**

**Council Update.** There were no remarks regarding the Council documents.

**Bike Enhancement-Northern Gateway Committee.** Tobey reported that he would be attending the open forum on “Sidewalks” as a representative of the Committee. He also reported that the Committee is continuing to work on their language for the Comprehensive Plan. The Committee raised a concern about the crosswalk for the bike path crossing State Route 68. Swansen stated that he would take a look at the crosswalks and will report back.

**Zoning Administrator/Planner’s Report.** There was no additional reporting from the Planning Office.

**Miami Township Zoning Commission Report.** Struewing reported that they were having preliminary discussions regarding a PUD application and the Commission were continuing their discussion regarding zoning for the Township’s Comprehensive Plan.

**COMMUNICATIONS**

No additional comments were held.

**CITIZEN’S COMMENTS**

Len Kramer asked how residents could get copies of the updates to the Comprehensive Plan. Swansen explained that the documents are on file at the YS Library or anyone can request an electronic copy from the Planner’s Office or the Clerk of Council.

**PUBLIC HEARINGS**

**128 Dayton Street Conditional Use Application.** Rickenbach explained that for approval the applicant would need both a conditional use permit and ultimately a zoning variance. Rickenbach then reviewed the process for this discussion and public hearing.

Amrhein explained that the application came as a result of a noise complaint regarding this business known as The Dayton Street Gulch. While looking into the noise applicant, Amrhein realized that there had been some construct to the existing building without an application for a building permit. Having reviewed the zoning code, Amrhein explained that the owner would have had to apply for a conditional use application prior to the construction and that the fenced patio area did not meet code requirements. He added that since the business was in the

Central Business District additional zoning requirements would have to be met. 1256.05a and 1242.04a make it clear that Amrhein could not grant the applicant's request.

Bob Baldwin owner of the business explained that he did not agree that a six-foot fence around the existing patio should be considered a structure and should not be held to the language in 1256.05a. Baldwin explained that he had gotten approval from the Ohio Liquor Control Board for extension for his business, which is required when the establishment expands the area where liquor is sold or consumed.

Rickenbach explained that the original application indicated that it was a 20'x25' fenced in patio area which now has been reduced in size and that there was also a 12'x 8' roof overhang. He asked if Baldwin still intended to put on a roof. Baldwin answered yes. Rickenbach then explained that with a roof the enclosed area would become a structure.

Baldwin explained that there would be tables and chairs that would accommodate 36 patrons. The rafters are up in place for the roof but no roof covering has been put in place. Baldwin admitted to putting up the fence and the roof rafters without a permit. He also explained that there would not be any external speakers mounted outside for music and that the patio now is opened for limited hours. The patio would close at 11 p.m. on the weekends and earlier on weekdays.

Tobey and Struewing inquired about the parking. Baldwin explained that he could park about 40 cars in the back. Amrhein cautioned that there are specifics to be met for parking lots and he was not sure any of those areas could be labeled a "legal" parking lot.

Planning Commission then discussed making provisions within the conditional use approval that would address parking, an exit in case of an emergency and a fire and safety review by Greene County.

**Rickenbach opened the public hearing.** Steve Deal explained that if the rear lot where to be used as a parking lot that it would be a concern for them as adjacent property owners. They also expressed concern about the gate, which could allow for easy access.

John Grote, Chief of Police explained that it has been his experience that noise increases with increased alcohol consumption. He added that he would check with the Fire Chief, Colin Altman to find out if the new smoking laws would have an impact on the placement of the roof.

Rickenbach asked if the Commission would like to continue the public hearing at a special meeting on June 19<sup>th</sup> to further discuss potential conditions, which include a comprehensive parking plan for this property and the adjacent properties that he owns. Other conditions included that there be no live performances taking place in this space, no mounting of outside speakers and limited hours of operation for the patio. The Commission also includes a fire and safety review by Greene County. The Commission could also agree to allow for the patio to be open temporarily for the next eight days via a temporary permit with the understanding that the patio ultimately may have to be closed. **BEBKO MOVED and STRUEWING SECONDED MOTION** to continue the public hearing at a special meeting on June 19<sup>th</sup> to continue to discuss the conditions (recapped previously by Rickenbach) and to allow for a temporary permit for the limited operation of the patio. The roll was called and the **MOTION PASSED UNANIMOUSLY.**

## **OLD BUSINESS**

**Ted Donnell presentation on New Urbanism.** Donnell led the Commission through a summary of items regarding the New Urbanism that could be included in the Comprehensive Plan. He explained that the Village along with Miami Township and Greene County should cooperate to establish form-based and Transect-based zoning regulations. By doing so, there could be an integration of zoning categories, design processes, methods of environmental protection and some of the community patterns listed regarding Smart Growth.

Donnell also provided a list of definitions for terms that could be included in the zoning code but are somewhat technical in nature and may not reflect a common usage of the terms. Donnell explained that most of these principles have been adopted in larger communities and have not been widely used in Ohio.

Rickenbach explained that the Village could place some of these principles within the zoning code but recognizing that Ohio law gives certain property rights to property owners that the

Village can not take away. The Commission members briefly discussed the point covered in Donnell's presentation and concluded that there would be more discussion needed.

Audience member Pat Murphy spoke to the Commission regarding his concern of the lack of detail in the Comprehensive Plan regarding growth. He added that the Plan was non-specific regarding what size the Village should be. Rickenbach explained that during the review of the Plan there was a survey done by the YS Men's Group that had some of the statistics regarding the Village but that there was no consensus regarding growth.

Donnell would send via email copies of his documents along with copies of the Ahwahnee Principles for the Commission's continuing discussion.

#### **NEW BUSINESS**

There were no items listed under New Business.

#### **AGENDA PLANNING**

1. Discussion Bike Path Green Space Dedication
2. Review of Section 4.3 + of the 2002 Comprehensive Plan
3. Review of draft revisions to specified sections of the Comprehensive Plan
4. Comprehensive Plan Review and Revisions, Sections 4.1 & 4.2

#### **ADJOURNMENT**

Having no further business, Tobey MOVED and Bebko SECONDED a MOTION to ADJOURN. The MOTION PASSED at 9:25 p.m.