

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, February 26, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Vice-Chair, Rose Pelzl, serving as Chair, Council Representative Marianne MacQueen, Frank Doden, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and, observing, AJ Williams, Alternate.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of February 12, 2018 were reviewed. MacQueen MOVED to APPROVE THE MINUTES AS AMENDED. Doden SECONDED and the MOTION PASSED 4-0 on a voice vote, with Stiles abstaining.

COMMUNICATIONS

Swinger noted a letter from nearby residents Bruce Bratmiller and Carol Cottom expressing approval for the application.

PUBLIC HEARINGS:

Conditional Use Application - B-2, General Business District 61535 Xenia Avenue 6 Property Owner: Antonio Avalos. Brian Rainey of the Calypso Grill has submitted an application for a restaurant serving alcohol. Parcel ID # F19000100060009900.

Swinger explained the request as follows:

Brian Rainey, owner of the Sunrise Café, has made an application to the zoning office to open a new restaurant serving alcohol called the Calypso Grill and Smokehouse, a conditional use requirement in the B-2, General Business District.

The owner of the property, Antonio Avalos, closed his Mexican restaurant Dona Margarita's last year. He leased the building to Mr. Rainey for use as a restaurant serving alcohol. In a review of the 1535 Xenia Avenue zoning file, Swinger stated, it was determined that Mr. Avalos received zoning approval for a restaurant in June 2014. It is requirement of the zoning code to hold a conditional use hearing for Mr. Rainey's Calypso Grill because the permit issued previously was for a restaurant only, not for a restaurant serving alcohol.

Mr. Avalos was required by the Ohio Department of Liquor Control to seek approval from the voters living in the south voting district of Yellow Springs if he wanted to serve alcohol at this location, which he received in May 2014. The gap in time likely led to some degree of confusion regarding the need to then apply to the Village for a conditional use, following the approval of the voters.

Mr. Rainey intends to operate his restaurant from 11:00 AM to 9:00 PM, six days a week. The restaurant will be closed on Tuesdays.

PC discussed the advantage to the community in holding a conditional use hearing with changes in ownership of a business.

Donnell commented that if the use is conditional, a hearing should occur with each change in ownership.

Brian Rainey noted that Avalos's liquor permit is being transferred over with the lease agreement as a part of their deal.

Rainey stated that if for any reason the restaurant were to go out of business, the liquor license will revert to Avalos.

Swinger noted that Rainey has the required number of parking spaces, and has made no changes to the building.

MacQueen noted that another individual owns the frontage.

Donnell commented that there is an access easement across the front of all of the properties along that strip.

Rainey commented that if there is demand, he may want to return to request later hours for the weekend.

Donnell suggested that Rainey make any such request at this hearing.

Rainey stated that his liquor license permits operation until 2am. He stated that he is considering offering delivery of food, beer and wine up until 2am on Friday and Saturday. Rainey stated that the dining room would close at 9pm, with delivery only until 2am.

Rainey commented that he had considered use of the drive-through window as a pick up window.

Swinger responded that this would need to be publicized as another hearing, should Rainey wish to follow up.

Rainey responded to a question from Donnell, stating that he would like to provide outdoor dining at some point.

Swinger noted the hours requested by Rainey as: 11am-9pm Wednesday, Thursday, Sunday and Monday, and 11am-2am Friday and Saturday.

Pelzl OPENED THE PUBLIC HEARING. There being no comment from those present, Pelzl CLOSED THE PUBLIC HEARING.

Pelzl CALLED A MOTION.

Donnell MOVED TO APPROVE THE CONDITIONAL USE REQUEST WITH THE CONDITIONS THAT THE CHANGE OF HOURS (as noted above) IS HEREBY APPROVED, THAT THERE WILL BE NO OPENING OF THE DRIVE THROUGH OR WORK BEGUN ON AN OUTDOOR DINING AREA WITHOUT RECEIVING FURTHER APPROVAL, AND THAT THE REQUISITE HEALTH AND BUILDING DEPARTMENT APPROVALS ARE RECEIVED. Stiles SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

NEW BUSINESS

Assignment of Planning Commission member as representative to Active Transportation Committee.

Donnell volunteered for this position.

AGENDA PLANNING

Planning Commission's March 12 meeting will entail one conditional use request. Further work will be done on the Comprehensive Land Use Plan.

Doden noted that he would be happy to assist in managing the overall approach.

ADJOURNMENT

At 7:26pm, Donnell MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Rose Pelzl, 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.