

**Planning Commission  
Regular Meeting**

**In Council Chambers @ 7:00pm**

**Tuesday, November 15, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Susan Stiles, Acting Chair, Council Alternate Liaison Carmen Brown, Gary Zaremsky, Stephen Green, and Scott Osterholm. Also present were Denise Swinger, Zoning Administrator and Amy Blankenship, Solicitor.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Zaremsky MOVED TO APPROVE the minutes of the October 11, 2022 Regular Planning Commission meeting. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**COMMUNICATIONS**

There were no communications.

**COUNCIL AND COMMITTEE REPORTS**

There were no reports.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS:**

- 1) **Preliminary PUD** - Allison Moody of APR Investments, LLC, has submitted a preliminary plan review for Millworks existing PUD designation at 305 North Walnut Street and 185 Yellow Springs-Fairfield Road. **GREENE COUNTY PARCEL ID #'s:** F19000100110025900; F19000100110026700; F19000100110032400; F19000100110032500.

Swinger introduced the hearing by noting that there were only five uses not included in I-1 or B-2 zoning, which comprise the underlying zoning for the Millworks PUD. The request, then, for the PUD, is for any I-1 or B-2 uses with the addition of the five uses permitted in B-1.

Swinger noted that Moody is requesting addition of the following B-1 uses:

- Art galleries, museums and similar cultural facilities
- Assembly and performance halls
- Community centers and senior centers
- Cultural buildings
- Bicycle sales, rental and repair

Swinger noted that this is a non-residential PUD that contains pre-existing structures. She then walked PC members through the Qualifying Conditions as follows to demonstrate that the PUD meets these conditions:

**1254.02 QUALIFYING CONDITIONS:** In order to qualify for PUD approval, the project must satisfy the conditions of this section. It is the applicant's responsibility to demonstrate, in writing, that each of the following criteria is or will be met by the proposed PUD:

(a) Recognizable Benefit. A PUD shall achieve recognizable and substantial benefits that would not be possible under the existing zoning classification(s). At least three of the following benefits shall be accrued to the community as a result of the proposed PUD:

(1) Preservation of significant natural features;

**(2) A complementary mix of land uses or housing types;**

*The existing Industrial Complex has transitioned over the years from an agricultural distribution center along the railroad line to a complimentary mix of uses along the bike trail.*

(2) Extensive open space and recreational amenities;

**(4) Connectivity of open space with new or existing adjacent greenway or trail corridors;**

*The applicant has recently added a connection to the bike trail between the Yellow Springs Brewery and the future Lumber Company Eatery/Market. Previously there was no direct connectivity from the bike trail to the Millworks Complex.*

(5) Preservation of small town appeal;

**(6) Improvements to public streets or other public facilities that mitigate traffic and/or other development impacts;**

*Recent improvements include storm water drainage, improved accessibility with a newly paved parking lot, updated common bathrooms and the installation of new monument and directional signs. With the paving of the main parking lot, the applicant indicated that the parking capacity has increased by 50%.*

(7) Coordinated development of multiple small parcels; or

*There are four parcels on this property. Two small parcels are located along the bike trail, which allows for the outdoor patio area at the Yellow Springs Brewery. The larger main parcel houses all but one of the buildings, and the parcel abutting Fairfield Pike is slated for future parking.*

**(8) Removal or renovation of blighted buildings, sites or contamination clean-up.**

*Allison Moody will make a short presentation on improvements made to the property.*

**Staff Review of Recognizable Benefit:**

*Allison Moody has submitted her statement of intent with four recognizable benefits; (1), (4), (6) and (8). Staff agrees with three of these recognizable benefits; (4), (6) and (8). Although staff does not agree with (1) preservation of significant natural features, we have added (2) - A complimentary mix of land uses because of Millworks transformation over the years from an agricultural distribution center to a mix of uses that complement each other.*

***It is staff's opinion that the requirement for recognizable benefit is met.***

(b) Size. Each PUD shall contain a minimum of five acres; provided sites containing less than five acres may be considered for rezoning to PUD, if the Village Council determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the Village Council shall determine that:

*In 2019, Council unanimously approved the size with the motion, “to allow PC to proceed with the preliminary application for a PUD on less than five acres.” At that time, Council indicated their support of the proposed new uses and the opening up of the property for easier access to the bike path.*

(1) Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent Village lands;

*The property is already rezoned PUD. The uses proposed are those allowed in the I-1 District and specific uses allowed in B-2 (General Business District), many of which are also allowed in the B-1 (Central Business District).*

(2) The proposed uses will complement the character of the surrounding area;

*These uses should not have a negative effect on the surrounding area, but should complement it with the opening of the Lumber Company Market/Eatery.*

(3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area;

*The proposed uses do not include residential, which was in the original approval in 2019 for the PUD rezoning. There should be no noticeable difference with the added uses of retail and personal services. The existing parcels are land locked so increasing the property size is currently not possible.*

(4) The PUD is not being used as a means to circumvent conventional zoning requirements.

*The Millworks property, with a PUD designation, is located next to a residential area and near the Central Business District. The Millworks’ PUD will complement the various land uses of this section of the community. PUD is the only designation that will allow an active brewery and distillery on the same parcel as personal services and retail. A PUD designation will allow these various uses to co-exist on the same parcel of land. The PUD designation will not only provide a wide variety of uses that are consistent with this section of the community and bike trail, the process will also provide community members with a fair and appropriate platform to communicate that the benefits of the PUD exceed that of the current, existing and underlying zoning.*

(c) Utilities. The PUD shall be served by public water and sanitary sewer.

*Johnnie Burns, Public Works Director, has indicated that the capacities for electric, water and sewer are available to this site. He does not foresee any infrastructure improvement costs the Village of Yellow Springs will be responsible for as a result of this PUD designation. Any planned public improvements will be aid to construction and will be paid for by the property owners.*

The applicant has made the following storm water improvements:

- 1) A new series of catch basins down the driveway east to slow sheet drainage to the existing catch basin outside YSB. This new piping detains the storm water and release it slowly into the existing system.*
- 2) New storm piping and catch basins run between the existing building to a new detention pipe and bio swale system along the bike trail.*

(d) Ownership. The PUD application shall be filed by the property owner, lessee or other person with legal interest in the property and written consent by the owner. The proposed development shall be under unified ownership or control, so one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or

control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.

*The property is owned by the applicant APR Investments, LLC, Allison Moody, Partner.*

- (e) Comprehensive Plan and Vision. Proposed uses and design of the PUD shall be substantially consistent with the Village's adopted Comprehensive Plan and the principles for land stewardship contained in the Vision: Yellow Springs and Miami Township.

*Extending certain Central Business District uses for more commerce is a strong message in both the 2010 and 2020 Comprehensive Land Use Plan and the 2012 Visioning Study. As the applicant indicated, "The new PUD will preserve the original and current industrial use while adding flexibility for other businesses. There is a scarcity of supply for business rental space in the village."*

Staff excerpted this from the 2010 Comprehensive Plan regarding the Central Business District, and believes it is relevant to the Millworks proposal. Specifically, the two sections highlighted:

*"The Central Business District has two serious problems: its small size, and limited and inadequately identified parking. The small size of the Central Business District, currently about 18 acres, limits the expansion of existing businesses and restricts the ability for new businesses to locate in the district. By comparison, land use data for other communities in the region indicates rule-of-thumb acreage of commercial land being about one acre per 100 residents, which would mean that about 39 acres should be provided to serve the present Village population. However, it is clear, both in the public opinion survey of 1973 and the 1990 neighborhood forums that citizens would discourage new commercial centers elsewhere in or near the Village that might be harmful to the retail base of the Central Business District. **However, small, alternate commercial areas that do not rival the focal-point character of downtown are seen as realistic and accommodating the overall quality of Village life.**"*

The 2020 Comprehensive Land Use Plan stated, **"Evaluate expanding the downtown commercial (Central Business District) zoning northward to include the Millworks Business Park and adjacent I-1 Mixed Industrial land, better connecting Yellow Springs - Fairfield Road."**

- (f) Pedestrian Accommodation. The PUD shall provide for integrated, safe and abundant pedestrian and bicycle access and movement within the PUD and to adjacent properties.

*A new pedestrian access from the bike trail between the Yellow Springs Brewery and the future Lumber Company Market/Eatery has been constructed.*

- (g) Architecture. Building forms, relationships, scale and styles shall be harmonious and visually integrated. *There are currently no plans to add any new buildings.*

- (h) Traffic. The PUD shall provide for safe and efficient vehicular movement within, into and out of the PUD site. Traffic calming techniques, parking lot landscaping, and other sustainable design solutions shall be employed to improve traffic circulation, storm water management, pedestrian safety and aesthetic appeal.

*The majority of traffic uses the Walnut Street entrance with a second access point off Fairfield Pike that will be enhanced as a future parking area. The applicant intends to add landscaping along the Fairfield Pike entrance, too, along with signage.*

- (i) Eligible Districts. Land within any zoning district may qualify for PUD zoning.

*This is an existing zoned PUD with no underlying description of uses. As a result, the zoning code restricts the uses to those listed in the I-1, Mixed Use Industrial District because the previous applicants did not return for approval of a final PUD plan.*

Swinger then noted that the proposal meets the PUD requirements:

The lot area of 3.997 acres for the two main parcels and lot width meets the I-1 requirements with 160 feet of frontage on North Walnut Street and 165 feet of frontage on Yellow Springs-Fairfield Road.

The setbacks for the existing buildings are grandfathered in. Lot coverage calculations are expressed as a percentage and includes all buildings and structures, but not including parking lots. With the total square footage of the property at 180,966sf, the lot coverage percentage of 70 percent allows up to 126,676sf. The dimensional requirements for the I-1 District is met. Swinger noted that the applicant has not requested any deviations from the minimum requirements in the zoning code, and is not requesting a density bonus.

Alison Moody then presented a power point demonstrating the improvements she has already made on the property. She noted that she is not trying to detract from the Central Business District, and many tenants will be those seeking office use.

Zaremsky asked a number of questions about potential future improvements.

In answer to a questions regarding parking, Swinger commented that there are possibilities for carving out spaces such that the open space requirement is still met, but that a future parking plan would need to be vetted by Planning Commission.

Moody addressed several of Zaremsky's future use questions, demonstrating that she is sensitive to issues of runoff on the property.

Moody addressed a comment from Stiles, stating that she does have a lease agreement for part of the former EnviroFlight space, but cannot divulge the tenant at this time.

Moody responded to a question from Osterholm, stating that she plans to pave only the entrance to the drive off of Fairfield Pike, and will leave the rest of the back area as gravel.

Stiles OPENED THE PUBLIC HEARING.

Tim McLinden, a resident of Walnut Street, complained on behalf of a neighbor, who frequently has cars turning around in her driveway. He asked for more signage indicating the location of the Millworks property and possible trimming of a neighboring hedge to improve safety.

Swinger stated that she would check to determine whether the hedge is in the right-of-way and could be trimmed or removed by the Village crew.

Moody commented that aside from a directional sign on the other side of the street, she was not sure what she could do to mitigate the situation.

Stiles CLOSED THE PUBLIC HEARING.

Green stated that Planning Commission has found that the preliminary PUD plan satisfies the qualifying conditions of section 1254.02 and 1254.03, he then MOVED TO APPROVE THE PRELIMINARY PUD PLAN with the following uses: all I-1 uses, all B-2 uses, and the following specific B-1 uses: Art galleries, museums and similar cultural facilities; Assembly and performance halls; Community centers and senior centers; Cultural buildings, and Bicycle sales, rental and repair. Brown SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

## **OLD BUSINESS**

Swinger reported that the DDC development is currently on hold until probably April of 2023. The plan currently is that DDC will bring a final plat plan to PC at that time which will not show significant change, but will show a phased-in plan. They will demonstrate at that time the infrastructure already in place.

Swinger addressed a question from Zaremsky, stating that PC will hear the final Millworks PUD in December, pending Council approval of the preliminary plan on December 5<sup>th</sup>.

Swinger noted a Conditional Use hearing for December for a dwelling unit on the second floor of the former Earth Rose building(221 Xenia Avenue), with a non-residential use at street level.

PC will also have a conditional use hearing for an ADU in December.

Zaremsky requested that Council provide formal feedback if they choose not to concur with PC's recommendation.

The Clerk noted that all deliberation will be reflected in the meeting minutes, and that Council has no obligation to formally justify a vote, which may reflect five differing perspectives.

## **NEW BUSINESS**

There was no New Business.

## **AGENDA PLANNING**

Swinger reminded PC that their December meeting will take place on Monday the 12<sup>th</sup>.

## **ADJOURNMENT**

At 7:49pm, Osterholm MOVED and Brown SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Susan Stiles, Acting Chair

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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.*