

**Planning Commission
Regular Meeting**

In Council Chambers @ 7:00pm

Tuesday, May 9, 2023

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Gary Zaremsky, and Scott Osterholm. Also present was Denise Swinger, Zoning Administrator.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Green MOVED TO APPROVE the minutes of the April 11, 2023 Regular Planning Commission meeting. Zaremsky SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

Matt Raska re: ADU Handbook

COUNCIL AND COMMITTEE REPORTS

The Clerk reported that Council had amended PC's recommendation to bring annexed land in as R-B to R-C, High Density Residential, and that all other recommendations from PC had been read in as ordinances.

CITIZEN COMMENTS

John Hempfling brought up the issue of dwellings in industrial districts, expressing concern that dwellings cannot be on the same floor as an industrial use.

NEW BUSINESS

There was no New Business.

PUBLIC HEARINGS:

Swinger stressed that both PUD applications are for use only.

Preliminary Plan Application For PUD – Planned Unit Development (PUD) District. Brian Drew of Massies Creek Ventures, LLC, has submitted an application for a preliminary plan review to rezone the property at 108 Cliff Street from I-1, Mixed Use Industrial to PUD. **Greene County Parcel ID #:** F19-000100110025600.

Swinger introduced the application, noting that staff had explored this PUD designation with Brian Drew of the Lumber Co. Market/Eatery, who expressed interest because they would like the flexibility to be able to add retail uses. In order to complete the PUD designation in this area, the Village solicitor suggested both 144 and 108 Cliff Street be considered together and both property owners agreed.

The property located at 108 Cliff Street consists of one parcel under the ownership of Massies Creek Ventures, LLC. The project will involve the repurposing of the existing building at 108 Cliff Street into tenant-leased spaces for food/drinks and market/retail stalls. Since the conditional use approval for the Lumber Co. Market/Eatery, the owners have had to scrap plans for a second floor mezzanine due to construction costs and will make the outdoor patio area available for year-round use. Allowing the PUD designation with underlying I-1 and specified B-1/B-2 uses will provide the flexibility for the owners to offer retail kiosks that are separate from the food stalls, as well as allow space for special events.

Swinger then read through all of the PUD requirements, citing whether or not the conditions were met for each section.

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 building will transform from a storage facility into a multi-tenant complex with eight kitchen areas and various retail kiosks. The Lumber Co. Market/Eatery will complement the uses at both Millworks and BUSHCO, LLC.

(3) Extensive open space and recreational amenities;

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

Although there is little "open space" on this property, Millworks created a walking path along the north side of the market/eatery to allow access from the Little Miami Scenic Trail to both 108 Cliff Street and Millworks. Once the renovations are complete, the Lumber Co. Market/Eatery will also have a rest area in front of the four-season patio with bike racks and benches.

(5) Preservation of small town appeal;

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

In an agreement with the Village of Yellow Springs, the applicant will maintain the public rights-of-way area by adding benches, bike racks next to the bike path, as well as steps leading into the market/eatery where restrooms will be available for the general public. This feature will encourage pedestrian/bike traffic from the Little Miami Scenic Trail.

Swinger responded to a question from Green, stating that the parking lot will not be connected to the Millworks parking lot.

(7) Coordinated development of multiple small parcels; or

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

Since purchasing the property, the applicant has had the lumber storage area, a detached garage and an attached structure on the primary building demolished.

Staff Review of Recognizable Benefit:

Staff agrees there are four recognizable benefits (2), (3), (6) and (8) for the reasons stated.

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:

Council unanimously approved the size with a motion to allow Planning Commission to “explore a PUD on less than five acres” at their meeting held May 1, 2023.

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

The uses proposed are those allowed in the I-1 District and specific uses allowed in B-2 (General Business District) and the B-1 (Central Business District).

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

The requested uses should not have a negative effect on the surrounding area, but should complement it with the Millworks PUD at the rear of the future Lumber Company Market/Eatery and abutting BUSHCO, LLC to the west.

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

The uses proposed can be achieved within a smaller area. The existing parcels are land locked so increasing the property size is not possible.

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

The PUD designation will allow for a wide variety of uses that are consistent with this section of the community and bike trail, and provides a solution to the expansion of the Central Business District as mentioned in both the 2010 and 2020 Comprehensive Land Use Plan.

(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.

(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 Massies Creek Ventures, LLC, of which Brian Drew is the corporation's manager.

- (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.

- (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 between the Yellow Springs Brewery and the future Lumber Company Market/Eatery has already been constructed. The patio area will have a zero lot line setback and in front of that in the public ROW will be benches and bike racks for trail users.

(g) Architecture. Building forms, relationships, scale and styles shall be harmonious and visually integrated. Construction will include rebuilding the 1,800 sf cold/dry storage area on the west side of the building and the previously approved patio area and bike path rest area.

- (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.

Most users of this facility will either walk, bike or park in one of two municipal lots located nearby.

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

1254.03 PUD REQUIREMENTS:

(a) Permitted Uses. Any use permitted by right or conditional approval in any zoning district may be permitted within a PUD, subject to the provisions of Section 1254.02 Qualifying Conditions, and the requirements of this section.

(b) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in Table 1254.03, shall be applicable for all such uses within a PUD, unless modified in accordance with Section 1254.03(d). In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

For this PUD proposal, the applicant is utilizing the existing I-1, Mixed Use Industrial and the B-2, General Business District for determining the zoning requirements applicable to the uses. Staff has analyzed the application using these two zoning districts, some of which are also allowed in the B-1, Central Business District.

The lot area of 0.666 acres is grandfathered in. The lot width of 175 feet meets the criteria.

The setback for the existing building is grandfathered in.

In addition to the I-1, Mixed Use Industrial uses allowed in the zoning code, the applicant wishes to mirror the uses in the Millworks PUD.

(c) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to Village standards.

A new pedestrian access from the bike trail between the Yellow Springs Brewery and the future Lumber Company Market/Eatery is already constructed. A pedestrian and bike rest area will be constructed next to the bike path.

(d) Modification of Minimum Requirements.

The applicant has not requested any deviations from the minimum requirements in the zoning code.

(e) Density Bonus. In addition to the modification of minimum requirements permitted in Section 1254.03(d), the Village Council, after Planning Commission recommendation, may permit an increase in the total number of **residential units** allowed within a PUD where it is demonstrated that at least three of the following amenities will be included in the development:

The applicant did not apply for a density bonus, as there are no plans for residential at this site.

(f) Open Space. At least 15% of the area of a PUD site shall be preserved as open space, in accordance with the following requirements. For purposes of this requirement, "green roofs" shall be counted as open space.

(1) Areas not considered open space. The following land areas shall not be counted as required open space for the purposes of this section:

- A. The area within any public street right-of-way or private street easement;
- B. Any easement for overhead utility lines, unless adjacent to qualified open space;
- C. Storm water detention ponds; provided, rain gardens or ponds designed as water features that may also provide for storm water storage may be counted toward required open space;
- D. Fifty percent of any flood plain, wetland, water body or steep slope (15% or greater) area and 50% of the area of any golf course;
- E. The area within a platted lot, unless the lot has been dedicated to open space on the plat via conservation easement or other means of ensuring that the lot is permanent open space; and
- F. Parking and loading areas.

(2) Specifications for required open space. Required open space areas shall meet the following specifications:

- A. Shall be for use by all residents, employees and visitors of the PUD, subject to reasonable rules and regulations. In the case of a golf course, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees or assessments for use;
- B. If the site contains a river, stream or other body of water, the Village may require that a portion of the required open space abuts the body of water;
- C. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public street rights-of-way;
- D. Protects the roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly onto existing roadways;
- E. Shall be configured so the open space is reasonably usable by residents of the PUD;

F. Shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of this chapter and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it;

G. To the extent practical, open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths;

H. Pedestrian access points to the required open space areas from the interior of the PUD shall be provided and clearly identified by signs or a visible improved path for safe and convenient access;

I. Grading shall be minimal, with the intent to preserve existing topography and landscaping where practical; and

J. May contain ball fields, tennis courts, swimming pools and related buildings, community buildings, golf courses, and similar recreational facilities. However, no more than 50% of the required open space may contain any of these uses.

The open space currently along the bike path will eventually be a four-season patio area and a public rest area. This area measures approximately 3,000 sf, which does not meet the 15% requirement of 4,353 sf.

1254.04 GENERAL PROVISIONS

This PUD is for specific uses to complement the Central Business District, while still maintaining the existing light industrial uses. Other than the four-season patio and the cold storage addition, there are no plans for the construction of any other new buildings or residential uses.

If the preliminary plan is approved by both the Planning Commission and Council, the applicant will return to the Planning Commission for the final plan review on Tuesday, June 27, 2023.

Stiles invited the applicant to speak.

PC members asked a number of questions related to bike parking and pedestrian access, and Drew was amenable to meeting with those persons outside of the context of the hearing.

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

Stiles received agreement from all members of PC that Recognizable Benefits (numbers 2; 3; 6 and 8) have been met.

PC members agreed that the standards of 1254.06 have also been met.

Green MOVED to RECOMMEND THE REZONING OF 108 CLIFF STREET TO PUD. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Stiles MOVED TO APPROVE THE PRELIMINARY PLAN WITH MODIFICATION IN THE FORM OF A WAIVER OF THE OPEN SPACE REQUIREMENT. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Swinger noted that PC has the correct Exhibit “C”, which does not include “automobile sales”, meaning that the approval that PC passed does not include “automobile sales”.

Preliminary Plan Application For PUD – Planned Unit Development (PUD) District. John and Elizabeth Bush of Bushco, LLC, have submitted an application for a preliminary plan review to rezone the property at 144 Cliff Street from I-1, Mixed Use Industrial to PUD. **Greene County Parcel ID #:** F19-000100110025700 and F19-000100110025800.

Swinger summarized her analysis of the application, stating as follows:

The BUSHCO, LLC property has two lots. The larger lot with frontage on Cliff Street measures 0.400 acres. The smaller lot measures 0.17 acres. Within this 0.57 acre complex are five buildings: one office building measuring 288 sf, and four other warehouse buildings with one measuring 3,250sf, another measuring 1,050 sf and housing a gym, one used for woodworking and restoration measuring 864 sf and a fifth warehouse measuring 768 sf for a total of 6,220 sf of workspace. The property, with frontage on Cliff Street is currently zoned I-1, Mixed Use Industrial. To the north of the property is the Millworks PUD zoning, to the west and south of the property is the R-C, High Density Residential District, and to the east is the location of the future Lumber Co. Market Eatery.

As with the 108 Cliff PUD, Swinger read through each of the Chapters outlined in the zoning code and identified where the conditions had been met and in what manner.

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:

- (4) Preservation of significant natural features;
- (2) A complementary mix of land uses or housing types;

The existing complex has transitioned from primarily industrial uses where they did heavy metal and welding fabrication to a commercial complex with professional offices and martial art and fitness classes, furniture making and repair, an art studio and a yoga and massage venue. Gone are the semi-trucks, which used to run through the property.

- (3) Extensive open space and recreational amenities;
- (4) Connectivity of open space with new or existing adjacent greenway or trail corridors;
- (5) Preservation of small town appeal;

John and Eliza Bush have done an extensive cleanup of the property to make it more aesthetically appealing and for the safe movement of pedestrians and bicycles.

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

- (7) Coordinated development of multiple small parcels; or

There are two parcels on this property. All of the buildings will be for light industrial and business operations.

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

Greene County GIS shows the work done over the past several years. Mr. and Mrs. Bush are continuing the cleanup by creating additional parking spaces, and intend to paint the front building and remove the metal recycling dumpsters for an improved look.

Staff Review of Recognizable Benefit:

John and Eliza Bush submitted their summary of intent, providing the history of the BUSHCO, LLC at the site with (2), (5) and (8) as recognizable benefits. Staff agrees with their assessment with the reasons outlined above.

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:

Council unanimously approved the size with a motion to allow Planning Commission to “explore a PUD on less than five acres” at their meeting held May 1, 2023.

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

The uses proposed are those allowed in the I-1 District and specific uses allowed in B-2 (General Business District) and the B-1 (Central Business District).

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

The proposed uses should not have a negative effect on the surrounding area, but should complement it with the Millworks PUD at the rear of the BUSHCO, LLC property and the future opening of the Lumber Company Market/Eatery abutting the property to the east.

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

The uses proposed can be achieved within a smaller area. The existing parcels are land locked so increasing the property size is not possible.

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

The BUSHCO, LLC property is located next to a residential area and near the Central Business District. Just as the Millworks' PUD complements the various land uses in this section of the community, this property will, too. PUD is the only designation that will allow an active woodworking shop and a space for classrooms, an art gallery and a medical massage clinic 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 allow for a wide variety of uses that are consistent with this section of the community and bike trail, and provides a solution to the expansion of the Central Business District as mentioned in both the 2010 and 2020 Comprehensive Land Use Plan.

(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.

(j) 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 applicants John and Elizabeth Bush of BUSHCO, LLC.

(k) 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, "We think the businesses add value to our community and will increase business for the lumberyard and Millworks and will provide a cohesive business area."

(l) 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 already been constructed. The Bush's are preparing their site for safe use by removing debris and creating a parking/pedestrian friendly area.

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

(n) 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.

Traffic can enter the site only by using the Cliff Street entrance for vehicular traffic. The Bush's are planning to create a pedestrian walkway on the east side of the property.

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

1254.03 PUD REQUIREMENTS:

(a) Permitted Uses. Any use permitted by right or conditional approval in any zoning district may be permitted within a PUD, subject to the provisions of Section 1254.02 Qualifying Conditions, and the requirements of this section.

(b) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in Table 1254.03, shall be applicable for all such uses within a PUD, unless modified in accordance with Section 1254.03(d). In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

For this PUD proposal, the applicant is utilizing the existing I-1, Mixed Use Industrial and the B-2, General Business District for determining the zoning requirements applicable to the uses. Staff has analyzed the application using these two zoning districts, some of which are also allowed in the B-1, Central Business District.

(c) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to Village standards.

A new pedestrian access from the bike trail between the Yellow Springs Brewery and the future Lumber Company Market/Eatery is already constructed. Mr. and Mrs. Bush are placing a pedestrian pathway along the east side of the Cliff Street entrance to the property.

(d) Modification of Minimum Requirements.

The total size of the property is 24,829 sf. With a 15% requirement for open space calculated at 3,724 sf, the open space requirement is just met with approximately the same amount of green space to the west of the main building and along the western side of the entire property, allowing other open areas for parking.

There is no request for deviation from minimum requirements.

John Bush stated that he and his wife are seeking to better meet the needs of the community. HE noted efforts to beautify the property.

A discussion regarding pedestrian and vehicle access ensued.

Eliza Bush commented that there will be 20-25 parking spots available, which should be more than adequate.

Zaremsky commented regarding bike parking and access.

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

Stiles noted that the request is for rezoning to PUD with underlying I-1, mixed use industrial and specific uses within the underlying zoning of B-2 and B-1.

Stiles received agreement from all PC members that they agree with the staff finding that Qualifying Conditions 2; 5; 7 and 8 have been met.

Stiles received agreement from all PC members that the conditions of 1254.06 have been met.

Green MOVED TO RECOMMEND REZONING TO PUD FOR 144 CLIFF STREET. Zaremsky SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Stiles MOVED TO APPROVE THE PRELIMINARY PUD PLAN. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Stiles referenced a handout she had provided and spoke about Inclusionary Zoning.

The Clerk suggested that items for discussion should be made available to everyone, including citizens, and suggested Stiles bring the matter back as an agenda item at some point.

AGENDA PLANNING

Final plans for both PUDs.

Possible Conditional Use Requests.

ADJOURNMENT

At 7:56pm, Stiles MOVED and Osterholm SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 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.