

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, February 12, 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 and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes of December 11, 2017 were reviewed. MacQueen MOVED to ADOPT THE MINUTES AS WRITTEN. Doden SECONDED and the MOTION PASSED 3-0 with Donnell abstaining.

**COMMUNICATIONS**

There were no communications.

**COUNCIL REPORT**

MacQueen noted a Housing Needs Assessment presentation and subsequent meetings of the Housing Advisory Board. She noted upcoming meetings which will elicit public opinion and input on the matter of Housing availability and planning for the Village.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS:**

- a. **Conditional Use Application and Site Plan Review** of B-1, Central Business District of Jake Brummett has submitted a conditional use application for the purpose of establishing a brewpub at 101 Corry Street. Parcel ID# F19000100100005100.

Swinger explained the request as follows:

A conditional use application for a brew pub at 101 Corry Street was submitted to the Zoning Office for a hearing before the Planning Commission (**Case #PC18-01**). The property is located at the southeast corner of Dayton and Corry Street in the Central Business District. It is the former location of William's Eatery.

The property is owned by International Transaction, Inc. whose mailing address is 13 Medalist Way in Xenia, Ohio. The applicant is Jake Brummett, owner of Wander & Wonder at 241 Xenia Avenue. Mr. Brummett is leasing the building for a brew pub. He intends to call the business "Trail Town Brewery" and plans to brew 100 to 200 gallons of beer weekly to be served only on the premises. He also plans to serve Mexican-themed food. Mr. Brummett plans to be open seven days a week from 11:00AM to 10:00 PM.

Mr. Brummett has indicated he is putting only a small area for 8 to 12 people in the brew house location. This was previously filled with tables for diners. He said that the previous restaurant had a total seating area in both rooms for 70 to 80 customers.

Mr. Brummett has indicated there will be a caramel smell inside the building when he is boiling the wort, but it will dissipate once he is finished brewing. His brew house will be located under the existing exhaust system in the enclosed porch area indicated on the site plan. Mr. Brummett intends to do this process twice a week and will put the spent grain in bins to haul offsite immediately after brewing to ensure no outside odors.. He said the spent grain will be used to feed farm animals.

Mr. Brummett has indicated there will be no additional noises from the operation of the brew pub. There will be an 8' X 12' walk in cooler but it is enclosed in an existing addition on the side of the property next to Peach's Grill. Mr Brummett does not plan the addition of any additional impervious surfaces.

Mr. Brummett indicated he is putting only a small area for 8 to 12 people in the brew house location. This was previously filled with tables for diners. He said that the previous restaurant had a total seating area in both rooms for 70 to 80 customers. Mr. Brummett will have seating for 36 in the main room, seating for 8 to 12

in the brewing area, and additional seating for 16 in the outdoor patio area. This brings the total seating count to 64. There are six parking spaces available on site. Mr. Brummett intends to have one marked for accessibility.

Pelzl invited the applicant to speak.

Mr. Brummett reiterated that he will be a small brew operation— less than a tenth of the volume of the YS Brewery. with the product to be sold on the premises only.

MacQueen asked about the potential odor produced, and was informed that the fumes would be vented out for about 90 minutes per brewing, and again the odor would be caramel.

Donnell asked Brummett whether he had yet consulted with the Greene County Building Department or the Greene County Health Department.

Brummell indicated that he had a visit scheduled from the Health Department for a walk through on Thursday. He indicated that if the Health Department granted approval, he would then apply for a manufacturing/brewing license.

Donnell cautioned Brummell that Greene County Building Department would require an occupancy permit for any change of use, and cautioned further that the greenhouse structure is temporary, and if the use is changed that would cease to be grandfathered in.

In response to a question from MacQueen, Donnell explained that even if the brew operation was conducted in the permanent structure, the change of use, given that there is a residence located on the upper floor, would be likely to require substantial modification.

In response to comment from Brummett, Donnell noted that the greenhouse does not comply to the structural standards necessary for a permanent structure, but has been grandfathered in for nearly 30 years.

Planning Commission directed Brummett to get in contact with Al Kuzma regarding the matter.

Swinger suggested that Brummett contact the property owner to see if she may have further information regarding the structure.

Pelzl raised the issue of parking.

Swinger commented that PC could be generous in this matter, given that the number of seats will be fewer than was the case for Williams Eatery.

Pelzl OPENED THE PUBLIC HEARING.

Laura Heberkoss, stating that she and her husband own the Flying Pepper Food Truck, and sell regularly at the Yellow Springs Brewery. She stated that they had looked at the property at 101 Corry St. as a potential brick and mortar location for their restaurant, but that Brummett had already leased the building. Heberkoss stated that she and her husband have been speaking with Brummett about providing food for his brewing operation.

Heberkoss stated that she and her husband are committed to “fresh, local products”, and purchase extensively from the farmers market in their home area of Logan County, and would commit to purchasing from the Yellow Springs farmers market and local providers if they were able to serve in the area more regularly.

Karen Wintrow, representing the Yellow Springs Chamber encouraged PC to view the request favorably, noting that the gap left by Williams’ departure needs to be filled. She opined that parking for Williams was not a problem, so that parking for the smaller venue should not be an issue.

Wintrow noted that the owners of the Flying Pepper had reached out to her, and that she was impressed with their commitment to locating in the Village.

Wintrow commented that when Brummett came to the Village to open Wander and Wonder eight months ago, he demonstrated the desire to be creative with his business and to reach out to and fit into the local environment. Wintrow opined that these qualities will help his new venture achieve success.

Pelzl CLOSED THE PUBLIC HEARING.

MacQueen received confirmation from Swinger that there were no complaints brought regarding parking when Williams Eatery was in business.

Brummett was asked about bicycle racks, and indicated that he would be able to put a bike rack in, and asked for guidance in installing handicap accessible parking.

Donnell commented that the use is permitted with conditions, stating that the only condition he would impose is that Brummett obtain an occupancy permit for the building.

Donnell MOVED TO APPROVE THE CONDITIONAL USE APPLICATION WITH THE CONDITION THAT THE APPLICANT OBTAIN AN OCCUPANCY PERMIT THROUGH THE GREENE COUNTY BUILDING DEPARTMENT, AND OBTAIN HEALTH DEPARTMENT APPROVAL. PLANNING COMMISSION DEEMS THE EXISTING PARKING AVAILABLE ACCEPTABLE WITH THE INCLUSION OF BIKE RACKS. MacQueen SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

Planning Commission members verbally gave their approval of the requested hours of operation (11am-10pm).

- b. **Text Amendment – Table 1250.02 Schedule of Uses: Business Districts** ó adding mobile vending (food trucks) to B-2
- c. **Text Amendment - Table 1258.01 Schedule of Uses by District** ó adding mobile vending (food trucks) to B-2, General Business District.
- d. **Text Amendment – Chapter 1262.08 (d) (1)** ó adding mobile vending (food trucks) to B-2, General Business District.

Swinger introduced the topic, noting that there is no allowance for mobile food trucks in the B-2 in the current zoning code. She commented that she did some research on the topic, and determined that in fact the decision had been purposeful, but noted that it makes little sense, given that food trucks are permitted in the B-1, where they might theoretically compete with brick and mortar establishments.

Donnell commented that at the time of the zoning code rewrite, food trucks were not a popular or trendy use. This has changed considerably in the past five years or so, and, he noted, the idea makes sense for that district.

Pelzl noted that the change needs to be enacted in three areas of the zoning code, and proceeded to call public hearings for each section of the zoning code.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Table 1250.02 Schedule of Uses: Business Districts ó adding mobile vending (food trucks) to B-2.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

MacQueen MOVED TO ENACT THE TEXT AMENDMENT TO TABLE 1250.02 SCHEDULE OF USES: BUSINESS DISTRICTS ó ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2. Pelzl SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Table 1258.01 Schedule of Uses by District ó adding mobile vending (food trucks) to B-2, General Business District.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

MacQueen MOVED TO ENACT THE TEXT AMENDMENT TO TABLE 1258.01 SCHEDULE OF USES BY DISTRICT ó ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2, GENERAL BUSINESS DISTRICT. Donnell SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Donnell received confirmation from Conard that in this type of situation, in which a challenge to any one of the amendments would jeopardize all of them, that the amendments could be heard as a single public hearing.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Chapter 1262.08 (d) (1) ó adding mobile vending (food trucks) to B-2, General Business District.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

Donnell MOVED TO ENACT THE TEXT AMENDMENT TO CHAPTER 1262.08 (D) (1) 6 ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2, GENERAL BUSINESS DISTRICT. Doden SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

## OLD BUSINESS

**Update of Comprehensive Land Use Plan (CLUP) and addition of Complete Streets Policy.** Swinger explained the need to update the CLUP, and provided some historical background.

Donnell suggested that the method used for the 2010 rewrite had been effective, with participants reviewing selected sections monthly and then discussing changes and additions at their monthly meeting.

Donnell commented that the CLUP still reflects the values of the community, stating that substantive changes are likely not needed, but that the attachments and data all need revision.

MacQueen suggested a subgroup for initial review.

Pelzl commented that PC could address the document by sections each month and that this would be doable. She stressed that the document is heavily relied upon by the Commission.

Donnell characterized the CLUP as a policy document for developers.

Donnell suggested that utility connections should be included in the CLUP, using the Glass Farm as an example.

The Clerk stated that she will provide past versions of the CLUP as well as all of the appendixes to PC members.

PC determined that the Complete Streets Policy will be incorporated in to the CLUP rewrite.

Donnell suggested that at the March meeting, PC review the appendixes and the introduction and discuss what they wish to include.

Doden suggested that there be a discussion as to how to break the document up for revision at the March meeting.

Swinger suggested that the appendixes be included within the revised CLUP for the rewrite.

## NEW BUSINESS

**Annual Report to Council 6 Review of draft report of Planning Commission activities to present to Village Council.** Swinger went over her draft report to Council briefly, informing PC that she would provide the report to Council at their March 19<sup>th</sup> meeting.

Swinger noted that most persons seeking planning or zoning information come in without appointments.

## AGENDA PLANNING

Swinger noted that need for a special meeting for February 26<sup>th</sup> to hear a Conditional Use request. She explained that the owner of an establishment had purchased a second property and had assumed that in taking over the prior restaurant's liquor license, he would be grandfathered in to the use.

Swinger noted that while this would ordinarily be the case, the previous owner, after obtaining voter permission to serve alcohol in that district, failed to return to the Village to obtain a conditional use to do the same.

Donnell questioned the need for the proprietor to return for a conditional use, arguing that if the voters approved the establishment as *õwetõ*, this should transfer on to the new owner as a matter of course. He opined that this might be considered punitive to the current owner.

Pelzl asked whether the use could be grandfathered-in.

PC discussed the matter briefly, agreeing to err on the side of caution and to hold a hearing.

The Solicitor advocated for holding the hearing, stating that it was the safest course of action for all concerned.

All present stated that they would be able to attend a special meeting on February 26<sup>th</sup>.

## NOMINATIONS

MacQueen NOMINATED Pelzl as CHAIR. Donnell SECONDED.

Pelzl NOMINATED Doden as Vice-Chair. MacQueen SECONDED.

Vote on the Motions will occur at the next regular meeting of the Planning Commission.

**ADJOURNMENT**

At 8:20pm, Pelzl MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Rose Pelzl, 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.*