

**`Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, July 9, 2018**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Susan Stiles, Ted Donnell and A.J. Williams. Also present were Denise Swinger, Zoning Administrator, and Solicitor Chris Conard.

**REVIEW OF AGENDA**

Pelzl reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

Minutes of June 11, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as Written. The MOTION PASSED 4-0 with Stiles abstaining due to absence from that meeting.

Minutes of May 14, 2018. Stiles MOVED and Pelzl SECONDED a MOTION TO APPROVE the Minutes as Amended. The MOTION PASSED 5-0.

**COUNCIL REPORT**

MacQueen reported on recent Small Cell Tower legislation which has passed at Council.

MacQueen noted that an RFP has gone out for pole replacement for 90 municipal poles.

MacQueen commented that Patrick Bowen will return to meet first with the Housing Advisory Board (HAB) and then to report out to Council regarding the types of housing needed and desired in the Village.

MacQueen noted that the HAB is looking at what properties may be available for development in the Village.

Donnell asked where Planning Commission (PC) comes into the process, stating that he is confused as to what the role of the PC is in the housing matter.

A discussion ensued, with the end result that MacQueen suggested seeking further direction from Council regarding the Glass Farm as well as housing development in the Village in general.

Donnell commented that he has created a PC checklist, which he will share with the body.

PC decided to put Glass Farm housing on their agenda for the fall, and to begin studying the topic.

Donnell suggested working on the Glass Farm and then on the Comprehensive Plan.

Swinger cautioned that the PC will not be able to accomplish all that they want on top of many upcoming development requests, and may have to start meeting twice per month.

Stiles stated that she wants to study Inclusionary Zoning as a body.

MacQueen noted that she had studied the matter and spoken with a number of professionals on the topic, and concluded that IZ would not be a good fit in a village the size of Yellow Springs.

Stiles disagreed, and asked to pursue the matter.

Donnell commented that during the zoning code rewrite the group was careful and successful in keeping the document non-punitive, and that if IZ is included, that will bring in a punitive aspect. The code as written, he commented, uses incentives rather than the punitive approach of IZ.

MacQueen offered to pass the IZ information she had gathered on to Stiles.

The matter will go on a later agenda.

## CITIZEN COMMENTS

There were no citizen comments.

## PUBLIC HEARINGS:

**Amend Chapter 1260.02 (e) Minimum Lot Frontage - to clarify the meaning of the zoning code as it relates to future road access easements.** Swinger introduced the amendment, noting the following language:

If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03a).

Conard noted the need for any arrangement, such as an easement document, to be memorialized as a recorded document, and commented that the Village would not be responsible for maintaining a private drive or turn-around.

Conard referenced language added to the chapter as follows: On a legally zoned lot, there shall be no more than one principal structure per driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the existing or created lot will be located on a private street or driveway, an access easement shall be recorded on the deed of all properties to whom the land provides ingress and egress. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The legal description of the access easement shall show its continuation along the length of the lot being accessed for the minimum required lot frontage of that zoning district. Covenants and agreements indicating that the said private street or driveway is a private drive and that it shall be maintained and kept in a state of good repair by the private landowners to whom the lane provides ingress and egress shall be clearly stated, along with a statement that said private drive and individual turn-around are not public roadway and that the Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

Swinger commented that these issues are now handled by herself, but that a requirement could be added to increase PC involvement.

Swinger noted that a lot split goes on the PC agenda as a consent item presently, but that a conditional use requirement could be added to the zoning code.

PC discussed public notification, with Swinger explaining that minor subdivisions and lot splits do not carry a requirement for notification of nearby residents.

Advantages of notifying the public for different uses were discussed.

Donnell weighed in on the side of notification.

Swinger commented upon the ability of the Village Planner to make the decision without PC action, and noted that neighbors are not noticed in the case of a minor subdivision. She differentiated between an action that is permitted and an action that requires a hearing, commenting that there is an expectation on the part of the homeowner about being able to make certain use of their property.

Conard focused the discussion on non-or un-conforming lots which may be subject to development.

PC discussed flag lots, noting the case of flag lots which are landlocked and require access across another lot.

Swinger agreed to bring the matter back with greater definition, and with clarification as to who will be noticed.

PC determined that they therefore need to bring back Chapter 1260.03(a) at the next meeting.

**Amend Chapter 1260.04 (a) (13) Uses – striking driveway setback language from this section of the zoning code.**

**Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.**

**Amend Chapter 1260.02 General Provisions – clarifying language regarding tiny homes on wheels.** Swinger noted that she, Al Kuzma, Rose Pelzl and Donnell had met to discuss tiny homes. In that discussion, Kuzma noted that he is unable to issue a certificate of occupancy to a structure which he did not see being built. Manufactured homes can carry a HUD seal or home compliance certificate which will suffice, or a proof of occupancy from another state. Kuzma requires an Ohio certified inspector to sign off on a structure built in Ohio.

In response to questions from MacQueen, Donnell ways a permanent foundation can be made for a mobile home.

Swinger commented that the Village does not have size minimums, but that these are set at the stated level for tiny homes.

PC discussed the differences between a vehicle or mobile home and a structure.

Donnell noted that certificates of compliance are needed, and that without these, the building inspector has to assure compliance with every facet of the construction, essentially requiring that the structure be pulled apart for examination.

Pelzl OPENED THE PUBLIC HEARING.

Ed Dresser expressed concern with RV parking on public streets. Swinger explained that PC is recommending that control of the situation be moved to the purview of the Police department.

Dresser commented further that alleys should be more clearly defined.

Pelzl CLOSED THE PUBLIC HEARING.

Pelzl explained that the public hearing had been mis-noticed as 1260.02, and would need to be re-noticed as 1260.04.

PC decided that they would hold another public hearing at the next meeting, which should move quickly, given that they were comfortable with Swinger's recommendation.

**Amend Chapter 1284.09 Definitions T-U - adding the definition of a tiny home.**

Pelzl OPENED A PUBLIC HEARING.

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

Stiles MOVED APPROVAL of the definition of a tiny home as written. Donnell SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**OLD BUSINESS**

**Review of Comprehensive Land Use Plan.** Donnell reported out on his meeting with Doden on the CLUP.

Donnell stated that he and Doden were in agreement that the next step should be a PC work session to move the process forward. Donnell commented that he has written up an index to assist in this process, and this will be sent out to PC members for a preliminary review.

Following discussion, PC members decided to meet at 4pm August 27<sup>th</sup>, with a projected end time of 6pm.

MacQueen stated that she would like to bring the Air BnB issue back to Planning Commission.

PC members commented that they had clearly reviewed the situation and made a recommendation that would have addressed the current concerns months ago, and that Council had rejected those recommendations.

MacQueen commented that the practice of purchasing homes for the purpose of creating Air BnBs is becoming a problem affecting housing availability.

**AGENDA PLANNING**

Antioch College Pocket Neighborhood Development  
Antioch College Rezoning Request

Swinger confirmed that the rezoning request will come to the next meeting, but that the PND will likely not be ready at that time.

Donnell commented that the practice of a developer coming to PC prior to formal presentation of their project to the body might be a good way for them to gain information and for PC to have a heads-up on upcoming projects.

The Clerk agreed to send the Glass Farm proposal developed by Ken LeBlanc as well as the soil survey to PC members for the Comprehensive Land Use Plan discussion.

**ADJOURNMENT**

At 8:37pm, Donnell MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Rose Pelzl, 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.*