

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, February 12, 2019

CALL TO ORDER

The meeting was called to order at 7:01 P.M.

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Representative Marianne MacQueen, AJ Williams, Dino Pallotta and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, Public Works Director Johnnie Burns and Solicitor Chris Conard.

REVIEW OF AGENDA

Doden reviewed the agenda. There were no changes made.

REVIEW OF MINUTES

Minutes of January 14, 2019. Doden MOVED and Williams SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 5-0 on a voice vote.

COMMUNICATIONS

Doden reviewed communications as follows:

Alex Beiri re: Support for PUD

Lisa Wolters and Nate Cornett re: Support for PUD

COUNCIL REPORT

MacQueen reported that Council had given approval for Planning Commission to consider a PUD on less than five acres, which paves the way for PC to hear the Preliminary Plan tonight.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS:

REPLAT APPLICATION - An application for a replat as specified in Chapter 1226.12 of the Planning Code has been submitted by Chris and Whitney Till of 212 West Center College Street allowing for an uncommon lot configuration and following the additional criteria specified in Design Standards Chapter 1226.06 (a) (5) of the Planning Code to combine three lots into two lots for the purpose of creating a buildable lot. Parcel ID # F19000100080004300; F19000100080004200; F19000100080004100 in the R-B, Moderate Density Residential District.

Swinger reminded those present that at the last PC meeting, the Till replat had been tabled and a clearer drawing of the proposed setbacks requested upon return of the matter.

Swinger reviewed the provided drawings, stating that in her opinion the proposed setbacks fulfill the requirements of the zoning code and take into consideration the needs of the neighboring property owners for adequate setback.

Swinger noted that upon review of the lot line definitions, staff has determined the line bounding the lot at the front is the line separating the lot from West Center College Street which measures 20 feet. This means the dwelling can be located within five feet of lot A's rear yard lot line as that same lot line is the side yard lot line for lot B. The zoning code has no minimum size requirements for a dwelling unit nor does it dictate how the structure must sit on the property as long as it is within the setback and lot coverage requirements for that district. Included below are the definitions for lot area, lot lines, setback and minimum lot frontage.

Swinger stated that staff is recommending approval as follows: the replat as shown in Exhibit A with a 20 foot setback from the rear property line, a minimum of 10 feet from the western side yard line that abuts the Tully Street property, a minimum of 5 feet from the eastern side yard line, and a minimum of 5 feet at the northern side yard lot line which is also the rear lot line for the 212 West Center College Street property.

Till stated that he was in agreement with his request as presented by Swinger.

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

MacQueen MOVED to APPROVE THE REPLAT AS RECOMMENDED BY STAFF. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Donnell RECUSED HIMSELF prior to the PUD Rezoning hearing.

PRELIMINARY PLAN APPLICATION FOR PUD REZONING – Millworks property owners Jessica Yamamoto and Antonio Molina have requested a preliminary plan review for a rezoning of their property located at 305 North Walnut Street I-1, Mixed Use Industrial to PUD, Planned Unit Development for the purpose of expanding the uses into a unified complex with businesses that will be complimentary to each other. Parcel ID #F19000100110025900 and Parcel ID #F19000100110026700.

Swinger noted a change to the PUD application, stating that in response to conversation with neighbors, the applicants have removed their request for a flex space. This change should reduce the need for parking spaces, Swinger noted.

Swinger noted that at Council's meeting on Monday, February 4, 2019, staff received approval for Planning Commission to continue with the PUD preliminary development plan application for the Millworks property owned by Jessica Yamamoto-Molina and Antonio Molina, and located at 305 North Walnut Street. Subsequently, at Planning Commission's work session on February 5th with the owner Jessica Yamamoto and architect Ted Donnell, a request was made for additional information for review at the February 12th meeting which included the following:

- 1) Determine if a children's science center can be located near a brewery/taproom
- 2) Provide the open space percentage
- 3) Provide any request for deviations to the minimum requirements (size of tap room/number of dwelling units/number of parking spaces).

Swinger noted that the underlay for the PUD will be both B-1 and I-1. She commented that all but three of the proposed uses fall under the I-1 zoning, those being the artist studios with residential lofts, the hostel and the children's museum, all of which would be permissible with a B-1 zoning designation.

Swinger stated that the PUD must satisfy the conditions of Chapter 1254, and read through her report.

Swinger addressed Chapter 1254.04 GENERAL PROVISIONS, as follows:

- (a) Conditions. Reasonable conditions may be imposed upon the PUD approval by the Planning Commission and/or Village Council. The conditions imposed shall be recorded in the minutes of the approval action, and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of Section 1254.07. Conditions may include, but are not limited to, those necessary to:
 - (1) Ensure public services and facilities will be capable of accommodating increased loads;
 - (2) Protect the natural environment and conserve natural resources and energy;
 - (3) Ensure compatibility with adjacent uses of land;
 - (4) Meets the intent and purpose of this code;
 - (5) Be related to the standards established in the code for the proposed PUD;
 - (6) Ensure compliance with the final development plan and the provisions of this code.
- (a) Performance Guarantees. The Village Council or Planning Commission may require reasonable performance guarantees, in accordance with Section 1272.04 of this code to ensure completion of specified improvements within the PUD.
- (b) Interior Streets. Public or private streets may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent parcels, so as to provide for secondary access, continuity of the circulation system and to reduce traffic on collector streets.
- (c) Time Limits. Each PUD shall be under construction within 12 months after the date of approval of the final development plan.

Swinger noted that if the preliminary development plan is approved, the owners of Millworks will need to submit a final development plan within 12 months of Village Council's approval of the preliminary development plan and PUD rezoning. This final development plan will follow the requirements of 1268.05 for Site Plan Review, which will include a comprehensive site plan review of the current and proposed buildings and uses, in addi-

tion to utilities, storm water management, lighting, parking lot design, landscaping, etc. The final plan may be submitted in phases following the review guidelines in Chapter 1254.05(d).

MODIFICATIONS: Swinger suggested that PC look first at the requested modifications.

Ted Donnell, Architect for the project, stated that the owners are requesting removal of the “30% of retail incidental to the manufacturing” limitation currently in place. He noted that the restriction is unique to the Village code.

In response to a query from MacQueen, Donnell stated that the taproom is currently envisioned as being the same size as the production area.

MacQueen stated that she was trying to get a sense of the increase in need for parking if the limitation is lifted.

Donnell stated that the “30%” formula is problematic to the entire PUD.

MacQueen again asked for a traffic estimate.

Donnell stated that the Brewery doesn’t foresee serving more people, but having the ability to let more people stay for longer in what is currently an overcrowded area.

Donnell commented that the hours of operation for the proposed businesses are varied, which should positively impact the parking.

MacQueen asked for the size of the increase based upon seating capacity.

Swinger stated that she had made this calculation and come up with a need for 120 parking spaces.

In response to concerns raised, Swinger stated that more information could be requested from the owners of the Brewery. She commented that the parking lot is not currently defined or paved, and that there is only one ingress/egress currently. The proposed lot will have two areas for ingress/egress, and will be striped and paved.

Williams asked that information regarding current occupancy and proposed occupancy for the Brewery be provided to PC.

Jessica Yamamoto stated the couple’s vision for the Millworks property, noting that the Brewery epitomizes what they would like to see for that space—a family friendly environment offering a diversity of uses which encourage engagement. She described the shared resources notion of the artists space, describing the area as a supplement to the community.

Doden OPENED THE PUBLIC HEARING.

Christy Moore, who works at the Brewery and lives in the area, accused the new owners of being misleading, stating that they are not renewing leases for either the distillery or for current artists.

Carrie Scheiner, owner of the S&G Distillery, stated that the new owners wanted them to move to a space that they do not believe is workable in order to renovate the space. The options presented “are not workable”, she stated, and “we will be out of business in January 2020.”

Tim McLinden, an adjoining resident, stated that their yard will abut parking spaces and dumpsters. There will be more pedestrians, he stated, and “we will have to put up a fence at our cost”. It will not be a good thing for us, he stated.

Rosanna Dufoe, a neighbor, expressed concern about the “hostel culture”, wondering if it would detract from the air bnb businesses in town, and opining that there could be a rise in crime as a result of the hostel.

Jon Hudson, another neighbor, stated that he likes some of the ideas presented, but expressed concern about an increase in traffic and in parking. He asked that the Village consider improving Walnut Street to accommodate this possibility.

Will Phipps stated that he would like to see the projected improvements. He expressed concern regarding potential misleading information.

Richard Lapedes, who has rented a studio at Millworks for years, expressed enthusiasm for the proposed project. He noted that there will be side effects that will be imperfect, but the transition into a “makers space” will be transformative and positive. He urged thoughtful action.

Chris Hudson asked whether traffic coming off of Fairfield Pike could pass through to the Walnut side of the property. This was later addressed by Donnell, who stated that yes, traffic could pass from one side to the other as currently planned.

Melissa Heston, another neighbor, stated that she has witnessed several transitions of the property. She expressed concern regarding the transient nature of the hostel, wondering if it will not be compatible with the residents. Heston brought up an ongoing concern for the area regarding storm water runoff, and asked that this be proactively addressed.

Heston brought up Walnut Street, which does not have sidewalks at its western end, the one-lane bridge, and the potential dangers therein as additional concerns.

Matthew Kirk expressed concern over the “displacement of Enviroflight”. He spoke of the need to incubate businesses. He stated that the change to the proposed PUD would change the area to accommodate “tourist culture”. Kirk characterized the industrial area as necessary.

Colton Pitstick, an Enviroflight employee spoke of the potential loss of his job, since the lease for the business will not be renewed. Pitstick stated that the hostels and artist studios will not help artists, and better jobs with healthcare will help artists. He accused the new owners of causing his job to be displaced and building a “playground for the elite.”

Michelle Burns commented that an increase in traffic will make a dangerous area more so. She asked for a traffic study. Burns agreed with Heston regarding the dangers of the traffic in the area and of the storm water issues. She asked that parking for the project be reviewed carefully, stating that parking for that area of town is “a nightmare”, and asked for a pedestrian safety study.

Liz Kutsos, President of Enviroflight, stated that the business employs 22 persons and has a 1.8 million dollar payroll. Kutsos stated that Enviroflight “had not planned to move” and had planned to maintain its research and development operations in the area despite construction of a facility in Kentucky. She stated that the business’s lease will expire at the end of 2021.

Alex Melamed noted that “traffic” is a good word for businesses who need business. He stated that the water issues noted previously begin further uphill than Millworks, and sees improvements needed for Walnut Street, potentially improvements which could address both parking and storm water. Melamed expressed hope that those businesses who want to remain can, but noted that the downtown area is at capacity for expansion, and that more options for evening entertainment would be welcome.

Amy Magnus spoke in favor of the project, stating that she is the person who will be running the Children’s Museum proposed for the property.

Mikala Dakoty asked what the open container law would be for the area, opining that this enforcement would further stretch YSPD capacity.

Sam Eckenrode, local realtor and business owner commented that she has witnessed a lot of divisiveness in the community. She urged PC to help the community “look for the win” and to look for ways to be proactive and progressive with regard to the project.

Brittany Baum, local business owner and neighbor, encouraged the owners to reach out to local groups and asked PC to use the Village values and goals as a guide in their decision.

Doden CLOSED THE PUBLIC HEARING.

Doden invited either the owners or the architect to address any of the concerns raised.

Yamamoto stated that several persons have inquired about starting businesses at Millworks, and stated that she was responding to Scheiner’s earlier statement. There is a craft distillery interested in producing in the space not attached to where S&G is currently located, she said.

Yamamoto stated that when the couple purchased the property in September, they contacted each tenant to inquire as to their plans for the future. Enviroflight did not respond for over a month, she stated, while all other tenants expressed a desire to renew their leases.

Regarding open containers, Yamamoto stated, liquor laws will dictate that, and no open containers will be permitted outside of the approved spaces.

Donnell clarified that the parking lot does allow pass-through from one side to the other.

Donnell commented that there are a number of foot and bike patrons to the Brewery.

Regarding drainage, Donnell stated that the water is coming from Winter Street, and noted efforts in the design to mitigate this flow, and stated that the situation should be improved through these efforts.

Donnell noted that the process is “fluid” since the owners cannot necessarily renew leases based upon a need for a particular space or for expansion until they know whether the uses will be permitted. There are “a lot of people interested”, he said, but we await a decision.

MacQueen commented that when she considers creation of a new PUD, she envisions job creation, and the notion that two businesses will not be continued is concerning. “That is not a Planning Commission decision, however,” MacQueen stated.

MacQueen expressed further concern at the loss of incubator space, although, again, she stated, this is “not a Planning Commission decision.” MacQueen characterized the uses as potentially “gentrification.”

Swinger received confirmation that the B-1/I-1 underlay will accommodate the uses they envision.

Pallotta received confirmation that the owners are willing to provide “live fencing” or an art installation as a barrier between the property and the neighbors.

Pallotta asked whether the Fairfield Road could be a one-way option.

Donnell stated that this would not be easy to accomplish, but that he could look at the possibility.

Donnell stressed that the hostel will be bicycle friendly.

Swinger acknowledged that there are a number of factors that could affect parking.

Doden read the PUD Purpose into the record as follows:

1254.01 PUD PURPOSE: The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the adopted Comprehensive Plan and Vision: Yellow Springs and Miami Township.

1254.02 QUALIFYING CONDITIONS: Swinger referenced her staff report, noting the following: Staff agrees with the assessment by the property owners for (2), (3), (4), (6) and (8). Regarding Number (1), staff is not aware of any significant natural features to preserve; Number (5) The Millworks property is an existing industrial site which staff believes does not apply to “small town appeal; Number (7) It is staff’s opinion that two parcels – one 3 acre and one 1 acre do not qualify as “multiple small parcels.” However, number (8), demolition of a blighted building and the excavation materials and equipment strewn across the property will be a recognizable benefit to the Village as it currently makes for an unsightly view for visitors coming into Yellow Springs via the Little Miami Scenic Trail and/or Yellow Springs-Fairfield Road.

The conditions under “Recognizable Benefit” (a) were discussed with the following result:

- (1) Preservation of significant natural features; **Not met.**
- (2) A complementary mix of land uses or housing types; **Met.**
- (3) Extensive open space and recreational amenities; **Met.**
- (4) Connectivity of open space with new or existing adjacent greenway or trail corridors; **Met.**
- (5) Preservation of small town appeal; **Not met.**
- (6) Improvements to public streets or other public facilities that mitigate traffic and/or other development impacts; **Met.**

(7) Coordinated development of multiple small parcels; **Not met.**

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

Pallotta MOVED to APPROVE THE STAFF RECOMMENDATION, ACCEPTING CONDITIONS 2; 3; 4 and 6, but removing #8. Williams SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

(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:

(1) Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent Village lands. The Clerk CALLED THE ROLL and PC voted 3-1 on this question, with MacQueen voting against.

(2) The proposed uses will complement the character of the surrounding area. The Clerk CALLED THE ROLL and PC voted 4-0 on this question.

(3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area. The Clerk CALLED THE ROLL and PC voted 4-0 on this question.

(4) The PUD is not being used as a means to circumvent conventional zoning requirements. The Clerk CALLED THE ROLL and PC voted 4-0 on this question.

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

(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 Clerk CALLED THE ROLL ON both sections (c) and (d), and the MOTION PASSED 4-0 on a roll call vote.

(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.

The Clerk CALLED THE ROLL on (e) and the MOTION PASSED 4-0.

(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.

Doden expressed concern regarding traffic.

The Clerk CALLED THE ROLL on (f) and the MOTION PASSED 4-0.

(g) Architecture. Building forms, relationships, scale and styles shall be harmonious and visually integrated.

The Clerk CALLED THE ROLL on (g) and the MOTION PASSED 4-0.

(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.

Doden reiterated concerns raised by neighbors, noting that conditions can be attached. PC agreed to vote on this section based upon recommendations made following a traffic study.

The Clerk asked whether the Village will be responsible for investing in safety infrastructure improvements if the area is in fact rezoned to PUD with a B-1/I-1 underlay, given the accepted increase in pedestrian traffic with a B-1.

MacQueen expressed concern regarding any increase in vehicular traffic along Walnut and Fairfield Pike and any increase in pedestrian traffic along the bike path.

Donnell expressed that a traffic study should run through various seasons and increases of use to be accurate, indicating that this was not realistic.

MacQueen suggested “having less in the space” to reduce traffic flow.

Donnell noted that the developers have eliminated the proposed flex space at the suggestion of neighbors, and this has reduced the traffic flow to and from the area from the original proposal.

The solicitor advised that PC vote on the matter, knowing that their concerns will be presented to Council, and giving the developers an opportunity to address the issues before that body.

PC discussed the issue of traffic flow and to what extent the developers are responsible for assuring safe ingress and egress as well as safe parking within the PUD.

Donnell argues that there is currently traffic flow into and out of the property, and that, given its I-1 zoning, this could increase significantly under that zoning designation.

Donnell pointed out that the developers purchased the property, and if their use of that property is limited to what they can do based upon a traffic study, or based upon a desire not to increase the traffic, that will likely pose a financial burden that will kill the project.

Swinger stated that PC was simply trying to determine who is responsible for ensuring safety to what areas.

Conard commented that these concerns could reasonably be addressed through a traffic study and an updated staff report.

Donnell commented that the driveway improvement will make the area much safer.

PC REQUESTED that a traffic and pedestrian study be completed prior to a final site plan review, and that Council be provided with an updated staff report, prior to their vote on the PUD, which contains information from the Public Works Director regarding the cost of any potential infrastructure improvements he may see as needed to accommodate an assumed increase in traffic to and from the site.

The Clerk CALLED THE ROLL on (h) with the above-stated conditions, and the MOTION PASSED 4-0.

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

The Clerk CALLED THE ROLL on (i) and the MOTION PASSED 4-0.

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.

PC Agreed with staff that all requested uses comply.

- (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.

Swinger stated that the I-1 and B-1 districts were used in determining the zoning requirements. She noted that the setbacks for existing buildings are grandfathered in, and that the dimensional requirements for I-1 and lot coverage requirements are all met.

PC agreed with staff analysis that the conditions for minimum lot size and zoning requirements have been met.

- (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.

PC agreed with Swinger's analysis that the owners' intention to deconstruct the corridors connecting the buildings and create walkways throughout should encourage the use of the bike trail to reach the Millworks complex.

- (d) Modification of Minimum Requirements. District regulations applicable to a land use in the PUD may be altered from the requirements specified in Table 1254.03, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. The applicant for a PUD shall identify, in writing, all intended deviations from the zoning requirements. Modifications may be approved by the Village Council during the preliminary development plan review stage, after Planning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality and more sustainable development consistent with the purposes of PUD expressed in Section 1254.01. The modifications shall also satisfy at least four of the following criteria:

- (1) Preserve the best natural features of the site;
- (2) Create, improve or maintain open space for the residents, employees and visitors beyond the minimum required by subsection (f) of this section;

Swinger noted that the applicants did not provide a narrative for number 2, but did provide green space calculations. They determined the open space percentage using lot coverage calculations, but parking lots are excluded in this formula. Staff recalculated the open space percentage at 29%, which is well over the minimum requirement of 15%.

- (3) Commit that at least ten percent of all dwelling units in the PUD will be "permanently" affordable units or 20% affordable units, or commit to a payment in lieu of constructing such units, as agreed to with the Village Council;

Swinger noted that the owners have committed that 25% percent of all artist dwelling units in the PUD will be permanently affordable units. This significantly exceeds the 10% requirement.

- (4) Provide a mix of residential types such as single family, townhome and/or multiple family;
N/A
- (5) Employ low impact design and/or other best practices to manage storm water and reduce the off-site impacts of runoff;

Swinger pointed out that as mentioned under Utilities in 1254.02 Qualifying Conditions, The new piping will detain the storm water and release it slowly into the existing system. New storm piping and catch basins will run between the existing building to a new detention pipe and bio swale system along the bike trail. The new development will collect storm water along the bike trail to a detention pipe system under the parking structure at Fairfield. The detention will discharge into the Fairfield drainage system.

- (6) Employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption;
Did not apply
- (7) Introduce new development concepts, such as co-housing: and/or
- (8) Include a mix of residential and nonresidential uses.

Swinger noted that in order to deviate from the land use requirements in the applicable district regulations, the applicants must meet at least four of the eight criteria. The applicants proposed six they believed they can meet. These were (1), (2), (3), (5), (7), and (8). Of those six, staff agrees with number (3), (5), (7) and (8).

PC agreed with staff recommendation that #s 3; 5; 7 and 8 have been met.

Doden asked that the roll be called on passage of the entirety of Chapter 1254.03. The Clerk CALLED THE ROLL and APPROVAL of conditions for Chapter 1254.03 was passed on a 4-0 vote.

Swinger stated that the owners are proposing the following modifications to the minimum requirements:

- 1) Remove the 30% of retail incidental to the manufacturing for Yellow Springs Brewery.
- 2) Allow for a deviation to the number of parking spaces with the justification that the total number of spaces will be rarely used at the same time due to the varied hours of operation.

Swinger commented that the owners are asking for 140 parking spaces and 40 bike parking spaces.

Swinger noted that the “30% of retail incidental to the manufacturing” caveat applies to the entirety of the zoned area, which would affect the artist studios as well.

Swinger noted that the above condition is not a regulation at the State level.

PC then reviewed 1254.06 Review Standards.

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter.

The Clerk Called the Roll: The standard passed on a 4-0 vote.

- (b) The PUD will promote the intent and purpose of this chapter.

The Clerk Called the Roll: The standard passed on a 3-1 vote with MacQueen voting against.

- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.

The Clerk Called the Roll: The standard passed on a 3-1 vote, with Doden voting against.

- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the Village.

The Clerk Called the Roll: The standard FAILED on a 2-2 vote, with Williams and Pallotta voting against.

- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.

The Clerk Called the Roll: The standard passed on a 4-0 vote.

- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.

The Clerk Called the Roll: The standard passed on a 4-0 vote.

- (g) The PUD will be consistent with the Village's Comprehensive Plan and Vision: Yellow Springs and Miami Township. Specifically, the following planning principles shall be adhered to, as applicable:

- (1) Redevelopment and infill locations should be favored over greenfield development;
- (2) Natural features and resources should be preserved or at least conserved;
- (3) Future development/redevelopment shall strengthen the physical character of the Village;
- (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
- (5) Places are created with an integrated mix of uses that contribute to the Village's identity and vitality;
- (6) Diverse housing choices are found throughout the Village, including relatively high-density and affordable units;
- (7) Parks, open space and recreational areas are incorporated into future development; and
- (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.

PC agreed that #s 2; 6 and 7 are NOT applicable, and the 1; 3; 4; 5 and 8 ARE applicable.

The Clerk CALLED THE ROLL on the (g) with numbers 1; 3; 4; 5 and 8 as applicable criteria, and the STANDARD PASSED 4-0.

- (h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the Village where it is to be located.

The Clerk Called the Roll: The standard passed on a 4-0 vote.

PC then addressed the two requested modifications.

PC recommends to Council that they:

- 1) Remove the 30% of retail incidental to the manufacturing for the PUD.
- 2) Receive a broader understanding of traffic safety impacts and any potential need for and cost of infrastructure required to resolve these.
- 3) Allow for a deviation to the number of parking spaces with the justification that the total number of spaces will be rarely used at the same time due to the varied hours of operation.

MacQueen asked whether she could convey her concern that jobs may be lost due to the loss of a business.

Conard stated that this would be conveyed in the minutes and through her vote.

Donnell stated that these are private lease negotiations, and that a public discussion on the matter might become ugly.

Swinger asked that a noise impact analysis, a storm water impact analysis and an agreement regarding the three residential lofts as affordable rentals be provided to Council.

PC added the condition that the owners agree to provide some type of mitigation screening between their property and that of neighboring properties.

PC provided clarification to Donnell as to where the “no” vote occurred (1254.06 (d).)

PC VOTED UPON A RECOMMENDATION TO COUNCIL TO ACCEPT THEIR CONDITIONS AS STATED ABOVE. THE BODY VOTED 4-0 THAT COUNCIL APPROVE THE ATTACHED RECOMMENDATIONS:

- (1) Remove the 30% of retail incidental to the manufacturing for the PUD.
- (2) Receive a broader understanding of traffic safety impacts and any potential need for and cost of infrastructure required to resolve these.
- (3) Allow for a deviation to the number of parking spaces with the justification that the total number of spaces will be rarely used at the same time due to the varied hours of operation.
- (4) A noise impact analysis, a storm water impact analysis and an agreement regarding the three residential lofts as affordable rentals be provided
- (5) Agreement to provide some type of mitigation screening between Millworks property and that of neighboring properties.

TEXT AMENDMENTS: The Village of Yellow Springs is applying for text amendments to the Planning Code Chapter 1226 Subdivision Regulations to include the addition of electric distribution systems:

Swinger prefaced the hearings by stating that in continued work with the Village of Yellow Springs Zoning Code, staff found an omission in the planning section of the code as it relates to the regulations of subdivisions. Chapter 1226 Subdivision Regulations does not mention the Village electric utility in the planning of a new subdivision. When the zoning code was updated in 2013, the planning code was not part of that review. Recently, in reviewing major subdivisions, the public works director noted this omission. There are seven sections within Chapter 1226 where the electric utility has been proposed to be added.

Amending Section 1226.01 DEFINITIONS (b) Adding electric lines and transformers to Improvements.

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

Williams MOVED to APPROVE STAFF'S RECOMMENDATION. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.03 CONTENTS OF PRELIMINARY PLATS (b) (4) adding existing electric poles and transformers, and (c) (8) adding plans showing the proposed electric distribution system.

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

Williams MOVED to APPROVE STAFF'S RECOMMENDATION. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.04 SUBMISSION OF AND ACTION ON FINAL PLATS (B) (2) adding electric transformers and lines to the required construction drawings.

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

Pallotta MOVED to APPROVE STAFF'S RECOMMENDATION. Donnell SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.06 DESIGN STANDARDS (a) Undeveloped Land (4) Adding an underground electric distribution plan for the entire subdivision, and (b) Land Abutting Existing Streets, adding electric distribution systems to developer improvements.

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

MacQueen MOVED to APPROVE STAFF'S RECOMMENDATION. Williams SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.08 CONSTRUCTION OF PUBLIC IMPROVEMENTS (a) adding electric distribution to public improvements, and adding (e) minimum requirements for materials and installation of electric transformers and electric lines.

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

Williams MOVED to APPROVE STAFF'S RECOMMENDATION. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.09 BOND FOR IMPROVEMENTS AND MAINTENANCE (a) adding electric supply to the construction and installation improvements, and (c) adding electric improvements relating to performance bonds or cash deposits, and (d) adding electric to the inspections prescribed by specifications.

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

Donnell MOVED to APPROVE STAFF'S RECOMMENDATION. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Amending Section 1226.11 MINOR SUBDIVISIONS (6) adding electric transformers and lines as a notation on the recording instrument.

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

Williams MOVED to APPROVE STAFF'S RECOMMENDATION. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

OLD BUSINESS

There was no Old Business.

ELECTION OF CHAIR

MacQueen MOVED TO APPROVE THE NOMINATION OF DODEN AS CHAIR. Williams SECONDED, and the MOTION PASSED 5-0 on a voice vote.

ELECTION OF VICE-CHAIR

Williams MOVED TO APPROVE THE NOMINATION OF STILES AS VICE-CHAIR. Doden SECONDED, and the MOTION PASSED 5-0 on a voice vote.

AGENDA PLANNING

ADJOURNMENT

At 9:55pm, MacQueen MOVED and Williams SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Frank Doden, 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.