

**Planning Commission
Regular Meeting**

Virtual Meeting @ 7:00pm

Tuesday, July 14, 2020

CALL TO ORDER

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

ROLL CALL

Planning Commission members present via zoom were Frank Doden, Chair, Council Alternate Liaison Lisa Kreeger, AJ Williams, Dino Pallotta and Stephen Green. Also present were Denise Swinger, Zoning Administrator, and Village Solicitor Breanne Parcels.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of June 9, 2020 Regular Meeting. Doden MOVED and Kreeger SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 4-0 on a voice vote, with Green abstaining due to absence from that meeting.

Minutes of June 30, 2020 Special Meeting: Workshop. Williams MOVED and Kreeger SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 3-0 on a voice vote, with Kreeger and Williams abstaining due to absence from that meeting.

COMMUNICATIONS

Don Hollister re: Support for CU at 506 S. High Street
Tom Underwood re: 506 S. High Street

COUNCIL REPORT

Kreeger noted the upcoming Comprehensive Land Use Plan Update coming to Council on July 20th, and advised all PC members to get comments in soon, since Sorrell had not stated a deadline for receipt of feedback. She advised the group as to the timeline for the project.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS:

1) Conditional Use Application – R-B, Moderate Density Residential District –Joan Chappelle has submitted a conditional use application for a home occupation permit to establish a private psychotherapy practice at 163 E. Herman Street – Ch. 1262.08 Specific Requirements.
Greene County Parcel ID #F19000100080032800.

Swinger introduced the hearing as follows: Joan Chappelle, a licensed professional clinical counselor, has applied for a home occupation permit to move her private practice into her home office. Her practice entails client visits for psychotherapy. Her office is currently located in the Humanist Building at 106 W. North College, but she would like to have her practice in her home and continue to provide counseling services on a part-time basis. The applicant will use a home office located off the driveway.

The applicant has room for up to five cars on her property. Staff anticipates only one to two cars will be at her home for a session. If the home occupation is approved, an ADA ramp will be installed at the office entrance located next to the driveway.

The application notes up to seven clients per day, in groups of no larger than two, and a total of not more than 20 hours per week available to clients. No employees will be engaged.

There being no questions from PC members, Doden OPENED THE PUBLIC HEARING.

There being no comments, Doden CLOSED THE PUBLIC HEARING.

Doden commented that he liked the recommendation that Miami Township Fire Rescue conduct an inspection of the fire safety plan and materials.

Chappelle noted that maintaining a log of clients is required.

Kreeger MOVED to APPROVE the APPLICATION FOR A HOME OCCUPATION AS REQUESTED, with the CONDITION THAT MTRF INSPECT AND APPROVE SMOKE DETECTORS. Doden SECONDED, and the MOTION PASSED 4-0, with Williams absent.

2) Conditional Use Application — R-B, Moderate Density Residential District –Mark Obstalecki of Coactive Yellow Springs, LLC has submitted a conditional use application for collaborative professional office spaces at 506 S. High Street - Ch. 1262.08 Specific Requirements. Greene County Parcel ID# F19000100040007100.

Swinger introduced the hearing as follows: the property owner submitted a conditional use application for zoning approval to modernize approximately 4,400 sq. ft. of the building at 506 S. High Street (formerly Ertel Publishing) into eight individual office spaces for rent to small business professionals and non-profits. Tenants within this area will share a conference room and collaboration space. The Morgan Family Foundation occupies another portion of the building and has a separate entrance at the south side of the building.

The parking requirement is met. There are a total of 25 off-street parking spaces and an additional 3-4 on-street parking spaces for this building. The owner indicated there are usually no more than three cars parked for the Morgan Family Foundation. There may be times when more spaces are needed for special meetings, however the building does meet the minimum parking space requirements. Swinger noted that there will be no change to the building or parking lot footprint.

Swinger described the parking egress and ingress.

Doden noted that Swinger had noted the option for a bike rack as well as an ADA-compliant parking area.

Obstalecki commented that he has no guaranteed tenants currently, but plans to rent using one-year leases. He stated that he is monitoring the COVID-19 situation and plans to be responsive to safety needs.

Kreeger stressed the need for tenant safety and protocols to assure this.

Obstalecki noted that late Fall is his goal for being tenant-ready.

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

Green MOVED to APPROVE THE CONDITIONAL USE REQUEST. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

1) Text Amendments -The Village of Yellow Springs is applying for amendments to the Planning and Zoning Code, especially relating to storm water management.

Swinger went through the amendments chapter by chapter, explaining the rationale for each amendment. Following presentation of each chapter, PC members asked questions, discussed briefly, and, if warranted, proposed amendments to the proposed changes. Amendments to the text presented as the proposed text amendment are noted below as motions.

- 1226.01 Definitions - Added a definition to clarify the planning code’s mention of “uncommon lots.”

Uncommon lots were discussed in some detail.

Doden MOVED TO AMEND Section 1226.01 Definitions to INCLUDE THE PHRASE “but not limited to” prior to the words “a flag or panhandle lot”. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

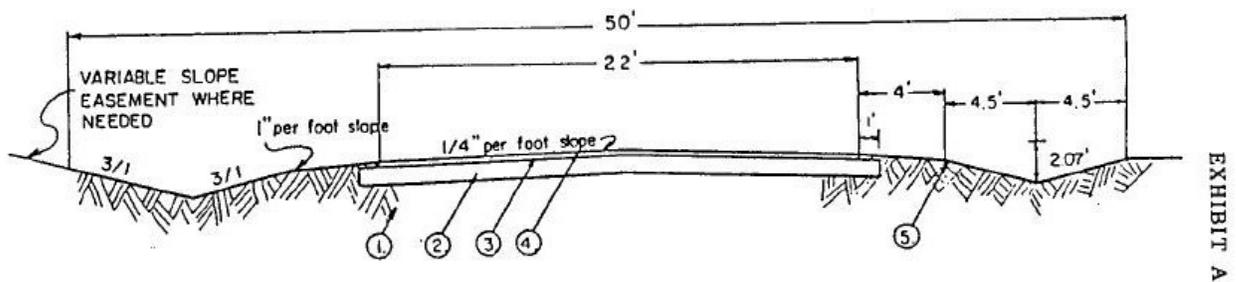
- 1226.04 SUBMISSION OF AND ACTION ON FINAL PLATS. Added language to state that final plat mylar must be submitted to “the Village Manager or his or her designee”.
- 1226.06(a)(1) Undeveloped Land. Streets. Matt Hoying of Choice One Engineering was fine with our language regarding streets as long as the Village has their own curb, gutter and driveway apron standards.

At the March PC meeting, Tom Dietrich proposed rather than going by the size of the structure (above or below 800 sq. ft.) the Village base storm water requirements on the size of the property. If less than one acre of impervious surface, the *Stormwater Guidelines for Low Impact Development* would be required with the exception of PND’s and PUD’s. If over one acre of impervious surface, Chapter 1226.06(a)(7) would be required. In

addition, as individual lots within the subdivision are developed, each contractor or homeowner will be required to submit a storm water mitigation plan using the *Stormwater Guidelines for Low Impact Development*.

At the May 26th work session, Staff proposed allowing a developer present a Low Impact Development (LID) to the Planning Commission in lieu of a conventional storm water system design. LID designs that use natural and engineered infiltration and storage systems to control storm water will be considered, but must be prepared by a licensed engineer and the Village will also designate an engineer to review the LID at the expense of the developer. Based on feedback from Choice One Engineering, Staff proposes that Appendix A – Estate Street Design be replaced in the planning code with the *Stormwater Guidelines for Low Impact Development*). Matt Hoying of Choice One Engineering said it would be very difficult to get a drainage swale and a sidewalk, plus appropriate separation from the road all within the 14 feet between the ROW and edge of pavement as shown. He did suggest the Village consider whether drainage swales between the road and sidewalk or between the sidewalk and ROW are desired to standardize this type of LID design.

APPENDIX A



- 1226.06 (a)(3) Sidewalks – staff needs clarification regarding one-side-of-the-street sidewalk installations.

Parcels noted that IF the Village requires sidewalks, the Village needs to assure that the sidewalks are ADA compliant.

- 1226.06(a)(6) – Uncommon lots – at the last meeting held on June 30th, a discussion ensued regarding uncommon lots and whether or not the Village should restrict access on local streets only. Staff would like the Planning Commission to review this.
- 1226.06 (a)(7) B. 1) – Storm Water Management Systems – As previously mentioned, amended to base storm water mitigation on size of property rather than structure.

Doden MOVED TO AMEND Sections 1226.06 (a)(7) B.1 to REPLACE THE WORD ‘on’ with the words “RESULTING IN”. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 1226.06 (a)(7) B. 2) A. - Added text allowing exceptions if green infrastructure designs are used.

Doden MOVED TO STRIKE the “Statement of Purpose” Section “L”. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Doden MOVED to CHANGE SECTION ‘M’ to SECTION “L” and to TITLE THAT SECTION “Planning Guidelines for Detention Basins”. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Green MOVED TO AMEND SECTION “L (formerly “F”)” of 1226.06 (a) 7 to ADD THE PREFIX “non” and to strike everything after the word “replaced”. Doden SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Doden MOVED and Kreeger SECONDED a MOTION TO add the phrase “resulting in” to replace the word “on” after the word “development” in Section 1226.11 B(3). The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Doden MOVED and Green SECONDED a MOTION TO add the phrase “resulting in” to replace the word “on” after the word “development” in Section 1226.12 A(4). The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 1226.06 (a)(7) J (7) CONSTRUCTION PLANS - Added language requiring approval by a Village designated engineer at the expense of developer.
- 1226.06 (a)(7) L (1.) f. GUIDELINES FOR DETENTION BASINS – Added language regarding managed natural landscapes, and changed the language to “turf” grass and requiring that an agreement for maintenance be approved with the Village’s Public Works because of the need for seasonal mowing.
- 1226.06 (a)(7) P. Referencing Appendix A for specific storm water design solutions.
- 1226.06 (a)(7) Q. “As-Built” Drawings - Plan approval review by a Village designated engineer at the expense of the developer.
- 1226.06 (a) (8) D. Street Trees – making maintenance by the developer three years instead of one year. Also specifying the width of tree lawns.
- 1226.06 (a) (9) Interior Landscaping – adding language regarding managed natural landscaping requirements.
- 1226.07 Park Land Dedication - Adding language regarding storm water management not counting in the percentage for open space and parks.
- 1226.08 Construction of Public Improvements – Adding language to use the Village’s driveway standards and applicable Greene County regulations, whichever is most restrictive.
- 1226.11 Minor Subdivisions – added language as is in the replat section holding the applicant and/or property owner responsible for any negative impacts on surrounding lots.
- 1226.12 Replats – removed language that gave an expiration date for negative impacts on surrounding lots.

Swinger suggested skipping Exhibit B, and leaving this portion of the amendments for the August meeting, since she is still working on that section.

Doden OPENED THE PUBLIC HEARING ON Chapter 1226 Text Amendments. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED to SEND ALL TEXT AMENDMENTS to CHAPTER 1226 to Council. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Chapter 1224.01 ROW Vacation Application: Fee.

Doden OPENED THE PUBLIC HEARING ON Chapter 1224.01 ROW Vacation Application: Fee. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED to SEND THE AMENDMENT TO CHAPTER 1224.01 to Council. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Chapter 1248.03 (a) Spatial Requirements.

Doden OPENED THE PUBLIC HEARING ON Chapter 1248.03 (a) Spatial Requirements. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED and Pallotta SECONDED a MOTION TO SEND THE TEXT AMENDMENT TO Chapter 1248.03 (a) to Council. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Chapters 1260.01; 1260.02; 1260.03; 1260.04; 1260.05.

Green MOVED to STRIKE THE MEASUREMENT 14’ in SECTION B. of Chapter 1260.03 (a) (1) B. Doden SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Doden OPENED THE PUBLIC HEARING ON Chapters 1260.01; 1260.02; 1260.03; 1260.04; 1260.05. There being no comment Doden CLOSED THE PUBLIC HEARING.

Pallotta MOVED to SEND ALL AMENDMENTS to CHAPTERS 1260.01; 1260.02; 1260.03; 1260.04 and 1260.05 to Council. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Chapter 1262.08 Specific Requirements

Doden OPENED THE PUBLIC HEARING ON Chapter 1262.08 Specific Requirements. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED TO SEND THE TEXT AMENDMENTS TO Chapter 1262.08 to Council. Green SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 1262.08 (e)(6) Pocket Neighborhood Developments – further clarified the two meetings with Planning Commission.

Chapter 1268.03 Exemptions Chapter 1268.06 Review Standards

Doden OPENED THE PUBLIC HEARING ON Chapter 1268.03 Exemptions and 1268.06 Review Standards. There being no comment Doden CLOSED THE PUBLIC HEARING.

Green MOVED TO SEND THE TEXT AMENDMENTS TO Chapter 1268 to Council. Doden SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Chapter 1272.01

Doden MOVED to REPLACE “200 Square feet” with “144 square feet” in 1272.01. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Doden OPENED THE PUBLIC HEARING ON the changes to 1272.01. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED TO SEND THE TEXT AMENDMENTS TO Chapter 1272.01 to Council. Doden SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Appendix A: Fee Schedule to Zoning Code

Doden OPENED THE PUBLIC HEARING ON the changes to Appendix A: Fee Schedule. There being no comment Doden CLOSED THE PUBLIC HEARING.

Doden MOVED TO SEND THE TEXT AMENDMENTS TO Appendix A to Council. Kreeger SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Swinger thanked Tom Dietrich and Nadia Malarkey of the Environmental Commission for their assistance regarding the Storm Water Regulations amendments.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Solar Rights.

Pallotta received information that Greene County Career Center students made the new bike racks for the Village, which are located in ROWs.

ADJOURNMENT

At 9:08pm, Doden MOVED and Williams SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A ROLL CALL 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.