

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7pm

Monday, October 12, 2015

CALL TO ORDER

The meeting was called to order at 7:02 P.M.

ROLL CALL

Planning Commission members present were Lori Askeland, Council Representative, Tim Tobey, Rose Pelzl, and Alternate Adam Abraham serving for the absent Matt Reed. Also present were Patti Bates, Village Manager and Village Solicitor Chris Conard.

REVIEW OF MINUTES

There were no Minutes.

CITIZEN COMMENTS

There were no Citizen Comments.

PETITIONS AND COMMUNICATIONS

There were no Petitions or Communications.

REVIEW OF AGENDA

There were no changes made.

COUNCIL REPORT

Charter Review Changes impacting Planning Commission were noted by Askeland as coming up for a vote in the November elections. Askeland noted that the charter is being changed to permit one member of Planning Commission (PC) to reside outside the Village of Yellow Springs, rather than requiring one member to reside in the Township.

PUBLIC HEARINGS

Conditional Use Application (Office/Lodging) - 209 E. Herman Street - R-B Moderate Density Residential District. Jennifer Horner, applicant. Applicant is requesting an Office/Lodging Conditional Use located in an existing building. Parcel ID #F190001001400004600.

Bates gave an overview of the request as follows:

Bates noted that they do not fit into any particular category under the list of Conditional Uses, and have therefore made an application under the Other Uses category.

Tobey asked for commentary from the owner of Creative Explorations Women's Retreat, Jennifer Horner.

Horner stated that she and her husband currently own a building downtown, from which they have run the business for the past nine years. She stated that she would like to move the business to an easier to maintain location such as that provided by the 209 East Herman Street location.

Horner explained the nature of her business, which offers either self-directed or guided spiritual explorations.

Bates noted the criterion which must each be met to approve the CU. She characterized the business as part general office and part Bed and Breakfast.

Askeland asked whether it is acceptable to venture outside of the list of approved categories to grant a Conditional Use.

Bates responded that this is the reason for the "Other Uses" category, and is appropriate.

Askeland suggested that Planning Commission leave signage particulars to Staff.

Tobey CLOSED THE PUBLIC HEARING.

MOVED to APPROVE THE CONDITIONAL USE WITH THE FINDINGS OF FACT NOTED IN THE REPORT:

- The Conditional Use is in conformance with goals of the Village's 2010 Comprehensive Plan and the Vision: Yellow Springs and Miami Township visioning plan.
- The Conditional Use will not be detrimental to the health, safety and welfare of the village's residents.
- The Conditional Use is adequately served by essential public facilities.
- The Conditional Use is compatible with the surrounding character of the general vicinity.
- The Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- The Conditional Use will not block sight lines.
- The proposal as presented complies with most of the requirements of the Village's Zoning Code.

AND THAT STAFF APPROVE OF ANY SIGNAGE BEFORE IT IS PLACED.

Abraham SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

2). Text Amendments

The Village of Yellow Springs is applying for modifications for the following zoning text items:

Revision of Section 1282.05 regarding the regulation of non-conforming lots with existing structures.

Bates presented the Staff Report on the matter, noting that the solicitor had needed time to review the proposed changes and has now had time to do so.

Conard commented that the sections in question are an attempt to rectify difficulties in the current code, and he has been satisfied that the amendments serve that purpose.

Bates read the proposed amendment as follows:

Adjoining nonconforming lots of record or nonconforming lots adjoining conforming lots that are owned by the same property owner of record shall be counted as a whole for the purposes of erecting accessory structures, additions, fences and signs if the following criteria are met:

- (1) An existing principal structure is located on the property and was constructed prior to the adoption of this zoning ordinance.
- (2) The proposed improvement must comply with existing zoning setback regulations for the exterior portions of the adjoining lots not owned by the same property owner.

Bates noted that this change would clear up issues related to the definition of a parcel.

Tobey OPENED THE HEARING ON SECTION 1282.05. There being no comment from those present, he CLOSED THE PUBLIC HEARING.

Askeland MOVED to APPROVE THE RECOMMENDED LANGUAGE FOR 1282.05. Pelzl SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Revision of Section 1262.08 regarding the regulation of Home Occupations in Accessory Dwelling Units.

Bates explained that language for section 1262.08 addresses the Home Occupation use for R-A, R-B but not for R-C, and stated that it is the opinion of the Zoning Administrator that this was an oversight, which can be remedied with the following insertion:

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned R-A, or R-B **or R-C** as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

Tobey OPENED THE PUBLIC HEARING for SECTION 1262.08.

There being no comment or questions, Tobey CLOSED THE PUBLIC HEARING.

Abraham MOVED TO ACCEPT THE TEXT AMENDMENTS TO SECTION 1262.08. Pelzl SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

AGENDA PLANNING

Norah Burns: Home Occupation Permit
Donna Haller: Home Occupation Permit

ADJOURNMENT

At 7:22 pm, Pelzl MOVED and Askeland SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

The Clerk noted that Planning Commission should formally vote to recommend the amendments to Council, necessitating that they be in session.

CALL TO ORDER

The meeting was again called to order at 7:23pm.

Askeland MOVED to SEND THE APPROVED TEXT AMENDMENTS COUNCIL FOR FURTHER ACTION. Pelzl SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

ADJOURNMENT

At 7:24pm, Pelzl MOVED and Askeland SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE

Tim Tobey, Acting 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.