Planning Commission
Regular Meeting Minutes

Council Chambers 7pm **Monday, December 14, 2015**

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Matt Reed, Chair, Lori Askeland, Council Representative, Tim Tobey and Rose Pelzl, with Gerald Simms observing from the audience. Also present was Denise Swinger, Zoning Administrator. Susan Stiles and Adam Abraham were not present.

REVIEW OF MINUTES

Minutes for November 9, 2015 were reviewed. Tobey MOVED and Pelzl SECONDED a MOTION TO APPROVE AS AMENDED. The MOTION PASSED 3-0 ON A VOICE VOTE. Askeland abstained due to absence from that meeting.

REVIEW OF AGENDA

There were no changes made.

COMMUNICATIONS

There were no Communications.

COMMITTEE/COUNCIL REPORTS

Askeland made note of a Special Meeting on December 28th to address a zoning issue.

Pelzl noted the changes asked for by Council to Ordinances 2015-29 and 2015-31 relating to the square footage for Accessory Dwelling Units (ADUs). At present, the ordinances would have increased the square footage for an accessory structure but not for an ADU.

CITIZENS' COMMENTS

Paul Abendroth requested a postponement of the second item on the agenda, stating that he had submitted materials for the hearing which had not appeared in the packet.

Swinger stated that she had received only a GIS map of the property for 207 N. Winter St.

Abendroth admitted that this may have been his failure, but asked that the hearing not proceed.

Sue Abendroth stated that she had three pages of written material to submit and asked likewise that the matter be postponed for this reason.

Reed stated that the written materials presented and any comments would be taken into account and saw no reason to postpone the hearing, which had been properly noticed.

PUBLIC HEARINGS

423 W. Limestone: Greene County Parcel ID#: F19000100020004400; and #F19000100020004200: Conditional Use requests in the R-B Moderate Density Residential zoning district for an accessory dwelling unit and a home occupation.

Swinger reviewed the staff report on the ADU as follows, noting that the initial request for an ADU had been tabled to allow Haller to work with her electrician to route all wiring through one meter as required by the Village. Swinger noted that in the process of the initial hearing it was disseminated that Hallerôs daughter would be teaching classes out of the space, thus necessitating a conditional use permit:

Donna Haller spoke to the Conditional Use requests, one for an Accessory Dwelling Unit, and another for a Home Occupation.

Haller stated that the new meter was supposed to be ready as soon as today, joining all of the electrical lines into one meter.

Swinger noted that Johnnie Burns, Electric Superintendent, has been in communication with Haller, and that both are working with JJ Electric on the matter.

Reed OPENED THE PUBLIC HEARING.

Marie Miller spoke in support of Hallerôs requests, stating that she lives directly across the street. She supported the idea of a small business, and opportunities for younger persons. There is also a large driveway and some space for off-street parking at the front of the house.

Swinger noted that the square footage of the proposed ADU does fall within the limits for an accessory dwelling unit, at 672 square feet.

Reed CLOSED THE PUBLIC HEARING.

Reed inquired as to off-street parking.

Swinger stated that there are two off street parking spaces adjoining the property.

Reed asked whether the PC should put a deadline on the electrical conversion.

Swinger stated that Burns has already put a 30 day limit on JJ Electric, and will pull the meter at that point, which would make adding the condition redundant.

Askeland read through the guidelines regarding the Conditional Use for a Home Occupation:

- The Conditional Use is in conformance with goals of the Villageôs 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 villageôs 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 the requirements of the Villageôs Zoning Code with the exception of 1262.08(e) (1) (b).

The Clerk asked that PC remove the Conditional Use from the table. Accordingly, Askeland MOVED TO REMOVE THE CONDITIONAL USE REQUEST FROM THE TABLE. Pelzl SECONDED, and the MOTION PASSED 3-0, with Reed abstaining due to absence from that meeting.

Askeland MOVED to APPROVE the Accessory Dwelling Unit with the conditions as specified in the Staff recommendations (as immediately above). Pelzl SECONDED.

Reed CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Swinger reported as follows regarding the Home Occupation request:

Chapter 1262.08 (5) E ï Home Occupations states ñThe use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20% of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

Swinger stated that she had measured the area used by the quilting business, subtracting out the hallway, kitchen and bathroom space from the area to be considered. This rendered a figure of 564 square feet, well within the limits proscribed by the zoning code. She noted that there would be no deliveries made to the business.

Reed OPENED THE PUBLIC HEARING. There being no comments or questions from those present, Reed CLOSED THE PUBLIC HEARING.

Pelzl MOVED to APPROVE THE CONDITIONAL USE AS RECOMMENDED BY STAFF (as below):

- The Conditional Use is in conformance with goals of the Villageôs 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 villageôs 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 the requirements of the Villageôs Zoning Code with the exception of 1262.08(e)(1)(b).
- The accessory dwelling unit must restore sharing of electric with the principal structure.

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

207 N. Winter Street, Greene County Parcel ID #F19000100110017300: Conditional use request in the R-B Moderate Density Residential zoning district; for office/lodging. Swinger introduced the hearing as follows:

Swinger noted that the application is under ñOther Usesð Not Listedò. The property owner is seeking permission to locate her business, Creative Explorations, in this location. She has applied for a conditional use permit under section *1242.06 Uses Not Listed.* She is interested in using the property for *lodging and professional counseling services*. Both Bed & Breakfast establishments - 1262.08 (e) (2) and Professional Offices 1248.02 (no specific conditions apply) are conditional uses in this residential zoning district.

Swinger stated that Ms. Hornerôs business is a unique operation and does not fit into one specific definition of zoning use. As there are not any specific requirements for a professional office, the conditional use does meet the requirements for off-street parking. The Planning Commission may want to review any potential signage to ensure the well-being of adjacent neighbors.

The property owner, Jennifer Horner, described her business, Creative Explorations Womenôs Retreat, characterizing it as a womenôs personal retreat with either facilitated or personal retreat options.

Horner stated that most commonly, visits are from a single woman for an either self-directed retreat or she may meet that person for a directed retreat. Horner commented that the maximum number of retreat participants would be three.

Horner stated that after her CU request was granted in October the Winter Street option opened up, and she decided to purchase that property rather than the Herman Street property.

Horner described the retreats as spiritual and reflective in nature and compatible with a residential neighborhood, likely generating less noise and traffic than a residence.

Conard asked how many days of the year there would be guests at the retreat, and was told it would likely be about 15 days per month, most on weekends.

Conard asked if the kitchen facilities would be used for cooking, and was told yes.

Reed OPENED THE PUBLIC HEARING.

Paul Abendroth presented the contents of his letter.

Abendroth argued that the house in question is located in an affordable housing neighborhood, stating that the use as an office would remove a housing option.

Abendroth brought up the ñJail House Suitesò which was approved for business purposes several years ago. Abendroth complained about the nature of that building and stated that the Village is either unwilling or unable to enforce. Abendroth construed that users of the business would likely not follow any parking strictures.

Abendroth brought up the drainage issue for Winter Street, opining that the new property owner would want to pave over the swale and increase the drainage problems. Abendroth noted disturbances sure to occur for his neighboring property. Abendroth stated that the Zoning Code requires off-street parking, and proceeded to list the requirements for driveways, again citing threat to his property.

Abendroth read the parking requirements for other uses.

Abendroth argued that the structure is too small, stating that the minimum square feet for a B&B is not adequate, since it is only 1,183 square feet, not the 1,500 required.

Sue Abendroth requested that Planning Commission read her three pages of comments.

Abendroth stated her understanding that it is within the purview of PC to interpret the code, and asked that the Commission consider the future and look at the geography of that corner regarding Safe Routes to Schools, stating that the parking on the street makes the route a dangerous one.

Peter Price stated that he lives at 206 Winter Street and is not happy about visitors to the Village traversing into his parking area. Price stated that he is the previous owner of 207 Winter Street and that he agrees with Abendrothsô comments.

Price commented that the GIS information is out of date and that the garage is not a full length garage, having been shortened at some point, and opined that the measurements of the house as a whole may be suspect.

Abendroth spoke in opposition to the persons who spoke in favor of the application, stating that they have less stake in the neighborhood for various reasons. Abendroth commented that Home, Inc. has just purchased property for affordable housing.

Horner noted that the arguments and opposition seem to indicate a lack of awareness of the nature of her business. She stated that she had attempted to reach all of the neighbors to the property, including the Abendrothôs renter, who has lived in the adjacent home long-term and who has no opposition to the conditional use. Horner stated that the arguments seem to be hypothetical in nature.

Charles Sides commented that the retreat is very low impact with one-to two women present, who normally travel together.

Sue Abendroth commented that her comments refer to the nature of the changes in the neighborhood over the years, stating that their experience has been generally negative. She characterized her concern as with the proliferation of uses and ñno way to enforceò. She commented that the whole neighborhood is at risk of becoming a business district since the properties are lower in cost than in other areas of town. She stated her concern is one of preventing the erosion of the neighborhood into businesses.

Price commented that there is room for a third bedroom in the residence.

Reed CLOSED THE PUBLIC HEARING.

Reed commented that there exists a tension in the code between affordable housing and encouragement of small businesses. He noted that zoning code enforcement is complaint-driven, and as such complaints do need to be registered with the Village.

Pelzl noted that it is not Planning Commissionôs job to assure enforcement and that complaints need to be directed to staff.

Askeland noted the difference between Home Incôs model of affordable housing and the rights of homeowners to sell their property as they wish and to use it as they see fit within the stipulations of the zoning code.

Pelzl stated that the CU does not follow the property into perpetuity. She noted the stipulation within the code that the use not alter the appearance of the property 1262.08 (F), and suggested that this be used in granting the application.

Tobey commented that the parking issue needs to be addressed.

Askeland noted that the current plan is to locate parking in the driveway, into which three cars can fit if bumper to bumper.

Price requested that Planning Commission look at the site and pretend that they live in the neighborhood.

Pelzl asked whether PC can assume that the requested conditions will not be violated.

Swinger stated that because the use is ñUses Not Listedò, PC needs to find a balance with regard to parking requirements. She stated her belief that two parking spaces is reasonable.

In response to an earlier comment from Paul Abendroth, Swinger noted that this is a non-residential use in a residence, and that she would have no idea whether a driver would be stepping onto an adjoining property when exiting a vehicle.

Askeland noted that she supports the staff recommendation, given the letters and signatures in favor and commented that the use is very light and is in the spirit of the type of commercial uses supported in the past. She stated that she supports the parking requirement as that provided in the staff report (two).

Reed suggested adding a condition limiting the number of overnight guests.

Horner commented that Planning Commission (PC) is trying to limit the number of persons within the home and would not do so if it were a residence.

Askeland explained the difference in requirements for a commercial use.

Horner confirmed that the structure has two bedrooms and a third as a possibility.

Reed noted that PC has the ability to place limitations upon the number of guests per week.

Pelzl suggested using the limitations for a Home Occupation.

Swinger advised against this as too high a number (8/day and 40/week).

Reed noted that this is R-B, not R-C, and that the owner is not present on the property.

Tobey suggested restricted limiting evening activities.

Askeland proposed limiting overnight guests to three.

Reed received confirmation that three cars can fit in the driveway.

Horner commented that there is room for one car to park at the side of the road, and asked why PC would limit guests to only driveway parking.

Askeland suggested the caveat that guests be requested to park on the property, but that Horner could park in the on-street space.

Pelzl asked that the signage be limited to residential use.

Askeland suggested the requirement for B&B signage if the owner desires to place a sign in the future.

Sue Abendroth asked whether in the future there are more people and cars what they should do and how it would be enforced. She complained that the Jailhouse Suites uses parking on the street and should not, and that this is not enforced.

Askeland asked whether the number of vehicles could be restricted to three vehicles.

Conard commented that there are three parking spaces on site and wondered whether there was a point in regulating this.

Pelzl commented that since parking in front of another personôs home is not restricted in that neighborhood, that it should be limited by Planning Commission, stating this number as three.

Horner commented that there are three parking spaces in the driveway before the sidewalk, in addition to the garage.

The condition that no more than three guest vehicles be present at any one time was added.

The condition regarding signage from Section 1262.08(e) 2 (f) (Bed and Breakfasts) was added.

The condition regarding the appearance of the structure 1262.08 (e) 5 (f) was added.

Askeland MOVED to include in the record of proceedings the letters from Paul Abendroth and Sue Abendroth. Pelzl SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Askeland read out the stipulation iterated in 1262.08 e5f:

The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by theuse of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

The Clerk read back the motion as follows: The conditional use be granted with the following conditions:

- Parking is limited to three total at any one time.
- That the standard cited in Section 1262.08(e) 2 (f) be the standard used for signage.
- That the owner comply with Section 1262. (e)5(f) regarding the appearance of the structure.

Askeland MOVED APPROVAL OF THE CONDITIONAL USE WITH THE ABOVE NOTED CONDITIONS and all Findings of Fact as cited in the staff report (cited below). Tobey SECONDED.

- The Conditional Use is in conformance with goals of the Villageôs 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 villageôs 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 the requirements of the Villageôs Zoning Code.

Reed CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

OLD BUSINESS

There was no Old Business.

AGENDA PLANNING

Special Meeting December 28, 2015.
Review and Rewrite of the changes to Accessory Structure and Accessory Dwelling Units.

ADJOURNMENT

At 8:50 pm, Pelzl MOVED and Tobey SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

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Matt Reed, 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.