

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7pm

Monday, June 13, 2016

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Matt Reed, Chair, Gerald Simms, Council Representative, Adam Abraham and Rose Pelzl. Also present were Denise Swinger, Zoning Administrator, and Solicitor Chris Conard. Alternate Chris Zurbuchen was present for Susan Stiles, who was out of town.

REVIEW OF MINUTES

Minutes for May 9, 2016. MOVED and SECONDED a MOTION TO APPROVE AS WRITTEN. The MOTION PASSED 4-0 ON A VOICE VOTE. Zurbuchen abstained due to absence from that meeting.

REVIEW OF AGENDA

There were no changes made.

COMMUNICATIONS

There were no Communications.

COMMITTEE/COUNCIL REPORTS

Simms reported that Council heard the first reading of the ordinances to amend the signs section of the zoning code.

CITIZENS' COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS

CONDITIONAL USE

1. Conditional Use Application (Mobile Vending -Food Trucks) 305 N. Walnut Street (I-1 Industrial Districts). Lisa Wolters, Applicant. To allow use of mobile vending (food trucks) at the YS Brewery location. Parcel ID# F19000100110025900.

The request is for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1250.02 (Table), to allow a -Mobile Vending (food truck) operation on the property located at 305 N. Walnut Street, which is zoned I-1, Light Industrial District.

The property is located in the I-1, Light Industrial District at 305 N. Walnut St. It is a 2.997 acre commerce park owned by Millworks Development Corp. that contains an industrial complex with multiple tenants. The Yellow Springs Brewery is one of the tenants in the Millworks complex.

The applicant has applied for a conditional use permit to allow operation of a mobile vending food truck for the purpose of providing meal and snack options during open taproom hours. The taproom hours beginning Memorial Day through Labor Day are M-F 3-10 PM, Sat 1-10 PM and Sun 1-8 PM, for a total of 51 hours per week. The mobile vending food truck will be parked in front of their overhead garage doors and will not take away any parking spaces. The Yellow Springs Brewery expects the mobile vending food truck(s) to be on-site 32 of the 51 hours the taproom is open. Swinger noted that there are restrooms inside the Brewery, and that the food trucks do not take away any existing parking spaces.

Reed called Lisa Wolters, Co-owner of the YS Brewery. She agreed with Swinger's assessment, and added that there have been no complaints from neighbors that they are aware of, and that there are local folks who patronize the trucks who do not also patronize the Brewery.

Wolters responded to a query from Conard, stating that they are approved through Millworks to have one food truck available per day.

Wolters stated that during the summer, they are open on Mondays and Tuesdays, but that this reverts to Wednesday through Sunday after Labor Day. She noted a brisk business from bicycle patrons.

Simms asked how the food trucks dispose of wastewater.

Wolters stated that she has never seen a truck dump water, but that if there were a need, they could accommodate this.

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

Reed asked whether the conditional use needed to be limited to one truck.

Swinger stated that another truck might impact parking.

Pelzl commented that the condition that parking not be impacted is already in existence, and wondered if PC could allow more than one.

Conard commented upon the matter of parking as already covered in the zoning code, and saw no other objection to the matter.

Conard noted that while PC deals with the issues at hand, the landlord and the annual review provide checks and balances, such that if there were a need for more latitude, they could easily bring the matter to the attention of PC.

Zurbuchen MOVED TO APPROVE THE CONDITIONAL USE APPLICATION AS SUBMITTED. Simms SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

2. Conditional Use Application (Site Plan Review) 888 Dayton Street ó (PUD, Planned Unit Development). Ken Soward, applicant. To construct an additional building on the property for the expansion of Dayton Mailing Services operation. Parcel ID# F19000100030001200.

The owners of 888 Dayton Street are seeking zoning approval to construct an additional building on their property for the expansion of their business operations, Dayton Mailing Services. The new building will be used for printing and mailing services for DMS Ink.

The structure will be 140 X 190 feet, a 26,600 square foot manufactured steel building. Because of the size of the proposed building, a Level B Site Plan Review by the Planning Commission is required.

The property is zoned PUD (Planned Unit Development) and it is in a Gateway Overlay District. For the purpose of site development regulations, the property is located at the NE corner of Dayton Street and East Enon Road. It consists of three parcels inside the Village with a total of 9.892 acres. In addition, there are two adjacent parcels owned by DMS, located to the north of the site in Miami Township.

Swinger noted that the side setback is 18 feet, though it appears on the site map to be much less than that. The required setback, she said, is 25 feet combined, with a minimum of 10 feet. Any construction will not affect the tree line, she said.

DMS plans to connect to the existing water, sewer and electric. DMS is working with Johnnie Burns regarding the need for a transformer.

Swinger stated that she wants to assure that storm water runoff is addressed.

STAFF ANALYSIS: According to VYS ZC Chapter 1260 General Provisions - Section 1260.04(d) Principle uses per lot:

A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, **PUD's**, or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

- (1) Individual buildings share common parking areas, signs, access and similar features;
- (2) Buildings are under single ownership;
- (3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
- (4) Buildings are architecturally unified and compatible

The addition of this building meets 1, 2 and 4 of the requirements of section 1260.04(d) regarding principle uses per lot. In regards to the propertiesøPUD zoning designation, the building expansion does not adversely affect the original PUD which was intended to house a variety of businesses on the property, as all of the above mentioned businesses remain. When the conditional use hearing was held in December 2015, the overall use of the property continued to be a variety of businesses. At such time when the owners, DMS, and the current tenants

end their lease agreements, a rezoning of the property may need to be considered by the Planning Commission and Council, especially if the two lots abutting in the township may be developed by DMS.

The Gateway Overlay District affects properties along Dayton-Yellow Springs Road from the western Village boundary, east to Kenneth Hamilton Way. Although this property is in the Gateway Overlay District, this expansion has no effect on this zoning as it will be an addition to the complex on the west side of the property. The underlying district setbacks are met by this addition, and there will be no parking or driveways created. The ceiling height will not exceed the 30 feet maximum, and the location of the building will meet the requirement of a 20 foot front yard green belt.

The area at the north end of the building on the east side measures 120øby 100øapproximately, well over the area needed for 6 spaces according to Table 1264.04 Minimum Off-Street Loading Requirements.

DMS does not expect any noise, light, fumes or odors impacting anyone inside this new buildingø expansion. Because their equipment is new, any fumes or odors will be vented through the roof and should not be an issue. Noise levels are under the state of Ohioø requirements and staff are not required to wear ear protection. DMS is upgrading their fire suppression sprinkler system. Available fire hydrants are located near the southeast end of the property on Dayton Street, across Dayton Street on the Vernay property, and on the west side of Antioch University Midwest.

DMS has been in contact with both Johnnie Burns, superintendent of electric and water distribution, and Jason Hamby, superintendent of waste water collection. For the purpose of this site plan review, the water and sewer will be connected to the existing infrastructure. Johnnie Burns indicated DMS will need to extend their primary line and install a new transformer.

Storm water management is not addressed in the documents provided by DMS as of the writing of this report. The DMS property does not have a detention basin, and Planning Commission will need to be assured their storm water management plan has zero impact for any storm water runoff on neighboring properties. Jason Hamby indicated a tie-in to the catch basin drain on Dayton Street could satisfy any runoff issues, however it isnø clear with the information provided what the storm water management plan is.

Staff recommends the Planning Commission review the information provided and any additional information available at the meeting, and consider:

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

Pelzl asked whether the dimensions of the proposed building would be larger if the setback requirement was not as stated.

Ken Soward, Executive Vice President for DMS, Ink, stated that the proposed building has been architecturally integrated with the existing structure. He noted that there are two lots, and one is in the Township, making combining the lots not feasible.

Tom Cooper addressed Swingerø concern regarding stormwater drainage. He noted that the plan for electric is to feed the second building off a transformer located in the current parking area. Cooper noted an existing detention pond that seems more than adequate to handle current runoff. He stated that runoff will need to be directed off the parking lot under the new plans so that it doesnø run into the loading dock area. Water from the roof will be directed to the storm sewer.

Swinger noted that she has spoken with the Superintendent of Wastewater Collection, who stated that currently, runoff from the existing buildings runs off underground and thence to a catchbasin.

Soward responded to a question from Reed, stating that all parking lot runoff currently goes to the detention pond, and that this has never reached capacity. Water moves from there to the storm sewer.

In response to a question from Reed, Cooper noted that DMS, Ink is working with an architect who is tasked with addressing all items on the site plan checklist.

Reed noted the electrical work is yet to be addressed.

Cooper acknowledged that the fire suppression system is currently in process, and that they are working with Chief Altman on that system. The plan will not include any modification to the current pumps. Cooper noted that the structure is not complex.

Reed noted the need for the stamped prepared documents for the PC file. Soward stated that these will be provided, and must also be provided to the County.

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

Conard walked PC through Chapter 1268.06 REVIEW STANDARDS, (a) through (c), noting that all of these appear to be adequately met. That section is listed here in its entirety for reference:

(a) The site plan must comply with all standards of this chapter and all applicable requirements of this code and all other applicable laws and regulations.

(b) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

(c) The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.

(d) Unless a more specific design standard is required by the Village through a different code, all uses and structures subject to site plan review shall comply with the following design standards:

(1) Traffic circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

(2) Storm water. Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system. Low-impact design solutions, however, such as rain gardens and green roofs, are encouraged.

(3) Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property. Topsoil shall be left intact or stored on site, using best management practices, for site restoration upon completion of the project.

(4) Screening. Where nonresidential uses abut residential uses, appropriate screening shall be provided, in accordance with [Chapter 1270](#), so as to shield residential properties from noise, headlights, lighting and glare.

(5) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

(6) Utility service. All utility service shall be underground, unless impractical.

(7) Exterior uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be visually and acoustically screened, if reasonably necessary, to ensure compatibility with surrounding properties.

(8) Emergency access. All buildings and structures, including any Fire Department, connections shall be readily accessible to emergency vehicles.

(9) Water and sewer. Water and sewer installations shall comply with all Village specifications and requirements.

(10) Signs. Permitted signs shall be allowed, in accordance with [Chapter 1266](#), and shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

Swinger walked PC through letter (d) (1): Traffic circulation.

With regard to this matter, Cooper noted that DMS, Ink has brought in public transportation, which has reduced the parking need in the rear lot. They have also provided a parking area at the Dayton Street side for Dr. Gronbeck. The medical clinic has been provided with parking at the southernmost edge of the lot.

Swinger noted that the Dayton Street lot added spaces, bringing the total to 203 spaces. The standard computation shows a need for more parking spaces, but given both public transportation options and that there are two shifts, this requirement is adequately mitigated.

The stormwater matter was addressed earlier in the meeting, and Swinger expressed that she will need an approved plan, but that the stated plan sounds adequate.

Cooper noted that the site plan is in the works.

Regarding (3) Landscaping, Swinger noted that no existing landscaping will be damaged, so there is no need for mitigation here.

(4) Screening was determined not to be an issue given the location of the proposed structure.

(5) Lighting was discussed, both the need for night time lighting for the second shift as well as the hours for the lighting. This was noted as on a sensor, and illuminated during all dark hours.

(6) Utility service location underground was determined to be impractical, given that it is electric, so will be overhead.

(7) Exterior Uses. Cooper noted that all exterior units will be aboveground, and these will be noted in the electrical plan.

(8) Emergency Access. This will not change.

(9) Water and Sewer has been discussed.

(10) Signs. This has previously been discussed and approved by the BZA at their May meeting.

Reed asked PC members whether they would be comfortable approving the conditional use pending the required checklist items.

Soward stated that DMS, Ink would be happy with a conditional approval based upon the electrical work being approved by the Village. He noted the same regarding water runoff, stating that DMS, Ink would work with any requirements asked in this regard.

Citing Chapter 1268.04 section (b) 3 and 4, Conard noted that PC has the option to approve the plan based upon the oral representation presented.

Soward noted that moving forward will require a substantial financial investment, and that they require some indication of approval to do so.

Swinger noted that she will need to review storm water connections and the electrical approval.

Swinger stated that she can approve any plans submitted following a conditional approval.

Conard noted that Swinger will sign off on the documents once submitted, so that they will then be available for the record and for PC review if needed.

Conard advised PC that they can approve the request given their review of the site plan, and that they require additional pieces of information which can be submitted directly to the Planning Coordinator for her approval.

Pelzl MOVED to APPROVE the CONDITIONAL USE REQUEST WITH THE CONDITION THAT THE LEVEL B SITE PLAN CHECKLIST ITEMS IS COMPLETED TO THE SATISFACTION OF THE ZONING ADMINISTRATOR. ADDITIONALLY, THE PARKING, AS IT CURRENTLY EXISTS IS HEREBY APPROVED. Zurbuchen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

TEXT AMENDMENTS

Swinger introduced the text amendments, noting that Planning Commission is considering the following:

1. Chapter 1248.03 Table - Lot and Width Requirements: Residential Districts ó erroneously lists a density of õup to 14 units per acreö in R-B Moderate Density Residential, and should be õup to 8 units per acreö according to Chapter 1248.01(b) Purpose ó R-B Moderate Density Residential.

Swinger noted that 1248.01 clearly describes the density as limited to õup to 8 units per acreö, leaving her to conclude that the õup to 14 units per acreö is an error, and is the designation for R-C, not for R-B.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

Simms MOVED to APPROVE THE PROPOSED TEXT AMENDMENT TO CHAPTER 1248.03. Pelzl SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

1. Chapter 1258.01 ó Schedule of District Uses ó Mobile Vending (Food Trucks) as a conditional use is missing from the Educational Institution (E-I) Zoning District. This amendment adds that use to the E-I.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

Simms MOVED to APPROVE THE PROPOSED TEXT AMENDMENT TO CHAPTER 1258.01. Pelzl SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

2. Chapter 1262.08(d)(1)- Conditional Use Requirements - Recreation/Food/Entertainment ó Mobile vending (food trucks) as a conditional use is missing from the Industrial (I-1) Zoning District. This amendment adds that use to the I-1 Zoning District. Also in this chapter a typographical error listing Educational Institution as õE-1ö instead of õE-Iö will be corrected.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

Zurbuchen MOVED to APPROVE THE PROPOSED TEXT AMENDMENT TO CHAPTER 1262.08 (d)(1). Abraham SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

3. Title Four ó Zoning ó Appendix ó Zoning Map ó A typographical error listing Educational Institution as õE-1ö instead of õE-Iö will be corrected.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

Abraham MOVED to APPROVE THE PROPOSED TEXT AMENDMENT TO Title Four. Zurbuchen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

AGENDA PLANNING

Swinger noted that she may have information ready for a hearing regarding the Glass Farm solar array for the July meeting.

In response to a question from Abraham, Swinger stated that Dona Margarotaø may not be prepared for the July meeting.

Swinger stated that there may be a variance to a PUD, and that this may need to come before PC.

Swinger stated that Ted Donnell has asked whether PC can take a look at a pocket zoning plan for potential addition to the zoning code.

ADJOURNMENT

At 8:15 pm, Pelzl MOVED and Abraham SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matt Reed, 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.