

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, November 14, 2016**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Gerald Simms, Council Representative, Matt Reed, Chair, Susan Stiles, and Adam Abraham. Also present was Denise Swinger, Zoning Administrator. Rose Pelzl and Chris Zurbuchen were absent.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Simms Moved and Abraham Seconded a Motion to adopt the Minutes of September 12, 2016. The MOTION PASSED 4-0 on a voice vote.

Stiles Moved and Simms Seconded a Motion to Approve the Minutes of October 10, 2016. The MOTION PASSED 4-0 on a voice vote.

**COMMUNICATIONS**

There were no communications.

**COMMITTEE/COUNCIL REPORTS**

Stiles reported on her attendance at a Climate Change workshop held by Environmental Commission.

**CITIZENS' COMMENTS**

There were no Citizen Comments.

**PUBLIC HEARINGS:**

Revision of Chapter 1284 Section 1284.08 DEFINITIONS: R-S ó regarding the length of time a dwelling unit is rented or leased.

Swinger noted that the only real change would be to add the word "daily" to the current version of Section 1284.08 Definitions to thus include daily rentals in the zoning code. The zoning code's definition for short-term rentals only applies if the dwelling is rented for a week or more, and therefore many of the dwellings advertised for rent in Yellow Springs do not fall into this category and are not required to submit a permit for a conditional use hearing. Swinger stated that she has added "daily" to the definition and has also added additional language to distinguish a room within a dwelling unit to further clarify the short-term rental concept.

Stiles commented that her only real concern was that if PC does make the decision to thus regulate short term rentals that those citizens currently operating those establishments be somehow required to let the Zoning Administrator know of their existence. She cited neighbor concern as well as the potential impact upon affordable housing as reasons for this concern.

Abraham agreed with this perspective, referencing a meeting he had attended where the issue was addressed.

Swinger agreed with this perspective. She commented that she has received several calls about the possibility that Airbnbs may be regulated, and that some have expressed concern as to what this might mean. Swinger relayed that she has advised that short term rentals (STRs) have long been regulated, and that this is only bringing in shorter-term rentals to that picture. She noted that these establishments can affect the tenor of a neighborhood if they begin to multiply.

Swinger differentiated STRs versus Accessory Dwelling Units (ADUs), but noted that ADUs are often repurposed as STRs.

Brockman noted that Conditional Uses cannot be denied unless the applicant refuses to meet the requested conditions. She noted that Airbnb is suing a number of cities at present for denial of application. She cautioned against denial.

In response to a question from Stiles, Brockman noted that the Village could not deny an application without cause, but that they could have regulating factors in place in the zoning code.

The Clerk asked whether PC should have something in the zoning code moving forward to enable them to have the means with which to impose limits or specific conditions.

Stiles commented that the input from the neighbors could be used as the deciding factor with regard to limiting or not limiting the number.

The Clerk opined that it might be more in keeping with the zoning code if PC set some arbitrary limits so that, for example, the character of a neighborhood did not change dramatically.

Abraham responded to this with a request to Swinger for more information on the subject.

Reed noted that PC would like to see some aspects of the conditional use spelled out.

Abraham asked about parking regulations, and asked that Swinger bring some information.

There was some discussion regarding the potential for exceeding the number of permitted guests in an Airbnb.

Reed stated that PC will proceed with the Public Hearing with regard to the change in definition of Short Term Rentals.

Simms commented on the need to balance density with safety, and noted that many ADUs are becoming either over crowded (the limit is two adults) or are being used as short term rentals.

Stiles asked what happens if an ADU is being used as an Airbnb.

Swinger stated that she did not have a ready reply.

Abraham commented that he doesn't see PC as obstructing Airbnbs, but that the commission should be fully aware of and appropriately regulating them.

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

Simms MOVED to APPROVE the revision of Chapter 1284 Section 1284.08 DEFINITIONS: R-S ó regarding the length of time a dwelling unit is rented or leased as recommended by staff. Abraham SECONDED.

Swinger commented that this revision applies to both rooms in homes NOT occupied by owner and home in which the homeowner IS present. Planning Commission members expressed their understanding of this application of the revision.

Reed CALLED THE VOTE, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

## **OLD BUSINESS**

Pocket Neighborhood Ordinance Discussion.

Swinger explained that at the last Planning Commission meeting, members reviewed the concept of a Pocket Neighborhood Ordinance within either the Village's PUD or Residential section of the zoning code. While no decision was made, Swinger stated that her intention had been to return with a model ordinance that PC members could begin to review. Since that time, as a result of two development projects brought forth and research of the current density regulations in residential districts for the incorporation of a pocket neighborhood code, it has become clear that Planning Commission needs to take a step back to review the existing density requirements for residential districts before moving ahead with the pocket neighborhood concept.

Swinger stated that she had asked BZA Chair Ted Donnell to assist her in interpreting the Lot and Width requirements for residential districts, and noted that she and he differed widely on that interpretation. She viewed the requirement stating that a density of up to 14 units per acre is permitted as meaning that an area less than one acre would be permitted incrementally fewer units. Donnell, she stated, interpreted this as meaning that 14 units are permitted on ANY lot size of up to one acre as long as all other requirements are met.

Swinger commented that the language to permit a pocket neighborhood is nearly there in the current language.

Stiles noted several community aspects of pocket neighborhoods which she believes should be incorporated into the code.

Swinger commented that the best way to assure the above is to put pocket neighborhoods into a PUD.

Simms commented that smaller size does not translate to greater affordability.

In February 2013, the Planning Commission (PC) voted to put in minimum dwelling size requirements for R-A and R-B of 900 square feet and let R-C default to the state requirements. At that time, the PC directed the zoning consultant to clarify 1248.03(a) footnote #5. Swinger noted that in the existing code, there is no footnote #5.

There was conversation on this topic as PC members weighed the issue.

PC members questioned Swinger regarding the cases scheduled to come before the BZA on November 28<sup>th</sup> as a way of understanding how the code is accommodating the arrangement and how the interpretation of the code bears on the case.

Abraham asked that this section be clarified moving forward so that varied interpretations are not possible.

Reed stated that he agreed with Donnell's interpretation, commenting that this is his understanding of Council's intent regarding infill at the time the code was written.

Stiles and Reed opined that in general the lot coverage and setback requirements would drive a limit on the number of units.

Brockman suggested the possibility for adding Pocket Neighborhoods as a Conditional Use so that there is the opportunity for public input.

Stiles raised the idea that any new construction should fit the character of the neighborhood.

Reed noted that the CU is less onerous than a PUD.

Reed noted that the Mills Park Hotel received only one hearing before the Planning Commission, but that the matter went before staff a number of times.

The body noted that the last residential PUD was Thistle Creek a number of years ago.

Swinger stated that she will bring back new language which takes out the 4,500 square feet per unit information and reiterates the number of units per acre for each residential area. She will work with Brockman to develop language to add Pocket Neighborhoods to the definitions section.

Swinger spoke to the usefulness of a lot survey so that Planning Commission and Village staff have a better idea as to what is available for development.

The Clerk suggested that this request could be made to Council as a good use of Board and Commission funds.

## **NEW BUSINESS**

**Comprehensive Development Plan: Discussion of Update Process.** PC discussed how and when to tackle the task. The group weighed upcoming discussion slated for the CBE area as presenting a need for PC guidance with regard to what uses may be most appropriate for that work.

Reed commented that when the PC reviews the Comprehensive Plan should be a Council decision.

Simms responded that waiting for a Council decision could long delay the process.

The Clerk posited that PC might be able to provide Council with concrete data as they move into the CBE discussion if they move ahead now.

The body decided to proceed with individual review of the current Comprehensive Land Use Plan, and to address the approach more directly during their January meeting. The Clerk indicated the Comprehensive Land Use Plan was available on the Village's website. She also offered to send it to the members via email.

**AGENDA PLANNING**

Decision Regarding December and January Meetings: The Commission decided not to meet in December, and to meet later in the month of January to give Swinger a chance to prepare information.  
Antioch College Dog Park (January)  
Comprehensive Development Plan (January)  
Lot and Width Requirements Discussion (January)

Reed commented that January would bring the need for elections.

**ADJOURNMENT**

At 8:16 pm, Stiles MOVED and Simms SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 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.*