

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, June 11, 2018**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Rose Pelzl, Chair, Council Representative Marianne MacQueen, Frank Doden, Ted Donnell and A.J. Williams. Also present were Denise Swinger, Zoning Administrator and Patti Bates, village Manager/Deputy Clerk.

**REVIEW OF AGENDA**

Pelzl reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

There were no minutes for approval.

**COUNCIL REPORT**

MacQueen noted that Council had approved three ordinances related to minor changes to the zoning code, all of which were the result of recommendations from Planning Commission (PC). MacQueen further advised that the Housing Advisory Board had sent a Housing Initiative Plan to Council for read-only and that there would be a further discussion at the June 18 meeting, along with a glossary of terms.

MacQueen noted that she and Swinger had attended a seminar on gentrification that was very interesting.

**CITIZEN COMMENTS**

There were no citizen comments.

**OLD BUSINESS**

**Minimum Lot Frontages.**

Swinger noted the section requiring minimum lot frontages on any lots created after the passage of the Code and also that the Code does not allow flag lots. Lots can be created if they have the proper lot frontage and the proper square footage for the zoning district in which they are located. Swinger further advised that a recent court case determined that a lot cannot be created by a variance. Swinger advised of the need for the creation of driveway standards, which do not exist in the current Code, noting specifically the need for emergency vehicle access. Two final requirements should be clearly marked addresses for ease of location in emergencies and the recording of the easement as part of the deed itself, not as a separate document.

Donnell asked what action needed to be taken. MacQueen asked if an access easement needed to run along the side of the existing lot to create the frontage, to which Swinger replied that the language needed to be clarified to make it easier to understand and interpret. Swinger went through the various exhibits in the packet and interpreted the Code using the exhibits.

MacQueen asked two questions. First, given that there are no driveway standards, is there a need to define a minimum width for an access easement? Second, MacQueen noted the prohibition against two curb cuts on a single property and asked about the need to address that. Swinger agreed that would also need to be addressed and that she found the Code included parking areas and off-street parking, but not driveways, making it unclear.

Doden referred to the West Center College exhibit in the packets, noting the lot could not be split because it would not have the required frontage. Swinger replied that the lot could not be split across the street frontage, but that an access easement could be established and the lot split parallel to West Center College to create a second lot in the rear. Pelzl asked how the rear lot would meet the minimum lot frontage requirement.

Swinger noted that, while the Code was specific in determining front of lot and rear of lot, the home built could face any direction. Pelzl noted that many lots in the Village do not conform to the existing definition of front/back.

Swinger referred to Exhibit D on Allen Street, noting that a lot could be created in either the front or the back of the existing residence. Donnell noted his concern over the required frontage and how that could be

obtained through an easement. Bates explained her interpretation of the Code allows for the easement to be extended along the edge of the newly-created lot, thus creating the required frontage and easements must be recorded as part of the deeds of both properties.

Pelzl asked that language be brought clarifying that, in order for an easement to be used to create frontage, the easement must extend the proper distance along the newly created lot. Donnell suggested using the definition of easements and graphics be provided to further show the internet.

MacQueen asked if there would be further discussion of flag lots. Swinger asked to delay the discussion until the easement language is clarified. Williams noted that splitting a lot and recording both was an expensive process, while creating an easement and recording on a deed was not. However, an easement can be vacated by court order, so some assurance of perpetuity was necessary. The Zoning approval process would be used to ensure access. Swinger noted that, in the creation of a lot, it would follow the Village's minor subdivision requirements located in the Planning Code.

Swinger referred to the Xenia Zoning Code section included in the packet, which allows only one residence per driveway, and requires the necessary notation be recorded on any and all documents related to the property.

### **Tiny Homes**

Swinger advised there is not currently an allowance in the Code for tiny homes. While we do not have a minimum lot size, the home must be anchored. Tiny homes are categorized with manufactured homes, which are defined in the Code. The International Residential Code defines "tiny home" as "400 SF (37 SM) or less in floor area, excluding lofts." It is difficult to get a certificate of occupancy for a tiny home without a definition.

Donnell noted that the problem in getting a certificate of occupancy is that the home must be tethered and connected to utilities in order to get the certificate, per the International Building Code. If a tiny home were anchored, it would be easier to get the certificate. Donnell further stated that the Building Code provided minimum standards for occupancy. Stick-built homes (built on-site) are inspected locally to ensure those standards. Manufactured homes forgo the on-site inspection process and are inspected at the manufacturer to receive a State sticker, but have no on-site inspections. Tiny homes are trying to fit somewhere in between, with occupancy without on-site inspections. Local building departments are hesitant to issue occupancy permits for something they cannot inspect. Donnell suggested to continue following manufactured homes regulations in regard to tiny homes.

Pelzl opened the public hearing on Tiny Homes. There were no citizen comments. Pelzl closed the public hearing.

Pelzl opened the public hearing on minimum lot frontages. There were no citizen comments. Pelzl closed the public hearing.

### **RV Parking**

Swinger noted the numerous complaints received by the Zoning Office regarding recreational vehicles parked on streets, whether used as dwellings or simply parked there for extended periods of time. This can cause safety concerns for emergency vehicle access and street maintenance. Swinger asked for feedback on whether the Commission should recommend to Council to include on-street parking of RVs and larger vehicles in the General Offenses Code, which would be enforced by the Police Department. Swinger noted that some complaints included concern that the person in the RV is not paying property or income taxes, not using local utilities, but is using local services.

MacQueen suggested the possibility of one piece of property being used for storage of such vehicles for a small fee. Swinger noted that we did not have one in town, but there were some in close proximity to the Village. Pelzl noted that enforcement of parking on the streets was not the jurisdiction of the Planning Commission.

Pelzl opened the public hearing on RV parking. Becky Campbell spoke, asking if there was a fine for illegal parking and could it be added to that section?

Pelzl closed the public hearing.

Pelzl asked if, based on Section 452.20, Swinger had a recommendation. Donnell noted that he felt it should be the Police Department's jurisdiction and not the Zoning Office's. Pelzl asked the process for that be explained. Swinger explained that it would require the passage of an ordinance.

MacQueen voiced a concern that the RV may be the only option. Bates explained that the Police Department was very proactive in finding other solutions for people who are using RVs as a dwelling.

Pelzl MOVED to recommend to Council that a restriction on RV parking on the street be included in the General Offenses Code, with a stipulation that there be included something to prohibit them from simply moving place to place in the Village. Donnell SECONDED. All ayes by voice vote.

**Comprehensive Land Use Plan**

Doden noted that the summer had just begun and he was finishing up classes. He would begin work on the Plan review immediately.

Pelzl noted that she had spoken to Karen Wintrow, who had a log of pictures that could be used in the update as exhibits.

Donnell and, Doden will meet, then Swinger to schedule the next special meeting of the Commission to work on the Plan.

**AGENDA PLANNING**

- Review of the Comprehensive Land Use Plan.
- Minimum Lot Frontages
- Tiny Homes ó wording for inclusion in Code
- Home, Inc. PUD
- Home, Inc. Senior Housing Development

Pelzl noted the next meeting is July 9, 2018 at 7:00 PM. Doden noted he would not be present. Pelzl confirmed Williams was available as alternate.

**ADJOURNMENT**

At 8:04pm, MacQueen MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Rose Pelzl, 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.*