

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, October 8, 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, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Solicitor Chris Conard.

**REVIEW OF AGENDA**

Pelzl reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

Minutes of September 10, 2018. Stiles MOVED and Doden SECONDED a MOTION TO APPROVE the Minutes as Amended. The MOTION PASSED 4-0, with MacQueen abstaining due to absence from that meeting.

**COMMUNICATIONS**

**COUNCIL REPORT**

MacQueen noted that the Manager's Housing Advisory Board (MHAB) had met with stakeholders to discuss Bowen's presentation on housing goals, and that the discussion had been a productive one. She noted that once the comments are written up she will make that report available to PC as well as to Council.

MacQueen asked that housing goals be added to the November PC agenda.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS:**

**Conditional Use Application (Pocket Neighborhood Development – 117 East North College Street ó (R-C, High-Density Residential) - Antioch College is applying for a conditional use permit to construct a pocket neighborhood development of eight dwelling units. Parcel ID #F19000100090029400.**

Swinger noted that after the last PC meeting, staff realized that a notice specific to the Conditional Use hearing had not been sent to neighbors. The neighbors were notified of Planning Commission's rezoning meeting and both of the Council rezoning meetings. Because staff did not want to create a procedural error and thereby potentially cause a future delay, and it was decided to hold a second meeting and a correctly noticed public hearing. During this time, Antioch College has fulfilled many of the conditions required by the Planning Commission at its September meeting.

As reported last month, Swinger stated, Antioch College is planning construction of the first Pocket Neighborhood Development (PND) since Planning Commission added this use to the zoning code last year. One of the requirements of the PND is that the property must be located in a residential district. The property was approved for rezoning from E-I, Educational Institutions to R-C, High Density Residential by Council at their meeting held September 17, 2018. The rezoning to R-C, High Density Residential becomes effective on October 17, 2018.

Swinger commented that Antioch has moved a rain garden and increased the size of one bio swale, and this is reflected in the updated site plan.

Swinger note that with Johnnie Burns, Public Works Director, a check was conducted of the two alleyways. For the alley running parallel to Xenia Avenue with an entrance/exit at East North College Street and East Whiteman Street, he determined that the Whiteman Street entrance/exit was too narrow for essential services or a Rumpke truck to pass through. There is also a utility pole with a down guy causing further obstruction and the location of a sewer manhole. Overhanging wires in the alley along the northwest corner of Antioch's property further prevents its use by tall trucks. Antioch College could provide several parallel parking spaces as Planning Commission suggested along the entrance at East North College, but without a full restoration of the alleyway, it would be difficult for a vehicle to exit via Whiteman Street in certain weather conditions (rain/snow). The second alley that runs parallel with East North College has been completely reclaimed by nature. This would be a full restoration and Public Works does not have it in their budget to restore it.

Donnell asked questions regarding prioritization of the restoration of alleyways, and this discussion lasted about 10 minutes.

Swinger noted that Council did pass the rezoning for the lot, and did add the caveat that the asphalt be removed from the adjacent lot once construction is completed on the PND.

Swinger noted the following conditions requested at Planning Commission's September meeting:

Final storm water calculations will be provided upon completion of construction plans and reviewed by the Village's engineer; and

A review of the construction plans by the Public Works Director prior to or at the same time the plans are submitted to Greene County Building Regulations for building permits.

Swinger commented that stormwater drainage areas would also be reviewed by engineering prior to signing off.

The revised site plan labels the curbs, curb cuts, waste receptacles and bollard lights.

She noted that in the re-submitted site plan, the underdrain was relocated to directly under the enlarged bio swale.

Staff previously requested and Planning Commission approved the following:

- Deviation from the parking lot requirements of the zoning code. ***The Planning Commission approved 16 foot paved lengths with bumper blocks providing a 2 foot bumper overhang (non-paved) to reduce the impervious surface.***

Swinger noted that the requested tree island for the parking area does appear on the revised site plan.

Swinger noted that the most pressing concern on the part of village staff is that of storm water management, and assuring that run off does not encroach onto neighboring properties. Storm water calculations will be completed by the Public Works Director and an engineer for the Village when the final plan is received, Swinger noted.

MacQueen asked questions referring to the HOA documents.

Conard responded that the HOA indicates that the property will be a leasehold agreement.

Monica Hasek acknowledged that the leasehold model will be that used, and noted that the units will be referenced as "condos" with 99-year leases. She acknowledged that the HOA would be responsible for the upkeep of the exterior of the properties.

Pelzl received confirmation that the Village will have to approve the HOA document before it is filed.

Conard noted that if there is any effort to terminate the association, the Village must be at the table to represent the village as a whole.

Conard noted that the current covenants are "purely a draft".

MacQueen objected to the caveat that clotheslines are not permitted, and asked for inclusively gendered language.

Conard clarified a concern that all homeowners are considered members of the board.

Pelzl OPENED THE PUBLIC HEARING.

Patricia Brown stated that the CCRs are not complete and have not been approved. She commented that "there are things in the CCRs that do not follow Ohio law" and need to be addressed. She addressed several aspects of the CCRs.

Hasek noted that all potential homeowners have received the CCRs and that feedback is being collected.

In response to a question from Conard, Hasek stated that there are currently six of eight homeowners committed to purchase.

Hasek responded to a question regarding the percentage of rental units, stating that the six homeowners are together subsidizing one unit which will be donated as a permanently affordable rental.

The second rental unit, Pat Brown stated that she plans to purchase an additional home and donate it to Antioch for an affordable unit. Use of the unit in the future, Brown said, "is up to them."

Stiles received information from Hasek that Antioch is looking into ways that a proxy can be named by the owners of the rental units to sit on the board.

Pelzl CLOSED THE PUBLIC HEARING.

Donnell asked what happens to the conditions imposed at the previous meeting which was not, in fact the official public hearing.

Swinger stated that all conditions are reiterated in her report, presented in the current meeting.

Donnell expressed concern as to the procedure.

Conard suggested that to address Donnell's concern, and in an abundance of caution, that there be a motion to include the minutes for September 10<sup>th</sup>'s meeting as a part of the October meeting.

Donnell received confirmation that the vote taken at the prior meeting was not official, since it was not an official public hearing.

Donnell asked how the conditions stated at that meeting could then be assured as part of the record as official conditions.

Upon advice from the Solicitor, Donnell MOVED TO INCORPORATE THE MINUTES OF SEPTEMBER 10, 2018, AS THEY RELATE TO THE ANTIOCH POCKET NEIGHBORHOOD DEVELOPMENT, AS A PART OF THE RECORD OF THE OCTOBER 8 PUBLIC HEARING. MacQueen SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

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

- 1) Remove asphalt on adjacent property ó Lot 3-A (Council to request as part of the rezoning).
- 2) Consult with Fire Chief to see if the alley can be utilized for one of the fire lanes.
- 3) Construction drawings to be reviewed by the Public Works Director prior to or at the same time the plans are submitted to Greene County Building Regulations for building permits.
- 4) Final storm water calculations provided upon completion of construction plans and reviewed by the Village's engineer.
- 5) Site Plan to show elevations, identification of light fixtures, and the identification of gutters and rain barrels showing their connections to the storm water drainage areas.
- 6) Conditions/Covenants and Restrictions:
  - A) Final approval of CC&Rs to be given by the Village.
  - B) Add the parking lot and any other potential parking areas on site to the common areas with language on how they will be maintained.
  - C) Remove the language re: garages.
  - D) Add language for the maintenance of the common areas (including but not limited to the meadows, the gardens, the rain garden and bio swale areas, and the pedestrian pathways.
  - E) Add language that states the Home Owner's Association cannot be terminated without approval by the Village of Yellow Springs.
  - F) Add language stating home owners must secure a zoning permit and solar interconnection agreement with the Village of Yellow Springs prior to the installation of solar panels.
  - G) Add language stating future accessory structures must be part of the common area and cannot be individually owned. This includes any future carport structure within the parking lot area.
- 7) Future Phase: With its 75 feet of right-of-way on East North College Street, provide the Village of Yellow Springs with a streetscape design aesthetic that will blend Antioch's first phase pocket neighborhood development pilot project with their second phase of development on the opposite side of the street. This could include but not be limited to ideas such as a pedestrian pathway and tree lawn area that will narrow

the street and provide a neighborhood interconnection between the two properties divided by East North College Street.

Stiles SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Conditional Use Application (Professional Office) – 1030 Xenia Avenue** (R-C, High Density Residential District) - Sharmine Lynch, applicant. Applicant has requested a conditional use permit to have a professional office located in an existing building - Parcel ID # F19000100080027100.

Swinger reported that Sharmine Lynch is the owner of Healing Care Acupuncture. Her office is currently located in the Humanist Center at 105 West North College Street. She recently purchased the former dental office at 1030 Xenia Avenue which has been vacant for a number of years. Located at the corner of Herman Street and Xenia Avenue, it was built for commercial use as an office building in 1996 for John Thomas Russell, D.D.S., who was a practicing dentist in Yellow Springs for 40-plus years.

Swinger noted that the use "Dentist Office" is changing to that of "Professional Office", and so requires a change of use hearing.

Swinger commented that the parking area will need to be re-striped, and will require at least one ADA compliant parking spot.

Swinger commented that in R-C, Dental offices are not permitted. At the time that Dr. Russel come before the Planning Commission for the use, it was considered as a "Professional Office".

MacQueen asked whether it really is a change of use if the prior conditional use was granted as "Professional Office".

Donnell commented that a true change of use will trigger a higher level of Greene County Building Department regulation, and suggested that it not be considered as a change of use but as a conditional use.

Swinger agreed that she will issue a conditional use permit if the application is approved.

Donnell objected to the curb cut which is near to Xenia Avenue. Donnell stated that he considers the curb cut a traffic safety hazard.

Donnell urged turning the parking lot into fewer parking spaces.

Roger Beal, the landscape designer for the property, stated his desire to keep all current parking spaces.

Donnell argued that the intent of the zoning code is to eliminate unneeded parking spaces and curb cuts.

Pelzl commented that signs should be placed to indicate "exit only" on the Xenia Avenue side, and "entrance only" on the Herman Street side.

Swinger confirmed that Lynch has more than enough parking.

Lynch stated that it is her desire to expand her business eventually.

After viewing the map, Donnell, rescinded his recommendation to eliminate the Xenia Avenue curb cut.

Pelzl OPENED THE PUBLIC HEARING.

There being no comment, Pelzl CLOSED THE PUBLIC HEARING.

Swinger reiterated that the parking lot needs to be re-striped to current requirements. She noted the requirement for screening from the adjacent residences in place from the current conditional use.

Pelzl MOVED TO APPROVE THE CONDITIONAL USE AS RECOMMENDED BY STAFF, INCLUDING THE FOLLOWING CONDITIONS:

- 1) The parking lot area be re-striped to indicate parking stalls consistent with the zoning code's current length and width requirement
- 2) A minimum of one ADA parking stall be dedicated
- 3) Any modification to the current ingress/egress flow of traffic for parking or any future parking lot configuration be approved by the zoning administrator

- 4) Uphold the previous condition that landscaping screening of the parking areas from the adjacent residences will be at least four feet high and of a material that will obscure the view year-round.
- 5) All entrances and exits will be clearly marked with signage from the street and lot sides.
- 6) Any signage will require a sign permit from the zoning office.

Donnell SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

#### **OLD BUSINESS**

Comprehensive Land Use Plan Update. The Clerk provided information from a workshop held on comprehensive land use plans. She noted that this endeavor is moving to an online format that makes the plan highly accessible.

The Clerk noted that it was recommended that municipalities be clear about what they want from a consultant.

PC discussed these options.

Donnell agreed with pulling a consultant in earlier, noting his frustration with the process at present, and the wordiness of the current document.

The Clerk commented that a comprehensive process would be doable for in the range of \$30,000.00.

MacQueen agreed to ask for \$30,000.00 in 2019 as a part of the budgeting process.

Donnell asked that the alley discussion continue.

Swinger offered, and the PC agreed they would like the Public Works Director to come to a PC meeting to present on infrastructure needs.

MacQueen commented that she would like a discussion to occur regarding where housing can be placed, based upon infrastructure information.

Donnell commented that PC could target certain properties with regard to their zoning designations, which would further facilitate housing development, but stated that indicating what type of housing was not the purview of the PC.

PC discussed the interface of a housing plan with the comp plan.

PC asked that the presentation prioritize the state of the distribution system and alleys.

Conard suggested that a SWOT analysis might be a good approach.

#### **AGENDA PLANNING**

October 18: Work Session (1-3) re: Home, Inc. Proposal for PUD/Senior Housing  
November 12: Public Hearing re: Site Plan for Home, Inc. PUD/Senior Housing

#### **ADJOURNMENT**

At 8:40pm, MacQueen MOVED and Donnell 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.*