

**Planning Commission  
Regular Meeting**

**Virtual Meeting @ 7:00pm**

**Tuesday, November 10, 2020**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present via zoom were Frank Doden, Chair, Council Liaison Laura Curliss, Dino Pallotta and Stephen Green. Alternate Sarah Amend served for AJ Williams, who was unable to attend. Also present were Denise Swinger, Zoning Administrator, Village Manger Josue Salmeron and Village Solicitor Breanne Parcels.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes of October 13, 2020 Regular Meeting. Doden MOVED and Curliss SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 4-0 on a voice vote, with Amend abstaining due to absence from that meeting.

**COMMUNICATIONS**

Letters of support for the CU hearing at 1310 Shawnee Drive were noted:

Carly Bailey; Alma Coleman; Cheryl Durgans; Leigh Duncan; Kate Hamilton; Carol Cottom/Bruce Bradtmiller; Craig Case; Kim Fish; Jeanna Gunderkline; Beth Goodrich; Timothy Koehler; Sara Levin; Brianna Moore; Ross Santel; Jacob Schmidt/Emma Robinow; Chelsea/Ryan Skinner; Brook Whitmore; Claire Reynolds; Mary Fisher; Corrine Devine; Chris Bullock; Tracy Hunt; Sandra Jessen; Charles Kofor; Chris Powell; James Luckett/Tania Maus; Liz Valenti; Todd Leventhal; Anna Cardenas; Moriel Rothman-Zecher

**COUNCIL REPORT**

Curliss noted that Council has approved the Comprehensive Land Use Plan.

Salmeron informed PC that the WiFi project is underway downtown, and that is scheduled for completion in the next one-to-two weeks.

Salmeron commented that the subdivision regulations were passed by Council.

A scheduled power outage will occur in the Village from 11pm November 12 until 3am November 13<sup>th</sup>, Salmeron stated. All safety measures are being enacted in accordance with the outage.

**CITIZEN COMMENTS**

There were no Citizen Comments.

**CONSENT AGENDA**

Minor Subdivision Application – R-A, Low Density Residential - The Yellow Springs Exempted Village School District has applied for a minor subdivision of land at 420 East Enon Road. Parcel ID #F19000100200000100.

There being no comment or questions on this item, the matter reverts to the Planning and Zoning Administrator for action.

**PUBLIC HEARINGS**

- 1) Conditional Use Application – R-B, Moderate Density Residential District – Benjamin and Elyssa Bullock have submitted a conditional use application for a home occupation permit for their bagel baking business at 1310 Shawnee Drive – Chapter 1248 Residential Districts, Ch. 1262.08 Conditional Use - Specific Requirements. Greene County Parcel ID #F19000100060007400.

Swinger acknowledged the many letters of support received. She explained Home Occupations in the Village, noting that these have been permitted for many years, and are permitted if the applicant can adhere to the conditions required.

Swinger noted that staff had recently become aware of Mr. Bullock's bagel business and contacted him for a home occupation permit. Because he has visitors coming to his home, he is required to go before the Planning Commission for a conditional use hearing.

Swinger stated that Mr. Bullock receives about 40 visitors per week to pick up bagels, but that these visits are brief. There have been no complaints from neighbors regarding an increase in traffic in the area. Swinger noted that Bullock is at capacity now. She noted that she had spoken with one neighbor who had some general concerns, and that these were alleviated after discussion.

Pallotta recused himself.

Ben Bullock commented that he was satisfied with the presentation.

Curliss asked whether neighbors were heard-from.

The Clerk responded that three neighbors from that block had written letters of support.

Doden OPENED THE PUBLIC HEARING.

There being no comment, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED TO APPROVE THE CONDITIONAL USE FOR A HOME OCCUPATION. Amend SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

- 2) Conditional Use Application — R-C, High Density Residential District –Gavin Leonard has submitted a conditional use application for a Transient Guest Lodging establishment at 143 East Limestone Street - Chapter 1248 Residential Districts, Chapter 1262.08 Conditional Use –Specific Requirements. Greene County Parcel ID# F19000100090025200.

Swinger explained that Gavin Leonard has submitted a conditional use application to establish a transient guest lodging establishment at his primary residence. He indicated that he would like to make his home available during times he is out of town or during special events in Yellow Springs.

Swinger commented that Leonard has received his Fire Inspection and approval from MTRF.

Pallotta received clarification that there have been no communications in opposition to the use.

Gavin Leonard commented that he anticipates using this in a limited manner, in the event that he and his family will be out of town for a short period of time.

Doden OPENED THE PUBLIC HEARING.

There being no comment, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED TO APPROVE THE CONDITIONAL USE FOR TRANSIENT GUEST LODGING. Pallotta SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The Village of Yellow Springs is applying for an amendment to the Zoning Code:

- 3) Amend Chapter 1264 Off-Street Parking and Loading regarding parking minimums in B-1, Central Business District.

Swinger walked Planning Commission through the suggested amendments to Section 1264.

Green commented that the explanation seems more of a comment and perhaps is not needed in the code.

Swinger responded that minimums exist in every other area of town, and this serves as a way to offer suggestions for alternatives to those in the CBD.

Curliss suggested that some of the information be relegated to a footnote.

Curliss MOVED to ADD THE WORDS "THERE ARE NO MINIMUM PARKING REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT" to Swinger's suggested language and to "move the rest of the language to a footnote.

Amend commented that Design Guidelines would be very helpful, or a tracking document.

Doden suggested alternative wording.

The Clerk suggested adding a section to contain the wording considered to be policy.

Curliss suggested a policy handbook for parking guidelines.

Curliss argued against containing the working in the amendment, since it's "not enforceable."

Amend commented that Design Guidelines would be a heavy lift, but would be very useful. She commented that the information does need to be retained.

Swinger suggested alternative wording.

Curliss reluctantly agreed to the change in wording, which changes the amended text to the following:

**There are no parking minimums in the B-1 Central Business District. The Village's Central Business District has a number of structures built with little or no space for off-street parking areas. The Planning Commission has had to allow for exemptions to the required number of spaces on most applications for the B-1 District. Because the parking minimum requirements are detrimental to the economic prosperity of the downtown, the Village of Yellow Springs has removed off-street parking and loading requirements in B-1. The Planning Commission encourages creative alternatives, such as shared use private parking lot agreements with adjacent property owners including information on peak hours of service and estimated maximum number of customers, on site bicycle parking facilities, and/or requiring employees to park further away.**

Curliss MOVED to ADD THE LANGUAGE THAT IS UNDERLINED AND NOT HIGHLIGHTED. (See above for the interpretation of that motion). Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

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

Curliss MOVED TO ACCEPT THE PROPOSED CHANGES TO SECTION 1264. Doden SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The Village of Yellow Springs is applying for an amendment to the General Offenses Code:

- 4) Amend Chapter 674 Weeds regarding noxious weeds, invasive plant species and managed natural landscapes.

Swinger introduced the chapter with some proposed changes, and then turned the floor over to Catherine Zimmerman and Nadia Malarkey.

Zimmerman gave an extensive preamble, linking the changes with the effort to make the Village a National Wildlife Federation Community, in part.

Malarkey drilled down on the managed natural landscape aspect of the ordinance.

In response to a question from Green, Malarkey explained the difference between the lists of invasives contained in the ordinance.

Both Malarkey and Zimmerman advocated for having the ordinance force removal of banned plants.

It was noted that the ban is on the sale of these plants.

Zimmermann stressed the need for education around "what is good for the environment" vs "what is good for my yard".

Doden commented that this would make 36 plants invasives and subject to removal. HE asked how this could be enforced.

Pallotta commented strongly that removal cannot be enforced, but not planting the invasives could be enforced.

Amend commented that one cannot punish residents for not knowing they are not supposed to plant

something.

Malarkey commented that there is a link in the ordinance with this information.

Green commented that the communication aspect seems overwhelming, and that the penalty aspect seems concerning.

Behrens noted that the ordinance would be complaint driven.

Amend commented that a misdemeanor charge seems inappropriate and that perhaps more community work is needed first.

Malarkey stressed that she is not concerned with the enforcement aspect of the ordinance and that that would be up to PC.

Curliss objected to some of the wording, stating that references to things not stated in the ordinance itself are outside of the area of enforcement and are as such irrelevant.

Zimmerman asked that “noxious weed” be defined in the ordinance. She suggested the ordinance carry no penalty, but be educational.

Parcels noted that the ORC does not define “noxious weeds”.

The group discussed enforceability and whether to enforce for upcoming developments and not for existing yards.

Swinger noted that the smaller list had been enforceable since the 1970’s but that was a much shorter list.

Pallotta advocated for enforceability only moving forward. He stated that he doesn’t want an ordinance that “goes after” residents.

Zimmerman objected, stating that there might not be a lot of new development. “People need to know that these plants are really bad in their landscapes,” she stated.

Amend suggested the use of Facebook for this effort, but advocated against enforcement.

The discussion continued in this vein for about 25 minutes.

Swinger suggested separating out ROW violations from the discussion regarding invasives.

Green stated that the ordinance is not a good means of education, it’s a place to set down rules.

Doden, Curliss, Malarkey and Zimmerman agreed to meet to work on the language for the amendment.

All agreed that the language in the “Managed Natural Landscapes” section is good.

**OLD BUSINESS**

There was no Old Business

**NEW BUSINESS**

There was no New Business.

**AGENDA PLANNING**

Swinger noted that there will be no meeting in December.

For January:

Transient Guest Lodging

Accessory Dwelling Unit

**ADJOURNMENT**

At 8:38pm, Doden MOVED and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

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Frank Doden, 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.*