

**Planning Commission
Regular Meeting**

Virtual Meeting @ 7:00pm

Tuesday, October 12, 2021

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Liaison Laura Curliss, Sarah Amend, Susan Stiles and Stephen Green. Also present were Denise Swinger, Zoning Administrator, Johnnie Burns, Public Works Director, Village Manager Josue Salmeron and Village Solicitor Breanne Parcels.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of September 14, 2021 Regular Meeting. Doden MOVED and Stiles SECONDED a MOTION TO APPROVE the Minutes. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

Steve Deal/Nancy Mellon re: Gulch Complaints

COUNCIL REPORT

Curliss noted that Council had passed a resolution committing to work on the Mills Lawn Greenspace issue.

CITIZEN COMMENTS

There were no Citizen Comments.

CONSENT AGENDA

Minor Subdivision: Doug Roberts, Owner, 1545 Xenia Avenue. Doden MOVED and Stiles SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

PUBLIC HEARINGS:

- 1) Conditional Use Application – B-1, Central Business District – Steve Edington has submitted a conditional use application for an expansion to the Gulch’s outdoor patio area and mobile vending (food trucks) at 128 Dayton Street - Chapter 1250 Business Districts, Chapter 1262 Conditional Uses, 1262.08 Specific Requirements. Greene County Parcel ID# F19000100110023500 and F19000100110023300.

Swinger introduced the topic, explaining that the property in question is a commercial property under the ownership of Bob Baldwin, who has two lots, one containing the outdoor patio area measuring 4,200 sq. ft. and the second lot located behind the building and used for parking measuring 6,534 sq. ft. The owner of The Gulch, Steve Edington, has submitted plans to increase the size of the outdoor patio at the rear of the property. He received approval from Planning Commission in 2007 for the outdoor patio. The expansion would add an additional 480 sq. ft. to the current outdoor patio area. He will occasionally have a food truck parked immediately behind the outdoor patio area at the back. The Gulch is open six days a week between 3PM and 1AM.

Swinger noted that Mr. Edington has cleared out the vegetation at the rear of the property creating an additional eight parking spaces for his establishment and providing a total of 22 parking spaces. As part of this improvement, new gravel was added and graded to the back parking lot.

Green received confirmation that the patio area will need to be fenced in, per Ohio Department of Liquor Control regulations. Swinger noted sewer work underway in the area, which would make a temporary fence the best option temporarily, to be followed by a permanent fence once the sewer work is completed by the Village.

Stiles asked whether there would be music played on the outdoor patio.

Edington commented that Kim Baldwin had spoken to the authors of the letter sent to PC and had enacted some remedies. They have discussed the privacy issue, and plan to erect a privacy fence.

Edington stated that there are no plans to play music outdoors, unless it were a live acoustic performer.

Amend received a response from Parcels that yes, fencing could be a condition of approval if PC determines that it is a needed factor for noise reduction.

There was some confusion regarding the fence, with Edington clarifying that the intention was to build a fence both around the patio and around the perimeter of the parking lot.

Green received clarification that the Conditional use is for the patio only, not for the parking lot, so PC cannot become involved in the issue of the parking lot fence.

Green inquired about water runoff.

Kim Baldwin responded that one corner of the parking lot sits lower, and she is planning to pile up gravel in that area to resolve the issue, but wants to wait until a final decision is reached regarding either fencing or planting trees to provide screening between the residence(s) and the parking lot.

Doden OPENED THE PUBLIC HEARING.

Kay Koeninger, who resides on Walnut Street in proximity to the Gulch, stated that she opposes the patio expansion due to the possibility of increased noise. She noted “constant” noise that gets “louder and louder through the evening” six nights a week.

Doden CLOSED THE PUBLIC HEARING.

Amend asked whether there were any measures the petitioner can take to further mitigate noise.

Edington stated that this is the first time in 14 years that he has been made aware of a noise issue. HE stated that he would be happy to make the fence a solid one, rather than the shadow box fence that is there now, which should help mitigate noise.

Stiles asked what steps a resident can take if there is noise.

Swinger stated that the police can be called, and if the issue is ongoing, they can meter the noise to determine whether or not there is a noise infraction.

In response to a question from Stiles, Swinger stated that if the gravel or other methods do not resolve the water runoff issue, the complaint would come to her, and she would assure that it is addressed.

Curliss commented that businesses have the right to create some amount of noise during business hours, and that reality should be taken into account. Curliss received the information that the Gulch has been in existence for 40 years, and commented that the business pre-dates many home occupancies.

Amend suggested that the fence height be increased from 6’ to 7’ to further reduce noise.

Swinger responded that if a non-residential landowner puts up a fence, it can be up to 8’ tall without special permission. This would result in some loss to the parking area, she explained, since the setback has to increase as the fence height is increased, which would mean going to the BZA for a variance.

Green asked whether the fence could be put around the patio, rather than the parking lot, eliminating the need for increasing the setback.

Curliss MOVED TO APPROVE the conditional use as requested for a patio expansion and permission for a food truck. Per staff recommendation, the fence around the patio can be of a temporary nature until the Village’s sewer relocation project is completed, or, if the land owner wishes to put up a permanent fence sooner, they are made aware that they will be responsible for repair or replacement if the storm water upgrade project must encroach on the fence. Doden SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Swinger asked whether the 7’ fence was meant to be included in the motion. Edington commented that it would be his preference to build to 8’ if possible, and Swinger stated that he can indeed build to 8’ without special permission to do so.

Swinger stated that she will provide a letter of agreement for Edington to sign.

OLD BUSINESS

Parking Plans Review. Swinger introduced the topic as follows:

In 2020, Planning Commission made a recommendation to Council for approval of the updated

Yellow Springs Comprehensive Land Use Plan. Accompanying the plan was a series of renderings to increase parking at or near the Central Business District. The renderings included both on street and off-street parking spaces. Due to opposition to angled parking along Phillips and Elm Streets, Council voted to remove the renderings from the plan. Swinger noted several parking options offered in the plan that had originally been included in the CLUP.

With renewed interest in the topic, the Downtown Business Association recently sent a letter to Council asking them to move forward with these plans. Staff is interested in furthering this discussion with Planning Commission to seek a recommendation to Council. A parking study can cost anywhere from \$25,000 to \$50,000. Staff would prefer to use these funds to develop the existing plans.

Staff would like input from Planning Commission on the proposed parking map renderings, a possible parking study, identification of and an inventory of on-street parking locations near the Central Business District, an official Village of Yellow Springs Parking Map and wayfinding signage.

Green asked how many parking spaces have been added in the past several years at the Bryan Center and on the Village-owned lot on Railroad Street.

Swinger noted that a number of spots have been added, and these are generally filled on the weekends.

Curliss asked for a specific number of parking spots added in the last three years.

There was general discussion regarding the need or lack of need for more parking.

Swinger commented that adding parking on Phillips and Elm would be in the nature of an improvement.

Curliss argued against angle parking as dangerous and asserted that there is never anyone parked on Elm or Phillips on busy weekends.

Amend countered that with the plethora of backup cameras in vehicles the backing danger is a non-issue. She noted that she didn't think that area was available for parking, and if it were improved and signed, more people would park in that area.

Stiles argued for more parking and advocated for parking at Beatty Hughes Park.

Green suggested providing signage and then seeing if the Elm and Phillips Street parking is used, and if so improving the parking area.

Doden suggested online applications to direct people to parking. He advocated against spending money on another study to "tell us what we already know."

Denise responded to a question from Green, stating that once Council hears the PC recommendation they can ask for action to be taken in the form of adding funds to the budget to enable Public Works to undertake the project.

Stiles agreed that there is no need for another study, but did ask that Council read through the renderings provided for the CLUP.

Jaime Sharp, Downtown Business Association (DBA) member, asked that all of the proposed solutions remain on the table. She noted that studies or traffic counts are often held during slow months and are not accurately reflective of the need for parking. She suggested a wayfinding app that would direct people to parking. Sharp concluded by stating that the DBA members are unanimously opposed to the concept of paid parking.

Bernadine Parks expressed objection to the parking plan, stating that there is not a need for additional parking, and objecting in principle as a safety concern.

Terry Smith advocated for signage to direct people to parking.

Dino Pallotta stated categorically that he is opposed to paid parking, and asked that this be strongly conveyed to Council.

Lindsay Burke commented that people don't now know where they can park, and suggesting wayfinding signage and apps. She echoed the sentiment expressed against paid parking and against any further study.

Mary Eby opined that there should be no further study. She advocated for signage and asked for a needs assessment.

Carol Young reiterated that the area is not a busy parking area. She stated that she was accepting of parallel parking, but stated that any other type of parking will change the nature of the neighborhood.

Amend asked that the school be informed of any plans to improve the area for parking.

Stiles suggested parallel parking on Phillips and Elm until and unless there is a need to convert this to angle parking.

Doden MOVED that there be no further parking studies; that emphasis be placed upon wayfinding signage and applications; that the CLUP parking plans be fully reconsidered by Council with the caveat that PC is recommending parallel rather than head-in parking on Phillips and Elm; that no fees be implemented for parking Village-wide, and that Public Works provides estimates for each of the suggested parking options. Stiles SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Swinger noted the preliminary PUD plan from Oberer will be coming in November.

Swinger noted that several downtown businesses have taken advantage of the easing of patio restrictions during COVID, and now need to come to PC for conditional use hearings to be able to continue this use. This will likely mean three of these hearings in October.

There may be a conditional use hearing for an Antioch College use coming up.

Amend suggested adding the requirement for screening as a text amendment.

ADJOURNMENT

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

Frank Doden, 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.