

**Planning Commission
Regular Meeting**

In Council Chambers @ 7:00pm

Tuesday, February 14, 2023

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Council Liaison Gavin DeVore Leonard, Gary Zaremsky, and Scott Osterholm. Also present was Denise Swinger, Zoning Administrator.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Osterholm MOVED TO APPROVE the minutes of the January 10, 2023 Regular Planning Commission meeting. Zaremsky SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

- Matt Raska re: Infrastructure and Zoning Priorities
- Ellis Jacobs re: Support for Proposed Zoning Reforms
- Yunas Brevik re: Support for Proposed Zoning Reforms
- Diane Chiddister re: Support for Proposed Zoning Reforms

COUNCIL AND COMMITTEE REPORTS

DeVore Leonard reported that Council has heard the first reading of an ordinance increasing zoning fees, and will hear the second reading on February 21st. He noted that Council has also heard first readings on three utility ordinances. These ordinances, which all increase rates annually for a five-year period, will have second readings and public hearings on February 21st.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS:

There were no Public Hearings.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Presentation from Neighbors for More Neighbors. Alex Melamed started the presentation, with John Hempfling and Matt Raska then each taking a section of the proposal to deliver.

In general, the group proposes multi-family uses permitted in all districts, and dwelling units over businesses a permitted use. They also asked that dwelling units, multi-family and otherwise, located over or in the same building as non-residential uses, be added as a conditional use in Industrial districts.

The group provided rationale for the requests.

Overall, the group argued that single family housing is the least efficient environmentally, and most restrictive from a cost standpoint. They asserted that lack of housing diversity contributes to lack of cultural diversity.

Zaremsky commented that the examples used were from large cities, although they were scaled to the Village. He stated that in conversation with several members of the group, they have acknowledged that many of the uses they are requesting are permissible through the conditional use process, but that they have indicated that they believe the CU process is too onerous.

Melamed argued that only persons with money can afford to engage in the CU process.

Zaremsky again asserted that the uses are, most of them, conditionally permitted, and sometimes there is pushback from the community against the requested use. That too, he stated, is an essential part of the process.

Zaremsky asked what the effect of eliminating R-A would be upon the housing situation.

Hempfling responded that the effect would likely be modest, but that the idea is to start the process. He added that by eliminating CU's, it "should save staff time and money" since they do not have to engage in the CU process.

The Clerk asked the presenters to identify their ideal outcome in suggesting the changes.

Hempfling stated that his goal is more affordable housing in the Village.

Melamed stated that more "freedom and choice for each homeowner" which would, in his view "increase complexity and vibrancy."

Raska stated that more residents will help bring down utility costs.

Stiles stated that she agrees with the addition of multi-unit and duplex housing in R-A, but stated that she does want these uses to be conditionally permitted. She added that she also believes ADU's should remain conditional, citing PC meetings in which neighbor concerns were able to be effectively addressed through the CU process. Stiles added that in her tenure on PC, she has never seen an ADU turned down. She suggested a good "how-to" guide for the CU process for ADU's.

Stiles stated that she believes residential over business uses should be permitted.

Stiles stated that she would like to see the zoning code permit 20-30% multi-family housing in all subdivisions.

DeVore Leonard asserted that affordability is his primary focus. He asked whether CU is considered in and of itself to be "exclusionary".

Hempfling responded that some advocates for zoning reform do consider the process exclusionary.

DeVore Leonard responded to Raska's characterization of the Village budget as "apocalyptic" as untrue and potentially harmful.

Zaremsky asked for a clear statement regarding changes the group is requesting.

An exchange transpired, and it was determined that a document outlining specific requests had not been received for the packet.

Zaremsky commented that affordable housing requires subsidies, and subsidy is the critical factor.

Melamed opined that lot splits could make this more likely.

PC members discussed several suggestions, included permitting residential over retail in B-1; B-2 and I-1; I-2.

There was general agreement on this suggestion.

Zaremsky wanted to know why the zoning code is set up this way.

Hempfling commented that this was not addressed at the time the zoning code was adopted in the 1950s.

Discussion wound off in a lateral direction for several minutes.

PC discussed the suggestion that ADU's be permitted rather than conditionally permitted.

Swinger commented that the process normally brings in neighbor comments, and while none have been denied in her tenure problems have often been resolved during the process.

A majority PC members agreed that ADU's should remain conditional, with Stiles stressing the need for a "how-to" guide to help potential petitioners through the process.

Sue Abendroth commented that everything in Yellow Springs is expensive, stating that affordable housing will not resolve the difficulty persons of lesser means have in living in the Village. She commented further that zoning codes are designed to lend predictability. She commented that "doing away with the zoning code" is not a supportable position. She also commented that conditional uses are needed to allow for input.

Abendroth opined further that, as a resident of R-A, if a duplex or tri-plex were built next door to her it would negatively impact her quality of life.

Carmen Brown commented that 50-60 years in the past, the Village was more diverse in every way, and that is not the case now. She stated that no one is suggesting doing away with the zoning code. She stated that zoning codes tend generally to favor those of means and influence. Brown stressed that the plan is to amend portions of the code, as is happening all over the US presently.

Mitzie Miller commented that public hearings are important to the process overall. She stated her objection to multi-family housing as a permitted use. She commented further that the proposed changes are more likely to benefit developers who are interested in making money than residents. She commented on the need to "protect the Village and its residents"

Matt Raska referenced the original zoning code which he characterized as boilerplate and therefore racist.

Swinger commented that the current zoning code was adopted in 2013, and it “is not boilerplate”.

Stiles suggested adding language to the subdivision regulations to permit “20-30% multi-family” in those subdivisions.

Blankenship addressed a question from the Clerk, stating that while citizens cannot request text amendments, they can request that staff bring forth text amendments. If those amendments are accepted initially by the PC, then language is drafted and those come to the table as public hearings.

Swinger stated that she has no concern regarding permitting residence over business in B-1 and B-2. She stated that she sees no problems with residence over business in I-1 or I-2.

Stiles MOVED TO REQUEST A TEXT AMEND BE BROUGHT FOR CONSIDERATION TO PERMIT RESIDENTIAL OVER BUSINESS IN B-1; B-2; I-1 and I-2. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Stiles MOVED TO INITIATE A TEXT AMENDMENT TO ADD MULTI-FAMILY ATTACHED SINGLE FAMILY AND TWO-FAMILY USES AS A CONDITIONAL USE TO R-A. Osterholm SECONDED.

Swinger stated a concern that there are plats in existence now that prevent such uses.

Stiles agreed that this would then need to be for non-platted R-A.

Swinger detailed several options in the zoning code that enable multi-family uses on a lot in R-A.

Swinger commented that a utilities review was added into the code after permission was given to permit flag lots, because people were subdividing, selling at profit, and then leaving a problem regarding utility access.

DeVore Leonard asked whether additional units would not be supported by existing infrastructure in some areas of town.

The Village Manager commented that the utility review would catch any such potential issues.

The Clerk re-read the motion with the language discussed above as follows: THE REQUEST IS TO INITIATE A TEXT AMENDMENT TO ADD MULTI-FAMILY ATTACHED SINGLE FAMILY AND TWO-FAMILY USES AS A CONDITIONAL USE TO NON-PLATTED R-A. Osterholm SECONDED.

DeVore Leonard commented that he does not believe that these amendments will significantly impact housing, but may do so in the long term. He suggested that PC might want to consider inclusionary zoning.

Regarding impact on quality of life, DeVore Leonard commented that quality of life is already changing: the Village is becoming older, richer and whiter.

Stiles responded that that kind of direction needs to come from Council.

Swinger observed that when land is annexed in from the Township, it automatically comes in as R-A. If land were to come in automatically as R-B, she commented, this would permit greater density without the need to rezone.

Stiles asked whether a text amendment could address this.

The Clerk read the amended motion as follows: THE REQUEST IS TO INITIATE A TEXT AMENDMENT TO ADD MULTI-FAMILY ATTACHED SINGLE FAMILY AND TWO-FAMILY USES AS A CONDITIONAL USE TO NON-PLATTED R-A. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Stiles asked that a text amendment permitting all land annexed in from the Township to come in as R-B rather than R-A be brought.

Stiles asked that 30% multi-family housing in subdivisions be permitted, stating that “PUD’s are political, and developers don’t want to deal with them.” She asked that this possibility be researched.

AGENDA PLANNING

Home, Inc. PUD Preliminary Plan; Text Amendments; Glen Helen Parking Lot.

Stiles asked the Solicitor for confirmation that she would need to recuse for the Home, Inc. portion of the meeting.

Blankenship affirmed that Stiles will need to recuse for that portion of the meeting.

DeVore Leonard noted that he will not be present for the March meeting.

The Clerk asked for a 6pm start time for that meeting, and all agreed to the change in time, given the weighty agenda.

ADJOURNMENT

At 8:43pm, Stiles MOVED and Osterholm SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Susan Stiles, 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.