

**Planning Commission
Regular Meeting**

In Council Chambers @ 6:00pm

Tuesday, September 12, 2023

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Scott Osterholm, Gary Zaremsky and Council liaison Gavin DeVore Leonard. Also present was Meg Leatherman, Zoning Administrator.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Osterholm MOVED TO APPROVE the minutes of the August 15, 2023 Regular Planning Commission meeting. Green SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

Stiles used this time to remind PC members that they should clearly identify themselves as acting as private citizens if engaging in a public concern outside of a PC meeting.

Osterholm responded, stating that he was aware that the comment stemmed from his recent meeting with a County Commissioner regarding traffic mitigation in the Township. He stated that he had acted as a private citizen but that the YS News had identified him as a PC member without his prior knowledge.

By way of acknowledging Osterholm's frustration, Stiles commented that she had had similar experiences in her professional life, and that it was her experience that newspapers often took liberties or made identification errors.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee: No Report.

Council: DeVore Leonard reported the following:

Council approved retention of \$205,000 in the Greenspace Fund through 8/31/2024 to cover TLT's one-year grant extension for the potential purchase of easements identified as being in the Village's priority designation.

Council will hear information from NIC regarding property maintenance and the potential for Village government involvement in enforcing property maintenance issues.

Burns presented the case for in-house tree trimming, including the hiring of two employees and the purchase of a bucket truck, arguing that this would provide greater capacity at a lower cost within a three-year period. Council verbally agreed to the idea, and will further consider it during budgeting.

Traffic mitigation issues have been raised by citizens. Public Works and PD have responded actively with speed enforcement, brush clearing, re-striping and replacement of signs where appropriate. Council continues to discuss the possibility of further action.

Housing Committee: No Report.

CITIZEN COMMENTS

Reilly Dixon, YS News, stated that he had written the article identifying Osterholm as a PC member, and proceeded to justify this identification as responsible journalism, stating that, “when one public official interacts with another I would be remiss not to point out the affiliation.”

Stiles responded, saying that an individual is not permitted to represent the entire body unless empowered to do so by that body. She gave an example of an interaction with a public official in which an affiliation would be misleading, since she would be acting in a private capacity.

A back-and-forth ensued, with several PC members asserting their right to interact publically without being affiliated, and Dixon disagreeing on the grounds that he has a duty to provide context.

PUBLIC HEARINGS

Final Plan Application For PUD – Brian Drew of Massies Creek Ventures, LLC, has submitted an application for a final development plan review for the property at 108 Cliff Street. Greene County Parcel ID #: F19-000100110025600.

Leatherman presented the hearing, noting that on July 17, 2023 Council held a second reading and public hearing of an ordinance approving the preliminary development plan and rezoning the parcel as PUD. Council voted to approve the PUD zoning designation and preliminary development plan.

Leatherman stated that the final development plan application must conform to the requirements for final site plan review contained in Chapter 1268 to receive approval, and added that PC members are limited in their consideration to those requirements outlined in Chapter 1268.

Leatherman noted her findings, summarizing that because there have been no changes made from the preliminary plan to the final plan, and because that plan is in conformance with the standards for site plan review and PUD standards, staff is recommending approval.

Leatherman then noted several amendments to her report, notably that reference to the ADA compliant ramp is removed from consideration because this will require an agreement with the adjoining property owner which may take some time to set up. She noted that the applicant fully intends to put in the ramp.

Dean Pallotta, a member of the Board of Directors for Massies Creek Ventures, spoke on behalf of the petition. He identified the YS Brewery as the adjoining property, and the property owner as Alison Moody.

Pallotta stated that the PUD status will assure the permitted uses and will aid in gaining tenants for the property.

Leatherman responded to a query, stating that the property has received a conditional use permit for the Market Eatery, and that conditional use can be extended for one year upon request.

Stiles inquired as to the likelihood of retail uses in the space.

Pallotta responded that the LLC has received inquiries for retail uses, but have been awaiting approval of the final plan before responding to these requests. He added that they are ready to begin working on issuing leases and begin proceeding with their business plan as soon as they receive final approval from PC.

Leatherman responded to a question from Zaremsky, stating that once the final plan receives approval, the project has one year from the date of that decision to have started making all improvements noted in the plan, or to have achieved occupancy. She noted that the conditional use is on a different timeline, as referenced earlier.

Stiles OPENED A PUBLIC HEARING.

Patrick Lake identified himself as the creator of Massies Creek Ventures. He stated that he had created the venture to serve the Yellow Springs community. He questioned the ability of the current Board of Directors to ensure this focus, then stated that, “the business is currently for sale, so how do you even know who will be coming in?” Lake repeatedly expressed his concern regarding the direction of the business.

Lake stated that when he previously “came before this body” as a manager, a role he no longer holds, he was “asked directly whether management had a business affiliation with Dave Chappelle.” He then alleged that one of the owners has resigned from the business to take a job with Chappelle.

Stiles CLOSED THE PUBLIC HEARING.

Stiles summarized Leatherman’s findings indicating that the final plan is unchanged from the preliminary plan, and that the plan is in conformance with standards for site plan review, §1268.05, and the PUD standards of §1254.06, making note of the change made to the ADA compliant ramp requirement.

DeVore Leonard received confirmation that there is no aspect of the business itself over which Planning Commission has any purview, and that the decision must be made based upon the applicable code.

Osterholm MOVED TO APPROVE THE FINAL DEVELOPMENT PLAN AS PRESENTED. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Goals Review. Leatherman introduced the discussion, first noting a chart provided which outlines all projects identified in the Comprehensive Land Use plan with a note regarding who is the lead, what work has been or is now occurring, and which items have not yet been started. She read through the items identified specifically as potential 2024 goals by PC members at the previous meeting.

- Develop a “how-to” guide for residents interested in developing Accessory Dwelling Units (Housing & Neighborhoods)
- Review whether existing zoning requirements add costs to housing developments or reduce density (eg. excessive parking requirements, minimum lot sizes, or setbacks). (Housing & Neighborhoods)
- Proactively enforce property maintenance codes to prevent existing housing from going into disrepair (Housing & Neighborhoods)
- Explore Establishing a Community Reinvestment Area (CRA) District on certain undeveloped land within the Urban Service Boundary, including the Glass Farm (Housing & Neighborhoods)

Discussion was held regarding the recommendation regarding enforcement of property maintenance codes, including potential unintended consequences.

The group heard information regarding a request to NIC that they provide guidelines for property maintenance to Council for a possible ordinance. This ordinance would likely be targeting commercial properties rather than residential properties, and would be safety-oriented.

Stiles commented that she does not want PC to support other than safety-related enforcement, since she does not want anyone inadvertently displaced from housing. She commented that she likes the idea of providing information related to mitigating safety issues.

Zaremsky noted that nearly all of the nuisance ordinances are complaint based.

Leatherman noted that two new projects: zoning amendment for bicycle parking and development of apartments had been brought forward by PC members at the August meeting.

Leatherman read through 22 “Active or On-going projects”, identifying several that she recommends remain on the PC project list to ensure completion. PC made comments on these.

There was some discussion regarding housing and how best to support the Housing Committee particularly in developing apartments.

Leatherman commented that the ADU brochure is likely to be a fairly quickly achieved objective.

PC members circled back to the discussion regarding safety issues several times, with Leatherman offering to explore what other jurisdictions are doing in this regard and to check in with NIC.

Leatherman received information from Zaremsky regarding YSDC activities, and stated that she will reach out to this group before firming up the goal related to Economic Development.

DeVore Leonard commented that he is unclear on what items need direction from Council or PC or another potential group. He commented that he feels slightly overwhelmed at the scope of the list.

The group discussed the Historic District Overlay, with DeVore Leonard requesting more information regarding what latitude PC has, if any, in requesting changes to plans before them if those plans adhere to the zoning code.

Leatherman offered to address this in more detail in a communication.

Stiles asked that PC consider removing the Historic Designation goal at a later point.

DeVore Leonard asked where funding for housing studies or RFPs, economic incentives, etc. would derive.

Zaremsky noted Antioch College’s land for sale, commenting that some area would be ripe for housing development.

Leatherman indicated that she is aware of the situation, but that sales have moved ahead rapidly.

PC expressed support for Housing Committee pursuing RFP(s) for areas identified as appropriate for housing.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Leatherman commented that she did not yet have submissions. PC agreed to not hold a meeting in October if there are no hearings.

ADJOURNMENT

At 7:22pm, Stiles MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 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.