

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION-SPECIAL MEETING-MINUTES**

In Village Council Chambers

May 22, 2007

CALL TO ORDER

Chair Bruce Rickenbach called the meeting to order at 7:02 p.m.

ROLL CALL

Bruce Rickenbach, John Struewing, Bill Bebko, and Tim Tobey were present, as was the Village Manager Eric Swansen and Assistant Planner Ed Amrhein. Matt Reed was absent from the meeting.

PUBLIC HEARING

A conditional use application for the property at 502 Dayton Street, for the Bahia Community to use this property as a place of assembly in a Residence B district. This was a continuation of the Planning Commission hearing of May 14, 2007. Struewing MOVED and Bebko SECONDED a MOTION to CONTINUE the Public Hearing. The MOTION PASSED.

Nadia Malarkey speaking on behalf of the Bahia Community explained that they had reconfigured their plan in order to add the six additional parking spaces.

Swansen explained that this request included a three-part process; a change in land use, a variance for an addition and a change of Building Occupancy Rating. This public hearing would be regarding the change in use only. The variance request would go to the Board of Zoning Appeals and the Greene County Building Department would address the change in occupancy from a residence to a place of assembly. Swansen then reviewed the general standards listed in 1272.04 and the more specific standards listed in 1272.05(d). In highlighting the parking standards, Swansen explained that the off-street parking ration is 1 space per 8 seats, the parking should be at the rear of the property and the parking area must be paved. Swansen added that there was potential loss in tax revenue.

In their discussion regarding parking, Planning Commission agreed according to the diagram there are four spaces on the property to be used by the assembly and two parking spaces that are required for the dwelling unit above the garage for a total of six. There are enough parking spaces for the current size of the assembly. The Commission agreed that the screening surrounding the parking areas could be sufficient but it is not certain that the parking space breaching the right-of-way could even be considered. There would be potential additional parking on the horseshoe of the driveway.

Gary Lawson a resident on South High Street stated that he supported the Bahia Community joining the neighborhood, but was concerned about converting the property from residential to non-residential use. There is a potential proposal to expand the building, but that would go before the Board of Zoning Appeals. Mr. Lawson would like it to continue to be a residential property.

Nadia Malarkey explained that the Bahia Community would be leasing the property from the LLC, so there would be no tax-exempt status at this time. Roi Qualls representing the LLC explained that it is a for-profit organization and would not qualify for tax exemption. One additional public comment and one comment received via telephone were both in support of the Bahia Community.

Struewing explained that he was a little concerned regarding the suggested remote parking areas, which are approximately two blocks away. Rickenbach stated that PC should still consider the remote parking for potential growth of the Bahia Community. Struewing explained that there are no guidelines for remote parking in the zoning code and he does not think a four- minute walk is unreasonable, however he does want to insure that this discussion does take place as a part of the PC process.

Struewing MOVED and Bebko SECONDED a MOTION to CLOSE the public hearing. The MOTION PASSED.

Conditions that were discussed:

1. An executed form of the agreement between the Bahia Community and the LLC.
2. Continuing into perpetuity a provision of alternative parking.
- 3.
- 3.

4. When counting for current spaces on the property, the two for the dwelling unit and the one broaching the right-of-way cannot be counted as 'place of assembly' parking spaces.
5. Approval of this conditional use is based on this specific applicant and is not transferable; two access points from N. High Street would be permitted if marked enter/exit.
6. The screening is acceptable at its current level of vegetation; additional north and west boundary screening must be approved by staff

Struewing made a MOTION for APPROVAL of the conditional use permit subject to the five previously listed conditions. Bebko SECONDED the MOTION. The MOTION PASSED.

ADJOURNMENT

Having no further business, Tobey MOVED and Bebko SECONDED a MOTION to ADJOURN. The MOTION PASSED.

Bruce Rickenbach, Chairperson

Deborah Benning, Recorder