

**VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, February 26, 2018 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

**CALL TO ORDER**

**ROLL CALL**

**REVIEW OF AGENDA**

**REVIEW OF MINUTES**

Minutes of February 12, 2018

**COMMUNICATIONS**

**COUNCIL REPORT**

**CITIZEN COMMENTS**

**PUBLIC HEARINGS:**

**Conditional Use Application** - B-2, General Business District ó1535 Xenia Avenue ó Property  
Owner: Antonio Avalos. Brian Rainey of the Calypso Grill has submitted an application for a restaurant serving alcohol. Parcel ID # F19000100060009900

**OLD BUSINESS**

**NEW BUSINESS**

Assignment of Planning Commission member as representative to Active Transportation Committee.

**AGENDA PLANNING**

**ADJOURNMENT**

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, February 12, 2018**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Vice-Chair, Rose Pelzl, serving as Chair, Council Representative Marianne MacQueen, Frank Doden and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes of December 11, 2017 were reviewed. MacQueen MOVED to ADOPT THE MINUTES AS WRITTEN. Doden SECONDED and the MOTION PASSED 3-0 with Donnell abstaining.

**COMMUNICATIONS**

There were no communications.

**COUNCIL REPORT**

MacQueen noted a Housing Needs Assessment presentation and subsequent meetings of the Housing Advisory Board. She noted upcoming meetings which will elicit public opinion and input on the matter of Housing availability and planning for the Village.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS:**

- a. **Conditional Use Application and Site Plan Review** of B-1, Central Business District of Jake Brummett has submitted a conditional use application for the purpose of establishing a brewpub at 101 Corry Street. Parcel ID# F19000100100005100.

Swinger explained the request as follows:

A conditional use application for a brew pub at 101 Corry Street was submitted to the Zoning Office for a hearing before the Planning Commission (**Case #PC18-01**). The property is located at the southeast corner of Dayton and Corry Street in the Central Business District. It is the former location of William's Eatery.

The property is owned by International Transaction, Inc. whose mailing address is 13 Medalist Way in Xenia, Ohio. The applicant is Jake Brummett, owner of Wander & Wonder at 241 Xenia Avenue. Mr. Brummett is leasing the building for a brew pub. He intends to call the business "Trail Town Brewery" and plans to brew 100 to 200 gallons of beer weekly to be served only on the premises. He also plans to serve Mexican-themed food. Mr. Brummett plans to be open seven days a week from 11:00AM to 10:00 PM.

Mr. Brummett has indicated he is putting only a small area for 8 to 12 people in the brew house location. This was previously filled with tables for diners. He said that the previous restaurant had a total seating area in both rooms for 70 to 80 customers.

Mr. Brummett has indicated there will be a caramel smell inside the building when he is boiling the wort, but it will dissipate once he is finished brewing. His brew house will be located under the existing exhaust system in the enclosed porch area indicated on the site plan. Mr. Brummett intends to do this process twice a week and will put the spent grain in bins to haul offsite immediately after brewing to ensure no outside odors.. He said the spent grain will be used to feed farm animals.

Mr. Brummett has indicated there will be no additional noises from the operation of the brew pub. There will be an 8'X 12' walk in cooler but it is enclosed in an existing addition on the side of the property next to Peach's Grill. Mr Brummett does not plan the addition of any additional impervious surfaces.

Mr. Brummett indicated he is putting only a small area for 8 to 12 people in the brew house location. This was previously filled with tables for diners. He said that the previous restaurant had a total seating area in both rooms for 70 to 80 customers. Mr. Brummett will have seating for 36 in the main room, seating for 8 to 12

in the brewing area, and additional seating for 16 in the outdoor patio area. This brings the total seating count to 64. There are six parking spaces available on site. Mr. Brummett intends to have one marked for accessibility.

Pelzl invited the applicant to speak.

Mr. Brummett reiterated that he will be a small brew operation— less than a tenth of the volume of the YS Brewery. with the product to be sold on the premises only.

MacQueen asked about the potential odor produced, and was informed that the fumes would be vented out for about 90 minutes per brewing, and again the odor would be caramel.

Donnell asked Brummett whether he had yet consulted with the Greene County Building Department or the Greene County Health Department.

Brummell indicated that he had a visit scheduled from the Health Department for a walk through on Thursday. He indicated that if the Health Department granted approval, he would then apply for a manufacturing/brewing license.

Donnell cautioned Brummell that Greene County Building Department would require an occupancy permit for any change of use, and cautioned further that the greenhouse structure is temporary, and if the use is changed that would cease to be grandfathered in.

In response to a question from MacQueen, Donnell explained that even if the brew operation was conducted in the permanent structure, the change of use, given that there is a residence located on the upper floor, would be likely to require substantial modification.

In response to comment from Brummett, Donnell noted that the greenhouse does not comply to the structural standards necessary for a permanent structure, but has been grandfathered in for nearly 30 years.

Planning Commission directed Brummett to get in contact with Al Kuzma regarding the matter.

Swinger suggested that Brummett contact the property owner to see if she may have further information regarding the structure.

Pelzl raised the issue of parking.

Swinger commented that PC could be generous in this matter, given that the number of seats will be fewer than was the case for Williams Eatery.

Pelzl OPENED THE PUBLIC HEARING.

Laura Heberkoss, stating that she and her husband own the Flying Pepper Food Truck, and sell regularly at the Yellow Springs Brewery. She stated that they had looked at the property at 101 Corry St. as a potential brick and mortar location for their restaurant, but that Brummett had already leased the building. Heberkoss stated that she and her husband have been speaking with Brummett about providing food for his brewing operation.

Heberkoss stated that she and her husband are committed to “fresh, local products”, and purchase extensively from the farmers market in their home area of Logan County, and would commit to purchasing from the Yellow Springs farmers market and local providers if they were able to serve in the area more regularly.

Karen Wintrow, representing the Yellow Springs Chamber encouraged PC to view the request favorably, noting that the gap left by Williams’ departure needs to be filled. She opined that parking for Williams was not a problem, so that parking for the smaller venue should not be an issue.

Wintrow noted that the owners of the Flying Pepper had reached out to her, and that she was impressed with their commitment to locating in the Village.

Wintrow commented that when Brummett came to the Village to open Wander and Wonder eight months ago, he demonstrated the desire to be creative with his business and to reach out to and fit into the local environment. Wintrow opined that these qualities will help his new venture achieve success.

Pelzl CLOSED THE PUBLIC HEARING.

MacQueen received confirmation from Swinger that there were no complaints brought regarding parking when Williams Eatery was in business.

Brummett was asked about bicycle racks, and indicated that he would be able to put a bike rack in, and asked for guidance in installing handicap accessible parking.

Donnell commented that the use is permitted with conditions, stating that the only condition he would impose is that Brummett obtain an occupancy permit for the building.

Donnell MOVED TO APPROVE THE CONDITIONAL USE APPLICATION WITH THE CONDITION THAT THE APPLICANT OBTAIN AN OCCUPANCY PERMIT THROUGH THE GREENE COUNTY BUILDING DEPARTMENT, AND OBTAIN HEALTH DEPARTMENT APPROVAL. PLANNING COMMISSION DEEMS THE EXISTING PARKING AVAILABLE ACCEPTABLE WITH THE INCLUSION OF BIKE RACKS. MacQueen SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

Planning Commission members verbally gave their approval of the requested hours of operation (11am-10pm).

- b. Text Amendment – Table 1250.02 Schedule of Uses: Business Districts** ó adding mobile vending (food trucks) to B-2
- c. Text Amendment - Table 1258.01 Schedule of Uses by District** ó adding mobile vending (food trucks) to B-2, General Business District.
- d. Text Amendment – Chapter 1262.08 (d) (1)** ó adding mobile vending (food trucks) to B-2, General Business District.

Swinger introduced the topic, noting that there is no allowance for mobile food trucks in the B-2 in the current zoning code. She commented that she did some research on the topic, and determined that in fact the decision had been purposeful, but noted that it makes little sense, given that food trucks are permitted in the B-1, where they might theoretically compete with brick and mortar establishments.

Donnell commented that at the time of the zoning code rewrite, food trucks were not a popular or trendy use. This has changed considerably in the past five years or so, and, he noted, the idea makes sense for that district.

Pelzl noted that the change needs to be enacted in three areas of the zoning code, and proceeded to call public hearings for each section of the zoning code.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Table 1250.02 Schedule of Uses: Business Districts ó adding mobile vending (food trucks) to B-2.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

MacQueen MOVED TO ENACT THE TEXT AMENDMENT TO TABLE 1250.02 SCHEDULE OF USES: BUSINESS DISTRICTS ó ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2. Pelzl SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Table 1258.01 Schedule of Uses by District ó adding mobile vending (food trucks) to B-2, General Business District.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

MacQueen MOVED TO ENACT THE TEXT AMENDMENT TO TABLE 1258.01 SCHEDULE OF USES BY DISTRICT ó ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2, GENERAL BUSINESS DISTRICT. Donnell SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Donnell received confirmation from Conard that in this type of situation, in which a challenge to any one of the amendments would jeopardize all of them, that the amendments could be heard as a single public hearing.

Pelzl OPENED A PUBLIC HEARING FOR A TEXT AMENDMENT TO Chapter 1262.08 (d) (1) ó adding mobile vending (food trucks) to B-2, General Business District.

There being no public comment on the matter, Pelzl CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

Donnell MOVED TO ENACT THE TEXT AMENDMENT TO CHAPTER 1262.08 (D) (1) 6 ADDING MOBILE VENDING (FOOD TRUCKS) TO B-2, GENERAL BUSINESS DISTRICT. Doden SECONDED and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

## OLD BUSINESS

**Update of Comprehensive Land Use Plan (CLUP) and addition of Complete Streets Policy.** Swinger explained the need to update the CLUP, and provided some historical background.

Donnell suggested that the method used for the 2010 rewrite had been effective, with participants reviewing selected sections monthly and then discussing changes and additions at their monthly meeting.

Donnell commented that the CLUP still reflects the values of the community, stating that substantive changes are likely not needed, but that the attachments and data all need revision.

MacQueen suggested a subgroup for initial review.

Pelzl commented that PC could address the document by sections each month and that this would be doable. She stressed that the document is heavily relied upon by the Commission.

Donnell characterized the CLUP as a policy document for developers.

Donnell suggested that utility connections should be included in the CLUP, using the Glass Farm as an example.

The Clerk stated that she will provide past versions of the CLUP as well as all of the appendixes to PC members.

PC determined that the Complete Streets Policy will be incorporated in to the CLUP rewrite.

Donnell suggested that at the March meeting, PC review the appendixes and the introduction and discuss what they wish to include.

Doden suggested that there be a discussion as to how to break the document up for revision at the March meeting.

Swinger suggested that the appendixes be included within the revised CLUP for the rewrite.

## NEW BUSINESS

**Annual Report to Council 6 Review of draft report of Planning Commission activities to present to Village Council.** Swinger went over her draft report to Council briefly, informing PC that she would provide the report to Council at their March 19<sup>th</sup> meeting.

Swinger noted that most persons seeking planning or zoning information come in without appointments.

## AGENDA PLANNING

Swinger noted that need for a special meeting for February 23<sup>rd</sup> to hear a Conditional Use request. She explained that the owner of an establishment had purchased a second property and had assumed that in taking over the prior restaurant's liquor license, he would be grandfathered in to the use.

Swinger noted that while this would ordinarily be the case, the previous owner, after obtaining voter permission to serve alcohol in that district, failed to return to the Village to obtain a conditional use to do the same.

Donnell questioned the need for the proprietor to return for a conditional use, arguing that if the voters approved the establishment as *öwetö*, this should transfer on to the new owner as a matter of course. He opined that this might be considered punitive to the current owner.

Pelzl asked whether the use could be grandfathered-in.

PC discussed the matter briefly, agreeing to err on the side of caution and to hold a hearing.

The Solicitor advocated for holding the hearing, stating that it was the safest course of action for all concerned.

All present, with the exception of Doden, stated that they would be able to attend a special meeting on February 26<sup>th</sup>.

**NOMINATIONS**

MacQueen NOMINATED Pelzl as CHAIR. Donnell SECONDED.

Pelzl NOMINATED Doden as Vice-Chair. MacQueen SECONDED.

Vote on the Motions will occur at the next regular meeting of the Planning Commission.

**ADJOURNMENT**

At 8:20pm, Pelzl MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Matt Reed, 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.*



**PLANNING COMMISSION**

**MEETING DATE:** Monday, February 26, 2018

**STAFF REPORT:** Denise Swinger, Zoning Administrator

**LOCATION:** 1535 Xenia Avenue

**ZONING DISTRICT:** B-2, General Business District

**APPLICANT:** Brian Rainey of Calypso Grill and Smokehouse

**PROPERTY OWNER:** Antonio Avalos

**REQUESTED ACTION:** Request for a conditional use permit, per Yellow Springs Zoning Ordinance Table 1250.02 Schedule of Use - Business Districts, Table 1258.01 Schedule of Uses by District, and Chapter 1262 Conditional Use Requirement.

**HEARING NOTICE:** "Conditional Use Application - B-2, General Business District of 1535 Xenia Avenue of Property Owner: Antonio Avalos. Brian Rainey of the Calypso Grill has submitted an application for a restaurant serving alcohol."

**GREENE COUNTY PARCEL ID #** F19000100060009900

**BUSINESS DISTRICTS:** of Chapter 1250.01 (b) "B-2," General Business District. The B-2 District accommodates general retail and/or auto-dependent businesses. Uses within this district typically require high visibility, major arterial frontage, good access and ample parking. While these uses are provided for, the B-2 District is intended to be limited to a confined area so as to prevent the creation of a commercial strip and a proliferation of uses that would detract from the central business hub of the community.

**STAFF ANALYSIS OF THE APPLICATION:**

Brian Rainey, owner of the Sunrise Café, has made an application to the zoning office to open a new restaurant serving alcohol called the Calypso Grill and Smokehouse, a conditional use requirement in the B-2, General Business District.

The owner of the property, Antonio Avalos, closed his Mexican restaurant Dona Margarita's last year. He leased the building to Mr. Rainey for use as a restaurant serving alcohol. In a review of the 1535 Xenia Avenue zoning file it was determined that Mr. Avalos received zoning approval for a restaurant in June 2014. It is requirement of the zoning code to hold a conditional use hearing for Mr. Rainey's Calypso Grill because the permit issued previously was for a restaurant only, not for a restaurant serving alcohol. Mr. Avalos was required by the Ohio Department of Liquor Control to seek approval from the voters living in the south voting district of Yellow Springs if he wanted to serve alcohol at this location, which he received in May 2014.

Mr. Rainey intends to operate his restaurant from 11:00 AM to 9:00 PM, six days a week. The restaurant will be closed on Tuesdays.

**PROPERTY INFORMATION AND ANALYSIS:**

The property located at 1535 Xenia Avenue is lot #12 in the Yellow Springs Southgate plat. A driveway entrance measuring approximately 44 feet in width serves the ingress and egress to this property. This driveway entrance is owned by the property owner to the immediate south. The paved portion of the parking lot measures approximately 80 feet in width. The depth of the lot measures 186 feet on the south side and 191 feet on the north side. The rear property line measures approximately 114 feet (Exhibit A).

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1250.03](#). New lots shall not be created, except in conformance with these requirements.

<i>Table 1250.03 Lot and Width Requirements: Business Districts</i>		
<b>Zoning District</b>	<b>Minimum Lot Area (Sq. Ft.)</b>	<b>Minimum Lot Width (Ft.)</b>
<b>B-2, General Business</b>	<b>12,000</b>	<b>80</b>

The lot measures .5728 of an acre or 24,950 square feet. The front lot line measures 187.29 feet. *The lot size and property width meets the requirements of the zoning code for B-2.*

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in [Table 1250.03a](#).

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building <sup>1</sup>	Total	Least		
B-2	45	20	30	30	15 <sup>5</sup>	25 <sup>6</sup>	50
<p>5 If the side yard abuts a Residential District or a Village boundary line, a setback of 30 feet shall be provided.</p> <p>6 If the side yard abuts a Residential District or a Village boundary line, a setback of 35 feet shall be provided.</p>							

The front yard setback is 10 feet from the lot line. However, there is an additional 60 feet in front of the lot line that is under the ownership of the business to the immediate south. The front



yard setback for the parking area is 12 feet, but again, an additional 80 feet in front of this area is under the ownership of the business to the immediate south.

The northern side yard setback is 15 feet and the southern side yard setback for the building measures 98 feet. The rear yard setback is 79 feet.

With a lot size of 24,950 square feet, the lot coverage of fifty percent or less is 12, 475 feet. The building footprint measures 2,211 square feet or less than 18 percent of the total lot coverage.

*The building meets the setback and lot coverage requirements for B-2, except for the front yard setback which is grandfathered in and is unusual in that there is a wide section of land at the front under the ownership of 1545 Xenia Avenue.*

### **Chapter 1260.05 Other Provisions**

Control of Heat, Glare, Fumes, Noise, Odor, Dust and Vibration. Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located

*Mr. Rainey does not expect any issues as he indicated the smoking of the food is done inside the kitchen area under a commercial hood.*

Lighting. All light fixtures shall be direct cut-off fixtures, designed to prevent light spill or trespass beyond the boundaries of the property where the fixture is located.

*Mr. Rainey indicated there will be no change to the lighting system at this establishment..*

<b><i>Table 1264.02 Parking Requirements by Use</i></b>	
<b><i>Use</i></b>	<b><i>Number of Parking Spaces</i></b>
<b>Restaurants, Bars and Clubs</b>	
Standard sit-down restaurants with liquor license and brew pubs	1 per 50 sq. ft. of UFA.

Of the 2,211 square foot building, the usable floor area is 841 square feet (Exhibit B). The zoning code specifies 1 parking space per 50 square feet for restaurants serving liquor. The UFA of 841 sq. ft. divided by 50 sq. ft. equals 16.82 or 17 parking spaces required. Currently, there are 17 parking spaces, including one barrier free parking space.

*The parking requirement for this use is met.*

## OFF-STREET PARKING AND LOADING

<i>Table 1264.04 Minimum Off-Street Loading Requirements</i>	
<b><i>Building Net GFA</i></b>	<b><i>Minimum Truck Loading Spaces</i></b>
1,401 to 20,000 sq. ft.	1 space

*There is space for a truck to unload at the back of the building, which is also the location of the kitchen area.*

### Section 1266 Signs

Chapter 1266.02 (c) (3) - Internally illuminated signs shall only be permitted within the B-1 and B-2 Districts, but not within 50 feet of a Residential District unless the sign is not visible from adjacent property within the Residential District.

Chapter 1266.06 (c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension ***or the copy of the sign amended or changed without jeopardizing nonconforming status.***

*The two signs on the property are grandfathered in. One is a non-conforming “pole sign” and the other is a wall sign that is located at the top of the building (Exhibit B). Both signs are illuminated. A zoning permit was issued for a copy amendment to the signs.*

### Section 1270.02 Greenbelts and Parking Lot Landscaping

(a) Greenbelts Required. Greenbelts and landscaping shall be required in the following situations, except for parking areas within the B-1, Central Business District.

(1) Along the street frontage, between the right-of-way line and the parking lot of any parking lot containing four or more spaces;

(2) Within any required parking setback area; and

(3) Within the interior of any parking lot containing ten spaces or more.

(b) Greenbelt Standards for Front Setbacks. Greenbelts shall meet the requirements of this chapter.

(1) At a minimum, a required greenbelt shall contain one canopy tree, plus two additional canopy or understory trees for each 50 feet of road frontage.

(2)

(c) Parking Lot Landscaping. Where landscaping is required within parking lots, it shall meet the following requirements:

(1) One tree for every ten parking spaces shall be planted within the parking lot. Trees shall be canopy species. While drought tolerant native species are preferred, other species may be planted within parking areas if approved by the Zoning Administrator or Planning Commission, as applicable.

*This is an existing paved area and is grandfathered in. There are no plans to change the configuration of the parking lot. There are two canopy trees located at the front entrance (Exhibit A).*

## Chapter 1256.03 Gateway Overlay District

(a) Purpose. The purpose of the Gateway Overlay District is to establish and protect the character of the Village at key entry points.

(b) Applicability. The regulations of this section shall apply to all property within the specified boundaries having frontage along the following streets. However, agricultural uses and single-family dwellings are exempt from these requirements, but shall conform if the use changes to a non-agricultural or non-single-family use.

(1) **U.S. 68 (Xenia Avenue), from the southern Village boundary, north to Allen Street;**

(2) Dayton/Yellow Springs Road, from the western Village boundary, east to Kenneth Hamilton Way (including the south side of Dayton/Yellow Springs Road; and

(3) U.S. 68 (Xenia Avenue), from the northern Village boundary, south to Corry Street.

(c) Permitted Uses. **All permitted and conditional uses allowed in the underlying zoning district shall be allowed within the overlay district**, except for the following:

(1) Mini-warehousing and self-storage facilities; and

(2) Sexually oriented businesses.

(d) Dimensional Requirements. The minimum setback, height, width and area requirements of the underlying district shall apply, except as specifically modified in this section.

(e) Design Standards.

(1) Landscaping. All sites shall be landscaped, as applicable, in accordance with the provisions of [Chapter 1270](#). In addition, a front yard greenbelt, the depth of which shall be at least 20 feet, shall be provided in accordance with the requirements of Section [1270.02](#). For corner lots, the required front yard intersecting street frontage for a distance of at least 50 feet from the intersection.

(2) Signs. The requirements of [Chapter 1266](#) shall be met, as applicable to the underlying zoning district; provided, pole signs shall not be permitted.

(3) Buildings. Buildings and structures within the overlay district shall not exceed two stories or 30 feet in height.

(4) Parking. All parking shall be located in the side or rear yard and shall be setback a minimum of ten feet from the property line. Except for necessary drives, the front yard shall be landscaped in accordance with the requirements of subsection (e)(1) of this section.

(f) Accessibility.

(1) A maximum of one driveway for each lot or parcel shall be permitted along any abutting street. Where practical, shared driveways shall be encouraged between two or more properties to minimize the number of access points along major entrances into the village.

(2) No driveway shall be located within 100 feet of another driveway on the same side of the street and no closer than 125 feet from another driveway on the opposite side of the street, measured centerline to centerline.

(3) In any case, no driveway shall be located within 150 feet of a street intersection, measured from pavement edge to pavement edge.

(4) A sidewalk or pathway, as specified by the Planning Commission, shall be constructed along the entire frontage of the lot or parcel. Sidewalks shall be a minimum of five feet wide and pathways shall be a minimum of eight feet wide, constructed according to Village standards.

(5) Greenbelt shall be established and maintained along the frontage, and shall not include any land in the public right-of-way.

*This property was built in 1979 as a KFC restaurant, then a KFC/Taco Bell. For a short time, it served as a tattoo parlor then back to a restaurant. The pole sign is grandfathered in and only the copy was changed which allowed its continued use. The property is set behind a wide section of land under the ownership of the business to the immediate south. The use of the existing asphalt pavement is grandfathered in.*

## **CHAPTER 1262 – CONDITIONAL USE REQUIREMENTS**

Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Yellow Springs Comprehensive Plan and Vision: Yellow Springs and Miami Township.

*Yes, this use is consistent with the comprehensive and vision plans as a brew pub is a conditional use in the Central Business District. This use provides economic health through increased employment, and offers a venue for residents and visitors to enjoy.*

- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

*Yes, the proposed use complies with the applicable requirements of this code.*

- (c) The proposed use will be compatible with the character of the general vicinity.

*Yes, the B-2 District has had a restaurant in this location off and on since 1979, and has served alcohol since September 2015 as the result of a ballot vote in May 2014 by the residents in the south district of the Village of Yellow Springs.*

- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required.

*The area and proposed use is adequately is served by existing public facilities and services.*

- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be

detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

*The proposed use hours of operation should not be detrimental to the general welfare, nor the smoking of food as indicated by Mr. Rainey.*

- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*No, it should not impede the surrounding properties uses since it has operated as a restaurant serving alcohol with no complaints to the zoning office from adjacent or abutting property owners.*

- (g) The proposed use will not block sight lines from the right of way to existing signs or windows on the front or side of a building.

*No, it will not. The building is setback 60 feet from the driveway entrance.*

### **RECOMMENDATION**

Staff has no objections to this application and recommends **APPROVAL** of the conditional use as a restaurant serving alcohol at 1535 Xenia Avenue.

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If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-1702 or email at [dswinger@vil.yellowsprings.oh.us](mailto:dswinger@vil.yellowsprings.oh.us).



# EXHIBIT A Customized Property Map



## Greene County Legend

1 inch = 60 feet

	Interstate Highway		Schools		Parcel Number Lot Number
	US Highway		Parks		Parcel Boundary
	State Route		Buildings		Corporation Lines
	Local Roads		Hydrography		Topography



0 30 60 Feet

This map was prepared as the tax map for Greene County as prepared by the Greene County Engineer in accordance with Section 5713.09 of the Ohio Revised Code. Greene County assumes no legal responsibility for the information contained on this map. Users noting errors or omissions are encouraged to contact the Greene County GIS Department.

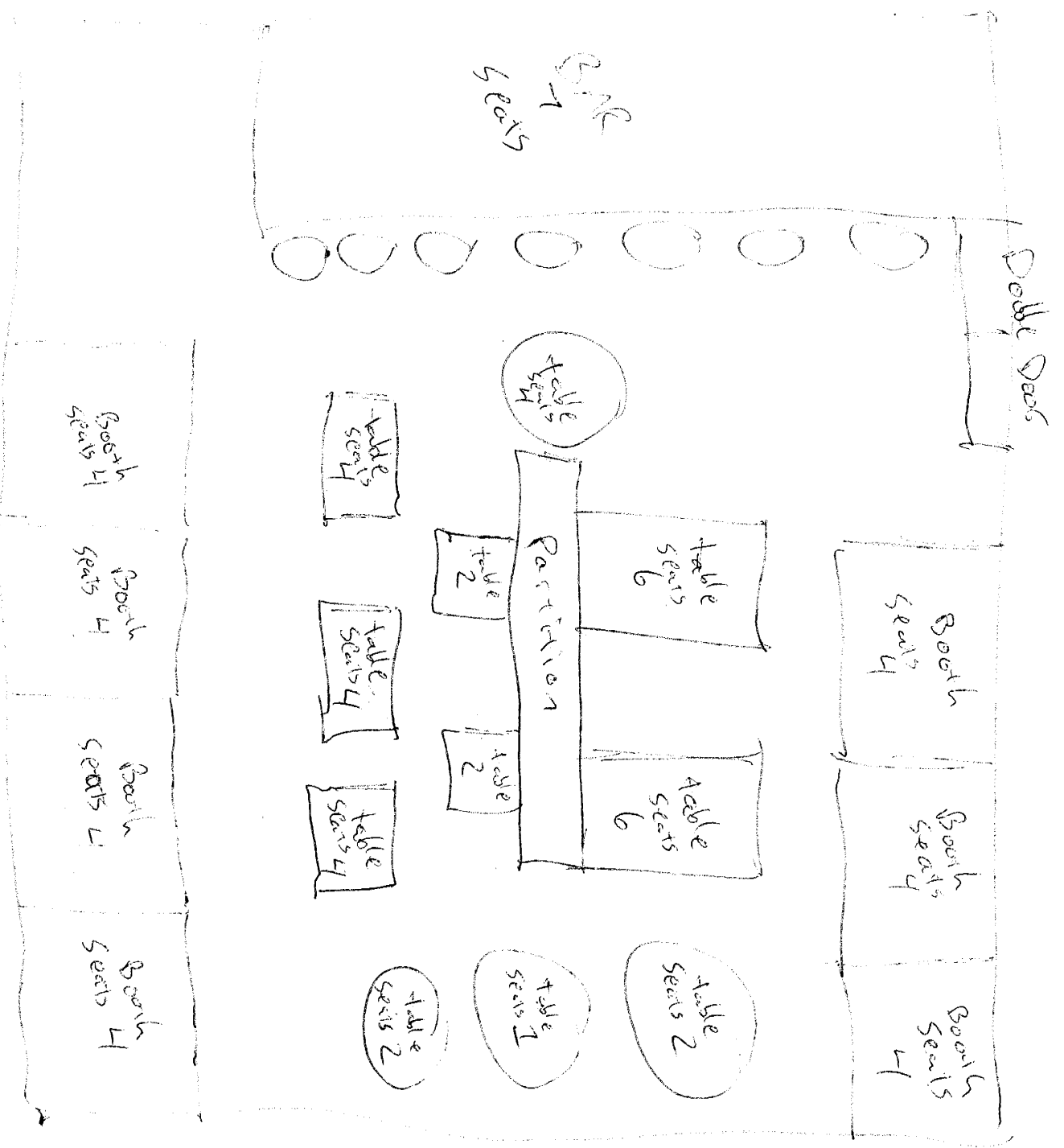


Café Grill 1535 Avenue  
Ys, OH 45387

S

EXHIBIT B

E



17 tables  
Seats 72

Hours 11am - 9pm  
6 days a week  
Closed Tuesday

No major  
modifications,  
besides painting  
and a new bartop

841 sq. ft.

29'

W

29'

N