

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, June 12, 2017 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 May 8, 2017

COMMUNICATIONS

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

- 1) **Minor Subdivision Application** – For an existing lot located at 745 Dayton Street. Micah David, Hashlamah Project Foundation, property owner – Parcel ID #F19000100030006300
- 2) **Conditional Use Application** – for the operation of a mobile food truck in the B-1 Central Business District – on the property of the King's House -230 Xenia Avenue - Parcel ID #F19000100100003700
- 3) **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).
Amend Chapter 1260.04 (d) Principal Use per Lot – the addition of pocket neighborhood developments as an exception to principal use per lot.

Amend Chapter 1262.08 (e) (6) Conditional Use Requirements – the addition of pocket neighborhood developments with specific conditional use requirements.

Amend Table 1264.02 Parking Requirements by Use-Residential – the addition of pocket neighborhood developments with specific parking requirements.

Amend Chapter 1284.03 Definitions: C-D – removing the definition of Cluster housing; adding the definition of Common open space; adding the definition of Dwelling, pocket neighborhood development (PND).

Amend Chapter 1284.05 Definitions: H-I-J-K – adding the definition of a Homeowners association (HOA).

Amend Chapter 1284.07 Definitions: O-P-Q – adding the definition of a Pocket neighborhood development (PND).

OLD BUSINESS

Vote on Vice Chair for Planning Commission

Noise Issue Update

Comprehensive Land Use Plan: Discussion of Update Process

NEW BUSINESS

Glass Farm Report

AGENDA PLANNING

Short term rentals revision to the text amendments previously approved

Text amendment re: height of Accessory Structures (max. 24' for future ADU)

Discussion re: size of accessory structures to primary, including the definition of floor area; gross

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, May 8, 2017

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Matt Reed, Chair, Gerald Simms, Council Representative, Susan Stiles, Rose Pelzl and Alternate Chris Zurbuchen sitting in for Adam Abraham. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Stiles Moved and Simms Seconded a Motion to adopt the Minutes of April 10, 2017 as amended. The MOTION PASSED 3-0 on a voice vote with Zurbuchen abstaining due to absence from that meeting.

COMMUNICATIONS

Charles and Charlene Buster re: Concerns Related to Minor Subdivision Request

Diane Chiddester re: Noise Levels in R-B Caused by Equipment Located in I-1

PC discussed Chiddester's communication, with Reed noting that this kind of issue is more likely to arise as the Village attempts to increase infill and density, and is one that PC should consider.

Pelzl commented that this kind of problem has always been possible in the neighborhood in question, given that it abuts the I-1.

Reed noted that Swinger has been working with the Yellow Springs Police Department (to try to gauge the decibel level) and with business owners to try to address the issue.

Swinger commented that the only area of the code that addresses the matter is section 1260, General Provisions, which states: 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.

Simms stated that he had visited the area to listen to the noise levels, and had determined that noise from traffic seemed to him a greater problem, but that he intends to return at night.

PC discussed other instances in which a similar conflict has arisen, agreeing that the matter should be addressed as comprehensively as possible.

Swinger commented that at present, the matter is a staff issue, but that should it become a policy or zoning code issue, she would return it to PC.

COUNCIL REPORT

Simms noted nothing directly relevant to the PC from the latest Council meeting. Pelzl received confirmation that once PC has revisited the issue of short term rentals, this can again be brought before Council as an ordinance.

Swinger noted that there was too much on the current agenda to bring that issue back, and it will return for the June meeting.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

- 1) **Minor Subdivision Application** – For an existing lot located at 745 Dayton Street. Micah David, Hashlamah Project Foundation, property owner – Parcel ID #F19000100030006300

Swinger explained that Micah David purchased the property at 745 Dayton Street in February, 2017. Unbeknownst to him, the two-family dwelling on this property is a non-conforming structure as it located in the R-A, Low Density Residential District. This means he is not allowed to expand the structure's footprint. He is also not

allowed to build an accessory dwelling unit as ADU's are only allowed on lots with single-family dwellings. Due to the size of the lot, he has submitted an application to make his one lot into two lots, following the lot area requirements of the zoning code for R-A. Because this lot is accessed by an easement to Dayton Street, the request for a minor subdivision was noticed in the Yellow Springs News, a public hearing notice was sent to all abutting property owners, and a sign was placed on the property. Typically, Swinger said, these are not required for a minor subdivision hearing. The applicant intends to build a single-family dwelling on the proposed new lot.

Swinger noted that the lot in question had been subdivided through a replat process in 1988. The plat began with five lots and now contains five lots, with the lot under discussion identified as "lot 5". There is a utility and vehicle access running from Dayton Street to lot #5 and on to lots 2 and 3. The land owner at the time of the replat placed easement restrictions on any subdivision of lots 3 or 4.

Simms received confirmation that the division of lot 5 into two lots will create a total of six lots in that plat.

Stiles asked for clarification as to how new utilities would be accessed, should a new home be built, and the property owner would be required to bring the laterals out to the access point along Dayton Street. She also received confirmation that any disruption to the grounds or driveway would be rectified by the person engaging in the construction work.

Micah David spoke, stating that one goal of his foundation is to rehabilitate homes in the area and in doing so to create jobs and eventually generate funds through rental of the properties. David expressed his intention to rectify any disturbance of property created by the construction.

David commented that from his reading of the easement, lot 5 is open to a lot split.

Pelzl received clarification that the home now located on lot 5 is accessed via the driveway easement.

Reed OPENED THE PUBLIC HEARING.

Charles Buster, resident of the home located on lot 4, expressed concern that he might be held liable for any damage which might occur to his water, gas, electric or sewer lines either in the construction process or in the future. He expressed a general concern for health and safety, stating that there must be a density requirement regarding those lines. He stated that he has asked for an impact study to be conducted.

Simms provided clarification that the lateral, which a homeowner is required to put in, and which would run all the way to the main, is the responsibility of the property owner.

Pelzl further clarified that no lateral is connected to any other lateral, and the property owner would be the responsible party for any issue with a lateral.

Pelzl asked whether there would be room for another lateral or laterals in the easement.

There was some discussion regarding whether the easement is 40 feet or 50 feet, and this was not decisively determined.

Stiles asked whether there is enough room for the necessary laterals in the easement.

Swinger responded that determination of the area necessary for laterals is determined after the construction is approved, and is done by Greene County, not by the Village, before they issue a permit.

Pelzl received confirmation that the subdivision is permitted in this district.

Simms clarified with Buster that his concern is with the density of the lines which would run through the easement and the potential for liability. He added a concern for health.

Pelzl commented that the health and density issues are addressed by Greene County prior to issuing any permit.

Buster commented that he was unable to determine the location of a meter, or indication as to where the lines are located when he walked the property.

Swinger confirmed for PC that the onus is upon the property owner to obtain the proper permits to put in any necessary infrastructure for the new construction, and that that process normally occurs after receiving the initial permission to proceed from the Planning Commission.

Buster asked what would occur in the event that the utilities (such as the lateral) run down the easement.

Swinger clarified that lines are marked once a request is made to the Ohio Utility Protection Services (OUPS), who notify all utility companies, who then mark the property.

Buster asked whether a condition could be added to the deed, such as a letter of agreement to address his concerns around the utility lines.

David stated that he has spoken to an individual at Greene County (AJ), and that conversation made clear to him his level of responsibility with regard to the utility lines. David stated that he is fine with drawing up a “neighborly agreement” if it makes the situation easier for the neighbors.

Carole Cobbs, owner of the home on lot #3, recounted some of the history of the subdivision, noting that she and Buster had had to acquire the easement for access to the street, with a minimum of 40 feet of frontage, and wondered why David was not being held to the same requirement. Cobbs expressed her displeasure with the plan proposed, and asked for more time before a decision is made by Planning Commission.

Swinger read from the zoning code the following passage in explanation to Cobbs’ question: “*Minimum Lot Frontage*. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.”

This was briefly discussed by way of explanation.

Pelzl raised the possibility of postponing a decision as requested by Cobbs.

The idea was discussed, with members stating that there was enough information in the packet to forward a decision.

Pelzl received confirmation that David would not be permitted to split the lot were it not for the presence of the easement.

Zurbuchen expressed appreciation for the confusion, since the PC decision precedes a decision on the part of the Greene County Building Department as to whether the proposed construction would in fact be possible.

Laura Curliss asked that PC read “volume 300 page 197” of the Greene County Recorder’s volume in which the easement and access document is recorded.

Simms stated that there is nothing in the packet that indicates any reason the property cannot be subdivided.

David spoke, noting that the original document enacting the subdivision states specifically which lots can and cannot be subdivided, and noted that lot #5 can be subdivided, per the initial agreement.

Curliss stated that she had not in fact read the agreement regarding the easement, but believes that it should be read “to see specifically what it allows”.

PC discussed making a decision absent that specific document.

Swinger stated that the legal department had reviewed that document, but that the document itself is not included in the packet.

Pelzl stated that one of the recommendations references the aforementioned document, which indicates to her that PC should see that document.

Lauren Miller commented that she was pleased that PC was ready to delay a decision.

Simms MOVED TO TABLE THE PUBLIC HEARING. Zurbuchen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Reed received confirmation from Swinger that a legal opinion and a copy of the easement would be provided for the next meeting.

- 2) **Conditional Use Application** – For an accessory dwelling unit located at 1118 Livermore Street (R-A, Low-Density Residential District). Parcel ID #F19000100070004300.

Laura Curliss has submitted an application for an accessory dwelling unit and short-term rental. Ms. Curliss purchased the property in May, 2015. One of the features of the property is the accessory structure, which contains the garage and a gutted apartment space at the rear. The apartment has a separate electric meter that Ms. Curliss continues to pay for. She plans to remodel the interior for her son to live there, and later use it as a short-term rental. Although the use is grandfathered in, she has agreed to come before the Planning Commission for a conditional use hearing to reduce the non-conformities in order to bring as much as possible in line with the current zoning code requirements.

The accessory structure measures 958 sq. ft. which is over the 800 sq. ft. maximum, however it is grandfathered in as it was built in 1950 as a masonry garage with an attached room. At some point, utilities were run to it with a separate electric meter. It was also addressed as 1118 ½ Livermore Street. This accessory dwelling unit measures 508 sq. ft. which meets the new zoning code’s size requirement. It has a separate bathroom, kitchen area and an open living room/bedroom area.

Swinger responded to a question, noting that the dwelling itself is non-conforming, but that Curliss would not be adding to the nonconformity.

Swinger noted that Curliss had expressed willingness to go through the ADU process at the same time she is going through the Short Term Rental (STR) process.

Laura Curliss commented that her primary focus at present is to prepare the space for her adult son.

Curliss noted ample parking spaces, and noted that because all of the apartment’s utilities are separately metered, she will need to run a sewer line to the apartment and run the metering for water and electricity through the primary dwelling’s meters.

Reed OPENED THE PUBLIC HEARING.

Lauren Miller, who resides across the street, noted that the ample parking would mitigate any neighborhood impact, and voiced her support.

Sam Eckenrode, next door neighbor, voiced her support, as well as that of her mother, Bambi, noting a neighborhood history of accessory dwellings.

Reed CLOSED THE PUBLIC HEARING>

Pelzl commented that the only apparent issues appear to be that of the utilities, which Curliss has expressed her willingness to address, and commented that she is therefore in favor of approval.

Stiles MOVED TO APPROVE THE CONDITIONAL USE FOR A SORT TERM RENTAL at 1118 Livermore St. Simms SECONDED, and the MOTION PASSED 5-0 on a roll call vote.

3) **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).

Amend Chapter 1226.06 (7) (c) – the addition of pocket neighborhood developments in design standards for tree plantings.

Swinger noted this as simply an addition of the term “PND” into the design standards section.

Reed OPENED THE PUBLIC HEARING.

Reed CLOSED THE PUBLIC HEARING.

Zurbuchen MOVED TO APPROVE Design Standards Section 1226.06. Stiles SECONDED and the MOTION PASSED 5-0 on a roll call vote.

Amend Table 1248.02 Schedule of Uses – the addition of pocket neighborhood develop-ments as a conditional use in Residential-A, Residential B, and Residential-C Districts.

Reed OPENED THE PUBLIC HEARING.

Curliss asked for a description of PNDs. She commented that “dropping a PND” into an RA neighborhood, for example, would change the character of the neighborhood dramatically.

Swinger explained the difference in density permitted in each area.

Sam Eckenrode commented upon the covenants and restrictions carried in a number of areas of town.

Swinger noted some of the requirements necessary to building in a residential neighborhood, stating that it is not a simple matter to meet these requirements in general.

Pelzl commented that this provides developers with an option other than the PUD process, given that there is a great deal of minutia in the PUD process, some of which this would eliminate through standardization.

Swinger noted a small change needed, reversing section six with section seven.

Reed CLOSED THE PUBLIC HEARING.

Simms MOVED TO APPROVE THE CHANGES TO TABLE 1248.02 as RECOMMENDED. Pelzl SECONDED, and the MOTION PASSED 5-0 on a roll call vote.

Amend Table 1248.03 Lot & Width Requirements: Residential Districts – permitting pocket neighborhood developments in Residential-A, Residential-B and Residential-C Districts.

Reed OPENED THE PUBLIC HEARING.

Reed noted the addition of four footnotes relevant to PNDs for each residential section.

Curliss commented that it is difficult to imagine how the units fit within the area. She commented that the minimum in the building code is extremely small.

The group discussed that they had not defined a minimum lot size needed for a PND.

Curliss commented that this seemed to her to be spot zoning.

Pelzl responded that densities and setbacks are not being changed, but that configuration is.

This was discussed briefly.

Pelzl brought up the issue of duplexes, which are not permissible in RA, hence are not permissible in the PNDs for RA.

Reed CLOSED THE PUBLIC HEARING.

Zurbuchen MOVED TO APPROVE AMENDMENTS TO TABLE 1248.03. Simms SECONDED and the MOTION PASSED 5-0 on a roll call vote.

Amend Chapter 1260.04 (d) Principal Use per Lot – the addition of pocket neighborhood developments as an exception to principal use per lot.

Swinger explained the amendment, which adds PNDs to the permitted uses per lot.

Pelzl noted language which requires individual ownership of buildings, which is not currently a requirement for PNDs.

Reed commented that the Home Owner’s Association (HOA) could be considered the owner.

Pelzl argued against this, noting that part of the issue is that PC has discussed the benefit of individual ownership as well as some rental units.

Swinger commented that the language needs to be cleared up, or each individual will pay taxes.

The Clerk suggested the item be pulled, since the discussion has departed from the posted public hearing notice.

Swinger and Reed concurred, and the matter will be brought back.

Amend Chapter 1262.08 (e) (6) Conditional Use Requirements – the addition of pocket neighborhood developments with specific conditional use requirements.

Swinger explained that as a result of some changes made to the section at the April meeting,

Pelzl questioned the language stating that a duplex shall count as one structure in RA, since duplexes are nonconforming in RA.

Swinger explained this as a way to curb density, since three more structures would have to be constructed in RA in order to be compliant.

Pelzl commented that this approach appears to increase rather than decrease density.

Brockman stated that the language needs to be specified.

The Clerk noted that the language should be clarified to address duplexes in potential PNDs in RA as well.

PC discussed the issue of density with regard to duplexes in RA.

Brockman noted that this section does not address accessory structures.

The Clerk advised that again, the discussion has gone beyond what was advertised as a public hearing.

Reed asked that accessory structures as well as duplexes be brought back for a public hearing on the matter.

The Clerk asked why the requirements for each residential section are not being adhered to in this matter: that is, that duplexes are non-conforming in RA, and therefore would require specific language to address, but are permissible and considered two structures in RB and RC.

Pelzl commented that PC has not adequately addressed the issue of existing structures on properties proposed as PNDs.

The body expressed frustration regarding the issue as not simple to generalize to one approach.

Reed suggested the matter be brought back with suggestions around the issue of accessory structures and duplexes.

The Clerk suggested that language be inserted permitting PC the latitude to consider accessory dwellings on a case-by-case basis, and this suggestion was generally agreed-to.

Swinger was asked to bring the matter back with suggestions.

Reed suggested that the remainder of the text amendments be left for consideration during the June meeting.

Amend Table 1264.02 Parking Requirements by Use-Residential – the addition of pocket neighborhood developments with specific parking requirements. HELD FOR JUNE MEETING.

Amend Chapter 1284.03 Definitions: C-D – removing the definition of Cluster housing; adding the definition of Common open space; adding the definition of Dwelling, pocket neighborhood development (PND). HELD FOR JUNE MEETING.

Amend Chapter 1284.05 Definitions: H-I-J-K – adding the definition of a Homeowners association (HOA). HELD FOR JUNE MEETING.

Amend Chapter 1284.07 Definitions: O-P-Q – adding the definition of a Pocket neighborhood development (PND). HELD FOR JUNE MEETING.

OLD BUSINESS

Comprehensive Land Use Plan: Discussion of Update Process. HELD TO JUNE MEETING.

AGENDA PLANNING

Short Term Rentals; Pocket Neighborhood Developments; Definitions.

Reed noted that he and Swinger had met with two Council members to discuss the changes to the definition of short term rentals. He related that they would like PC to consider the impact of STRs on the housing market in their final recommendation to Council.

PC discussed this briefly, expressing some frustration about the issue.

Reed explained that the nature of the use of a property impacts the local economy and housing market, but is difficult to address.

Reed commented that it seems incongruent that on one hand, people are permitted to purchase homes and make them available only as STRs, without regulation, but that at the same time, the Village is subsidizing affordable housing.

Pelzl expressed that frustration that neighbors have no process for becoming informed or expressing any reservations.

Stiles commented that the people in attendance at the Council meeting in which the matter was discussed were exclusively property owners interested in maintaining their ability to rent space or homes without regulation of any sort.

Swinger suggested that the matter return to PC for further scrutiny, and that perhaps a distinction could be made between rentals in which the property owner is present, and those in which the owner is not a Village resident.

Stiles commented that even acknowledging a differentiation would not serve the purpose of informing the neighbors. She commented that she would wish to know that there would be a transient population in the neighborhood.

Swinger noted that PC had not identified longer term renters (more than 30 days) as an issue.

Simms commented that those present at the Council meeting to speak against the change to short term rentals were primarily concerned with their ability to continue to earn money without impediment.

Reed suggested that Hempfling attend the PC meeting in which the matter is discussed, since she had identified concerns.

The Clerk commented that there is a misperception on the part of many citizens as to what a conditional use means, and urged PC members to attend that meeting of Council.

Swinger noted a discussion regarding the size of an accessory structure in relation to the primary structure. Swinger commented that she has defined this as based upon the method used to determine lot coverage, but the definition states that all floors of the house should be calculated in, which changes the calculation significantly.

Swinger noted that the method of calculation suggested in the code would permit a smaller primary dwelling than the accessory structure.

Swinger noted that the Glass Farm Report would be included in the packet for the next meeting.

Swinger stated that she will include a follow up regarding the noise complaint related to Millworks.

Swinger noted as well that there is a Vice Chair nomination on the table.

Simms received confirmation that the Housing Needs Assessment requested by Council is still in process, and more information should be available after the next Council meeting.

Simms NOMINATED Susan Stiles as Vice Chair. Zurbuchen SECONDED, and the nomination passed 5-0 on a voice vote.

Stiles NOMINATED Rose Pelzl as Vice Chair. Simms SECONDED, and the nomination passed 5-0 on a voice vote.

ADJOURNMENT

At 9:24pm, Zurbuchen MOVED and Pelzl SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matt Reed, 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.



Staff Report – June 5, 2017

Planning Commission Meeting – June 12, 2017

APPLICATION NUMBER: PC17-17

APPLICANT: Micah David, Property Owner with Hashlamah Project Foundation

TYPE OF REQUEST: Minor Subdivision

PARCEL ID NUMBER: F19000100030006300

UPDATE FROM MAY 8 MEETING:

At the last meeting of the Planning Commission the question was raised as to whether Book 300, Page 197 accurately described the location of the easement. There was concern that the access easement did not run the entire length of the Lot #5 property. Please see Attachment 1, which is a letter from M & M Title Company and a copy of the limited warranty deed, Attachment 2 which is Book 300, Page 197 and Attachment 3, which is PC34 110A-110B. Anne Taylor of M&M Title Company verifies that the right of access easement runs not only the length of the entire property described as Lot #5, but also along the property to the north following the private road to Dayton Street. These documents show the intent to provide access from Parcel ID F19-1-3-63 south line (abutting Lot #4) to Dayton Street with Book 300, Page 197 describing the land from Dayton Street to the northern edge of Lot #5, Tract 1, and Parcel Cabinet 34 – 110A-110B which is the Dayton Street plat showing all of Lot 5 as described in the surveyor's new description of Lot #5 Tract 1 and Tract 2. To further clarify, Mr. David owns all of Lot 5 and has a right of access to his entire property from the easement. This is the reason that the private road is marked in gray by Greene County (Exhibit A).

BACKGROUND:

Micah David purchased the property at 745 Dayton Street (Lot # 5 in Exhibit A) in February, 2017. Unbeknownst to him, the two-family dwelling on this property is a non-conforming structure as it located in the R-A, Low Density Residential District. This means he is not allowed to expand the structure's footprint. He is also not allowed to build an accessory dwelling unit as ADU's are only allowed on lots with single-family dwellings. Due to the size of the lot, he has submitted an application to make his one lot into two lots, following the lot area requirements of the zoning code for R-A. Because this lot is accessed by an easement to Dayton Street, we are exercising due diligence by noticing it a second time in the Yellow Springs News, sending a public hearing notice to all abutting property owners and placing a sign on the property. Typically, this is not a requirement in the minor subdivision regulations. The applicant intends to build a single-family dwelling on the proposed new lot.

REQUIREMENTS:

Section 1226.11(a) of the Village Code of Ordinances highlights the decision criteria for a minor subdivision:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.
- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

PLANNING COMMISSION DUTIES

Although the Planning Commission may take NO ACTION under the consent agenda if its members find that the proposed minor subdivision meet the requirements, staff has followed the procedures for a public hearing and requests that Planning Commission MAKE A MOTION to discuss the application and make a decision.

FINDINGS

Staff has made the following analysis:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.

745 Dayton Street or Lot #5 is accessed by an easement to Dayton Street (Exhibit B). Greene County's map recognizes Dayton Street as the existing public road for this property (Exhibit C).

Additionally, the zoning code states under the general provisions chapter 1260.02 (e) the following: *Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.*

- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.

The Greene County Engineer has indicated he will accept this newly created lot without the need for a replat of the original Dayton Street Plat previously approved by the Village of Yellow Springs on July 31, 1990.

The two lots created from one lot meets the minimum lot area and lot width requirements for R-A, Low Density Residential.

Tract 1 measures 0.2902 acres or 12,641.112 square feet and has a lot width of 71.28 feet on a straight line or 79.79 feet on an arc line.

Tract 2 measures 0.2163 acres or 9,422.028 square feet and has a lot width of 75 feet.

Table 1248.03 Lot and Width Requirements: Residential Districts		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-A, Low-Density Residential	7,500	60*

- (3) No more than five lots will be created following division of the original parcel.

One lot will be divided into two lots.

- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.

This tract of land was last subdivided through a replat process whereby five existing lots' property lines were moved, which created two new lots (see minutes of Planning and BZA in 1988-Exhibit D), but without increasing the total number of lots, as five lots remained after the replat. This plat was named the Dayton Street Plat and identified as Lot 1, 2, 3, 4 and 5. The Dayton Street Plat was approved by the Village of Yellow Springs on July 31, 1990. The minor subdivision process was exercised for the creation of Lot 3, 4 and 5. The minor subdivision regulations in 1990 applied to three lots or less (Exhibit E).

- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.

Easements for utilities and vehicle access to Lot 5 follow the original Dayton Street Plat dedication.

- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.

The plat of survey has the notation stated above (Exhibit F).

- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

The recording instrument has been prepared by a registered surveyor and meets the Village of Yellow Springs requirements as noted above (Exhibit F).

- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

The recording instrument was sent to the Planning Commission on Friday, April 28, 2017. Because this existing subdivision has an access easement for vehicles and utilities, notification of this minor subdivision has been sent to abutting property owners.

RECOMMENDATION

Staff recommends the Planning Commission consider the application for the proposed lot division with the findings noted above and APPROVE this minor subdivision. The creation of another buildable lot will further the Village's goal of providing infill development.

If you should have any further questions, please contact me at (937) 767-1702.

Respectfully submitted,

Denise Swinger
Zoning Administrator
Village of Yellow Springs

**M·M TITLE CO***"The Mid America and Metropolitan family of companies"*

May 18, 2017

Ms. Denise Swinger
Zoning Department -Village of Yellow Springs
100 Dayton Street
Yellow Springs, OH 45387

RE: Deed transfer/745 Dayton Street, Yellow Springs, OH 45387/Hashlamah Project Foundation

Dear Ms. Swinger,

In accordance with our conversation yesterday, I am sending this letter and documentation to confirm certain information for your records.

Our office was the settlement and title insurance agent in the closing of the last transfer of the above-referenced property. Through that transaction, U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation Trust ("U.S. Bank") conveyed the property to Hashlamah Project Foundation, an Ohio not for profit corporation. A copy of this deed is enclosed for your records. The real property conveyed is further described as follows:

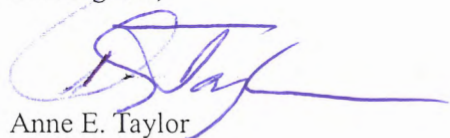
Situate in the Village of Yellow Springs, County of Greene and State of Ohio and being Lot 5 of Dayton Street Plat as recorded in Plat Book 26, Page 17-18 now known as Plat Cabinet 34, 110A-110B as recorded in the Plat Records of Greene County, Ohio.

Also conveyed with document the right of access across that portion on Grantor's land lying 50 feet West of the above described tract and continuing a similar width to the West of a previously described tract as recorded in Deed Book 300, Page 197 of Greene County Deed Records. It is the intent to provide access from Grantee's South line to Dayton Street. Parcel Number: F19-1-3-63

As you will note on the deed of conveyance, U.S. Bank warranted to Hashlamah Project Foundation its legal title ownership and right to convey the herein described real property. Further, our office, as agent on behalf of Chicago Title Insurance Company has insured the ownership rights now held by Hashlamah Project Foundation.

If you have any questions relating to this correspondence or the enclosed documentation, please do not hesitate to contact me at (937) 228-2465.

Best regards,



Anne E. Taylor

Enclosure (Deed)

2013

000468

2017012159

TRANSFERRED

17FEB-7 AM 9:47

FEE \$174.00 EXEMPT

GREENE COUNTY AUDITOR

2017 FEB -8 AM 8:47
28.00 + 20

REC. CLERK
GREENE CO. RECORDER
XENIA, OH.

2 PG.

Description Check
Greene County Engineer's Tax Map Dept.
☐ Legally Sufficient As Described
☒ Legally Sufficient With Corrections Noted
☐ Legally Insufficient, New Survey Required
Date 2-11-17 By [Signature]
Par ID List F19 BK 1 PG 3 PAR 103

Limited Warranty Deed

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust for valuable consideration paid, grant(s) with limited warranty covenants, to Hashlamah Project Foundation, whose tax-mailing address is PO BOX 62, Yellow Springs, OH 45387 the following **REAL PROPERTY**: Situated in the County of ~~Montgomery~~ in the State of Ohio and in the City of ~~Miamisburg~~

Situate in the Village of Yellow Springs, County of Greene and State of Ohio and being Lot 5 of Dayton Street Plat as recorded in Plat Book 26, Page 17 now known as Plat Cabinet 34, 110A-110B as recorded in the Plat Records of Greene County, Ohio. Also conveyed with document the right of access across that portion on Grantor's land lying 50 feet West of the above described tract and continuing a similar width to the West of a previously described tract as recorded in Deed Book 300, Page 197 of Greene County Deed Records. It is the intent to provide access from Grantee's South line to Dayton Street.

Parcel Number: F19-1-3-63

** - 18

Subject to all legal highways; building and zoning ordinances; easements, conditions and restrictions of record; and real estate taxes and assessments not yet due and payable.

done and

Prior Instrument Reference: Volume 3742 Page 579 of the Deed Records of Greene County, Ohio.

The undersigned has hereunto set his/her hand(s) this 19 day of January, 2017.

Caliber Real Estate Services, LLC

[Signature]
U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, by Caliber Real Estate Services, LLC., its attorney in fact

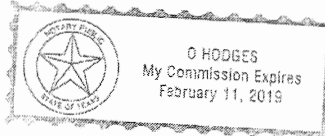
State of Texas, County of Dallas ss.

BE IT REMEMBERED, That on this 19 day of January, 2017, before me, the subscriber, a Notary Public in and for said state, personally came, Heather Sayabouasy in his/her capacity as it's attorney in fact for U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust by Caliber Real Estate Services, LLC., the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be his/her and its voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]
NOTARY PUBLIC

This instrument was prepared by Anne E. Taylor, Attorney at Law.



FORM 68-OHIO WARRANTY DEED-Short Form.

39343

TITLES VOL. 300, PAGE 197
Tuttle Law Print, Publishers, Baltimore, Md.

Know all Men by these Presents

That Kingsley Perry and Elizabeth Perry (husband and wife)

of Greene County, Ohio,
in consideration of One dollar and other good and valuable considerations.

to them in hand paid by Kingsley Eugene Perry and Yvonne Perry
Whose address is: Dayton Pike, Yellow Springs, Ohio
do hereby Grant, Bargain, Sell and Convey
to the said Kingsley Eugene Perry and Yvonne Perry

their heirs and
assigns forever, the following described Real Estate, situate in the Village
of Yellow Springs in the County of Greene
and State of Ohio, being further bounded and described as follows:

Beginning at a point in the center of Dayton Street, a corner to
lands of Viola P. Gudge, Grantor's northeast corner; thence with
a line to said Gudge, S. 18° 13' 40" E., 116.86 feet to an iron
pin, passing an iron pin at 30.04 feet at the South line of said
street; thence S. 71° 46' 20" W., 125.00 feet to an iron pin;
thence N. 18° 13' 40" W., 110.04 feet to the center of said street
passing an iron pin at 80.06 feet; thence with the line of said
street, N. 68° 39' E., 125.19 feet to the place of beginning.
This described tract contains 0.326 acres be it the same, more or
less and will be known as Lot #1 of Perry Place, a proposed subdiv-
ision. Being part of land described in Vol. 175, page 491 of the
Greene County, Ohio deed records.

NO REVENUE STAMPS NECESSARY

and all the Estate, Right, Title and Interest of the said grantor in and to said premises;
To have and to hold the same, with all the privileges and appurtenances therunto
belonging, to said grantees, their heirs and assigns forever.

And the said

Grantors

do hereby Covenant and Warrant that the title so conveyed is Clear, Free and
Unincumbered, and that they will defend the same against all lawful claims of
all persons whomsoever, save and except all installments of taxes and
assessments due December 1958 and thereafter which the Grantees to
hereby assume and agree to pay as a part of the consideration hereof.

292

VOL. 300 PAGE 198

In Witness Whereof, the said
Perry (husband and wife)

Kingsley Perry and Elizabeth

~~and~~ ~~hereunto set~~ ~~their hands, this~~ ~~day of~~ ~~October~~ ~~in the year A. D. nineteen hundred and fifty-eight (1958)~~ ~~signed and acknowledged in presence of us:~~

James F. Cox
Vicki Abela

Kingsley Perry
Kingsley Perry

Elizabeth Perry
Elizabeth Perry

State of Ohio,

Greene

County, ss.

On this 3 day of October
in and for said County, personally came

A. D. 1958, before me, a Notary Public

Kingsley Perry and Elizabeth Perry (husband and wife)
acknowledged the signing thereof to be ~~the grantors in the foregoing deed, and~~
their voluntary act and deed.
Witness my official signature and seal on the day last above mentioned.

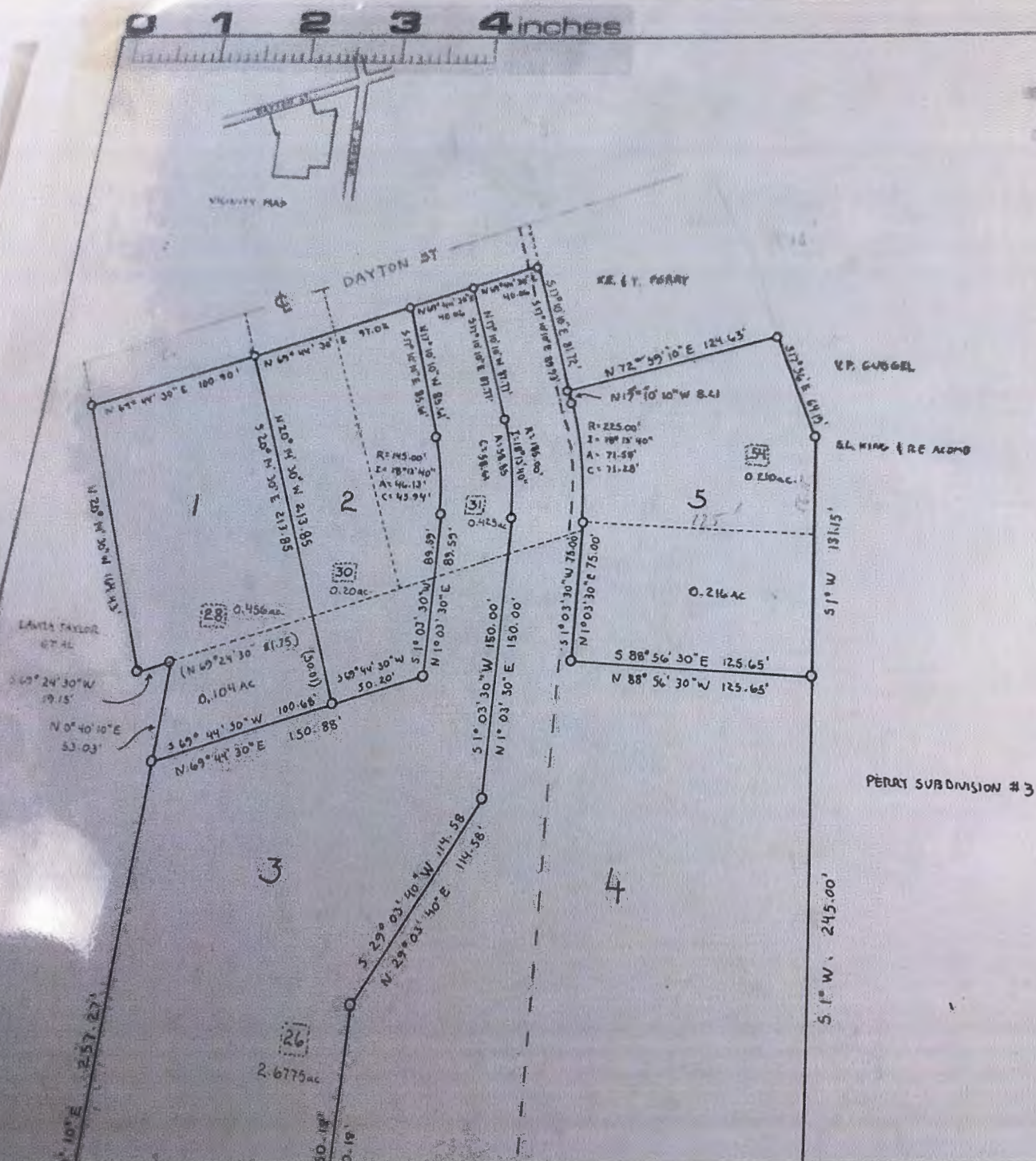
This instrument prepared by
JAMES F. COX. SHAW & COX
ATTORNEYS AT LAW
HOME FEDERAL BUILDING
XENIA, OHIO

James F. Cox

JAMES F. COX, Notary Public
in and for State of Ohio
My Commission Expires Dec. 27, 1959

Transferred Oct. 3, 1958Received Oct. 3, 1958 3:45 P.M.Recorded Oct. 6, 1958Recorder's fee \$1.40 *Emmett D. Beatty*

Recorder



13785

DAYTON ST. PLAT

NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

J. Womeldorff

VILLAGE OF YELLOW SPRINGS ZONING OFFICER

RECEIVED:

RECEIVED Sept 21, 1990

RECORDED:

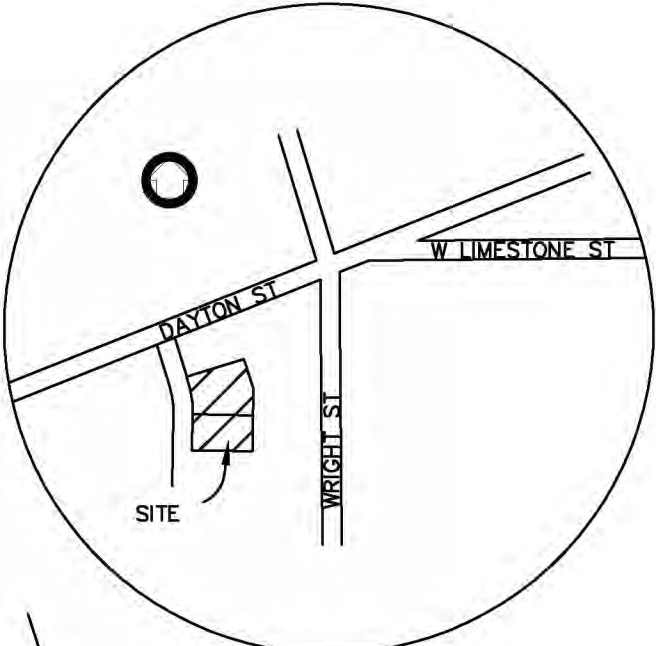
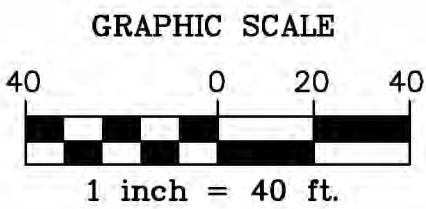
RECEIVED September 21, 1990
 RECEIVED September 21, 1990
 PLAT BOOK 26 PAGES 17-18
 FEE \$ 33.00

Chris L. Shaw

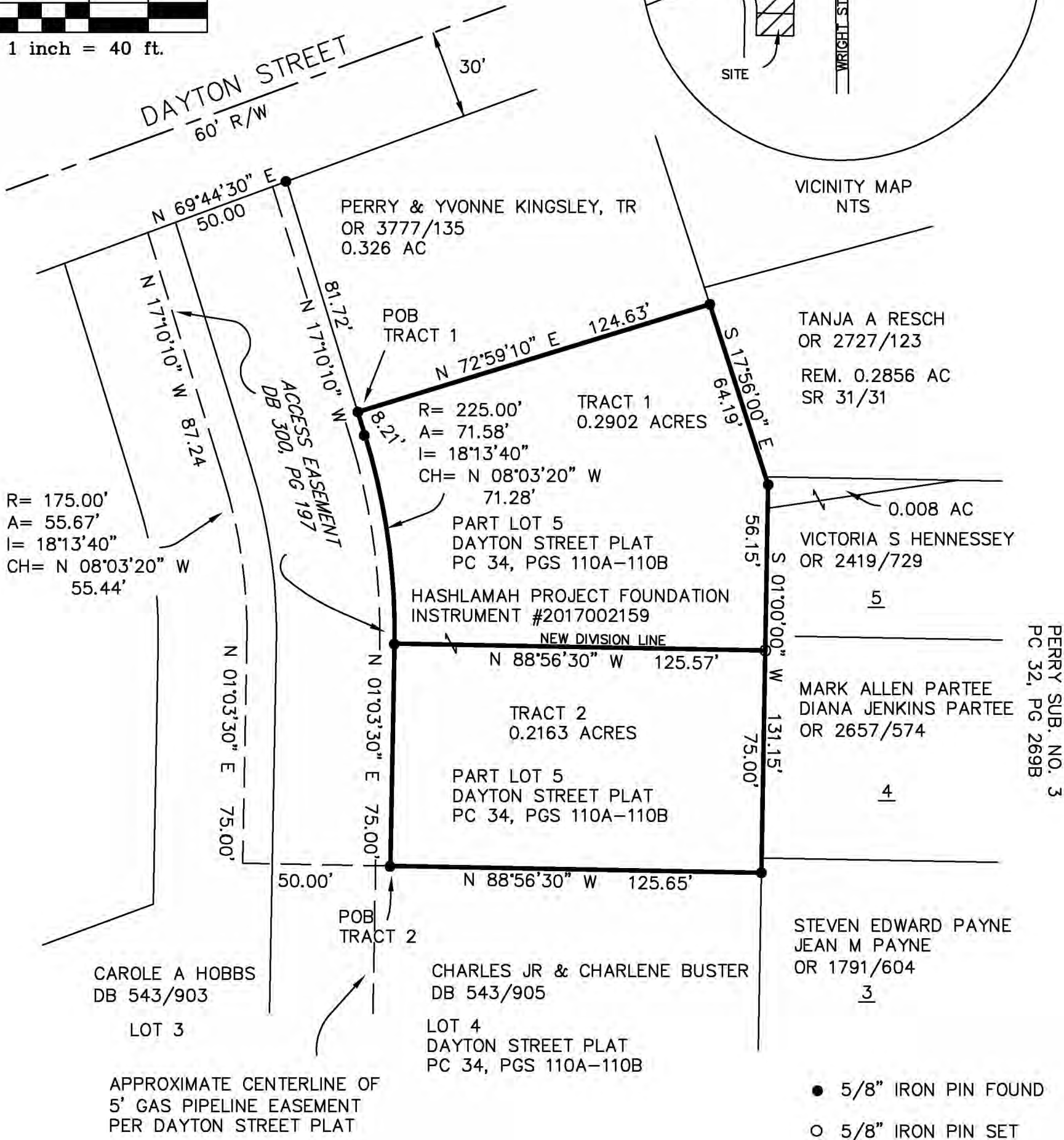
Sam B. Morris



BEARINGS BASED ON THE NORTH
LINE OF LOT 5, DAYTON STREET PLAT
PC 34, PGS 110A-110B
N 72°59'10" E



VICINITY MAP
NTS



APPROXIMATE CENTERLINE OF
5' GAS PIPELINE EASEMENT
PER DAYTON STREET PLAT

NOTE:
EACH BUILDABLE LOT WILL BE PROVIDED WITH
SEPARATE AND ADEQUATE WATER AND
SEWERAGE CONNECTION LATERALS

- 5/8" IRON PIN FOUND
- 5/8" IRON PIN SET

Prepared By:

JUDGE ENGINEERING CO.
1201 E. DAVID ROAD
KETTERING, OHIO 45429
PHONE (937)294-1441 FAX (937)294-6498

SURVEYED BY	
RAYMOND B MEFFORD	REG. SURVEYOR NO. 7367
APPROVED GREENE COUNTY ENGINEER	
By _____	Date _____
APPROVED BY	
ZONING _____	DATE _____
RPCC, CITY, OR VILLAGE	DATE

GRANTOR	HASHLAMAH PROJECT FOUNDATION
GRANTEE	
LOCATION	
Section	20, Town 4, Range 8
or Survey No.	
VILLAGE OF YELLOW SPRINGS	
GREENE COUNTY, OHIO	
DATE	APRIL 19, 2017



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 1
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2902 acre tract more particularly described as follows;

Beginning at a $\frac{5}{8}$ " iron pin found at the southwest corner of a 0.326 acre tract conveyed to Perry Kingsley and Yvonne Kingsley, Trustee by deed recorded in Volume 3777, Page 135 of the official records of said county and being the northwest corner of aforementioned Lot 5;

thence from said point of beginning N 72° 59' 10" E with the south line of said 0.326 acre tract a distance of 124.63 feet to a $\frac{5}{8}$ " iron pin found at the northeast corner of Lot 5 and the west line of a 0.2776 acre tract conveyed to Tanja A. Resch by deed recorded in Volume 2727, Page 123 of the official deed records of said county;

thence S 17° 56' 00" E with said west line and the west line of Lot 5, Perry Subdivision No. 3, as recorded in Plat Cabinet 32, Page 269B of the plat records of said county, as conveyed to Victoria Hennessey by deed recorded in Volume 2419, Page 729 of the official records of said county and a distance of 64.19 feet to a $\frac{5}{8}$ " iron pin found at an angle point;

thence S 01° 00' 00" W with the west line of said Lot 5 and the west line of Lot 4, Perry Subdivision No. 3 as conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county, a distance of 56.15 feet to a $\frac{5}{8}$ " iron pin set;

thence on a new division line N 88° 56' 30" W a distance of 125.57 feet to a $\frac{5}{8}$ " iron pin found on the east line of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county;

thence with the said east line the following 2 courses;

1. Northwesterly on a curve to the left having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 71.28 feet) to a $\frac{5}{8}$ " iron pin found;
2. $N 17^{\circ} 10' 10'' W$ a distance of 8.21 feet to the point of beginning containing 0.2902 acres more or less, subject, however to all legal highways, easements and restrictions of records;

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

And conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. $S 17^{\circ} 10' 10'' E$ a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $S 08^{\circ} 03' 20'' E$ for 71.28 feet) to a point;
3. $S 01^{\circ} 03' 30'' W$ a distance of 75.00 feet to a point;

Thence $N 88^{\circ} 56' 30'' W$ a distance of 50.00 feet to a point;

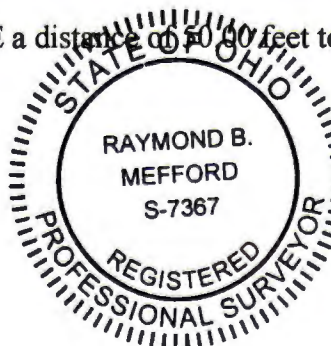
Thence $N 01^{\circ} 03' 03'' W$ a distance of 75.00 feet to a point;

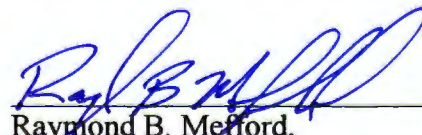
Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 55.44 feet) to a point;

Thence $N 17^{\circ} 10' 10'' W$ a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence $N 69^{\circ} 44' 30'' E$ a distance of 50.80 feet to the point of beginning.

6909 Tract I




Raymond B. Mefford,
Professional Surveyor No. 7367



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 2
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2163 acre tract more particularly described as follows;

Beginning at a 5/8" iron pin found at a northerly corner of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county, said point also being the southwest corner of said Lot 5;

thence from said point of beginning N 01° 03' 30" E with an east line of said Lot 3, a distance of 75.00 feet to a 5/8" iron pin found;

thence on a new division line S 88° 56' 30" E a distance of 125.57 feet to a 5/8" iron pin set on the west line of Lot 3, Perry Subdivision No. 3 as recorded in Plat Cabinet 32, Page 269B of the plat records of said county and conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county.

thence S 01° 00' 00" W with said west line and the west line of Lot 5, Perry Subdivision No. 3 as conveyed to Steven Edward Payne and Jean M. Payne by deed recorded in Volume 1791, Page 604 of the official records of said county, a distance of 75.00 feet to a 5/8" iron pin found at northeast corner of aforementioned Buster tract;

thence N 88° 56' 30" W with the north line of said tract a distance of 125.65 feet to the point of beginning containing 0.2163 acres more or less, subject, to all legal highways, easements and restrictions of record.

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

and conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. S 17° 10' 10" E a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of S 08° 03' 20" E for 71.28 feet) to a point;
3. S 01° 03' 30" W a distance of 75.00 feet to a point;

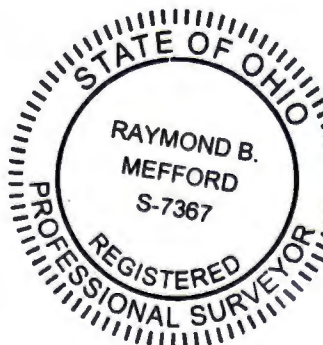
Thence N 88° 56' 30" W a distance of 50.00 feet to a point;

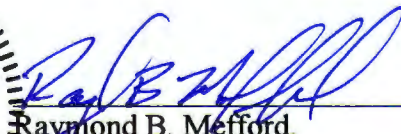
Thence N 01° 03' 03" W a distance of 75.00 feet to a point;

Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of N 08° 03' 20" W for 55.44 feet) to a point;

Thence N 17° 10' 10" W a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence N 69° 44' 44" E a distance of 50.00 feet to the point of beginning.




Raymond B. Mefford,
Professional Surveyor No. 7367



PC17-17

Application for Minor Subdivision

Applicant(s): Michael David

Applicant's mailing address: 745 Dayton St

Phone: 937-671-8334

Address(es) of property: 745 Dayton St

Greene County Parcel ID: _____

Zoning District: R-A Total number of lots after Subdivision: 2 = 1+1

Approval of a minor subdivision by an authorized representative of the Zoning Administrator, without formal action by the Planning Commission and Council, shall be granted if a record plan meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.
- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

Applicant's Signature: [Signature] Date: 4/18/17
The applicant hereby certifies that all information on and attached to this application is true and correct.

.....
For Village use only:

Date filed: 4/18/17

☐ \$ _____ Fee Paid at \$50.00 per lot if action is required by Planning and Council. (Development or PUD)

☐ \$ _____ Fee Paid at \$50.00 + \$15 per lot if no action is required by Planning and Council.

Forwarded to Planning Commission 10 Days Prior to their 5/8/17 (date) Meeting.

Planning Commission Action:

☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:

EXHIBIT A

Greene County, Ohio



EXHIBIT B

DAYTON ST. PLAT

NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

J. Womeldorff
VILLAGE OF YELLOW SPRINGS ZONING OFFICER

TRANSFERRED:

TRANSFERRED Sept 21, 1990

RECORDED:

RECEIVED September 21, 1990
RECEIVED September 21, 1990
PLAT BOOK 26 PAGES 17-18
FEE \$ 33.00

Dorothy L. Shaw-wls
AUDITOR, GREENE COUNTY, OHIO

Lucy B. Morris
RECORDER, GREENE COUNTY, OHIO

CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTS ARE SET AS SHOWN.



Michael L. Smith
MICHAEL L. SMITH
REGISTERED SURVEYOR
OHIO # 6590

DESCRIPTION:

THIS PLAT IS FORMED FROM FIVE PARCELS OF LAND IN THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO. THESE PARCELS ARE NUMBERED 26, 28, 30, 31, AND 54 ON PAGE 3 OF THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY TAX MAPS. PARCELS 26, 30, AND 31 ARE EACH OWNED BY ELIZABETH PERRY, KINGSLEY PERRY, JR., PATRICIA PERRY, AND GENEVIEVE NIXON AS RECORDED IN DEED BOOK 554, PAGE 429. PARCEL 28 IS OWNED BY THOMAS AND EVELYN LAMERS AS RECORDED IN DEED BOOK 490, PAGE 938. PARCEL 54 IS OWNED BY PATRICIA L. PERRY AS RECORDED IN DEED BOOK 488, PAGE 564. AN EASEMENT ON PARCELS 26 AND 31 IS OWNED BY THE DAYTON POWER AND LIGHT COMPANY AS RECORDED IN DEED BOOK 302, PAGE 384.

DEDICATION:

THE UNDERSIGNED, WHO ARE ALL THE OWNERS AND SPOUSES OF OWNERS OF THE ABOVE DESCRIBED PROPERTY OR WHO OWN EASEMENTS WITHIN THE ABOVE DESCRIBED PROPERTY, VOLUNTARILY CONSENT TO THE PLAT DESCRIBED IN THIS DOCUMENT.

Elizabeth Perry
ELIZABETH PERRY

Lucia Rebut - Josephine J. D
WITNESSES

Kingsley Perry Jr.
KINGSLEY PERRY, JR.

Lucia Rebut - Josephine J. D
WITNESSES

Yvonne Perry
YVONNE PERRY

Lucia Rebut - Josephine J. D
WITNESSES

Patricia Perry
PATRICIA PERRY

Lucia Rebut - Josephine J. D
WITNESSES

Genevieve Nixon
GENEVIEVE NIXON

Lucia Rebut - Josephine J. D
WITNESSES

Evelyn Lamers
EVELYN LAMERS

Betty H. Dawson - Joe
WITNESSES

Thomas Lamers
THOMAS LAMERS

Betty H. Dawson - Joe
WITNESSES

DAYTON ST. PLAT

DESCRIPTION CONTINUED:

THE PARCELS PREVIOUSLY DESCRIBED ARE LOCATED IN THE S.W. QUARTER, SECTION 20, TWP. 4, RANGE 8 OF THE STATE OF OHIO. THE ACREAGE OF EACH PARCEL AS DESCRIBED ON THE TAX MAPS OF GREENE COUNTY IS: PARCEL 26, 2.6775 ac. PARCEL 28, 0.456^{ac} PARCEL 30, 0.20 ac. PARCEL 31, 0.425 ac. PARCEL 54, 0.210 ac. THE TOTAL ACREAGE OF THIS PLAT AS SURVEYED IS 4.0238 ac.

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 16 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME ELIZABETH, KINGSLEY, JR., YVONNE, AND PATRICIA PERRY AND GENEVIEVE NIXON AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 26 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THOMAS AND EVELYN LAMERS AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

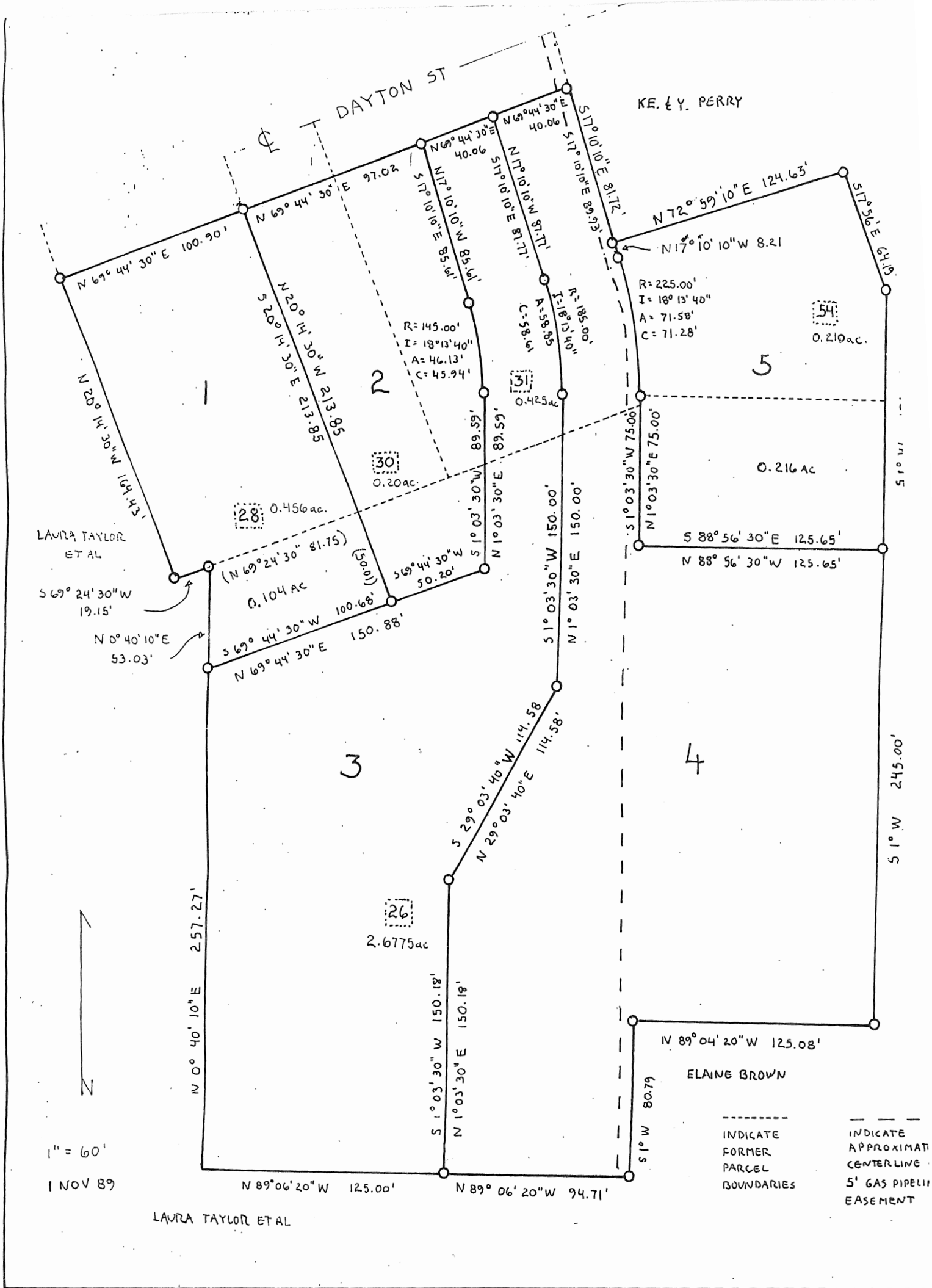
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

Josephine J. Dunphy

J. Dunphy



Parcel ID: F19-0001-0003-0-0063-00 Tax Year: 2016 Card: 1 of 1

Owner: HASHLAMAH PROJECT FOUNDATION

Mailing Name/Address:

HASHLAMAH PROJECT FOUNDATION

PO BOX 62

YELLOW SPRINGS OH 45387

Tax District: F19 - YELLOW SPRINGS VIL

Description:	DAYTON ST PLAT
--------------	----------------

LOT 5

DAYTON ST

Property Address: 745 DAYTON ST

Class: R - SINGLE FAMILY, O-9.999 AC

Map/Routing: 0003.00 016.00

Neighborhood: 00127.000

Parcel Tieback:



F19000100030006300 03/03/2012

LAND DATA

LAND DATA		Effective		Square		
Desc	Type	Frontage	Depth	Footage	Acres	Value
Homesite	ACREAGE				0.4260	\$68,160.00

DWELLING DATA

Style	RANCH	Total Rooms	8	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	2	Unfin Area	
Construct	ALUMINUM/VINYL	Family Rms	0	Rec Room Area	
Year Blt	1960	Full Baths	2	FIn Bsmt Area	
SFLA	1490	Half Baths	0	WBFP Stacks	Open
GFLA	1248	Add'l Fixt	4	Bsmt Garage # Cars	
Basement	NONE	Total Fixt	10	Misc Desc	
Heating	CENTRAL	Bath Remod	NO	Misc Desc	
Heat Fuel	GAS	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

PROPERTY FACTORS

Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	MEDIUM

ADDITION DATA

#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			1248
A1		MAS STOOP/TERRACE			40
A2		MAS STOOP/TERRACE			40
A3		FRAME			242

OTHER BUILDING & YARD ITEMS

[illegible]

SALES DATA

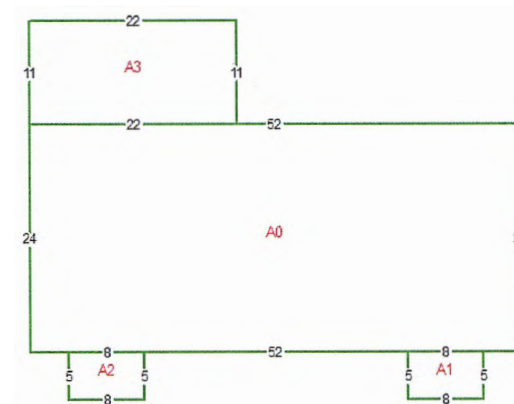
Sale Date	Type	Amount	Source
02/07/2017	LAND & BUILDING	\$87,000.00	OTHER
08/23/2016	LAND & BUILDING	\$90,000.00	OTHER
03/02/2004			
02/12/2003	LAND & BUILDING	\$0.00	AGENT

VALUES

Appraised	\$68,160.00	\$69,430.00	\$137,590.00	12/28/2016
Assessed (35%)	\$23,860.00	\$24,300.00	\$48,160.00	

TAXES

Real:	\$0.00	\$1,204.63	\$1,204.63	\$2,409.26
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$1,204.63	\$1,204.63	
Total Tax:				\$2,409.26
Amount Due:				\$0.00



RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

national
graphics

National Graphics Corp., Cols., O. Form No. 1097

Held

May 9, 1988

Following discussion on involvement of floor area, wholly or partly located within the roof, Commission agreed to accept this definition together with the following definition for height: "The height of a building shall be the vertical distance measured from the mean elevation of the finished grade of the front of the building".

NEW BUSINESS

Cobbs/Buster Lot Development.

Bristol reported Mr. Buster and Miss Cobbs have asked about options for developing two parcels of land shown on page three of the Yellow Springs tax maps as parcels 26 and 30 consisting of 2.8 acres of land on the south side of Dayton Street west of Wright Street, with the intention to build two homes on the subject land and hold joint ownership. The land in question is presently zoned Residence A and Section 1121.05 of the code requires that each new dwelling have at least 60 feet of frontage on a public street indicating that parcel 30 could possibly be developed but would effectively landlock parcel 26. Section 1121.06 (d) and (e) prohibit more than one principal structure on a single parcel of ground.

Bristol presented options as:

- (1) subdivide into two or more lots, using the 50-foot frontage as a public street,
- (2) apply for a conditional use permit for a two family dwelling,
- (3) apply for a conditional use permit for cluster housing,
- (4) get a waiver of the rule allowing only one principal structure per lot.

-Pitstick stated need to come up with a practical solution for two practically landlocked lots - ideal goal would be to have two lots with a shared drive and a deeded restriction. He spoke to acquiring frontage variance from the Board of Appeals.

-Rauh requested the owners make an effort to make a case that will hold up to the Planning Commission and Board of Appeals review - suggested they take initiative to show how this would be justified - Rauh also requested a corrected map be prepared from the official tax maps with an overlay of the proposed plan, for the purpose of clarification. It was also suggested consideration be given to each party asking for a variance from the Board of Appeals for one-half of the frontage after working with the Village Manager to draw up a minor subdivision application.

-Issue tabled until new proposal comes forward.

RECORD OF PROCEEDINGS

Minutes of

BOARD OF APPEALS

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

June 29, 1988

-Newman justified the variance on the basis that the Church functions as a semi-public building where handicap accessibility is a factor and also stated this type request would not be of a recurring nature throughout the Village.

-Hillman stated the project is in total support of the rationale of "not detrimental to the public welfare" and is in harmony with the general purpose of the code. Hillman felt the project also agrees with the overall intent of the code on enlargement of existing non-conforming structures which is a variance from a special exception.

There being no further discussion, the roll was called upon the question of the granting of a 17 1/2 foot variance and the following vote was recorded: Yea: 4: Hart, Hillman, Newman, Tebbetts. Nay: 0. VARIANCE GRANTED.

The Chair declared open the hearing on a request for a variance in minimum lot frontage by Charles Buster and Carole Cobbs to permit division of undeveloped land on the south side of Dayton Street between existing dwellings at 755 and 775 Dayton Street. Charles Buster and Carole Cobbs were present for discussion.

It was noted the variance request is for 75 feet from the Residence "A" minimum requirement of 75-foot frontage for each lot. The plan is to divide a 2.8 acre parcel with limited frontage into two lots (each to contain a single family dwelling) under the Village's minor subdivision code.

Following discussion on:

- Pat Perry's deeded right-of-way for her duplex,
- the prohibitive cost of providing public improvements for a public street under the subdivision code and the desire of property owners not to have a high density development,
- the unavailability of additional land to provide the required frontage,
- the suggestion that if one lot owns the right-of-way and deeds use to the other lot, no variance would be required.

--the proper division of lots so access can be provided to both,

--justification of frontage when access can be granted through properly deeded and recorded right-of-way in the manner currently existing for a duplex located in the same area,

the appellants were advised to pursue the direction of creating a private right-of-way to parcel 26 and then apply for minor subdivision. NO VARIANCE REQUIRED.

I. MOTION was made by Mrs. Newman and seconded by Mr. Hillman to approve minutes dated February 24, 1988 as presented. MOTION CARRIED.

II OLD BUSINESS

In discussing the change of the Board of Appeals quorum required to establish a meeting date, it was Board consensus that a change of quorum to three is acceptable as long and the vote required to grant a variance remains at 3 with the appellant being fully aware that in this case a unanimous vote is necessary to receive a variance.

It was noted the manager will be requested to follow-up on the conditions of past variances granted.

IV. There being no further business to come before the Board, meeting was ADJOURNED.

CHAIR

Olse Tebbetts

CLERK

**Codified
Ordinances
of
Yellow Springs
Ohio**



Complete to September 1, 1986

Revised January 1, 1991

Updated April, 1993

sufficient evidence for the release by the Village of Yellow Springs of performance bond.

- (f) When the Village Manager, following inspection of a subdivision, certifies to the Village Council that all improvements have been constructed in accordance with Village specifications, the Vill-Council may proceed to accept the public improvements. Improvements will only be accepted after a bond or other sufficient surety has been posted guaranteeing maintenance to installation specifications, for one year of the required subdivision improvements. Such maintenance bond shall be in an amount equal to ten (10) percent of estimated construction cost, and shall run from the date of acceptance of improvements by Vill-Council to one year thereafter. Maintenance bonds may be released by Council after receiving certification from the Village Manager that improvements continue to meet specifications after one full year beyond their acceptance.
- (g) Whenever public improvements have not been constructed in accordance with specifications as established, the Village Council may exercise its rights of foreclosure under the bond. If, in the opinion of the Village's authorized inspector, installations are improper or inadequate, he shall issue a stop order. The developer may appeal the inspector's findings to the Village Manager within forty-eight (48) hours. Failure to comply will be deemed a violation of these regulations.

1101.10 VARIATIONS. (ORD. 84-08. Passed 7/16/84).

- (a) The Planning Commission may grant variations from these regulations by the affirmative vote of three (3) members subject to limitations as follows:
- (1) that specific conditions and circumstances exist which are particular to the land and which are not generally applicable to other lands within the Village.
 - (2) that literal interpretations of the provisions of this subdivision regulation would deprive the applicant of rights commonly enjoyed by other properties.
 - (3) that special conditions and circumstances do not result from the actions of the applicant.
 - (4) that granting of the variation requested would provide the minimum necessary to grant relief from the special circumstances.
 - (5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1984 Replacement

1101.11 MINOR SUBDIVISIONS.

- (a) Approval of a minor subdivision by an authorized representative of the Planning Commission, without formal action by the Planning Commission and Council, may be granted if a record plan meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road or public utilities;
 - (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;
 - (3) No more than three (3) lots will be created following division of the original parcel;
 - (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;
 - (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;
 - (6) Each buildable lot is provided separate and adequate water and sewerage connection laterals;
 - (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;
 - (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten (10) days prior to a regularly scheduled Planning Commission meeting, and if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.
- (b) If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen (14) working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and properly prepared survey sheet of property, shall stamp "Approved by the Yellow Springs Planning Commission, No Plat Required," and the authorized representative of the Commission shall sign the conveyance.

1984 Replacement

lot size

1101.11

the minimum necessary to grant relief from the special circumstances;

(5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

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(3) No more than three (3) lots will be created following division of the original parcel;

(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;

(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals. (ord. 92-16. Passed 11/2/92.)

(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;

1992 Replacement

**M·M TITLE CO***"The Mid America and Metropolitan family of companies"*

May 18, 2017

Ms. Denise Swinger
Zoning Department -Village of Yellow Springs
100 Dayton Street
Yellow Springs, OH 45387

RE: Deed transfer/745 Dayton Street, Yellow Springs, OH 45387/Hashlamah Project Foundation

Dear Ms. Swinger,

In accordance with our conversation yesterday, I am sending this letter and documentation to confirm certain information for your records.

Our office was the settlement and title insurance agent in the closing of the last transfer of the above-referenced property. Through that transaction, U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation Trust ("U.S. Bank") conveyed the property to Hashlamah Project Foundation, an Ohio not for profit corporation. A copy of this deed is enclosed for your records. The real property conveyed is further described as follows:

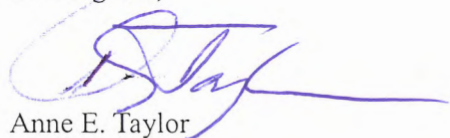
Situate in the Village of Yellow Springs, County of Greene and State of Ohio and being Lot 5 of Dayton Street Plat as recorded in Plat Book 26, Page 17-18 now known as Plat Cabinet 34, 110A-110B as recorded in the Plat Records of Greene County, Ohio.

Also conveyed with document the right of access across that portion on Grantor's land lying 50 feet West of the above described tract and continuing a similar width to the West of a previously described tract as recorded in Deed Book 300, Page 197 of Greene County Deed Records. It is the intent to provide access from Grantee's South line to Dayton Street. Parcel Number: F19-1-3-63

As you will note on the deed of conveyance, U.S. Bank warranted to Hashlamah Project Foundation its legal title ownership and right to convey the herein described real property. Further, our office, as agent on behalf of Chicago Title Insurance Company has insured the ownership rights now held by Hashlamah Project Foundation.

If you have any questions relating to this correspondence or the enclosed documentation, please do not hesitate to contact me at (937) 228-2465.

Best regards,



Anne E. Taylor

Enclosure (Deed)

2013

000468

2017012159

TRANSFERRED

17FEB-7 AM 9:47

FEE \$174.00 EXEMPT

GREENE COUNTY AUDITOR

2017 FEB -8 AM 8:47
28.00 + 20

REC'D. CLERK
GREENE CO. RECORDER
XENIA, OH.

2 PG.

Description Check
Greene County Engineer's Tax Map Dept.
☐ Legally Sufficient As Described
☒ Legally Sufficient With Corrections Noted
☐ Legally Insufficient, New Survey Required
Date 2-11-17 By [Signature]
Par ID List F19 BK 1 PG 3 PAR 103

Limited Warranty Deed

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust for valuable consideration paid, grant(s) with limited warranty covenants, to Hashlamah Project Foundation, whose tax-mailing address is PO BOX 62, Yellow Springs, OH 45387 the following **REAL PROPERTY**: Situated in the County of ~~Montgomery~~ in the State of Ohio and in the City of ~~Miamisburg~~

Situate in the Village of Yellow Springs, County of Greene and State of Ohio and being Lot 5 of Dayton Street Plat as recorded in Plat Book 26, Page 17 now known as Plat Cabinet 34, 110A-110B as recorded in the Plat Records of Greene County, Ohio. Also conveyed with document the right of access across that portion on Grantor's land lying 50 feet West of the above described tract and continuing a similar width to the West of a previously described tract as recorded in Deed Book 300, Page 197 of Greene County Deed Records. It is the intent to provide access from Grantee's South line to Dayton Street.

Parcel Number: F19-1-3-63

** - 18

Subject to all legal highways; building and zoning ordinances; easements, conditions and restrictions of record; and real estate taxes and assessments not yet due and payable.

done and

Prior Instrument Reference: Volume 3742 Page 579 of the Deed Records of Greene County, Ohio.

The undersigned has hereunto set his/her hand(s) this 19 day of January, 2017.

Caliber Real Estate Services, LLC

[Signature]
 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, by Caliber Real Estate Services, LLC., its attorney in fact

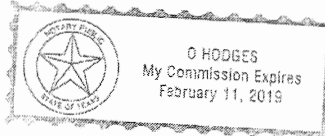
State of Texas, County of Dallas ss.

BE IT REMEMBERED, That on this 19 day of January, 2017, before me, the subscriber, a Notary Public in and for said state, personally came, Heather Sayabouasy in his/her capacity as it's attorney in fact for U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust by Caliber Real Estate Services, LLC., the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be his/her and its voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]
 NOTARY PUBLIC

This instrument was prepared by Anne E. Taylor, Attorney at Law.



FORM 68-OHIO WARRANTY DEED-Short Form.

39343

TITLES VOL. 300, PAGE 197
Tuttle Law Print, Publishers, Baltimore, Md.

Know all Men by these Presents

That Kingsley Perry and Elizabeth Perry (husband and wife)

of Greene County, Ohio,
in consideration of One dollar and other good and valuable considerations.

to them in hand paid by Kingsley Eugene Perry and Yvonne Perry

Whose address is: Dayton Pike, Yellow Springs, Ohio

do hereby Grant, Bargain, Sell and Convey
to the said Kingsley Eugene Perry and Yvonne Perry

their heirs and
assigns forever, the following described Real Estate, situate in the Village
of Yellow Springs in the County of Greene
and State of Ohio, being further bounded and described as follows:

Beginning at a point in the center of Dayton Street, a corner to
lands of Viola P. Gudge, Grantor's northeast corner; thence with
a line to said Gudge, S. 18° 13' 40" E., 116.86 feet to an iron
pin, passing an iron pin at 30.04 feet at the South line of said
street; thence S. 71° 46' 20" W., 125.00 feet to an iron pin;
thence N. 18° 13' 40" W., 110.04 feet to the center of said street
passing an iron pin at 80.06 feet; thence with the line of said
street, N. 68° 39' E., 125.19 feet to the place of beginning.
This described tract contains 0.326 acres be it the same, more or
less and will be known as Lot #1 of Perry Place, a proposed subdiv-
ision. Being part of land described in Vol. 175, page 491 of the
Greene County, Ohio deed records.

NO REVENUE STAMPS NECESSARY

and all the Estate, Right, Title and Interest of the said grantor in and to said premises;
To have and to hold the same, with all the privileges and appurtenances therunto
belonging, to said grantees, their heirs and assigns forever.

And the said

Grantors

do hereby Covenant and Warrant that the title so conveyed is Clear, Free and
Unincumbered, and that they will defend the same against all lawful claims of
all persons whomsoever, save and except all installments of taxes and
assessments due December 1958 and thereafter which the Grantees to
hereby assume and agree to pay as a part of the consideration hereof.

292

VOL. 300 PAGE 198

In Witness Whereof, the said
Perry (husband and wife)

Kingsley Perry and Elizabeth

~~and~~ ~~hereunto set~~ ~~their hands, this~~ ~~day of~~ ~~October~~ ~~in the year A. D. nineteen hundred and fifty-eight (1958)~~ ~~signed and acknowledged in presence of us:~~

James F. Cox
Vicki Abela

Kingsley Perry
Kingsley Perry

Elizabeth Perry
Elizabeth Perry

State of Ohio,

Greene

County, ss.

On this 3 day of October
in and for said County, personally came

A. D. 1958, before me, a Notary Public

Kingsley Perry and Elizabeth Perry (husband and wife)
acknowledged the signing thereof to be ~~the grantors in the foregoing deed, and~~
~~their voluntary act and deed.~~
Witness my official signature and seal on the day last above mentioned.

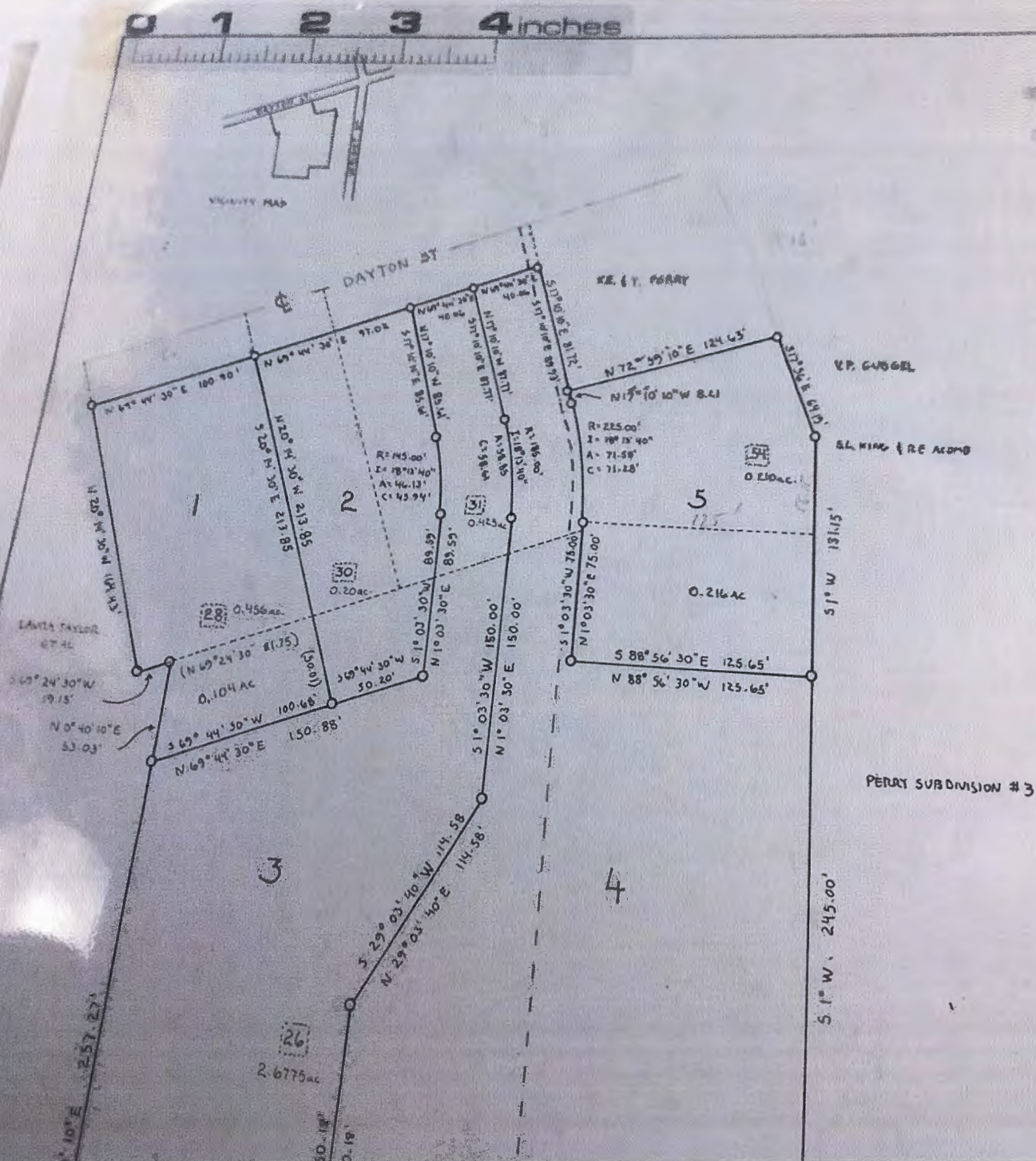
This instrument prepared by
JAMES F. COX. SHAW & COX
ATTORNEYS AT LAW
HOME FEDERAL BUILDING
XENIA, OHIO

James F. Cox

JAMES F. COX, Notary Public
in and for State of Ohio
My Commission Expires Dec. 27, 1959

Transferred Oct. 3, 1958Received Oct. 3, 1958 3:45 P.M.Recorded Oct. 6, 1958Recorder's fee \$1.40 *Emmett Beatty*

Recorder



13785

DAYTON ST. PLAT

NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

J. Womeldorff

VILLAGE OF YELLOW SPRINGS ZONING OFFICER

RECEIVED:

RECEIVED Sept 21, 1990

RECORDED:

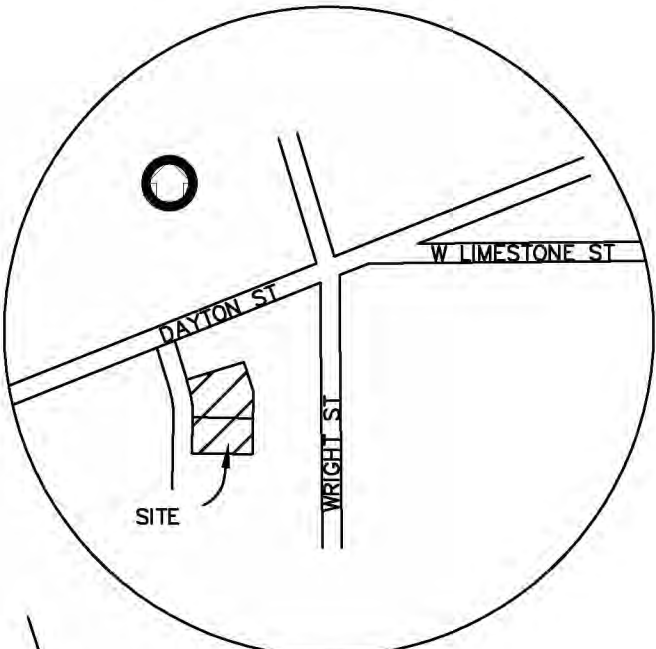
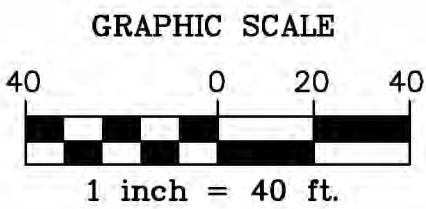
RECEIVED September 21, 1990
 RECEIVED September 21, 1990
 PLAT BOOK 26 PAGES 17-18
 FEE \$ 33.00

Chris L. Shaw

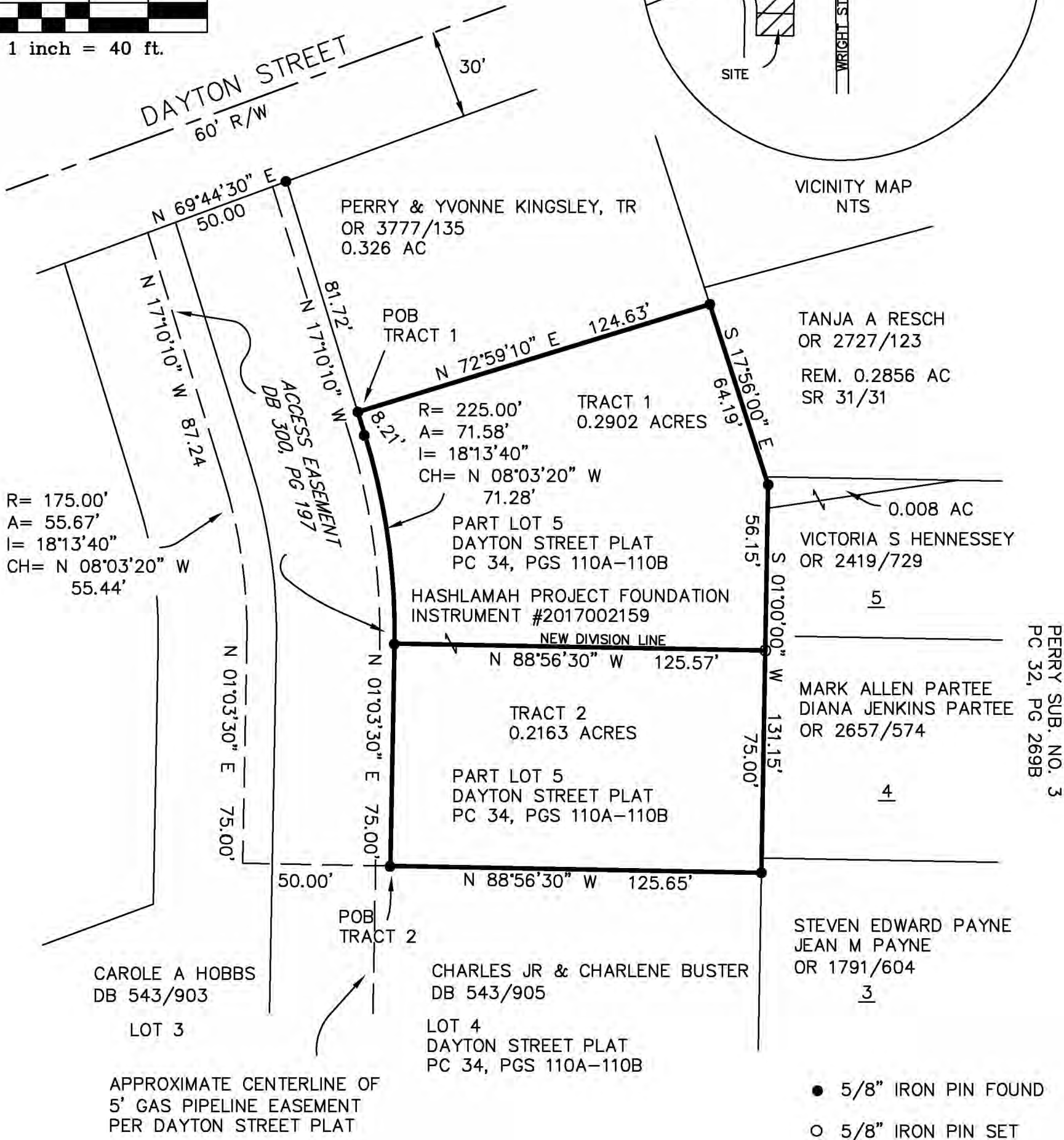
Sam B. Morris



BEARINGS BASED ON THE NORTH
LINE OF LOT 5, DAYTON STREET PLAT
PC 34, PGS 110A-110B
N 72°59'10" E



VICINITY MAP
NTS



NOTE:
EACH BUILDABLE LOT WILL BE PROVIDED WITH
SEPARATE AND ADEQUATE WATER AND
SEWERAGE CONNECTION LATERALS

- 5/8" IRON PIN FOUND
- 5/8" IRON PIN SET

Prepared By:

JUDGE ENGINEERING CO.
1201 E. DAVID ROAD
KETTERING, OHIO 45429
PHONE (937)294-1441 FAX (937)294-6498

SURVEYED BY

RAYMOND B MEFFORD REG. SURVEYOR NO. 7367

APPROVED GREENE COUNTY ENGINEER

By _____ Date _____

APPROVED BY

ZONING _____ DATE _____

RPCC, CITY, OR VILLAGE

DATE

GRANTOR HASHLAMAH PROJECT FOUNDATION

GRANTEE

LOCATION

Section 20, Town 4, Range 8

or Survey No.

VILLAGE OF YELLOW SPRINGS

GREENE COUNTY, OHIO

DATE APRIL 19, 2017



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 1
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2902 acre tract more particularly described as follows;

Beginning at a $\frac{5}{8}$ " iron pin found at the southwest corner of a 0.326 acre tract conveyed to Perry Kingsley and Yvonne Kingsley, Trustee by deed recorded in Volume 3777, Page 135 of the official records of said county and being the northwest corner of aforementioned Lot 5;

thence from said point of beginning N 72° 59' 10" E with the south line of said 0.326 acre tract a distance of 124.63 feet to a $\frac{5}{8}$ " iron pin found at the northeast corner of Lot 5 and the west line of a 0.2776 acre tract conveyed to Tanja A. Resch by deed recorded in Volume 2727, Page 123 of the official deed records of said county;

thence S 17° 56' 00" E with said west line and the west line of Lot 5, Perry Subdivision No. 3, as recorded in Plat Cabinet 32, Page 269B of the plat records of said county, as conveyed to Victoria Hennessey by deed recorded in Volume 2419, Page 729 of the official records of said county and a distance of 64.19 feet to a $\frac{5}{8}$ " iron pin found at an angle point;

thence S 01° 00' 00" W with the west line of said Lot 5 and the west line of Lot 4, Perry Subdivision No. 3 as conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county, a distance of 56.15 feet to a $\frac{5}{8}$ " iron pin set;

thence on a new division line N 88° 56' 30" W a distance of 125.57 feet to a $\frac{5}{8}$ " iron pin found on the east line of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county;

thence with the said east line the following 2 courses;

1. Northwesterly on a curve to the left having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 71.28 feet) to a $\frac{5}{8}$ " iron pin found;
2. $N 17^{\circ} 10' 10'' W$ a distance of 8.21 feet to the point of beginning containing 0.2902 acres more or less, subject, however to all legal highways, easements and restrictions of records;

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

And conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. $S 17^{\circ} 10' 10'' E$ a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $S 08^{\circ} 03' 20'' E$ for 71.28 feet) to a point;
3. $S 01^{\circ} 03' 30'' W$ a distance of 75.00 feet to a point;

Thence $N 88^{\circ} 56' 30'' W$ a distance of 50.00 feet to a point;

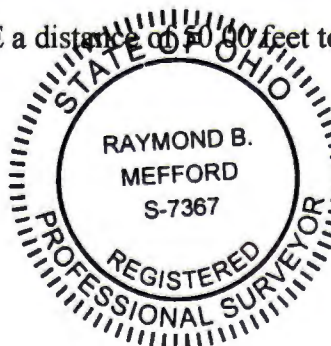
Thence $N 01^{\circ} 03' 03'' W$ a distance of 75.00 feet to a point;

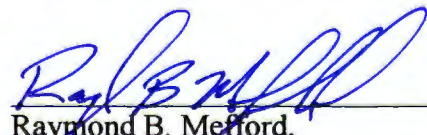
Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 55.44 feet) to a point;

Thence $N 17^{\circ} 10' 10'' W$ a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence $N 69^{\circ} 44' 30'' E$ a distance of 50.80 feet to the point of beginning.

6909 Tract I




Raymond B. Mefford,
Professional Surveyor No. 7367



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 2
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2163 acre tract more particularly described as follows;

Beginning at a 5/8" iron pin found at a northerly corner of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county, said point also being the southwest corner of said Lot 5;

thence from said point of beginning N 01° 03' 30" E with an east line of said Lot 3, a distance of 75.00 feet to a 5/8" iron pin found;

thence on a new division line S 88° 56' 30" E a distance of 125.57 feet to a 5/8" iron pin set on the west line of Lot 3, Perry Subdivision No. 3 as recorded in Plat Cabinet 32, Page 269B of the plat records of said county and conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county.

thence S 01° 00' 00" W with said west line and the west line of Lot 5, Perry Subdivision No. 3 as conveyed to Steven Edward Payne and Jean M. Payne by deed recorded in Volume 1791, Page 604 of the official records of said county, a distance of 75.00 feet to a 5/8" iron pin found at northeast corner of aforementioned Buster tract;

thence N 88° 56' 30" W with the north line of said tract a distance of 125.65 feet to the point of beginning containing 0.2163 acres more or less, subject, to all legal highways, easements and restrictions of record.

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

and conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. S 17° 10' 10" E a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of S 08° 03' 20" E for 71.28 feet) to a point;
3. S 01° 03' 30" W a distance of 75.00 feet to a point;

Thence N 88° 56' 30" W a distance of 50.00 feet to a point;

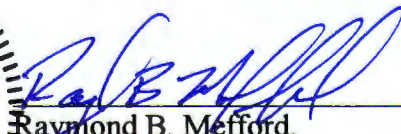
Thence N 01° 03' 03" W a distance of 75.00 feet to a point;

Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of N 08° 03' 20" W for 55.44 feet) to a point;

Thence N 17° 10' 10" W a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence N 69° 44' 44" E a distance of 50.00 feet to the point of beginning.




Raymond B. Mefford,
Professional Surveyor No. 7367



PC17-17

Application for Minor Subdivision

Applicant(s): Michael David

Applicant's mailing address: 745 Dayton St

Phone: 937-671-8334

Address(es) of property: 745 Dayton St

Greene County Parcel ID: _____

Zoning District: R-A Total number of lots after Subdivision: 2 = 1+1

Approval of a minor subdivision by an authorized representative of the Zoning Administrator, without formal action by the Planning Commission and Council, shall be granted if a record plan meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.
- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

Applicant's Signature: [Signature] Date: 4/18/17
The applicant hereby certifies that all information on and attached to this application is true and correct.

.....
For Village use only:

Date filed: 4/18/17

☐ \$ _____ Fee Paid at \$50.00 per lot if action is required by Planning and Council. (Development or PUD)

☐ \$ _____ Fee Paid at \$50.00 + \$15 per lot if no action is required by Planning and Council.

Forwarded to Planning Commission 10 Days Prior to their 5/8/17 (date) Meeting.

Planning Commission Action: ☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:

EXHIBIT A

Greene County, Ohio



EXHIBIT B

DAYTON ST. PLAT

NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

J. Womeldorff
VILLAGE OF YELLOW SPRINGS ZONING OFFICER

TRANSFERRED:

TRANSFERRED Sept 21, 1990

RECORDED:

RECEIVED September 21, 1990
RECEIVED September 21, 1990
PLAT BOOK 26 PAGES 17-18
FEE \$ 33.00

Dorothy L. Shaw-wls
AUDITOR, GREENE COUNTY, OHIO

Lucy B. Morris
RECORDER, GREENE COUNTY, OHIO

CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTS ARE SET AS SHOWN.



Michael L. Smith
MICHAEL L. SMITH
REGISTERED SURVEYOR
OHIO # 6590

DESCRIPTION:

THIS PLAT IS FORMED FROM FIVE PARCELS OF LAND IN THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO. THESE PARCELS ARE NUMBERED 26, 28, 30, 31, AND 54 ON PAGE 3 OF THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY TAX MAPS. PARCELS 26, 30, AND 31 ARE EACH OWNED BY ELIZABETH PERRY, KINGSLEY PERRY, JR., PATRICIA PERRY, AND GENEVIEVE NIXON AS RECORDED IN DEED BOOK 554, PAGE 429. PARCEL 28 IS OWNED BY THOMAS AND EVELYN LAMERS AS RECORDED IN DEED BOOK 490, PAGE 938. PARCEL 54 IS OWNED BY PATRICIA L. PERRY AS RECORDED IN DEED BOOK 488, PAGE 564. AN EASEMENT ON PARCELS 26 AND 31 IS OWNED BY THE DAYTON POWER AND LIGHT COMPANY AS RECORDED IN DEED BOOK 302, PAGE 384.

DEDICATION:

THE UNDERSIGNED, WHO ARE ALL THE OWNERS AND SPOUSES OF OWNERS OF THE ABOVE DESCRIBED PROPERTY OR WHO OWN EASEMENTS WITHIN THE ABOVE DESCRIBED PROPERTY, VOLUNTARILY CONSENT TO THE PLAT DESCRIBED IN THIS DOCUMENT.

Elizabeth Perry
ELIZABETH PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Kingsley Perry Jr.
KINGSLEY PERRY, JR.

Lunice Rebut - Josephine J. D
WITNESSES

Yvonne Perry
YVONNE PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Patricia Perry
PATRICIA PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Genevieve Nixon
GENEVIEVE NIXON

Lunice Rebut - Josephine J. D
WITNESSES

Evelyn Lamers
EVELYN LAMERS

Betty H. Dawson - Joe
WITNESSES

Thomas LaMere
THOMAS LAMERS

Betty H. Dawson - Joe
WITNESSES

DAYTON ST. PLAT

DESCRIPTION CONTINUED:

THE PARCELS PREVIOUSLY DESCRIBED ARE LOCATED IN THE S.W. QUARTER, SECTION 20, TWP. 4, RANGE 8 OF THE STATE OF OHIO. THE ACREAGE OF EACH PARCEL AS DESCRIBED ON THE TAX MAPS OF GREENE COUNTY IS: PARCEL 26, 2.6775 ac. PARCEL 28, 0.456^{ac} PARCEL 30, 0.20 ac. PARCEL 31, 0.425 ac. PARCEL 54, 0.210 ac. THE TOTAL ACREAGE OF THIS PLAT AS SURVEYED IS 4.0238 ac.

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 16 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME ELIZABETH, KINGSLEY, JR., YVONNE, AND PATRICIA PERRY AND GENEVIEVE NIXON AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 26 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THOMAS AND EVELYN LAMERS AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

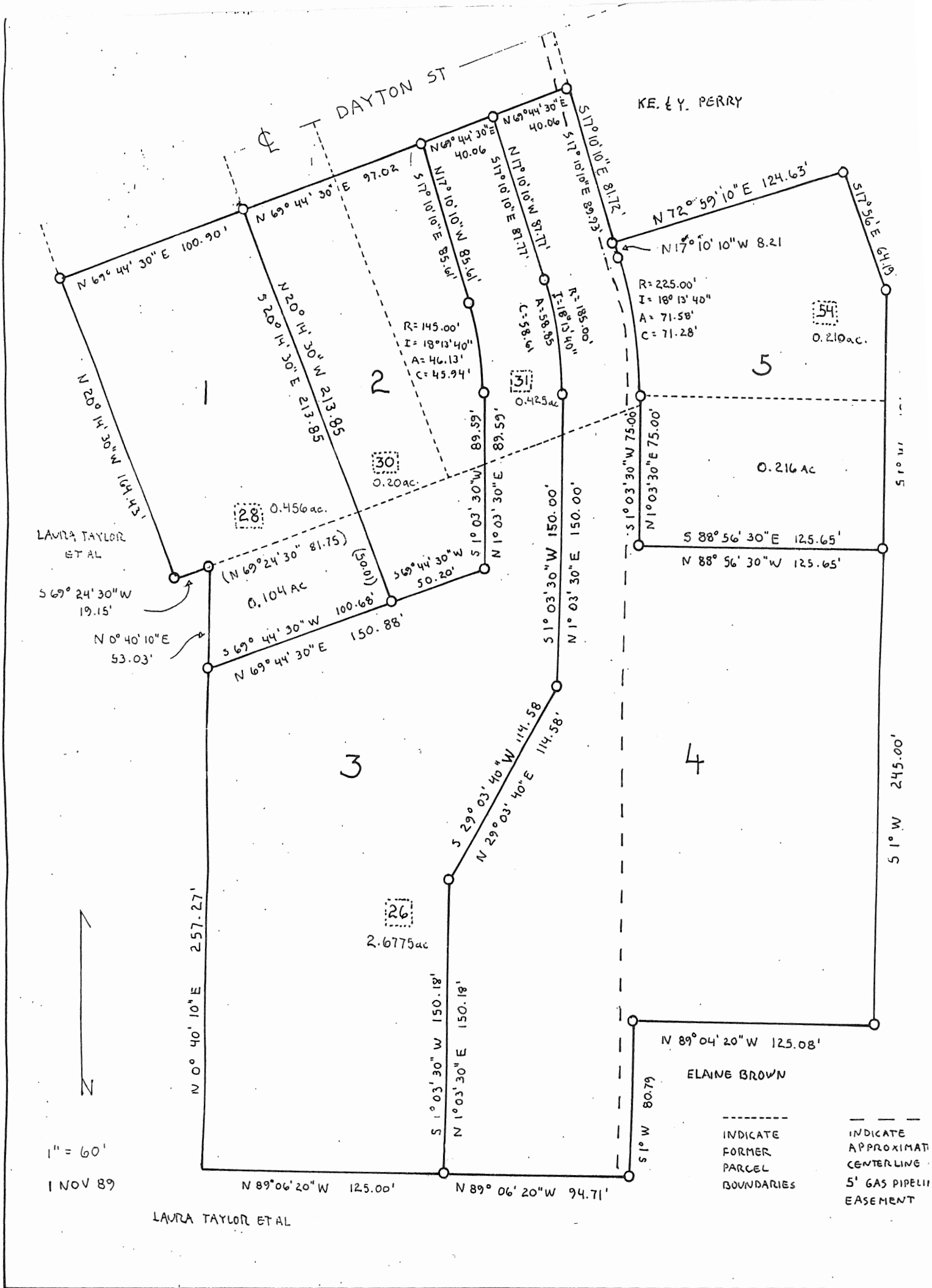
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

Josephine J. Dunphy

J. Dunphy



Parcel ID: F19-0001-0003-0-0063-00 Tax Year: 2016 Card: 1 of 1

Owner: HASHLAMAH PROJECT FOUNDATION

Mailing Name/Address:
HASHLAMAH PROJECT FOUNDATION

PO BOX 62
YELLOW SPRINGS OH 45387
Tax District: F19 - YELLOW SPRINGS VIL

Description: DAYTON ST PLAT
LOT 5
DAYTON ST
Property Address: 745 DAYTON ST
Class: R - SINGLE FAMILY, O-9.999 AC
Map/Routing: 0003.00 016.00
Neighborhood: 00127.000
Parcel Tieback:



F19000100030006300 03/03/2012

LAND DATA

LAND DATA		Effective		Square		
Desc	Type	Frontage	Depth	Footage	Acres	Value
Homesite	ACREAGE				0.4260	\$68,160.00

DWELLING DATA

Style	RANCH	Total Rooms	8	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	2	Unfin Area	
Construct	ALUMINUM/VINYL	Family Rms	0	Rec Room Area	
Year Blt	1960	Full Baths	2	FIn Bsmt Area	
SFLA	1490	Half Baths	0	WBFP Stacks	Open
GFLA	1248	Add'l Fixt	4	Bsmt Garage # Cars	
Basement	NONE	Total Fixt	10	Misc Desc	
Heating	CENTRAL	Bath Remod	NO	Misc Desc	
Heat Fuel	GAS	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

PROPERTY FACTORS

Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	MEDIUM

ADDITION DATA

#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			1248
A1		MAS STOOP/TERRACE			40
A2		MAS STOOP/TERRACE			40
A3		FRAME			242

OTHER BUILDING & YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value

SALES DATA

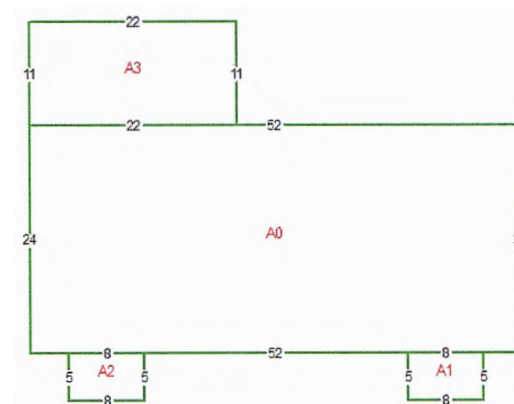
Sale Date	Type	Amount	Source
02/07/2017	LAND & BUILDING	\$87,000.00	OTHER
08/23/2016	LAND & BUILDING	\$90,000.00	OTHER
03/02/2004			
02/12/2003	LAND & BUILDING	\$0.00	AGENT

VALUES

Appraised	\$68,160.00	\$69,430.00	\$137,590.00	12/28/2016
Assessed (35%)	\$23,860.00	\$24,300.00	\$48,160.00	

TAXES

Real:	\$0.00	\$1,204.63	\$1,204.63	\$2,409.26
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$1,204.63	\$1,204.63	
Total Tax:				\$2,409.26
Amount Due:				\$0.00



RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

national
graphics

National Graphics Corp., Cols., O. Form No. 1097

Held

May 9, 1988

Following discussion on involvement of floor area, wholly or partly located within the roof, Commission agreed to accept this definition together with the following definition for height: "The height of a building shall be the vertical distance measured from the mean elevation of the finished grade of the front of the building".

NEW BUSINESS

Cobbs/Buster Lot Development.

Bristol reported Mr. Buster and Miss Cobbs have asked about options for developing two parcels of land shown on page three of the Yellow Springs tax maps as parcels 26 and 30 consisting of 2.8 acres of land on the south side of Dayton Street west of Wright Street, with the intention to build two homes on the subject land and hold joint ownership. The land in question is presently zoned Residence A and Section 1121.05 of the code requires that each new dwelling have at least 60 feet of frontage on a public street indicating that parcel 30 could possibly be developed but would effectively landlock parcel 26. Section 1121.06 (d) and (e) prohibit more than one principal structure on a single parcel of ground.

Bristol presented options as:

- (1) subdivide into two or more lots, using the 50-foot frontage as a public street,
- (2) apply for a conditional use permit for a two family dwelling,
- (3) apply for a conditional use permit for cluster housing,
- (4) get a waiver of the rule allowing only one principal structure per lot.

-Pitstick stated need to come up with a practical solution for two practically landlocked lots - ideal goal would be to have two lots with a shared drive and a deeded restriction. He spoke to acquiring frontage variance from the Board of Appeals.

-Rauh requested the owners make an effort to make a case that will hold up to the Planning Commission and Board of Appeals review - suggested they take initiative to show how this would be justified - Rauh also requested a corrected map be prepared from the official tax maps with an overlay of the proposed plan, for the purpose of clarification. It was also suggested consideration be given to each party asking for a variance from the Board of Appeals for one-half of the frontage after working with the Village Manager to draw up a minor subdivision application.

-Issue tabled until new proposal comes forward.

RECORD OF PROCEEDINGS

Minutes of

BOARD OF APPEALS

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

June 29, 1988

-Newman justified the variance on the basis that the Church functions as a semi-public building where handicap accessibility is a factor and also stated this type request would not be of a recurring nature throughout the Village.

-Hillman stated the project is in total support of the rationale of "not detrimental to the public welfare" and is in harmony with the general purpose of the code. Hillman felt the project also agrees with the overall intent of the code on enlargement of existing non-conforming structures which is a variance from a special exception.

There being no further discussion, the roll was called upon the question of the granting of a 17 1/2 foot variance and the following vote was recorded: Yea: 4: Hart, Hillman, Newman, Tebbetts. Nay: 0. VARIANCE GRANTED.

The Chair declared open the hearing on a request for a variance in minimum lot frontage by Charles Buster and Carole Cobbs to permit division of undeveloped land on the south side of Dayton Street between existing dwellings at 755 and 775 Dayton Street. Charles Buster and Carole Cobbs were present for discussion.

It was noted the variance request is for 75 feet from the Residence "A" minimum requirement of 75-foot frontage for each lot. The plan is to divide a 2.8 acre parcel with limited frontage into two lots (each to contain a single family dwelling) under the Village's minor subdivision code.

Following discussion on:

- Pat Perry's deeded right-of-way for her duplex,
- the prohibitive cost of providing public improvements for a public street under the subdivision code and the desire of property owners not to have a high density development,
- the unavailability of additional land to provide the required frontage,
- the suggestion that if one lot owns the right-of-way and deeds use to the other lot, no variance would be required.

--the proper division of lots so access can be provided to both,

--justification of frontage when access can be granted through properly deeded and recorded right-of-way in the manner currently existing for a duplex located in the same area,

the appellants were advised to pursue the direction of creating a private right-of-way to parcel 26 and then apply for minor subdivision. NO VARIANCE REQUIRED.

I. MOTION was made by Mrs. Newman and seconded by Mr. Hillman to approve minutes dated February 24, 1988 as presented. MOTION CARRIED.

II OLD BUSINESS

In discussing the change of the Board of Appeals quorum required to establish a meeting date, it was Board consensus that a change of quorum to three is acceptable as long and the vote required to grant a variance remains at 3 with the appellant being fully aware that in this case a unanimous vote is necessary to receive a variance.

It was noted the manager will be requested to follow-up on the conditions of past variances granted.

IV. There being no further business to come before the Board, meeting was ADJOURNED.

CHAIR

Dee Tebbetts

CLERK

**Codified
Ordinances
of
Yellow Springs
Ohio**



Complete to September 1, 1986

Revised January 1, 1991

Updated April, 1993

sufficient evidence for the release by the Village of Yellow Springs of performance bond.

- (f) When the Village Manager, following inspection of a subdivision, certifies to the Village Council that all improvements have been constructed in accordance with Village specifications, the Vill-Council may proceed to accept the public improvements. Improvements will only be accepted after a bond or other sufficient surety has been posted guaranteeing maintenance to installation specifications, for one year of the required subdivision improvements. Such maintenance bond shall be in an amount equal to ten (10) percent of estimated construction cost, and shall run from the date of acceptance of improvements by Vill-Council to one year thereafter. Maintenance bonds may be released by Council after receiving certification from the Village Manager that improvements continue to meet specifications after one full year beyond their acceptance.
- (g) Whenever public improvements have not been constructed in accordance with specifications as established, the Village Council may exercise its rights of foreclosure under the bond. If, in the opinion of the Village's authorized inspector, installations are improper or inadequate, he shall issue a stop order. The developer may appeal the inspector's findings to the Village Manager within forty-eight (48) hours. Failure to comply will be deemed a violation of these regulations.

1101.10 VARIATIONS. (ORD. 84-08. Passed 7/16/84).

- (a) The Planning Commission may grant variations from these regulations by the affirmative vote of three (3) members subject to limitations as follows:
- (1) that specific conditions and circumstances exist which are particular to the land and which are not generally applicable to other lands within the Village.
 - (2) that literal interpretations of the provisions of this subdivision regulation would deprive the applicant of rights commonly enjoyed by other properties.
 - (3) that special conditions and circumstances do not result from the actions of the applicant.
 - (4) that granting of the variation requested would provide the minimum necessary to grant relief from the special circumstances.
 - (5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1984 Replacement

1101.11 MINOR SUBDIVISIONS.

- (a) Approval of a minor subdivision by an authorized representative of the Planning Commission, without formal action by the Planning Commission and Council, may be granted if a record plan meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road or public utilities;
 - (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;
 - (3) No more than three (3) lots will be created following division of the original parcel;
 - (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;
 - (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;
 - (6) Each buildable lot is provided separate and adequate water and sewerage connection laterals;
 - (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;
 - (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten (10) days prior to a regularly scheduled Planning Commission meeting, and if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.
- (b) If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen (14) working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and properly prepared survey sheet of property, shall stamp "Approved by the Yellow Springs Planning Commission, No Plat Required," and the authorized representative of the Commission shall sign the conveyance.

1984 Replacement

lot size

1101.11

the minimum necessary to grant relief from the special circumstances;

(5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1101.11 MINOR SUBDIVISIONS

(a) Approval of a minor subdivision by an authorized representative of the Planning Commission, without formal action by the Planning Commission and Council, shall be granted if a record plan meets all of the following conditions:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road or public utilities;

(2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;

(3) No more than three (3) lots will be created following division of the original parcel;

(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;

(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals. (ord. 92-16. Passed 11/2/92.)

(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries;

1992 Replacement



PLANNING COMMISSION – PC17-19

MEETING DATE: June 12, 2017

STAFF REPORT: Denise Swinger, Zoning Administrator

LOCATION: 232 Xenia Avenue

ZONING DISTRICT: B-1, Central Business District

APPLICANT: Miguel Espinoza and Dawn Boyer, owner, Mexico City Tacos, LLC, aka Miguel's Tacos.

PROPERTY OWNER: Christy Lewis and Brendan Comerford, The King's House

GREENE COUNTY PARCEL ID: F19000100100003700

REQUESTED ACTION: The request is for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1250.02 (Table), to allow a Mobile Food Truck "Trailer" operation on the property located at 232 Xenia Avenue.

PROPERTY INFORMATION AND ANALYSIS:

The property is located in the B-1, Central Business District at 232 Xenia Avenue. The Greene County Auditor lists the entire property under the 232 Xenia Avenue address, although a portion of the building is addressed as 230 Xenia Avenue for mailing purposes with the Post Office. The Village of Yellow Springs Zoning Department identifies and then notices properties based on the Greene County Auditor's address for them, which in this case is 232 Xenia Avenue.

The property's total acreage is 0.2935 with a large building known as The King's House. The building contains two retail businesses, Asanda Imports and Wildflower Boutique, and on the upper floor are residential apartments. The mobile food truck is to be located behind the main building and next to an attached covered patio (Exhibit A). Currently, there is a storage shed next to the covered patio. This will be removed and the mobile food truck "trailer" will be located there (Exhibit B). An aerial view of the property is provided showing the location of the food trailer (Exhibit C). The property owner has given written permission to use the covered patio in the lease agreement, which staff has confirmed.

STAFF ANALYSIS OF THE APPLICATION: The applicant has applied for a conditional use permit to allow the operation of a mobile vending food truck "trailer" for the purpose of providing food options Thursdays through Sundays, from 11:00AM to 10:00PM for a total of 44 hours per week (Exhibit D). The mobile vending food truck will be parked on the property itself and will not take away any parking spaces. Photos of the food truck "trailer" is labeled as Exhibit E. The company's logo will be placed on it before they begin operation.

CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Ordinance

Chapter 1250 Business Districts

Section 1250.02 (Table)-Schedule of Uses: Business Districts

Food, Drink, Entertainment and Hospitality

Mobile vending (food truck) – Conditional Use in B-1 only.

Chapter 1262 Conditional Use Requirements

Section 1262.01 Purpose

Conditional uses are uses of land specifically permitted within a zoning district only with the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure for conditional uses and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

1262.03 General Standards

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*.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
- (c) The proposed use will be compatible with the character of the general vicinity.
- (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.
- (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.
- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (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.

Section 1262.08(d) (1) Mobile Vending (Food Trucks)

- A. Food trucks may be conditionally permitted to operate within the B-1, E-1 and I-1 and I-2 zoning districts.
- B. The food truck shall be located only within an approved off-street parking lot. *The food truck "trailer" will not be located in the parking lot area, but on the property abutting the parking lot that faces Walnut Street. Because of this, the food truck will not take away any parking spaces.*
- C. The food truck shall not be located closer than ten feet to any driveway. *It will not be located closer than ten feet to a driveway.*
- D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces. *Seating will be available under a covered patio. Written permission has been obtained by the owner in a lease agreement that staff has reviewed.*
- E. Amplified sound and freestanding signs shall not be permitted. *There will not be any amplified sound or freestanding signs. All signage will be printed/hung on the food trailer.*
- F. The food truck shall be stationary at all times when open for business. *The food trailer will be parked, unhitched, on the premises and will remain stationary at all times when open for business.*
- G. The owner or an employee shall be present within the vehicle at all times while open for business. *The owner has stated there will be an employee or owner present at all times the business is open.*
- H. Access to restroom facilities must be available. *Public restrooms are available at 101 Dayton Street, the location of the YS Chamber of Commerce. Signage will be posted to inform customers of the location of the public restrooms. According to google maps it is an estimated 3 minute walk from the Wildflower Boutique to the public restrooms.*
- I. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles. *Trash receptacles will be placed near the dining area and will be disposed of in a private trash bin/ dumpster.*
- J. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck. *Applicant has confirmed in the application this will be adhered to.*
- K. Evidence of Greene County health department approval shall be provided. *See Exhibit F from the Greene County Health Department.*
- L. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited. *All wastewater/gray water will be disposed of at the John Bryan State Park dump station in accordance with the Greene County Health Department requirements.*
- M. The conditional use approval shall be reviewed annually by the Village manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

Chapter 1264 Off-Street Parking and Loading

Section 1264.02 (Table) Parking Requirements by Use

Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 per employee.
--	--

There are adequate parking facilities in the Central Business District, in addition to bike racks to meet the required 7 or 8 parking spaces required.

Food will be purchased by the owner at GFS and will bring the supplies to the trailer in their pickup truck. No delivery companies will be coming to the trailer's location.

1264.04 Conditions of Approval

Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (b) Insure that the use is compatible with adjacent conforming land uses and activities.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

STAFF RECOMMENDATION: Staff inquired about smoke, fumes and/or odors and was told that the trailer is equipped with a commercial grade ventilation hood which should help control smells. Staff does not foresee any issues with the food truck "trailer" at this location as there is a similar food truck "trailer" at Nipper's Corner on Xenia Avenue, and staff has not received any complaints about their operation.

Please feel free to contact me if you have any questions at (937) 767-1702 or by email to dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator
Village of Yellow Springs

EXHIBIT A



EXHIBIT B

LOCATION of
Miguel's Tacos

**A CONDITIONAL USE
REQUEST INVOLVING
THIS PROPERTY
WILL BE HEARD
JUNE 12 7:00 PM
AT THE BRYAN - CENTER 100 DAYTON ST.**

EXHIBIT C

Greene County Customized Property Map



LOCATION OF
MIGUEL'S TACOS

Greene County Legend

1 inch = 40 feet

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



0 25 50 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.



Village of Yellow Springs
 100 Dayton Street, 45387
 PHONE: (937) 767-1702
 FAX: (937) 767-3720
Planning Commission
Application

Case #: PC17-19 [OFFICE USE]

TYPE OF REQUEST: (Check one)

☐ DEVELOPMENT PLAN ☐ TEXT AMENDMENT

☒ CONDITIONAL USE ☐ MAP AMENDMENT

☐ OTHER (Please Specify): _____

1. Property Address and/or Parcel ID: 230 Xenia Avenue

2. Property Owner: Christy Lewis & Brendan Comerford/King's House
 Address: 507 S. High St, Yellow Springs, OH 45387 Phone: 937-657-4541

3. Description of request:
This request for a conditional use permit is to operate a mobile food vehicle on the property at 230 Xenia Avenue, which is within the B-1 zoning district (Req. A). The food trailer will be located on the land (adjacent to a covered patio) behind the building at 230 Xenia Avenue, part of King's Yard. The property owner has given written permission to use the premises (land and covered patio) to operate a food truck and dining area (see signed commercial lease agreement), neither of which will displace any parking spaces (Req. B, D), and are situated at least 10 feet away from any driveway (Req. C). There will be no amplified sounds or free-standing signs on the premises; all signage will be printed/hung on the food trailer (Req. E). The food trailer will be parked, unhitched, on the premises and will remain stationary at all times when open for business (Req. F). Planned hours of operation are Thursday through Sunday, 11am-10pm. We assert that the owner or an employee will be present within the vehicle at all times while open for business (Req. G). As a service to the community, access to public restrooms is available at the YS Chamber of Commerce, 101 Dayton St, and signage will be posted to inform customers of the location of the public restrooms (Req. H). Trash receptacles will be placed near the dining area and will be disposed of in a private trash bin/ dumpster (Req. I). We ensure that all equipment, other than outdoor seating, will be located inside, attached to or within three feet of the food trailer (Req. J). Evidence of Greene County health department approval will be provided at the time of the conditional use hearing (Req. K). All wastewater/gray water will be disposed of at the John Bryan State Park dump station, in accordance with Greene County health department requirements (Req. L).

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant Dawn Boyer (813) 409-4984 Title: President
 Address: 4650 Lamont Rd YS OH 45387 Date: 5/22/17
 E-mail: dawnboyer78@gmail.com

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: B-1

Fee: \$100.00 Date Paid: 5/22/17

Hearing Date: 6/12/17

Request Denied or Approved: _____

Zoning Official Name & Title: _____

Exhibit E



COLUMBUS, OHIO
614-371-4606



Exhibit E



EXHIBIT F

June 5, 2017

Miguel Espinosa
PO Box 41
Yellow Springs, OH 45387

RE: Mobile Food Service Operation
Miguel's Mexico City Tacos #81, 4650 Lamont Drive, Yellow Springs, OH 45387

Dear Mr. Espinosa:

You are hereby notified that the Greene County Health Commissioner has this day **approved** the detailed plans and specifications for the above referenced proposed Mobile Food Service Operation. Plans were received on **April 20, 2017**, and resubmitted on **May 23, 2017**. This approval is subject to the following conditions:

1. The operator shall provide for proper maintenance and cleanliness of said Mobile Food Service Operation at all times;
2. All food service equipment shall be fabricated and installed to the construction and installation requirements of an ANSI (American National Standards Institute) accredited certification program (I.e. – NSF, Commercial UL, ETL, and/or CSA). Any equipment not meeting the above standards will not be permitted to be utilized within your mobile food operation;
3. All waste liquids must be disposed of at an approved location;
4. You shall conspicuously display the name of the mobile food service, the city of origin, and phone number with area code on the exterior of the mobile unit. The name and city of origin shall be displayed with individual lettering measuring at least 3-inches high and 1-inch wide;
5. No person, firm, association, or corporation shall extensively alter said operation until new or revised plans have been submitted and approved by this department. Approval of the plans is limited to those submitted on **April 20, 2017**, and resubmitted on **May 23, 2017**. Any significant changes or modifications will require a new plan submission;
6. This approval is limited to accepted engineering practices and the exclusion of any factors which may adversely affect the sanitation of this operation or the public health;
7. **Note:** All food service providers are required to have an employee health verification sheet, a Norovirus compliant procedure for the cleanup of vomiting or diarrheal events inside the

PAGE 2.

RE: MOBILE FOOD SERVICE OPERATION

unit, along with possession of the proper clean-up supplies required to follow the procedure. These will be evaluated during your pre-licensing inspection.

8. This approval shall become void unless the mobile has been constructed as proposed and approved by **May 23, 2019**; and,
9. An application for a Mobile Food service Operation License must be obtained prior to requesting the final pre-licensing inspection. **NOTE:** All refrigerators, freezers, sinks, hot water, and lighting must be operational at the time of your pre-licensing inspection.

Should you have any questions or if I can be of further assistance, please do not hesitate to call me at (937) 374-5618 or email me at sjensen@gcph.info.

Sincerely,

Sarah E. Jensen, REHS/RS
Public Health Sanitarian
Environmental Health Division



TO: Planning Commission

RE: Pocket Neighborhood Developments

DATE: May 25, 2017

Attached are the suggested changes made from the May 8th meeting, in addition to the suggested changes made by staff. The sections in italics are the most recent updates, but we do need to focus on all of the language underlined.

Also, at the last meeting we voted to approve an amendment to 1248.03, adding pocket neighborhood developments and their total number of units per residential district. It wasn't until after our meeting, I realized it is already stated in the conditional use requirements and is redundant. The less text amendments to this proposed new zoning code legislation, the better, so I would like to not forward it on to Council if you agree.

We are at a point where we have done our due diligence in considering potential scenarios on how this legislation will be used. I'm sure, just as the zoning code update of 2013, we may have some text amendments to this after it has been tried and tested. This is to be expected.

Thanks for your efforts over the past year to make this happen. Hopefully, it will become another "tool" as it has been described, for bringing additional housing to Yellow Springs.

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1260.04 USES.

(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, Planned Unit Developments (PUDs), Pocket neighborhood developments (PNDs), or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

- (1) Individual buildings share common parking areas, signs, access and similar features;
- (2) Buildings are under single ownership in commercial and industrial developments and land is under single ownership in residential planned unit developments (PUDs) and pocket neighborhood developments (PNDs);
- (3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
- (4) Buildings are architecturally unified and compatible.

CHAPTER 1262

Conditional Use Requirements

1262.08 SPECIFIC REQUIREMENTS.

(e) Residential.

(6) Pocket Neighborhood Developments (PNDs).

The following regulations apply to Pocket Neighborhood Developments (PNDs):

A. Location:

1. Pocket Neighborhood Developments may be considered in only the three residential districts: Residential A – Low Density Residential District.
2. Residential B – Moderate Density Residential District
3. Residential C – High Density Residential District.

B. Density and Minimum Lot Area:

1. In Residential A, the permitted density shall be a maximum of 6 units per acre.
2. In Residential B, the permitted density shall be a maximum of 8 units per acre.
3. In Residential C, the permitted density shall be a maximum of 14 units per acre.
4. The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district.
5. On a lot to be used for a PND, the lot size maximum must be under five acres.
6. On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.
7. On a lot to be used for a PND, an existing single-family dwelling or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased, and the existing structure will factor into the maximum lot coverage permitted for that residential zoning district. *An existing single-family dwelling or duplex structure will only count as one dwelling unit towards the minimum of 4 dwelling units as noted in section B.6. An existing accessory dwelling unit (ADU) will not be allowed in a PND. The ADU may be converted to another use such as a storage building or HOA community room.*

C. Height Limit and Roof Pitch

1. The height limit permitted for structures in PNDs shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

D. Lot Coverage

1. The maximum lot coverage permitted for principal and accessory structures in PNDs shall be limited to that allowed in the corresponding residential zoning district. *Because PNDs shall be located on one lot under the control of a Home Owner's Association (HOA). The developer and/or the Greene County Engineer shall determine the lot area for each individual dwelling unit, and these individual lot area measurements will be used to determine future accessory structures.*

E. Yard Setbacks

1. Front and Rear Setbacks shall be equal to the setback requirements in the corresponding residential districts and will be measured from the perimeter property lot line. The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit.
2. Frontage on a public street is not required for individual lots in a PND provided that the Planning Commission determines through the site review process that the development provides for adequate access to the lot via easements, shared driveways or other means.

F. Required Common Open Space

1. A minimum of 400 square feet of common open space is required per dwelling unit with a minimum of 200 square feet of contiguous usable open space adjacent to each dwelling unit with no dimension less than 10 feet. Up to 200 square feet of the open space can be private. Front porches are not included in the private open space calculation, and no more than 50 percent of the private open space can be within an unenclosed covered patio. At least 50 percent of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least two sides.

G. Parking

1. One and one-half spaces per dwelling unit shall be required.
2. Location:
 - a. Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Zoning Code. Parking areas are excluded from the calculations of common open space.

H. Lighting

1. Lighting fixtures shall be equipped with cutoff elements to direct light downwards and prevent light spill or trespass beyond the boundaries of the individual dwelling unit lot areas.

I. Utilities

1. A Utility Vault will be required where all meters can be located.

J. Other PND Standards:

1. PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent can be two-family dwellings.
2. Accessory structures shall be allowed and must not exceed 66 percent of the primary dwelling unit or 800 square feet, whichever is less, and must be outside of the required exterior setback. Accessory structures cannot be located between road frontages and dwelling units.
3. Accessory Dwelling Units (ADUs) shall not be allowed in PNDs.

4. A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). Prior to final plat approval, the developer will provide a set of conditions, covenants and restrictions (CC&Rs) for the Pocket Neighborhood Development, which shall be reviewed and if approved by the Village of Yellow Springs, shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the Pocket Neighborhood Development.
5. The dwelling units may be individually owned or rented with no more than 50 percent rentals.
6. A Level B site plan review is required for approval of the Pocket Neighborhood Development conditional use. *Prior to submittal to the Planning Commission, the Level B site plan shall be reviewed by a designated Village of Yellow Springs engineer, who will provide a written report of findings for the Planning Commission. The engineer will be present at the conditional use hearing to answer questions related to their findings.*
7. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.
8. Other considerations not addressed specifically, shall follow the requirements of the Yellow Springs Zoning Code.

TEXT AMENDMENT FOR POCKET NEIGHBORHOOD DEVELOPMENTS

<i>Table 1264.02 Parking Requirements by Use</i>	
<i>Use</i>	<i>Number of Parking Spaces</i>
Residential Uses	
Accessory dwellings	1 space per dwelling unit.
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees.
Dormitories, fraternities and similar student housing	1 per 3 occupants, plus 1 per 2 full-time equivalent employees.
Group homes, juvenile and adult	1 per 4 occupants.
Multiple-family residential dwellings	2 spaces per dwelling unit, except in B-1 District (downtown) where 1 per dwelling unit is required.
<u>Pocket Neighborhood Development</u>	<u>1.5 spaces per dwelling unit.</u>
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply.
Single-family and two-family dwellings	2 spaces per dwelling unit.

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.03 DEFINITIONS: C-D.

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of occupancy. A permit authorized and issued by the Zoning Administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

Church (place of worship). A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

~~**Cluster housing.** An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.~~

Code. The Zoning Code of the Village of Yellow Springs, Title Four, Zoning, of Part Twelve, the Planning and Zoning Code of the Yellow Springs, Ohio Code of Ordinances.

Cohousing. A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining, recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

Commercial vehicle.

(1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;

(2) Tractor cabs used for hauling semi-trailers;

(3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;

(4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commission. The Planning Commission.

Common Open Space. A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, streets right-of-way, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and which is outside of streams, wetlands and their buffers, and which is generally for the purpose of active or passive recreation.

Community garden. One or more plots of land gardened collectively by a group of people.

Comprehensive Plan. The document adopted by the Planning Commission and/or Village Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

Conditional use. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission and subject to special requirements which are in addition to those usual requirements for the district in which the conditional use may be located.

Conservation area. An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

Conservation easement. An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

Continuing care retirement community. A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

Council. The Village Council.

Day care, family. A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Day care, group. A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Density, gross. The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.

Density, net. The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or

other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

Drain. A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

Drive-in or drive-thru facility. An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

Dwelling:

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

(6) Dwelling, Pocket Neighborhood Development (PND). A detached building designed as part of a group of dwelling units that are individually owned, trading individual open space for common open space and for which each unit is occupied exclusively by one family.

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

(Ord. 2013-19. Passed 9-16-13.)

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.05 DEFINITIONS: H-I-J-K.

Hazardous substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

Historic structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:

A. An approved state program, as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

Homeowners Association (HOA). An organization of homeowners of a particular subdivision, condominium, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving maintaining and enhancing their homes and property.

Hotel/motel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard. An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

Kennel. Any premises used to board, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.

(Ord. 2013-19. Passed 9-16-13.)

TEXT AMENDMENTS FOR POCKET NEIGHBORHOOD DEVELOPMENTS

1284.07 DEFINITIONS: O-P-Q.

Open space. An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. "Open space" does not include street rights-of-way or easements, or required yards.

Outdoor storage. Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property.

Overlay zone. A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Parking space, off-street. An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Personal services. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber and beauty shops, watch repair, tailors and shoe repair shops.

Planned unit development. A lot or parcel of land, developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

Planning Commission. The Planning Commission of the Village.

Pocket Neighborhood Development. - a type of planned community which consists of a clustering of smaller residences or dwelling units that are individually owned, around a courtyard or common open space area, and designed to promote a sense of community and neighborliness through an increased level of contact on a single lot under the control of a Homeowner's Association (HOA).

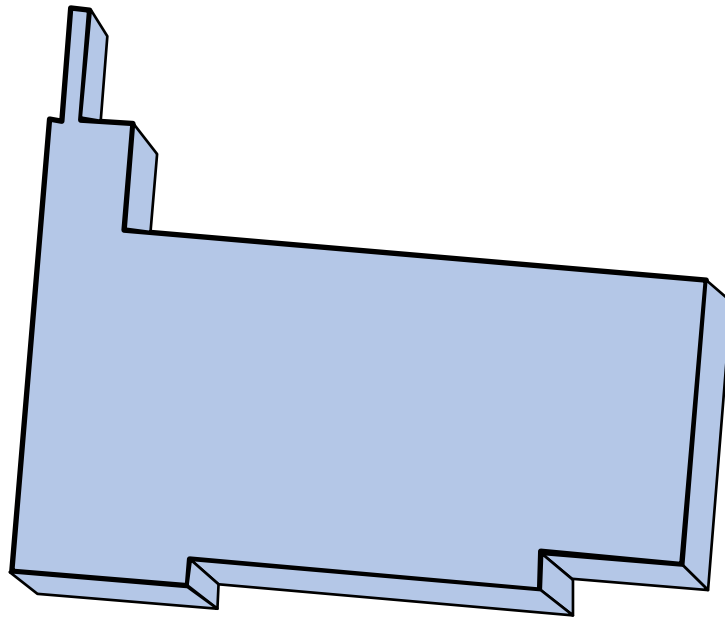
Principal use. The main or primary use of land or structures, as distinguished from a secondary or accessory use.

Public utility. Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under Federal, State or Municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

(Ord. 2013-19. Passed 9-16-13.)

DEVELOPMENT FACTORS AND POSSIBILITIES FOR THE GLASS FARM

Yellow Springs, Ohio



MARCH 2017

PREPARED BY:

REGIONAL PLANNING AND COORDINATING COMMISSION OF GREENE COUNTY, OHIO

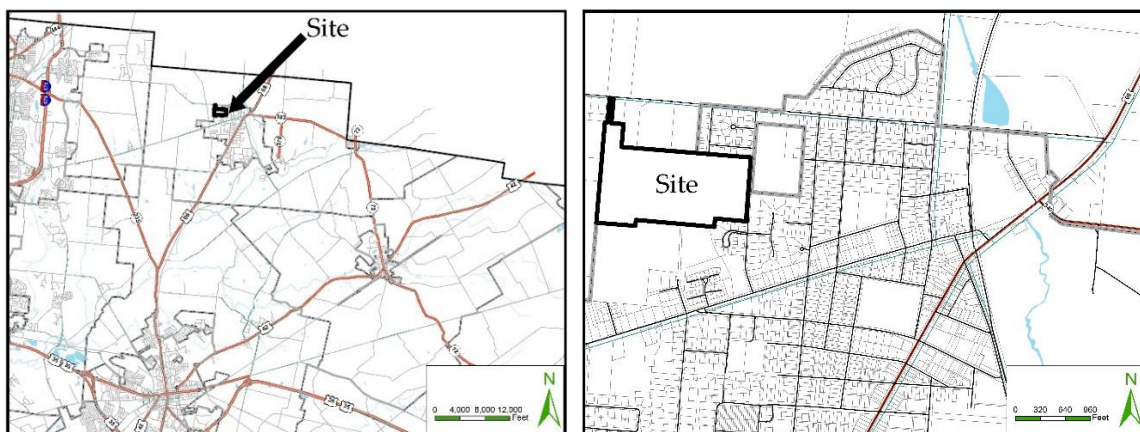
INTRODUCTION AND BACKGROUND

The purpose of this report is to describe factors relative to potential development of a property owned by the Village of Yellow Springs and known as the Glass Farm. The property has been a crop farm over the years and was annexed into the Village in 1996. It currently forms the northwest corner of the Village adjacent to built-up residential areas to the east. In response to storm water problems downstream from the site, a retention area was designed and built at the eastern edge of the property approximately 10 years ago. In an effort to look ahead, the Village requested RPCC staff identify pertinent considerations related to future use of the site and suggest a possible development scenario.

This report will investigate physical features, utility services and transportation factors to identify constraints and opportunities affecting the property. Existing municipal, county and regional plans for this area of the community will be examined and evaluated for current applicability. The final section will offer a suggested development pattern.

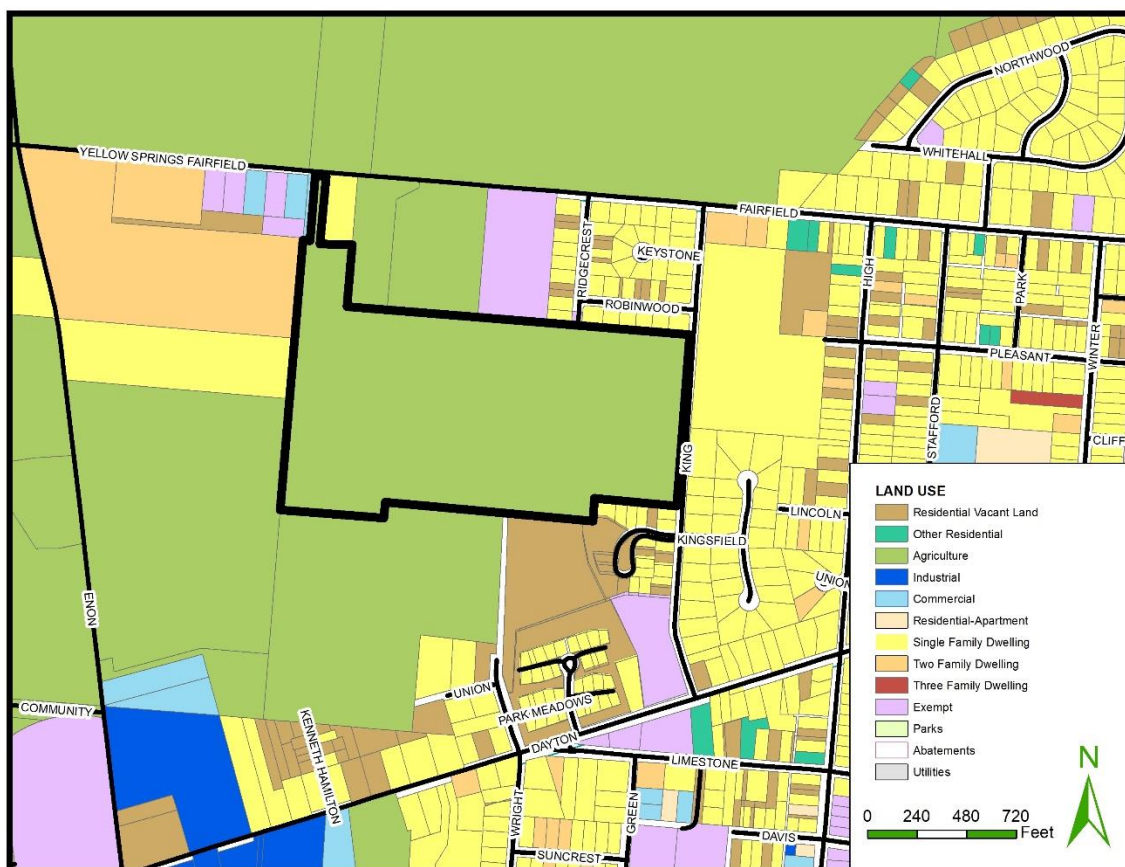
LOCATION OF THE SITE

The Glass Farm property forms the northwestern edge of the Village of Yellow Springs, as shown in Map 1. Regionally, the site has relatively good access to the Dayton urbanized area via both Yellow Springs-Fairfield Road and Dayton-Yellow Springs Road. Maps 2 shows a closer look at the location of the Glass Farm, about 7/10 mile from both the Village's downtown and the CBE. It is situated along the west side of King Street between Robinwood Drive and Kingsfield Drive.



EXISTING LAND USES AND ZONING

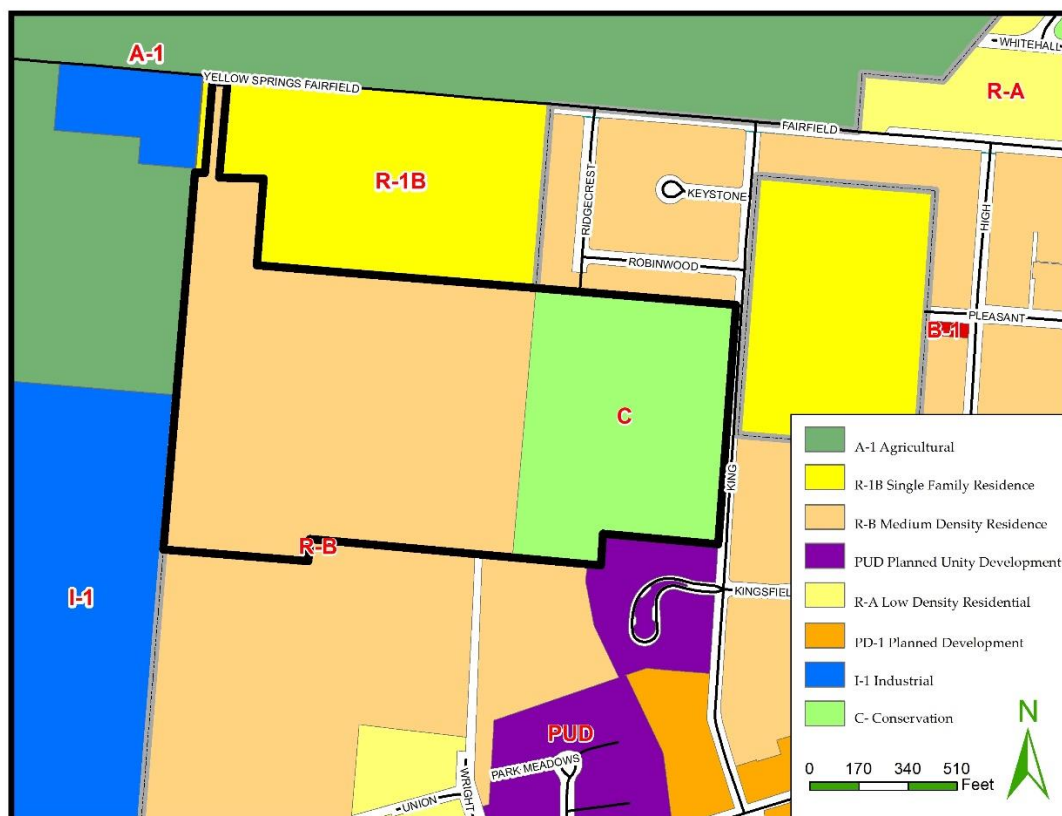
The property has recently been under crop production. A retention pond/wetland area has been developed on the eastern part of the property. Currently, agricultural uses and cropland are found to the west and south of the site. A cluster of homes, a business and the Miami Township Garage are found near the northwestern corner of the property. The northeastern part of the site is bordered by a cemetery and the Westgate Plat with its 38 homes. The southeastern part of the site is bordered by a wooded 5-acre parcel and the Thistle Creek Subdivision with its 13 homes. East of the property across King Street are three homes in the Kingsfield Plat and a 10-acre parcel with mostly wooded land along mutual frontage with the parcel in question. These land uses can be seen in Map 3.



As shown in Map 4 below, the western two-thirds of the Glass Farm property is currently zoned R-B Medium Density Residential. The R-B zone allows for densities up

to eight units per acre, as well as attached residential units and non-residential uses that are compatible and in scale with the established neighborhood character. The eastern third of the parcel is zoned for C Conservation, which prohibits the use of the land or construction of buildings, unless allowed through permitted use or conditional use.

Land to the south is currently zoned R-B Medium Density Residential. The small area zoned PUD Planned Unit Development to the southeast is the Thistle Creek Subdivision. Land to the north within Miami Township is currently zoned R-1B Single Family Residential (which requires a minimum lot area of 10,000 square feet) and R-B Medium Density Residential within Yellow Springs. Land to the east is currently zoned R-B Medium Density Residential in Yellow Springs and R-1B Single Family Residential in Miami Township. Land to the west lies entirely within Miami Township. It is zoned A-1 Agricultural, which is primarily for commercial agricultural production, and I-1 Industrial, which permits a number of uses that should be isolated from residential use.

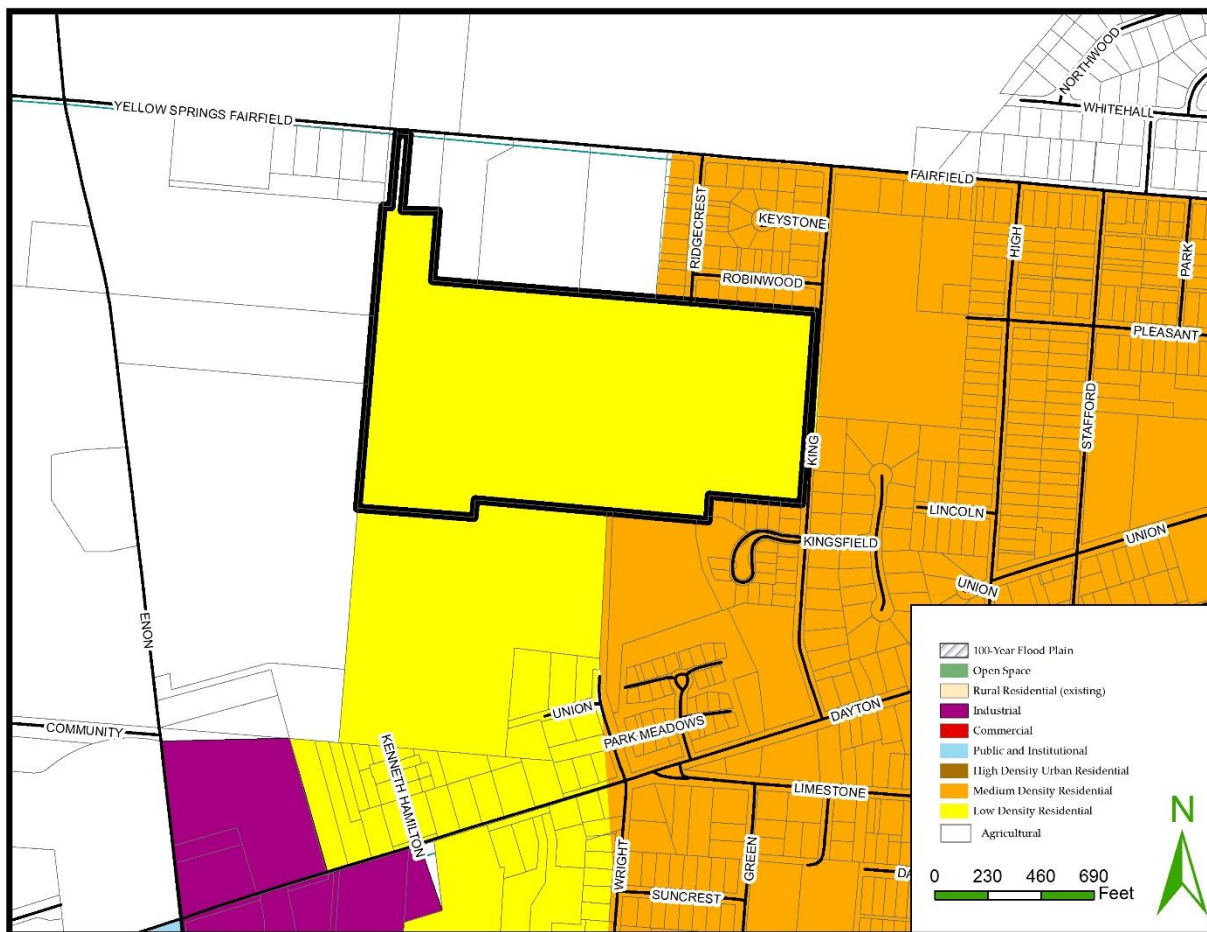


DISCUSSION OF EXISTING PUBLIC PLANS

The Glass Farm site has been mentioned and discussed in two existing public plans: The Yellow Springs Village Comprehensive Plan (2010) and Perspectives 2020: A Future Land Use Plan for Greene County, Ohio (2001).

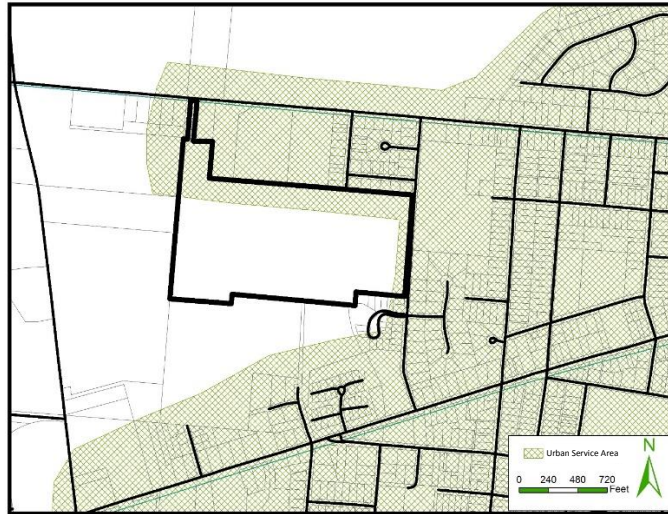
The Yellow Springs Village Comprehensive Plan, published in 2010, states “Development in this area is expected to be residential with various densities consistent with the existing subdivisions in the general area, which include Park Meadows (high density), Kingsfield (low density), Stancliff Neighborhood (medium-high density) and Thistle Creek (medium-high density). The eastern third of the Village-owned Glass Farm was recently designated a conservation area, which includes a recently constructed retention pond that reduces the frequency of downstream flooding. Most of the undeveloped land in this planning area is west of the creek and consists of interior parcels such as the Kinney property and the western part of the Glass Farm. Access points for streets are limited to Wright Street extended, Kenneth Hamilton Way extended, one point on Fairfield Road and frontage on East Enon Road. Sanitary Sewer to serve the area must come from a new sewer in Wright Street beginning at Dayton Street. Proper storm water management will be important for this area. Although, the entire area drains to the Glass Farm retention pond, this pond was not intended for, or designed to accommodate, any new development. Planning for this area should include a Thoroughfare Plan and preliminary routing and design for sanitary trunk sewer that starts on Wright Street at Dayton Street and extends to East Enon Road. Storm water management may work best if undertaken jointly by multiple landowners and this should be encouraged. With existing commercial land uses on Yellow Springs-Fairfield Road just west of the Village limits, there could be consideration of compatible uses on part of the Glass Farm.” (Pages 30-31).

Perspectives: A Future Land Use Plan for Greene County, Ohio, updated in 2001, designates the area of the Glass Farm as Low Density Urban Residential (See Map 5). A mix of single-family and two-family dwellings with an overall density of 1-3 units per acre is recommended for such areas.



URBAN SERVICE BOUNDARY

As shown on Map 6, the proposed rezoning site is situated partially within the Urban Service Boundary identified in Perspectives: A Future Land Use Plan for Greene County, Ohio. The plan calls for sustainable, urban-type development to be encouraged within the urban service area and preservation of agricultural activities outside the urban service area.

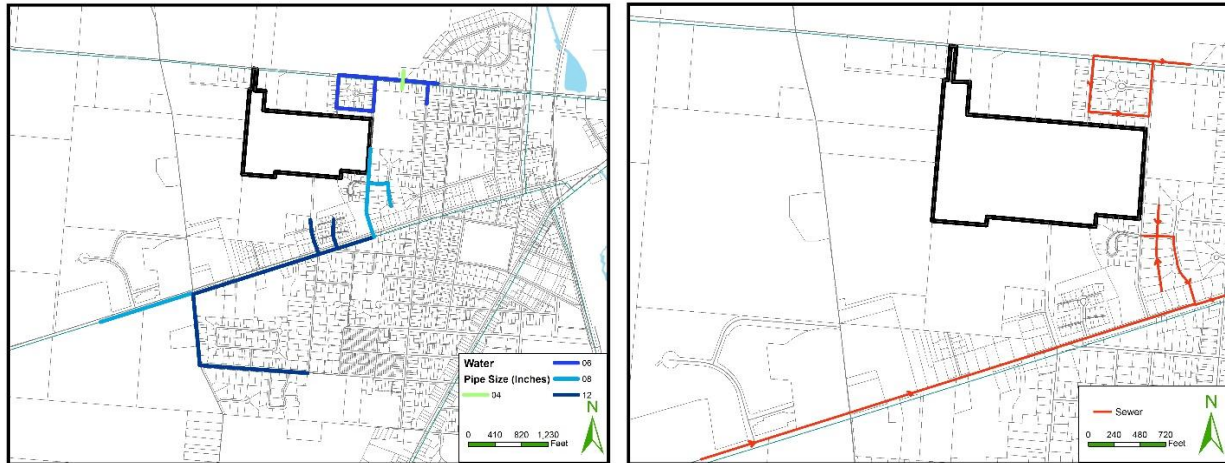


UTILITIES

The nearest sources of public water supply are an 8-inch main along King Street and 6-inch and 4-inch mains along Yellow Springs-Fairfield Road. Currently, issues with water pressure exist in the mains along Yellow Springs-Fairfield Road, as a 4-inch main is positioned between two 6-inch mains feeding the Westgate Plat. The locations of these water lines are shown in Map 7.

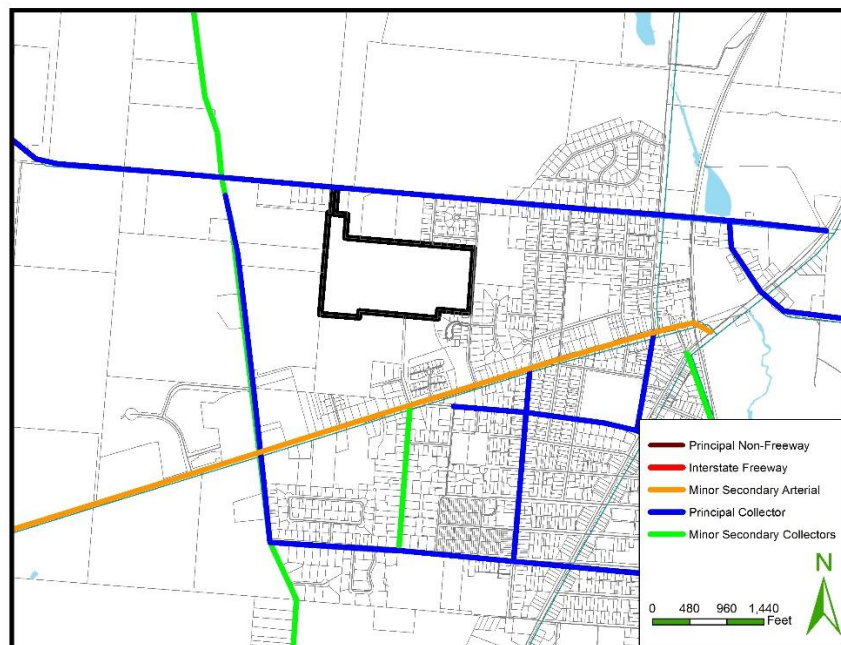
The Facility Planning Area, designating the current possible service area of the Yellow Springs sanitary sewer system approved under the water quality planning program of Ohio EPA and MVRPC, extends west to East Enon Road. Sanitary sewer access to the Glass Farm is possible from Ridgecrest Drive, leading to Yellow Springs-Fairfield Road sewer (See Map 8). The Dayton Street sewer has capacity to accept sewage from the Glass Farm via connections to a sewer extending north to the intersection of King Street and Kingsfield Drive. Additional connections would be possible from sewers extending north from Dayton Street along Wright Street and Kenneth Hamilton Way. The latter two connections would require more extensive off-site improvements. In the case of the Kenneth Hamilton Way connection, crossing the undeveloped Kinney Farm would be required.

Future planned utility improvements in the area include a 6.25-acre area reserved for a 967.7 kW solar array and utility easement situated in southwestern part of the property.



TRANSPORTATION

Primary existing access to the site is via King Street, which is designated as a local road on both the Greene County Thoroughfare Plan and MVRPC Regional Transportation Plan. Secondary access is through an existing subdivision via Ridgecrest Road. The third direct access point is on Yellow Springs-Fairfield Road, a Principal Collector. King Street is currently a 2-lane facility and would serve to funnel traffic south to Dayton Street, which is a Minor/Secondary Arterial, or north to Yellow Springs-Fairfield Road. To the west is East Enon Road, a Principal Collector. (See Map 9).



The most current traffic count for Yellow Springs-Fairfield Road east of East Enon Road is 1,402 vehicles/day, taken in 2015. King Street does not have any traffic counts we are aware of. In addition to current traffic counts around the site, it is important to consider the amount of daily trips a new development will bring. Table 1 demonstrates the number daily trips associated with various development possibilities for the site.

TABLE 1: TRIP GENERATION RATES

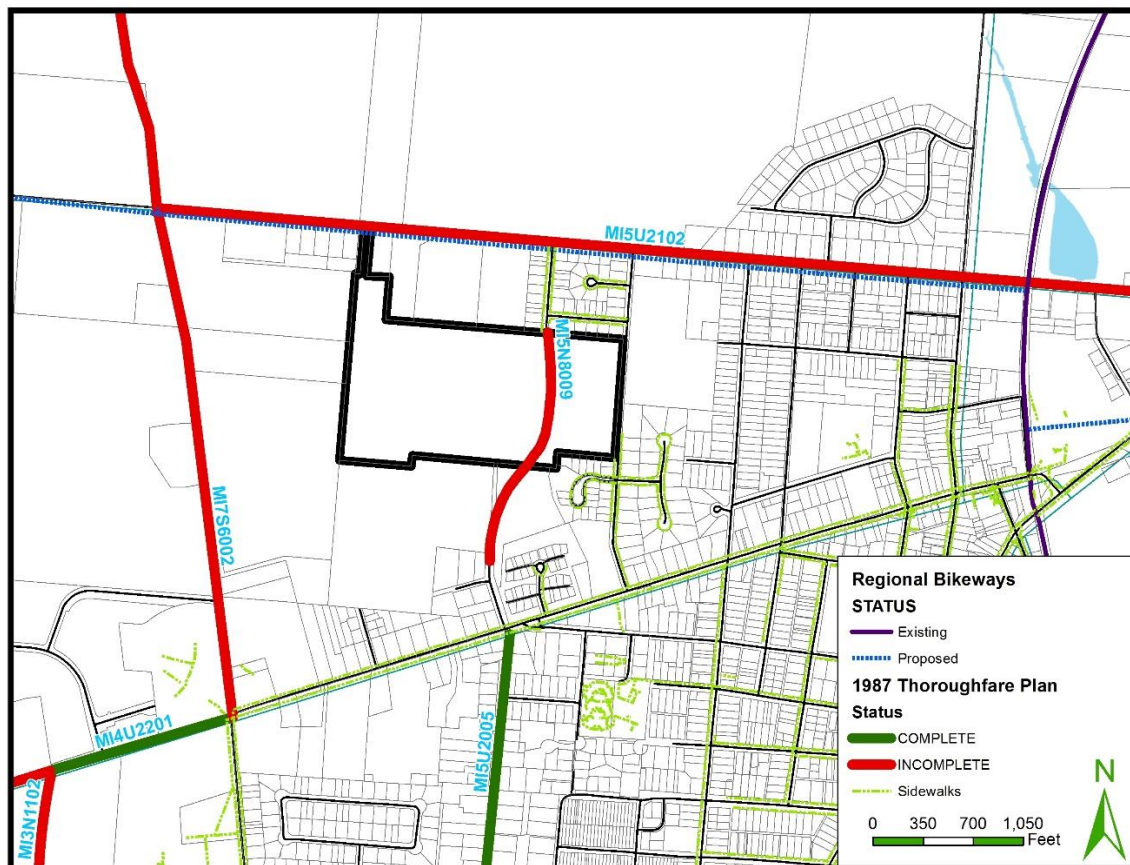
T Y P E A C T U E	T R I P P E R E U T
Single-Family Detached Housing	9.57
Residential Planned Unit Development	7.50
Elderly Housing (Attached)	3.48

Number of Trips generated for a given land use from Miami Valley Regional Planning Commission.

With the property situated 7/10 mile from downtown and the CBE, walking and biking access should be considered important. Direct pedestrian access is present via sidewalks along the southern portion of King Street and along Ridgecrest Drive to the north. The sidewalk along King Street is currently limited to the area south of the Glass Farm. Sidewalks are also present along Dayton Street and the majority of local roads and collectors to the southeast near the Central Business District, as seen in Map 10. A multi-use path running north/south is planned along King Street between Dayton Street and Yellow Springs-Fairfield Road. Future long-range bikeway and pedestrian projects from the Miami Valley Regional Planning Commission include a Fairborn-Yellow Springs-Cedarville Connector trail running along Yellow Springs-Fairfield Road to the north of the Glass Farm property. This bikeway project as well as projects from the Greene County Thoroughfare Plan can be seen in Map 10.

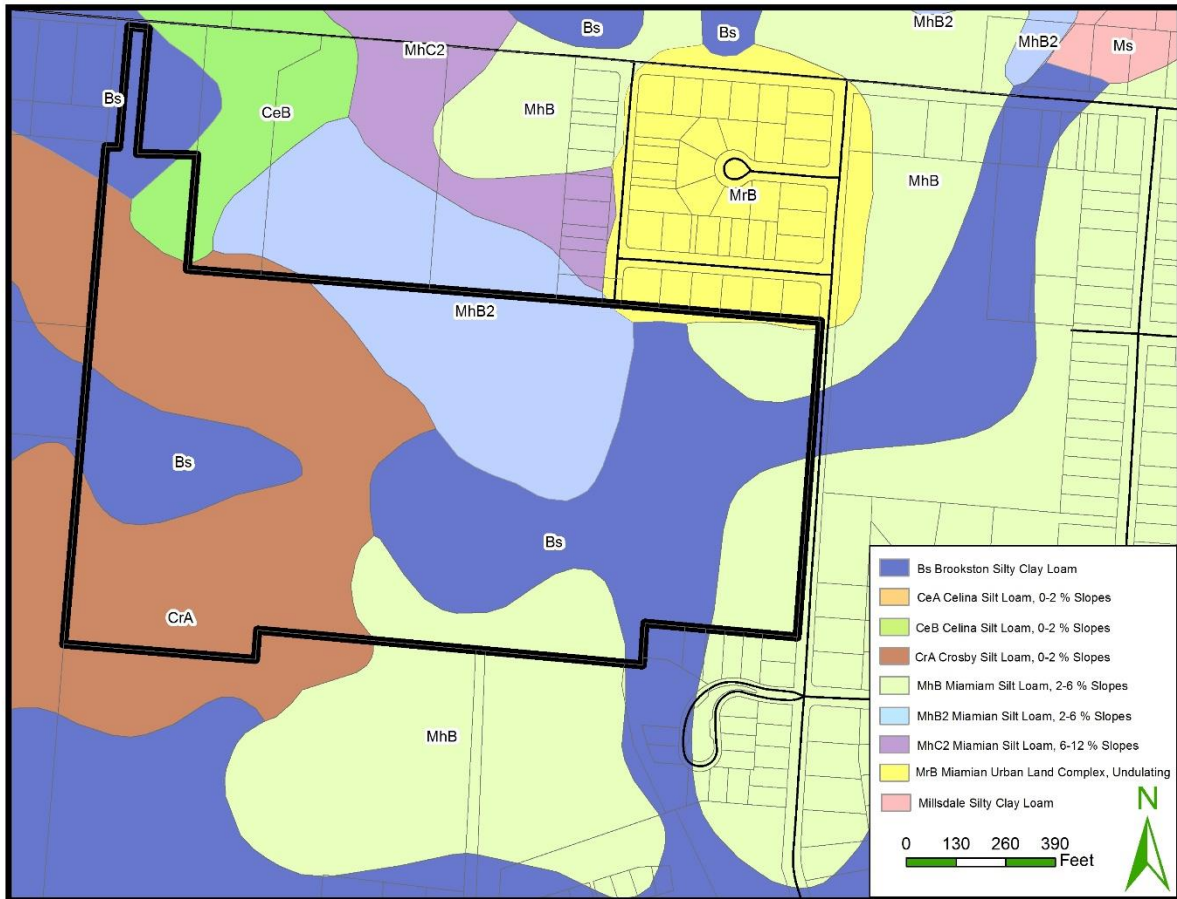
Project Mi5N8009 in the county plan proposes extending Wright Street north to Yellow Springs-Fairfield Road at Ridgecrest. This proposal as planned is no longer recommended. The through street concept for Wright Street, if desired, should be

moved to connect with Yellow Springs-Fairfield Road further west at or closer to the Glass Farm access point. A minor access point at Ridgecrest Road should be maintained. In addition, access should be provided in the southwestern part of the site to allow eventual connection to Kenneth Hamilton Way through the Kinney Farm when it develops.



SOILS AND SITE SUITABILITY

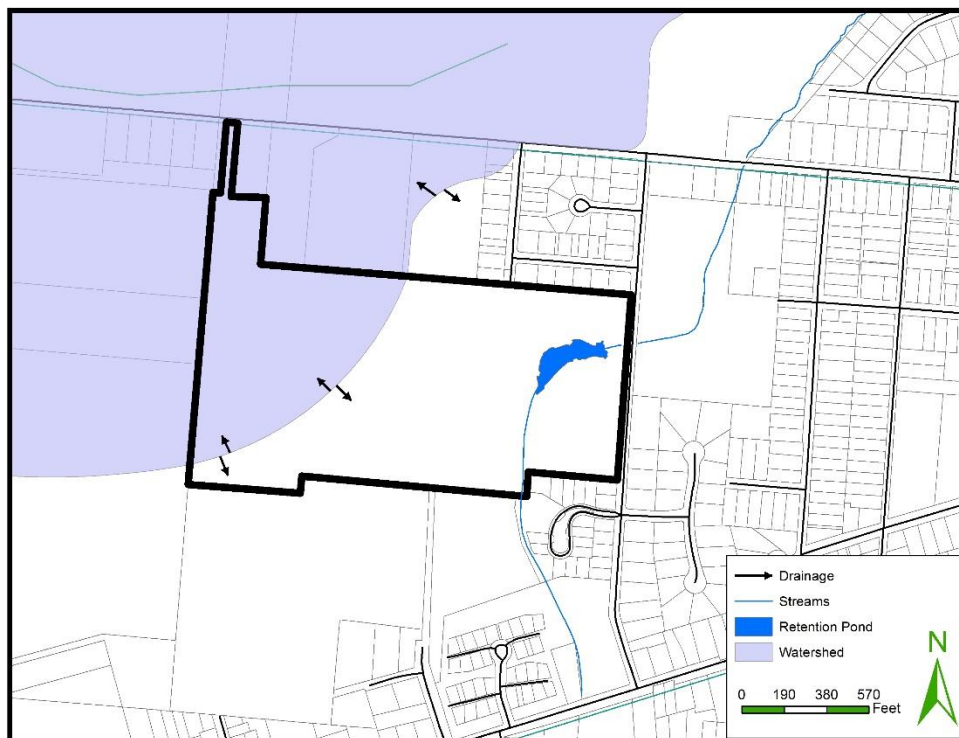
The property contains several soil types, including Brookston, Miamian, Celina and Crosby. Of these soils, Brookston presents the most challenges for development and building on the soil is not recommended without significant engineering consideration. Miamian and Crosby soils, which make up the majority of the site, are more suitable for building, but still have limitations. Map 12 below shows the layout of the soils that make up the site.



A preliminary geotechnical engineering report by Terracon Consultants, Inc. was prepared for the Village in late 2016. The report was prepared to assess suitability of the soil conditions for development related to earthwork and the design and construction of foundations and floor slabs. An executive summary included in the report indicates the site has medium to high plasticity lean clay and fat clay soils possessing a high shrink-swell potential. Those soils, along with shallow groundwater conditions, can cause cracking in foundations and slabs without adequate subsurface water drainage and proper backfill. Larger structures with deeper foundations would be more problematic on this site. The report also recommends structures with basements be avoided. Therefore, smaller homes built on slab foundations would be best suited for the soils present at the site.

WATER AND DRAINAGE

The majority of the site drains to the east towards the retention pond at King Street, as seen in Map 13. The part of the site between the west property line and approximately 450-500 feet east drains to the west. The Yellow Springs Village Comprehensive Plan states, “A high level of storm water management must be included in all development in the northwest area that drains to the Glass Farm Branch of Yellow Springs Creek. While the recently constructed retention pond on the Glass Farm is reducing the frequency of flooding downstream, this retention pond was not designed or intended to substitute for proper storm water management by new development throughout the watershed.”



While the site has poor natural drainage, there are no portions within the 100-year regulatory floodplain as identified by the Federal Emergency Management Agency. Additionally, there are no wetlands within the site presently identified on the National Wetlands Inventory. There is, however, one man-made retention pond positioned in the eastern part of the property. A conservation easement in the eastern part of the site should be pursued.

To prevent potential drainage issues that could come with development of the site, rain gardens and other on-site techniques should be implemented within the development to help alleviate stormwater runoff and reduce pollution. Any new development should be of low impact design.

GROUND WATER

The Glass Farm is situated atop an area designated upland management area of the regional aquifer system in the region. [A Groundwater Protection Strategy for the Miami Valley Region, Draft Vol. One Executive Summary, Dec. 1990, Page 33]. The site is an area in which groundwater yields of 10-20 gallons per minute may be developed. [Ground Water Resources of Greene County Ohio, ODNR, 1991]. This area is rated as having a medium ground water pollution potential. [Ground Water Pollution Potential of Greene County, Ohio, ODNR, 1995]. Since water supply and sanitary sewer service are available from the Village, groundwater supply and/or pollution should not be a problem.

RECOMMENDATIONS

The Glass Farm offers an opportunity for the Village of Yellow Springs to accommodate new growth adjacent to existing development in the community. The Village has a history of following good planning principles, which incremental expansion is one. After review of all the factors highlighted previously in this report, the following recommendations are offered regarding development of the Glass Farm. Map 14 illustrates some of the recommendations.

1. The existing residential zoning on most of the property and surrounding land uses make future use of the property for residential use appropriate. Smaller homes without basements are recommended, as noted in the geotechnical report. Size and bulk of the structures should be compatible with the soil conditions, precluding larger structures.
2. The southwest part of the property should remain devoted to the planned solar array field

3. The main access connection should be to King Street with a 60-foot right-of-way to accommodate a turn lane and pedestrian/bike facilities.
4. Ridgecrest Drive should be extended into the property to meet the proposed entrance road off King Street. This access should not be part of any continuous north-south route through the property to minimize traffic on existing Ridgecrest Drive.
5. Keep the options open for potential future access via extension of Wright Street and Kenneth Hamilton Way northward to this property via the proposed access points. These extensions should be incorporated into any development proposals on properties to the south.
6. Road access to Yellow Springs – Fairfield Road at the northwestern corner of the site is shown on the recommendation map. This access point will need further evaluation by the Greene County Engineer to insure adequate sight distance is secured.
7. A future road access out to East Enon Road via the access point north of the solar array area should be incorporated in any overall plan.
8. Given the poor natural drainage and limited capacity of the existing retention pond to accept additional storm water, development undertaken on the property should be designed with its own separate retention/detention areas. Two possible locations that might be considered are shown on the map. Additional suggestions are as follows:
9. The existing retention pond should be included in a conservation easement or similar protection to insure it remains functioning as planned.
10. Drainage in the eastern part of the site should be managed in both rate and quality to insure protection of the existing pond. Rain gardens and other green infrastructure management techniques should be used on the home sites and along drainage routes to minimize impacts on flow and water quality. The Greene County Soil & Water Conservation District has

a link on Green Infrastructure on their web page. Other information sources are listed below:

- a. Ohio Rainwater and Land Development Manual (Ohio EPA)
 - b. Rain Garden Guidelines for Southwest Ohio (OSU Extension)
 - c. Rain Garden Manual for Homeowners (Northeast Ohio Public Involvement Public Education Committee)
11. Drainage in the western part of the site flows to just north of the solar array area. A retention/detention pond and green infrastructure drainage route in this area is recommended.
12. The development should be pedestrian and bike friendly internally with bike/pedestrian connections accompanying the previously mentioned street access points. A connection to King Street through the southern part of proposed conservation easement area is also recommended, trimming distance off any trip planned to the central area of the village.

