

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, January 14, 2019 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 December 10, 2018 Regular Meeting

COMMUNICATIONS

William and Carolyn Bradford re: Replat Concern
Planning and Zoning Draft Annual Report
Paul Abendroth re: Active Transportation Plan

COUNCIL REPORT

CITIZEN COMMENTS

PUBLIC HEARINGS:

1. **Conditional Use Chapter 1262.08 (e) (1) Specific Requirements** - Jennifer Horner and Charles Sides of 207 N. Winter Street in the R-B, Moderate Density Residential District, have submitted an application for an accessory dwelling unit. Parcel ID # F19000100110017300
2. **Replat Application** - An application for a replat as specified in Chapter 1226.12 of the Planning Code has been submitted by Chris and Whitney Till of 212 West Center College Street allowing for an uncommon lot configuration and following the additional criteria specified in Design Standards Chapter 1226.06 (a) (5) of the Planning Code to combine three lots into two lots for the purpose of creating a buildable lot.
Parcel ID # F19000100080004300; F19000100080004200; F19000100080004100 in the R-B, Moderate Density Residential District.

OLD BUSINESS

Infrastructure Q and A with Public Works Director Johnnie Burns.

NEW BUSINESS

NOMINATION OF CHAIR

NOMINATION OF VICE-CHAIR

AGENDA PLANNING

ADJOURNMENT

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, December 10, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Representative Marianne MacQueen, Alternate AJ Williams, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator and Solicitor Chris Conard.

REVIEW OF AGENDA

Doden reviewed the agenda. There were no changes made.

REVIEW OF MINUTES

Minutes of November 12, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as amended. The MOTION PASSED 4-0 on a voice vote, with Stiles abstaining due to absence from that meeting.

COMMUNICATIONS

Ted Donnell re: E-mail
Susan Stiles re: PUD Hearing
Sue Pfeiffer re: Senior Housing
Suzanne Patterson re: Senior Housing

Doden noted communications received. Donnell explained the inclusion of his response to an e-mail from a citizen, stating that he erred in responding to the e-mail given his role on the Planning Commission, and that its inclusion is a way to put that into the record.

COUNCIL REPORT

MacQueen reported that Council had been given a presentation on the final Active Transportation Plan, and asked that PC members receive a copy of the document.

MacQueen noted that the Village has received a \$22,000.00 grant from the county to be used for an infrastructure project, noting that a suggestion had been made that it be used for an engineering study for Hilda Rahn (sic: this should have been stated as Beatty Hughes) Park as a possible parking site.

She noted that an affordable housing budget line had been approved to move forward, and that the 2019 budget had been approved as a first read.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS:

Conditional Use Application ó R-C, High Density Residential District ó Jess Holihan has submitted a conditional use application for a home occupation permit to receive clients for medical massage therapy at 127 ½ Glen Street. Parcel ID #F19000100100017700.

Swinger introduced the hearing as follows:

Jessica Holihan is applying for a home occupation permit to receive clients for medical massage therapy appointments in her home. She rents the dwelling unit at the rear of the property (Exhibit A), which is managed by Dunphy Real Estate. Home occupations are a conditional use when the use generates clients or customers.

The proposed use as a home occupation for the practice of medical massage therapy is in conformance with the requirements of Section 1262 of the Zoning Code, with the exception of 1262.08 (e) (5) C. 2. Staff requested a letter from the landlord giving approval for the home occupation (Exhibit E).

In response to a question from Stiles, Williams stated that the property lines are superimposed and are not accurate, so that the impression that the structure lies over the property line is probably incorrect.

Doden OPENED THE PUBLIC HEARING.

Conard stated that he will not serve as solicitor or be seated at the table for purposes of the public hearing since his sister and brother in law are neighbors to the property in question.

Jess Hollihan stated that she has recently obtained her medical massage license and anticipates fewer than 20 clients per month.

Doden CLOSED THE PUBLIC HEARING.

Donnell inquired as to how many of the residences on Glen Street are still businesses.

Swinger opined that there are a few air BnBs on the street as well as the tattoo parlor.

Stiles MOVED TO APPROVE the conditional use as submitted. MacQueen SECONDED, and the MOTION PASSED 5-0 on a roll call vote.

OLD BUSINESS

Preliminary Plan for PUD Rezoning (Completion of Preliminary PUD Plan Review and Recommendation to Council re: St. Mary/Home, Inc. Request for Rezoning).

Stiles recused herself from the hearing due to potential conflict of interest and joined the audience.

Doden stated that while the public hearing on this matter has closed, he would entertain comment or questions from anyone present with a previously unheard question or comment. He limited this to two minutes per speaker and a total of 10 minutes.

Judith Hempfling commented that Village Council had passed a welcoming community resolution, and opined that it is the responsibility of Planning Commission members to follow the goals of Council as a part of Village government. She asked that if members of the PC felt unable to adhere to that document that they should attach changes to the PUD process and/or zoning code which should occur to allow them to do so in their recommendation to Council. Hempfling commented that the purpose of the PUD is to allow flexibility to developers who bring excellent proposals. Hempfling characterized an earlier characterization of the project as warehousing seniors as prejudicial. She stated that this was insulting and unprofessional.

Hempfling then stated that a previously referenced general standard of 20% deviation was incorrect and had been 25%, and that this should not be considered in either case, since they are meant to be applied flexibly.

Hempfling then referenced Judge Kavanaugh and Notorious RBG in stating that even judicial entities are political, so to state that the PC is not is untrue.

Richard Lapedes noted that federal buildings and churches as communal buildings are exempt from height requirements, and asked that senior citizens be considered as worthy of the same exemption.

Linda Chernick stated that she is within feet of Greene County subsidized housing. She stated that tenants are not long term, and are not Villagers, and asked how it would happen that Yellow Springs residents would be given priority in the proposed housing units. She expressed her belief that residents would be drawn from a wide area.

Kathryn Hitchcock responded to the above question, stating that if the project is approved, that a notice will go out to Yellow Springs, and those in the village would know about it first. Hitchcock went on to opine that there is no they here, since persons living outside the village may have ties to it, or may always have wanted to live in the village.

Doden returned the matter to the table.

Swinger reminded those present that at Planning Commission meeting held Monday, November 12, 2018, members reviewed the application for rezoning to PUD submitted by Yellow Springs Home, Inc.

Swinger then reviewed actions taken at the prior Planning Commission meeting as follows noting that there are 9 qualifying conditions (some with subsections).

Swinger noted that size and architecture were the two areas where there was a divergence of opinion, and suggested returning to these.

Donnell spoke to the height and total mass in that location, serving the need it serves is too large in scale for that location.

Swinger sought clarification, noting that the structure meets setback, lot coverage and open space requirements.

Donnell explained that the structure disrupts the harmony of the surrounding area, which is a residential area. Donnell stated that he is in agreement with changing the underlying zoning to R-C, and to increasing that density another 20%. The density past those parameters, Donnell, said, is just too much. Donnell referenced his many years on BZA, stating that the maximum variance for that body is generally 20%, in large part to "maintain small town character".

Doden referenced the former zoning code, which permitted a 25% variance in the PUD, and read that the new code uses broad language "to encourage negotiation as a useful tool."

Williams stated that he does not see the building fitting harmoniously into that neighborhood as too large.

Doden commented that the Mills Park Hotel (MPH) was "really noticeable" at first as "really large," but opined that this perception has changed over time, and that the same would occur as people got accustomed to the PUD structure.

Donnell noted that the PUD is 2/3 larger in size than the MPH.

MacQueen read a statement stating her disagreement with the argument that Planning Commission is not a political body and has a duty to follow the zoning code. She stated, "Planning Commission is a political body just like the Supreme Court is a political body."

MacQueen implied that the Vision Document and Comprehensive Plan are outdated and noted the length of time it has taken to obtain a housing study. She stated that the PUD is the third project to come to Planning Commission, the first two having failed for funding reasons, and opined that "this is the one chance we have." She equated a "no" to the project with a desire not to house seniors.

Regarding small town appeal, MacQueen stated that it is very subjective, and commented that it is "the sense of community" that creates a small town feeling. She argued that this building will create a sense of community for those residents. She stated a different reading of the standard "harmonious", commenting that her opinion is that the building is harmonious in and of itself.

MacQueen noted the synergy with Friends Care and stated that she is not concerned with the height issue. She opined that if "we stay a small town" the village will become older and whiter and more gentrified.

Doden commented that he has no desire to live in a wealthy, older village. Doden commented that the PUD will maintain the small town feel by allowing people to stay here.

Donnell stated that he does not look at the zoning code and interpret it politically. He stated that it has long been his intent to work to refine the zoning code as a set of rules that encourages innovation and infill. The zoning code rewrite anticipated the need for affordable senior housing and made it more possible for seniors to stay in their homes, Donnell commented. We have not sold the possibilities to the community, he said, and that effort comes from leadership. He opined that that available tool should be taken advantage of. Can we use more current strategies that allow senior to be integrated into neighborhoods, to keep a cat or dog or live with a partner who earns more than 80% of the median income, he asked. He stated that a project is needed, but that it should be on a smaller scale.

MacQueen stated that there are varied interpretations of the same zoning documents. There will be options for some seniors contained in the code, she said, and this does not negate those, but many seniors don't have that capacity.

MacQueen stated that the village won't accommodate many seniors if Planning Commission does not approve this project.

Conard explained Planning Commission's role in the PUD process, noting the impasse regarding mass (density and height), and suggested that PC include these deliberations or perspectives in the record to Council.

Conard referenced page 14 of the staff report, asking whether there is some middle ground upon which PC might agree with regard to density. If, he stated, there is no consensus regarding a middle ground, PC will proceed in the knowledge that Council will be aware of the impasse.

Swinger noted that Home, Inc. had included a traffic study, but that the Public Works Director wishes to have an independent study done.

Donnell requested that any study include the presence of the fire station. He asked if Greene Cats would consider placing a covered permanent stop at the Herman/Xenia Ave. location.

Swinger determined that the study supplied by SMDC is based upon a single count of one of their existing Dayton facilities.

Donnell added that 68 is now the primary thoroughfare for truck traffic since Dayton Yellow Springs Road is closed to this traffic.

PC added this condition to the recommendation to Council:

Swinger then noted the Qualifying Conditions, commenting that one of these which was not determined at the November 12 meeting had been the issue of parking.

Members discussed this briefly, agreeing to allow 43 spaces for parking, with a requirement that SMDC be ready and able to expand to 54 spaces should the need arise.

Doden read through the review standards, 1254.06, calling a vote following each question with the following result:

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter. The standard did not pass, on a vote of 2-2, with Donnell and Williams dissenting.
- (b) The PUD will promote the intent and purpose of this chapter. The standard did not pass, on a vote of 2-2, with Donnell and Williams dissenting.
- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project. The standard did not pass, on a vote of 2-2, with Donnell and Williams dissenting.
- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the Village. The standard did pass, on a vote of 4-0.
- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts. The standard did not pass, on a vote of 2-2, with Donnell and Williams dissenting.
- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved. The standard did pass, on a vote of 4-0.
- (g) The PUD will be consistent with the Village's Comprehensive Plan and Vision: Yellow Springs and Miami Township. Specifically, the following planning principles shall be adhered to, as applicable:
 - (1) Redevelopment and infill locations should be favored over greenfield development;
 - (2) Natural features and resources should be preserved or at least conserved;
 - (3) Future development/redevelopment shall strengthen the physical character of the Village;
 - (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
 - (5) Places are created with an integrated mix of uses that contribute to the Village's identity and vitality;
 - (6) Diverse housing choices are found throughout the Village, including relatively high density and affordable units;
 - (7) Parks, open space and recreational areas are incorporated into future development; and
 - (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.

The standard did not pass on a 2-2 vote, with Williams and Donnell dissenting.

MacQueen asked which of the subsets did not apply for Williams and Donnell so that she could understand their vote on (g) overall.

Williams stated that he disagreed with number (5), seeing the use as a dedicated use, not as a mixed use.

Doden and MacQueen offered a different interpretation of the numbered categories.

Donnell stated that for number (5), he interprets the statement to mean that the PUD in and of itself provides for integrated uses, and so was in disagreement that this criterion was satisfied.

Donnell stated that he also disagreed that number (4) was achieved, stating that there are other options for that lot which would be more attractive.

Williams stated that for him, (5) was a no, and that he was maybe a no to (4).

(h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the Village where it is to be located. The standard did pass, on a vote of 3-1, with Donnell dissenting.

PC then discussed crafting their recommendation to Council.

Conard recommended a preamble to the recommendation which would indicate to Council where PC agreed and diverged in its opinion, leading to the inability to achieve the majority required for an affirmative recommendation.

The Clerk suggested that if there were modifications that PC members wished to propose which would shift their votes, that this was an option available.

PC members agreed that the difference of opinion, combined with the mandate from the applicants that the plan could not be significantly altered precluded an agreement upon modification.

MacQueen queried Wes Young as to whether they could submit their application with fewer than 54 units. Young responded that they would not have a chance at funding with fewer than 54 units.

In response to a question from Donnell, Young stated that they will be applying for funding under the urban and senior housing designations.

Donnell asked whether there were other options, and was told no, and that SMDC felt the most acute need was senior affordable.

Donnell stated that he would like PC to modify the plan to recommend 34 or 35 units to indicate the overall desire on the part of the commission to support senior affordable housing but not at the scale presented.

Doden and MacQueen were not in agreement with this suggestion.

Conard read through several draft versions of a statement.

Donnell received clarification that the plan will return to PC if Council approves the PUD. He stated that he has not received a clear explanation regarding transition of ownership of the property and of the structure.

Young stated that 15 years is the tax compliance period, in which the funding partner and SMDC must co-own the facility. Young stated that SMDC is operating under the rules of capacity building in partnering with YSHI. Young stated that HUD (Housing and Urban Development) requires that SMDC own the facility for not 15 but 20 years.

Young stated that he had checked with the Ohio Housing Finance Agency, and SMDC is required to be the 100% general partner through 20 years. The 30 years is the restrictive covenant for the requirement for affordable housing, Young stated. After 20 years, he stated, YSHI could come in and be the general partner. We're going to be partners for a long time, he stated, and the land will be held by YSHI, if that will establish a level of confidence on the part of the Village.

Donnell what would occur in 30 years if there are significant repair or upgrades that need to be done. How will this impact a small organization like Home, Inc.

Young stated that SMDC's mission is to "create affordable senior housing solutions." He explained a system of operating and replacement reserves which SMDC engages in, which addresses this issue.

Young addressed questions regarding the scope of SMDC.

Seibel, Yellow Springs Home, Inc., stated that when and if ownership is transferred, the reserves are transferred with the property.

Young stated that at the end of 15 years when the finance partner can exit the partnership, SMDC can apply for further credits to add to refinancing debt and other funds to continue to maintain and refurbish the building.

Donnell asked whether, given demographics change over time, can the building be repurposed for a more mixed use affordable use.

Young stated that this was the case.

Seibel addressed a question regarding affordability, stating that although the requirement for affordability is 30 years, because YSHI owns the land, they will assure the permanent affordability of the units.

Doden called a recess so that the Clerk, the Solicitor and the Planner could construct the language for the Planning Commission Recommendation to Council.

Conard read that statement as follows:

Yellow Springs Planning Commission held a public hearing on the application of Home, Inc. and reviewed the Yellow Springs Home, Inc./SMDC PUD Preliminary Development Plan, based upon its conformance or non-conformance with the standards set forth in the applicable sections of the Yellow Springs Zoning Code.

During the course of the December 10 meeting, Planning Commission stated its support for the principles set forth in the Yellow Springs Housing Vision Values Statement.

Planning Commission was unable to reach the required concurrence of three members to approve the PUD Preliminary Development Plan as presented.

Planning Commission by a majority vote found the Preliminary Development Plan met the following Qualifying Conditions set forth in Section 1254.02: (a), (c), (d), (e), (f), (h) and (i).

Planning Commission could not reach a majority vote on the following Qualifying Conditions set forth in Section 1254.02: (b) "Size" and (g) "Architectural." Those voting that the PUD did not meet these standards stated that their opposition was specific to the scale of the proposed project in relationship to the neighborhood.

Planning Commission by majority vote found the proposed Preliminary Development Plan met the following PUD Requirements set forth in Section 1254.03: (a), (c), (d) (1), (2), (3), (6), (7) and (8), (e), and (f).

Planning Commission could not reach a majority vote on the following Preliminary Development Plan PUD Requirements set forth in Section 1254.03: (b) in relationship to height, and (d) (4) and (5).

Planning Commission by majority vote found the proposed Preliminary Development Plan met the following Review Standards set forth in Section 1254.06: (d), (f) and (h).

Planning Commission could not reach a majority vote on the following Preliminary Development Plan Review Standards set forth in Section 1254.06: (a), (b), (c), (e), and (g).

For the foregoing reasons, Planning Commission did not reach the necessary majority vote to recommend approval of the Applicant's Preliminary Development Plan to Village Council.

Should Village Council approve the Preliminary Development Plan and re-zoning request, Planning Commission recommends the attached conditions:

1. A traffic study coordinated by Village Staff with consideration for the location of the Miami Township Fire House and with input of the County Engineer and Ohio Department of Transportation as needed.
2. Approve parking with no fewer than 42 parking spaces, reserving additional parking spaces for expansion as needed for 54 parking spaces.

Addressing a concern raised by Donnell, the Clerk opined that it would not work to attach a condition that necessary infrastructure improvements be accomplished without being bumped forward, stating that if Council approved of the PUD that would signal their view of the project as a priority.

Swinger noted that SMDC, the developer, will be responsible for all costs related to aid to construction, including the electric transformer, the water line and that Home, Inc. had stated that they would attempt to assist with the cost of sewer relining, projected at \$27,000.00.

Donnell asked what happens if Council reverses PC's decision, and asked about the importance of the conditions PC might attach to their recommendation.

Swinger indicated that those conditions, unless amended by Council, would stand, and that if amended significantly the project would have to return to PC for further review.

Conard stated that the question PC will have to address at the time of final development plan review will be whether the final development plan substantially conforms to the preliminary development plan. This is the time for the PC to attach any significant condition so that the applicant is put on notice that this will be required. The record has been thoroughly made on each issue, he stated.

Donnell asked how Council will work through the review of the matter.

Swinger noted that Council is being kept abreast of all aspects of the discussion, and will be provided with all available informational materials prior to their discussion.

Swinger expressed concern that the Village does not have the stormwater calculations from their engineer for the detention basin, and received assurance that this could be determined prior to the final plan review, and that conditions could be attached at that time.

Donnell stated that he uses the underlying PUD requirement as his baseline in determining a project's viability, and noted that the zoning code stresses using energy efficiency and LEAD requirements as offsets to deviations. Donnell commented that those parameters are not on the table in this project, and that he is left to consider simply the massing of the structure without what he sees as the offsets.

However, Donnell opined, if Council determines that the project fulfills a village goal, and that the project should move forward, then, he said, "I'm on board." The issue then becomes to assure that due diligence is done on behalf of Yellow Springs citizens to assure that "this is not just a sign-off." I don't want the worth of the zoning code thrown out for what is essentially a funding issue, he said, "and I don't want another funding source coming through demanding the same pass-through. The system needs to work."

MacQueen asked that Council be requested to view the video of the PC meeting.

MacQueen asked that Council be recommended to view the video of the meeting.

Conard asked that the recommendation to Council read in part as follows: Planning Commission by a majority vote found the Preliminary Development Plan met the following Qualifying Conditions set forth in Section 1254.02: (a), (c), (d), (e), (f), (h) and (i), as more affirming.

The Clerk called a vote on the recommendation.

MacQueen MOVED to APPROVE the RECOMMENDATION AS READ AND AS AMENDED. Doden SECONDED, and the MOTION PASSED 4-0 on a voice vote.

AGENDA PLANNING

Infrastructure Report: Public Works Director Johnnie Burns
ADU
Replat

Donnell asked for a report on the Active Transportation Plan.

Swinger stated that the ATP should be incorporated into the Comprehensive Land Use Plan.

MacQueen suggested a goals setting session.

Donnell raised PC's duties with regard to infrastructure concerns, stating that PC should be intimately involved in these decisions.

Doden suggested a goals setting session.

Donnell expressed concern that he may have to step down due to a number of projects coming up.

MacQueen asked that a date be set for the goals setting session.

ADJOURNMENT

At 9:50pm, MacQueen MOVED and Donnell SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Frank Doden, 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.

January 3, 2019

Village of Yellow Springs
Planning Commission
Planning and Zoning Department
Yellow Springs, Ohio 45387

RE: Replat of 212 W. Center College Street

Dear Commissioners:

Unfortunately, we are unavailable to attend the public hearing by the Planning Commission on January 14, 2019. Therefore, we are writing this letter to express our concerns regarding the above replat application.

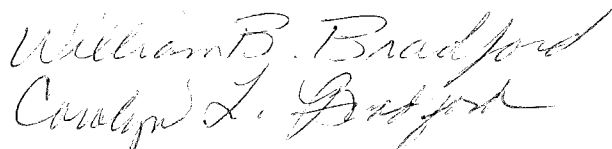
As an adjacent property owner, we respectfully request that the combination of three lots into two lots for the purpose of residential construction be configured so that the new residence meets the zoning standard at least twenty feet from our existing property line.

If the proposed residential structure is constructed only five feet from our existing property line, we have the following concerns:

1. The current usage of our large open back yard by family, guests, and pets will be limited.
2. The resale value of our property may be impacted.
3. To maintain our privacy, we will have the cost of constructing a new privacy fence to replace our recently installed chain link fence on our back yard line.

Thank you for your thoughtful consideration of our request.

Sincerely yours,

Handwritten signatures of William B. Bradford and Carolyn L. Bradford in cursive script.

William B. Bradford and Carolyn L. Bradford
207 W. South College Street
Yellow Springs, Ohio 45387
Phone 740 444-3300



TO: Planning Commission

FROM: Denise Swinger, Zoning Administrator

MEETING DATE: January 14, 2019

CONDITIONAL USE REQUEST: Accessory Dwelling Unit

ADDRESS: 207 N. Winter Street

PARCEL ID # F19000100110017300

An application for a conditional use hearing has been submitted by Jennifer Horner and Charles Sides for an accessory dwelling unit on their property (**Exhibit A**).

NOTIFICATION OF PUBLIC HEARING ó A public hearing notification was provided in accordance with the Village's zoning regulations including publication in the Yellow Springs News, a mailed notice to abutting and adjacent neighbors of the property, and the posting of a sign on the property.

PLANNING COMMISSION DUTIES

Section 1262 gives the Planning Commission the power to hear and decide applications for conditional use permits to allow proper integration into the community.

The Planning Commission may approve, modify, or deny any application. If the Commission approves the permit, it may impose time limitations and/or require that one or more things are done before the request is initiated.

PURPOSE

The applicants want to construct an accessory dwelling unit in the rear yard of their property at 207 North Winter Street (**Exhibit B-1 and B-2**). They currently use the primary dwelling as a retreat for a business. Several years ago, Ms. Horner came before the Planning Commission for approval of this business as a professional office for her retreat/counseling services. The application was approved with the condition of parking limited to three total, and following the zoning code for any signage related to this professional counseling service using section 1262.08 (e) (2) (f) and appearance of the structure following section 1262.08 (e) (5) (f). If approved, the primary dwelling will become their permanent home and the ADU will serve as an office/living space, giving them the option to live there at a future time.

1248.03 SPATIAL REQUIREMENTS

(a) All lots and buildings shall meet the minimum area and width requirements of **Table 1248.03**. New lots shall not be created, except in conformance with these requirements.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-B, Moderate-Density Residential	6,000²	50

Table 1248.03a Dimensional Requirements: Residential Districts						
Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-B	35/2.5	20	15	5	20	40
4 Average established setback shall apply, where applicable, in accordance with Section 1260.02 (a).						

Lot, Width and Lot Coverage Requirements:

The property meets the minimum lot area requirements of 6,000 sq. ft. with a 0.1951 of an acre or 8,500 sq. ft. (Greene Co. GIS Map - Exhibit C).

The property meets the minimum lot width of 50 feet of frontage.

The maximum lot coverage for this property of all structures is 40% or 3,400 sq. ft.

The property contains the principal dwelling with a footprint of 1,060 sq. ft. and a garage footprint of 560 sq. ft. With the proposed 25 X 30 accessory dwelling unit at 750 sq. ft., the total square feet of all structures will be 2,370 sq. ft., representing 69.7 percent of the allowable lot coverage (Greene Co. GIS Primary Dwelling Floor Plan - Exhibit D).

Chapter 1260.04 (a) (3) - Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines.

The accessory dwelling unit will meet the rear yard setback requirement of ten feet with a measurement of 18 feet, and a side yard setback measurement of fifteen feet total with 10 feet on the south lot line and 13' 11 7/8" on the north lot line.

Chapter 1260.04 (a) (5) - The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed 24 feet.

The proposed accessory dwelling unit measures 16'7/8" which meets the height requirements for an accessory structure.

Chapter 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less.

The principal dwelling square foot living area measures 1,180. Sixty-six percent is 781 sq. ft. Measuring 750 sq. ft. the accessory dwelling unit meets the requirement for size.

REQUIREMENTS:

Chapter 1262.03 General Standards highlights the requirements for Conditional Uses which include:

- (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**.
The ADU increases the housing stock through infill development, a goal of the Comprehensive Plan and Vision documents.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
The proposed use complies with the requirements of the zoning code.
- (c) The proposed use will be compatible with the character of the general vicinity.
The proposed use is compatible as it is located in a residential district and there are other ADU's nearby.
- (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.
A long time ago, when the house and/or the neighbor's house was built, the sewer lines were connected together. The contractor is aware that in order to tie the utilities from the primary dwelling to the ADU, the line will need to be separated from the neighbor's at their expense. The proposed use will be adequately served by all essential public facilities.

Staff also has concerns with storm water management. Please note the recommendation at the end of this report.

- (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.
It will not involve uses that will be detrimental to the general welfare of persons and property nearby as it will serve as an office/living space for the owners.

- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The proposed use should not impede development as all surrounding residential properties are built out.
- (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.
The ADU will not impede sight lines from the right of way.

1262.04 CONDITIONS OF APPROVAL

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

- (a) Ensure 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) Ensure 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.

Additionally, **Chapter 1262.08 (e) (1)** highlights further conditions that must be met for the application to receive approval. They are:

- (1) Accessory Dwelling Units.
 - A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
The ADU will be one-story at the rear of the property.
 - B. The accessory dwelling unit shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.
The ADU will not be separately metered.

- C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
This property has a garage and driveway. There are currently three off-street parking spots available, with two for the primary dwelling and one required for the ADU.
- D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less.
The accessory dwelling unit measures 750 sq. ft. and is less than the 66% of the total living area of the principal dwelling unit's measurement of 781 sq. ft.
- E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven, stove and sink) and may contain not more than one bedroom.
The ADU will contain a living area/mudroom, kitchen, one bathroom and one bedroom.
- F. No more than two adults shall occupy the accessory dwelling unit.
This will be used by the two owners and their pets.
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.
No new access points or driveways will be created.

RECOMMENDATION

Although a site plan is not required for the building of a single or two family dwelling unit or accessory structure, it is required for any conditional use. In reviewing the Level B requirements, the property owners are aware that the ADU will not be separately metered and must tie in to their existing primary structure's facilities for water, sewer and electric.

The sewer line to the primary dwelling will need to be separated from the neighbor's so that both primary dwellings are on their own sewer line to the village main.

The contractor is aware that due to the topography of the site, a sewage pump station will also need to be installed from the ADU to the primary dwelling's sewer line.

The Public Works director evaluated the site and requested that because of the site's topography, the Planning Commission should make a condition that the storm water be addressed through either a storm water pump or other storm water drainage design. **Chapter 1268.06 (d) (2)** states, "Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems."

Staff has no objections to this application and recommends the Planning Commission **APPROVE** the accessory dwelling unit with the above conditions.

If you have any questions, please feel free to call me at 767-1702 or email dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator



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

Case #: PC18-35 [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: 207 N. Winter St.
2. Property Owner: Jennifer Horner + Charles Sides
 Address: 1173 Cardinal Dr. Enon, OH 45323 Phone: (937) 750-4117
3. Description of request: Charles and I would like to prepare to live our retirement years back in Yellow Springs. We will be downsizing from our approximately 2700 sq ft home in Enon. We request permission to build an accessory dwelling approximately 25 x 30 sq ft to the rear of 207 N. Winter St. The house would become our primary residence and the cottage would serve as office and extra living space. As a one floor, slab construction without steps, it could eventually serve as a residence should the time come when one or the other of us is elderly and widowed.

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 Jennifer Horner Title: owner
 Address: 1173 Cardinal Dr. Enon, OH 45323 Date: 12/6/18
 E-mail: jhorner@creativeexplorations.net

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: R-B

Fee: \$100.00 - pd.

Hearing Date: January 14, 2019

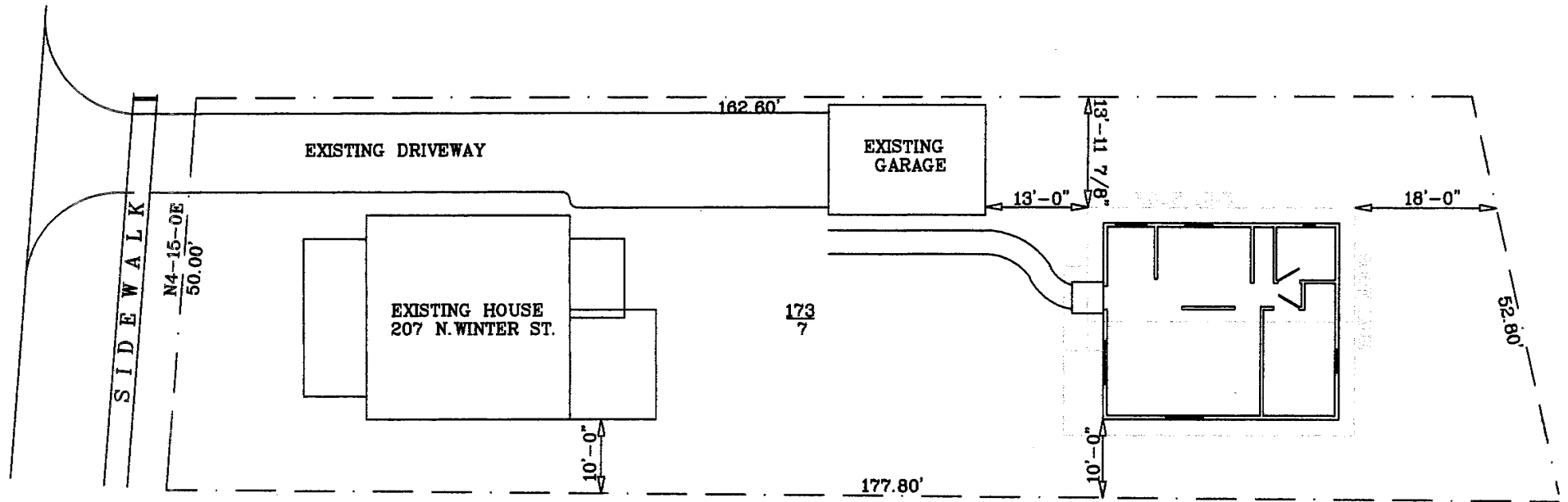
Request Denied or Approved: _____

Village Representative: _____

Title: _____

N. W I N T E R S T R E E T

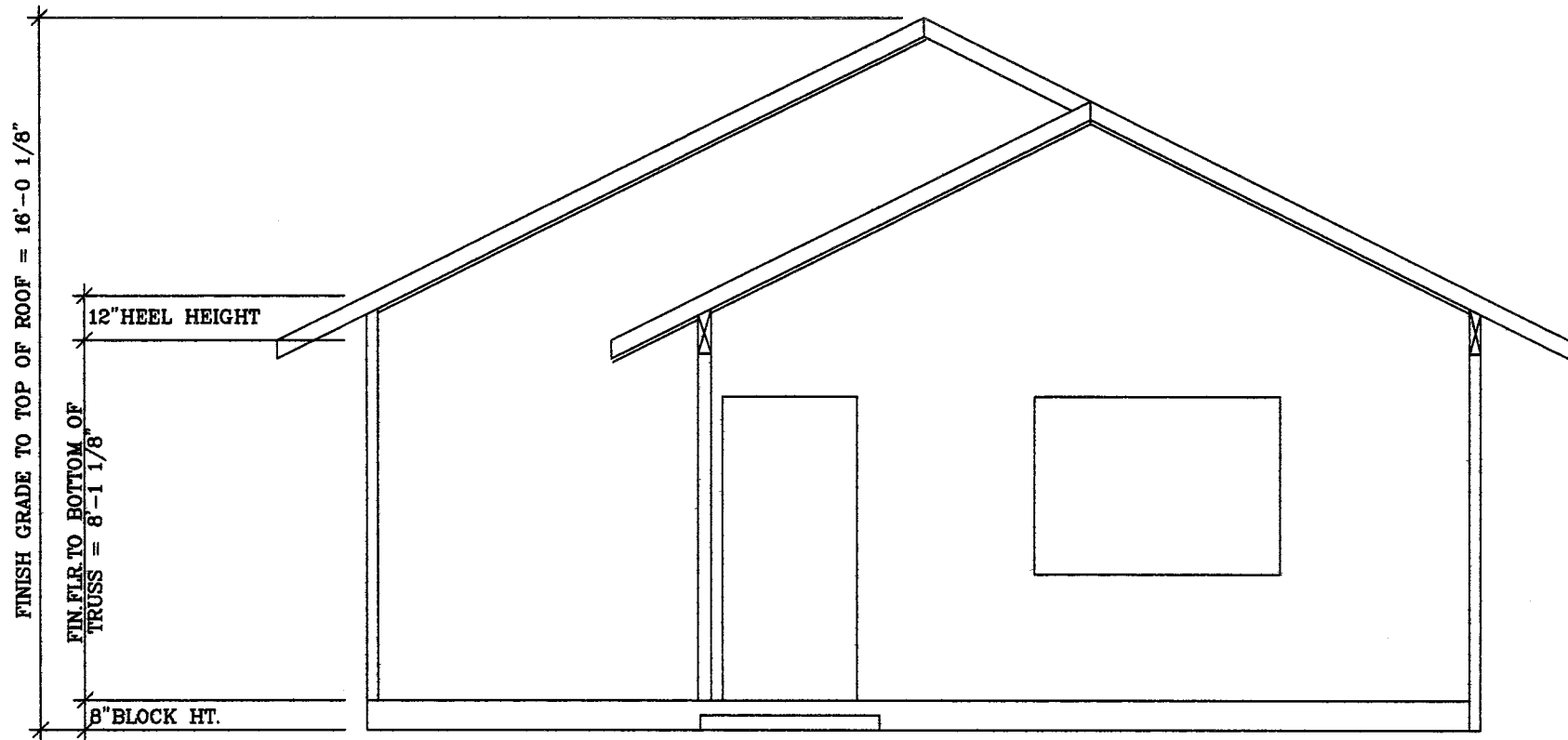
EXHIBIT B-1



SITE PLAN
SCALE: 1"= 20'-0"

Seamless Harvest

EXHIBIT B-2



PROPOSED ADDITION

Customized Property Map



Parcel ID: F19-0001-0011-0-0173-00

Tax Year: 2018

Card: 1 of 1

Owner: SIDES CHARLES
& JENNIFER HORNER TRUSTEES
Mailing Name/Address:
SIDES CHARLES
& JENNIFER HORNER TRUSTEES
1173 CARDINAL DR
ENON OH 45323
Tax District: F19 - YELLOW SPRINGS VILLAGE

Description: OAKWOOD 16 ALL
LOT 7
207 N WINTER ST
Property Address: 207 N WINTER ST
Class: R - SINGLE FAMILY DWELLING, PLATTED LOT
Map/Routing: 0011.00 248.00
Neighborhood: 00126.000
Parcel Tieback:



F19000100110017300 04/16/2018

LAND DATA

Desc	Type	Effective Frontage	Depth	Square Footage	Acres	Value
Regular Lot	FRONT FOOT	50	170			\$49,300.00

DWELLING DATA

Style	CAPE COD	Total Rooms	6	Masonry Trim Area	
Story Hgt	1.50	Bedrooms	3	Unfin Area	
Construct	ALUMINUM/VINYL	Family Rms	0	Rec Room Area	
Year Blt	1946 Remod 2013	Full Baths	1	Fin Bsmt Area	
SFLA	1183	Half Baths	1	WBFP Stacks	Open
GFLA	676	Add'l Fixt	2	Bsmt Garage # Cars	
Basement	FULL	Total Fixt	7	Misc Desc	
Heating	CENTRAL AIR CONDITION	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	LIGHT

ADDITION DATA

#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			676
A1		ENCL FRAME PORCH			70
A2		OPEN FRAME PORCH			160
A3		WOOD DECKS			154

OTHER BUILDING & YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value
FRAME OR CB DETACHED GARAGE	1936	560	16.1400	1.00	\$2,200.00

SALES DATA

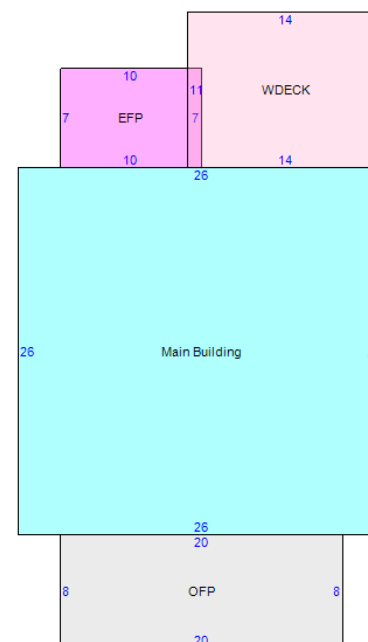
Sale Date	Type	Amount	Source
12/28/2015	LAND & BUILDING	\$0.00	AGENT
12/28/2015	LAND & BUILDING	\$185,000.00	AGENT
07/21/2014	LAND & BUILDING	\$0.00	AGENT
02/10/2012	LAND & BUILDING	\$65,000.00	AGENT

VALUES

	Land Value	Bldg Value	Total Value	Value Date
Appraised	\$49,300.00	\$117,810.00	\$167,110.00	11/20/2017
Assessed (35%)	\$17,260.00	\$41,230.00	\$58,490.00	

TAXES

	Delinquent	1st Half	2nd Half	Total
Real:	\$0.00	\$1,861.64	\$1,861.64	\$3,723.28
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$1,861.64	\$1,861.64	
Total Tax:				\$3,723.28
Amount Due:				\$3,723.28



Staff Report



APPLICATION NUMBER: PC18-36
APPLICANT: Chris and Whitney Till
TYPE OF REQUEST: Replat with Uncommon Lot Configuration
ZONING DISTRICT: R-B, Moderate Density Residential
PARCEL ID #: F19000100080004100; F19000100080004200; F19000100080004300
MEETING DATE: Monday, January 14, 2019

PURPOSE: Chris and Whitney Till of 212 West Center College Street have applied for a replat of their three adjoining lots (**Exhibit A**) under the newly created planning code amendment to Chapter 1226.12 - Replats, which added additional criteria to follow. Specifically, the Tills are using section 1226.12 (b) (3) which allows for uncommon lot configurations. Section 1226.12 (b) (3) states, *“The proposed replat creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a replat if it poses no apparent nuisance and the Planning Commission deems it appropriate. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1226.06 (a) (5).”*

Chapter 1226.06 (a) (5) states, *“Lots. Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the Zoning Code and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G). Uncommon lot configurations may be incorporated into a development where such division poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:*

- A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.*
- B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.*
- C. A minimum frontage of twenty feet shall be required for all such lots.*
- D. Uncommon lot configurations are permitted access on local streets only.”*

The Tills goal for this replat is to create a new buildable lot.

PROPERTY INFORMATION: The three lots are located in the R-B, Moderate-Density Residential District. The R-B District is intended to encompass much of the Village's existing single-family and medium-density residential neighborhoods and accommodate similarly situated new and infill development at densities up to eight units per acre. The lots are currently non-conforming as each lot measures 250'X 162.50' with a measurement of 4,062.5 sq. ft. each or 12,187.5 sq. ft. total. Within the R-B, Moderate Density Residential District, a lot must have a minimum area of 6,000 sq. ft. Although there is enough square footage for the replat, both lots must also meet the setbacks and lot coverage requirements for any structures existing on the property. Chris and Whitney Till have submitted a report

detailing how the replat would be surveyed in order for Planning Commission to make a determination of whether to approve their request (**Exhibit B – page 1**). Two diagrams are also part of the replat request with one showing the lot as it currently exists (**Exhibit B – page 2**) and the other (**Exhibit B – page 3**) showing the existing house and garage measuring 6,022.5 sq. ft. and the proposed buildable lot, measuring 6,165 sq. ft. The side yard setback from the new property line would be maintained with a measurement of 5øö to the existing garage and 10.5ø from the west side yard property line to the existing house. The rear yard setback would also be maintained with a measurement of 27øö from the garage to the new rear yard property line. Typically, only a ten foot setback from a garage is required, but the 27øö is necessary in order to have at least 6,000 sq. ft. for each of the two lots.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-B, Moderate-Density Residential	6,000²	50
1 Public water and sanitary sewer is required for all property in these districts. 2 Two-family and attached single-family dwellings and multi-family dwellings are permitted a density up to 8 units per acre.		

The applicants would like to replat the three lots into two (**Exhibit B- page 3**) with the primary dwelling on one lot with 55ø frontage (identified as A), and the second lot with 20ø frontage (identified as B), to serve as a future building site. This replat will reduce the non-conformity that currently exists with the three separately zoned lots.

Table 1248.03a Dimensional Requirements: Residential Districts						
Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-B	35/2.5	20	15	5	20	40
4 Average established setback shall apply, where applicable, in accordance with Section 1260.02(a) .						

The total square footage of the house and garage on Lot A measures 1,387. Forty percent of the lot's square footage of 6,022.5 allows for up to 2,409 sq. ft. of lot coverage. The existing house and garage measure 1,387 sq. ft. and is well within the maximum lot coverage of 40% (2,409 sq. ft.). On Lot B, the buildable area measures 53ø x 75ø or 3,975 sq. ft. and provides enough room for a dwelling unit depending on the setback measurements. The applicants provided several ways one could determine the lot line boundaries (**Exhibit B – page 1**). They are asking the Planning Commission to provide a final determination for the front, rear and side yard property lines on Lot B. If we follow the front and rear setback requirements on the north and south lot lines of Lot B's buildable area, there will only be a 17ø x 60ø building area.

If we follow the front yard lot line at the street, they could locate their dwelling at the north lot line. Although the zoning code does not state how a structure must sit on a property, there are guidelines for determining the lot line boundaries. See below:

Lot area. The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

Lot lines. The lines bounding a lot, as defined below:

(1) Lot line, front. In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.

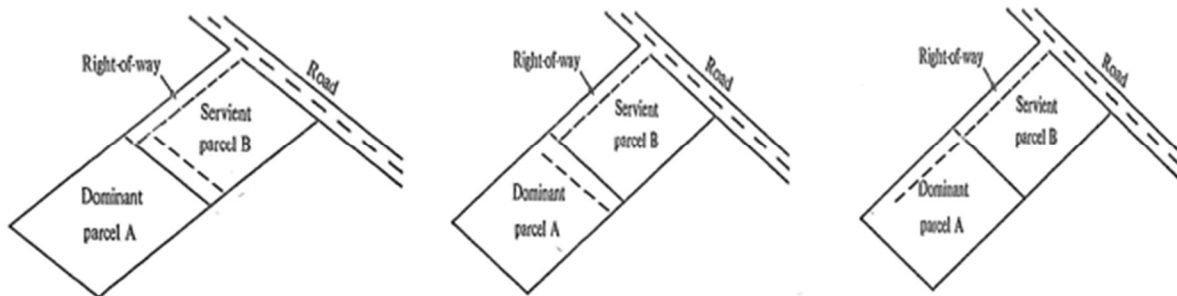
(2) Lot line, rear. The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.

(3) Lot line, side. The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

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. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

If this were an access easement, then according to the above, the property owner could determine the front lot line by having the minimum required lot frontage run along the inside property line of the lot being accessed in whichever direction they choose (see below).



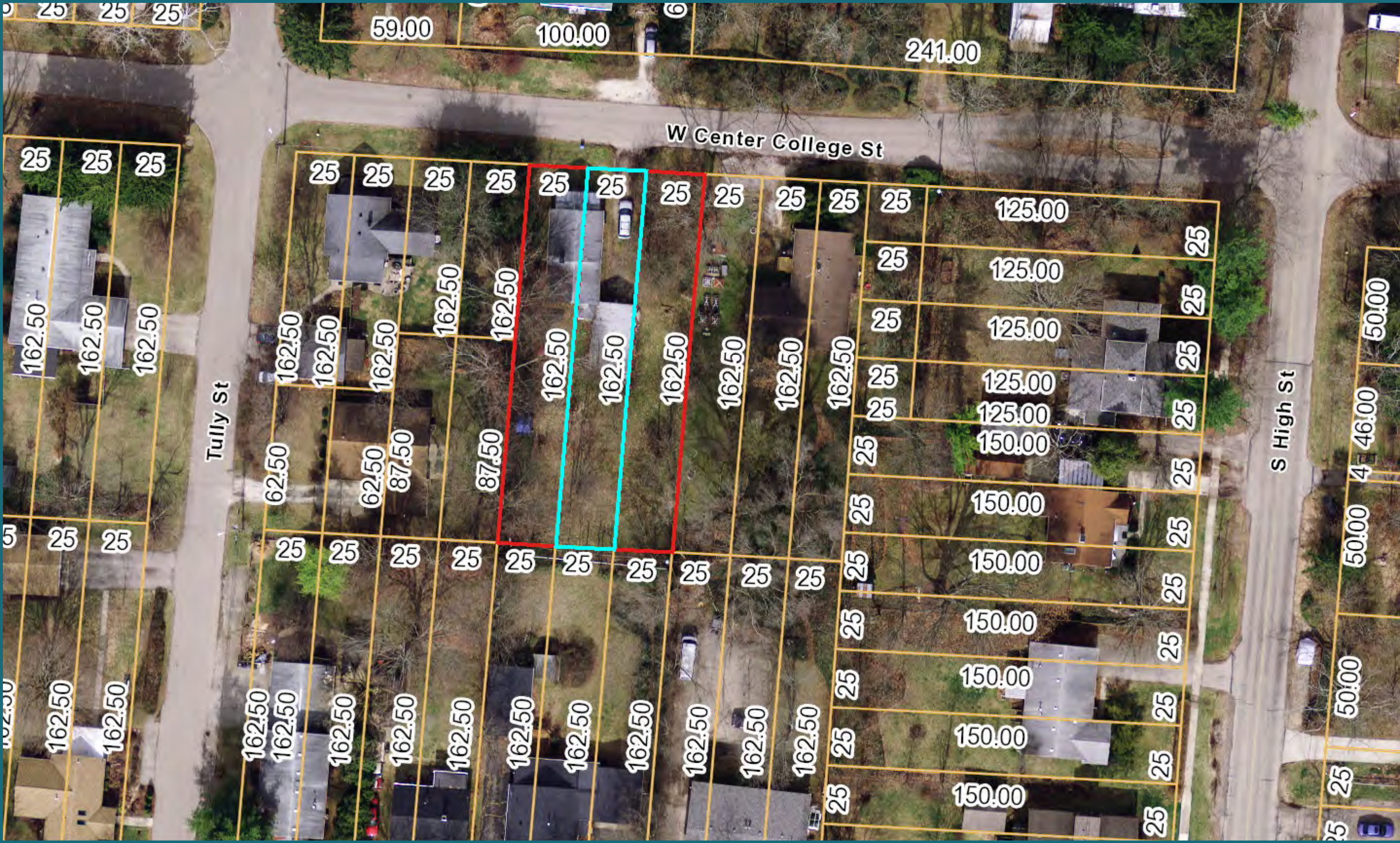
Because twenty feet of frontage is allowed under section 1226.06 (a) (5) C, the Tills are questioning if they can count the front yard setback from the street in order to maximize the location of their dwelling on this new lot. Because this was not considered during the recent amendments to the zoning code, a clarifying statement may need to be added in order to address this, which staff can bring to the next meeting of the Planning Commission if deemed necessary.

Respectfully submitted,

Denise Swinger, Planning & Zoning Administrator

EXHIBIT A

Customized Property Map



Greene County Legend

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

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.

Created On: 12/27/2018

1 inch = 40 feet

0 10 20 Feet

Greene County Geographic Information Management System

Replat Request from Chris & Whitney Till

We would like to apply the recent uncommon lot configuration code changes to replat our property. The sole goal is to create a newly buildable lot, which would be shaped like a flag.

We own and live at 212 West Center College Street, a single-family house in Residential B, between High Street and Tully Street. In Residential B, a buildable lot requires 50' lot width, along with 6,000 square feet lot area. Table 1248.03.

Currently, it is platted as three contiguous 25' by 162.5' lots, combining to make a 75' by 162.5' rectangular lot. This is 12,187.5 square feet. The house and garage are built entirely on the two westernmost lots. *See Attached Diagram 1.*

Landlocked lots must have twenty feet frontage. §1226.12(b)(2). The proposed replat would have 20' frontage on West Center College Street. That 20' frontage strip would run along the easternmost lot line and be the driveway to the buildable lot in back. About 27' south of the existing garage, the proposed buildable lot would open up into a 53' by 75' rectangle. The proposed buildable lot would total 6,165 square feet. *See Attached Diagram 2.*

The lot that the existing house and garage are on would then be 6,022.5 square feet, satisfying Residential B minimum lot area. It would also satisfy side yard setbacks. Minimum side yard setback in Residential B is 5' with a minimum total of 15'. Table 1248.03a. The existing house is about 10.5' from the neighboring property to the west. The proposed 20' frontage strip would be about 5.5' from the existing garage. Thus, the existing house would have about 16' of total side setback.

If the front lot line of the new buildable lot is considered as the long easternmost lot line, we are happy.

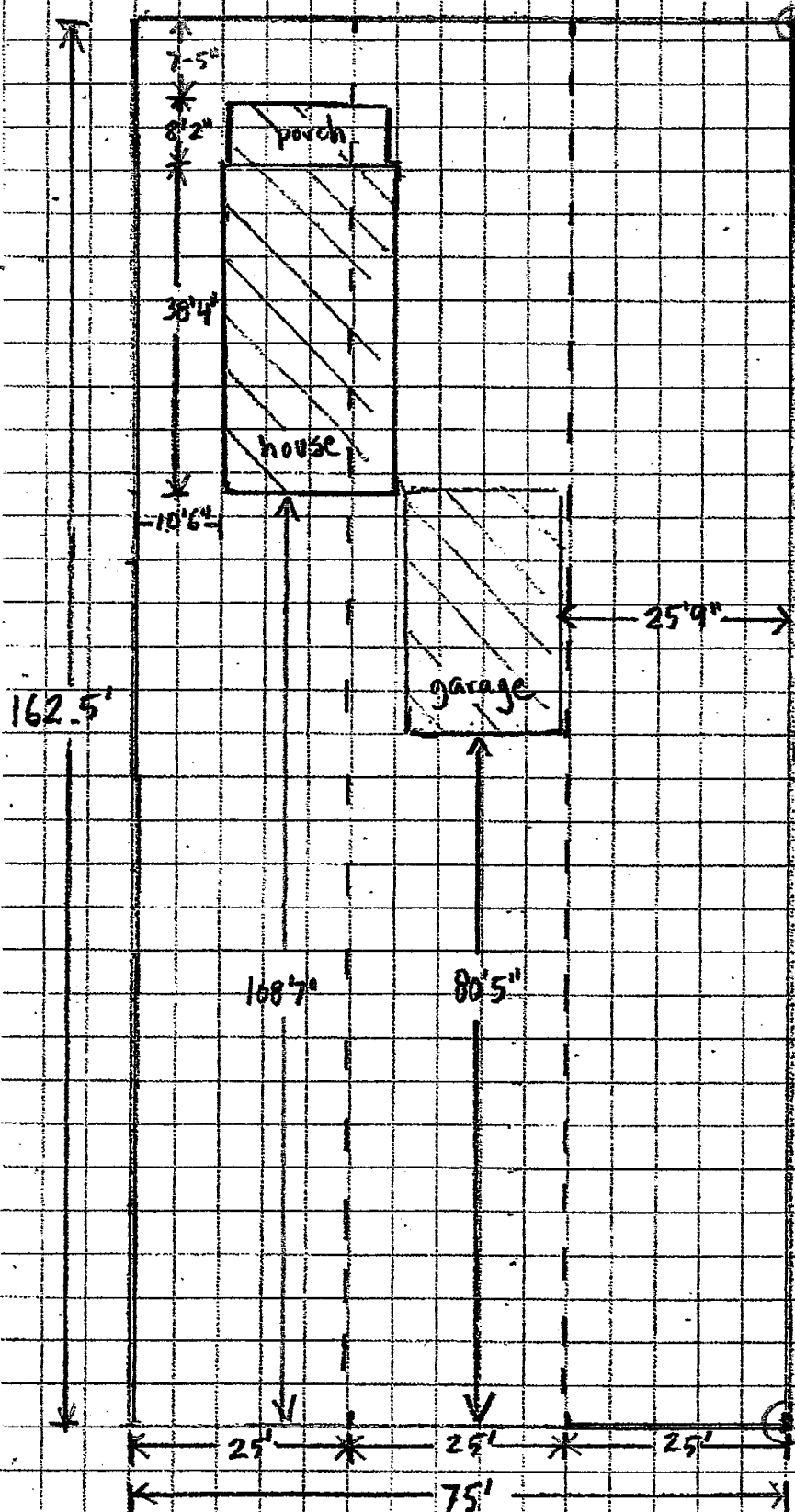
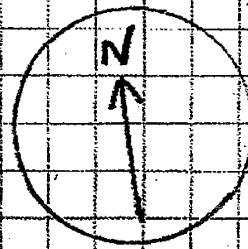
If the new front lot line of the new buildable lot is considered to be the 20' strip on the street, then seemingly a house could be built right up to the north line of the back part, which is also fine with us.

However, if the new front lot line is considered to essentially be the north line of the back part, the "average established setback" should apply, Table 1248.03a, *citing* §1260.02(a)(1). **As the existing front setbacks for both 212 West Center College Street and 216 West Center College Street are about 8'**, the front setback for the proposed buildable lot would be about 8'.

① 212 West Center College Street:

Existing lots

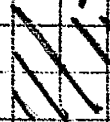
← West Center College Street →



N.E. survey pin,

Uncovered by Richard Zopf 11/14/2018

Key



existing buildings

existing lot lines

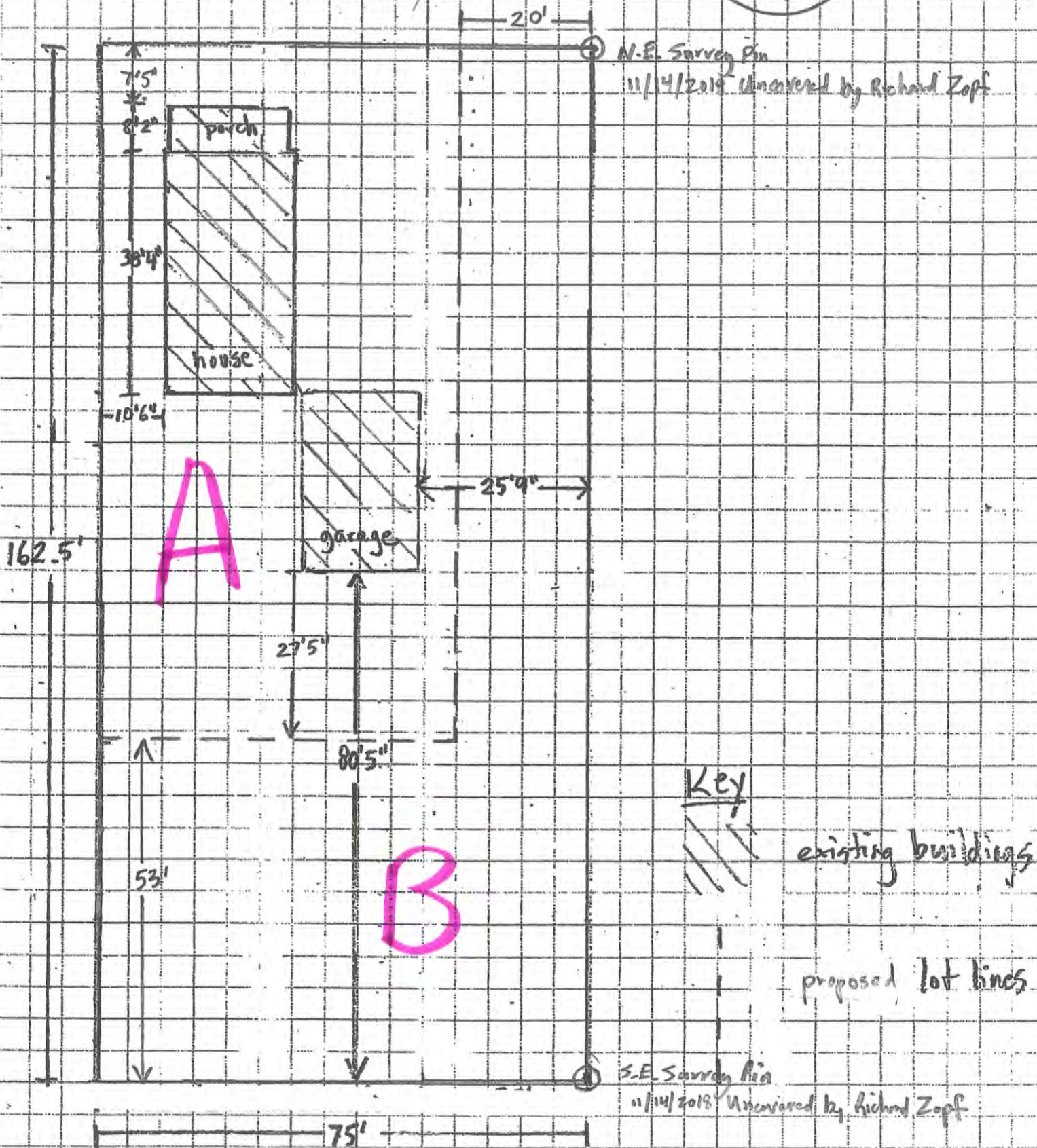
S.E. Survey Pin

11/14/2018 Uncovered by Richard Zopf

② 212 West Center College Street:

Proposed Lots

← West Center College Street →





2018

ANNUAL REPORT

OF THE

PLANNING & ZONING OFFICE,

PLANNING COMMISSION

&

BOARD OF ZONING APPEALS



PLANNING & ZONING OFFICE

It was a record-breaking year in the Planning & Zoning Office. Staff has worked closely with the Public Works Director to ensure potential projects can be supported by the village's infrastructure. An administrative assistant was also hired in a part-time capacity to assist Planning & Zoning, the Clerk of Council and Village Manager. Highlights of 2018 in the Planning & Zoning office included:

- First Pocket Neighborhood Development (PND) approved under this new chapter in the zoning code. Antioch College was approved for the construction of eight single-family homes at 117 East North College Street, which was rezoned from Educational Institutions to Residential C.
- A total of 147 permits were issued by the zoning office, a 47 percent increase over the previous year.
- Supervised an intern from Wright State University for spring semester 2018. Michaela Grant assisted with the scanning of maps and drawings, and assisted with research related to text amendments in the zoning code.
- Staff researched amendments to the zoning code in order to allow for an increase in infill development which was a goal of both the Vision: Yellow Springs and Miami Township document and the Yellow Springs Comprehensive Land Use Plan. Over a six-month process, staff researched and reviewed with the Planning Commission changes to the zoning code that would allow property owners to subdivide their properties using the already established lot requirements for Residential A, B and C, as well as the existing requirements for uncommon lot configurations, minor subdivisions and replats in the zoning code. Specifically, they included:
 - Removed density, net and density, gross and replaced with a definition for density that states, *“Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.”* Minimum requirements include setbacks, lot coverage and parking.
 - Chapter 1260.02 (e) Minimum Lot Frontage states, *“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,”* needed further clarification. The following statement was added, *“If an access easement is required to reach the lot, the minimum required lot width may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply.”*
 - The Planning Code's Subdivision Regulations, Chapter 1226.06 (a) (5) Design Standards includes a statement regarding undeveloped land in major subdivisions that allows for uncommon lot configurations. This language was added to Chapter 1226.11 Minor

- Subdivisions, allowing the property owner to subdivide if meeting additional requirements and, following a public hearing, Planning Commission approval is obtained.
- Uncommon lot configurations were also added to Chapter 1226.12 Replats with additional requirements.
 - Driveway and Access Easement Standards were added to Chapter 1260.03 of the General Provisions zoning code in order to ensure private streets and driveways to these existing or newly created lots were constructed to allow essential services to safely gain access.
- Although the minimum size requirements for dwelling units was removed with the 2013 Zoning Code update, further clarification was needed because of the tiny home movement. A definition of a tiny home was added to the zoning code, along with four scenarios for which Greene County Building Regulations will issue a certificate of occupancy.
 - Recreational Vehicle Parking - an amendment was made to recreational vehicle parking in both the general offenses code and the zoning code as the result of numerous citizen complaints regarding the parking of such vehicles on streets and public parking areas. Previous to this amendment, there was no language within the general offenses code that allowed the police department to enforce limitations. Its only mention in the zoning code was specific to its use as a dwelling and the zoning code's enforcement process was not effective.
 - The Planning Commission reviewed, edited and approved a total of 21 text amendments to the zoning code. Along with the amendments to allow for infill development, tiny homes and recreational vehicle parking, a rezoning map amendment was approved and six amendments were made to further clarify or correct errors in the code.
 - As a result of amendments to the zoning code over the past three years, there were no Board of Zoning Appeals meetings held requesting variances in 2018.
 - There were three solar interconnection agreements approved with one new installation, one existing installation, and one installation in the township served by the village electric utility. A fourth solar installation was approved under accessory structures with no request for a solar interconnection agreement.
 - The Planning Commission held nine conditional use hearings:
 - 1) Brew pub in the B-1 Central Business District
 - 2) Restaurant serving alcohol in the B-2 General Business District
 - 3) Accessory dwelling unit in R-A Residential District
 - 4) Accessory dwelling unit in R-B Residential District
 - 5) Accessory dwelling unit in R-C Residential District
 - 6) Food truck in the B-1 Central Business District
 - 7) Outdoor seating for a restaurant in the B-1, Central Business District
 - 8) Professional Offices in the R-C Residential District
 - 9) Home Occupation in the R-C Residential District
 - Staff worked through the Planned Unit Development (PUD) process to rezone land in the R-B, Moderate Density Residential District for a 54-unit Senior Affordable Housing Project by St.

Mary Development Corporation and Yellow Springs Home, Inc. The preliminary plan was reviewed by the Planning Commission over two meetings. Although the plan was not approved at the Planning Commission level, conditions were developed for Council to consider in their deliberations. Council approved the 54-unit apartment complex at their December 2018 meeting.

- Staff, along with the village's solicitor, worked on new legislation to regulate the use of small cell wireless facilities within Yellow Springs. One requirement from the wireless providers and the State of Ohio was that the new legislation could not be regulated under a municipality's zoning. Staff created an application and checklist, along with a map identifying where future developments may occur and will be required to have utilities underground. The zoning office will remain the first point of contact for any wireless providers, sending the application packet to providers and assigning a permit number for tracking purposes only, and will facilitate the application through the public works department approval process, as well as the collection of fees. Chapter 876 of the codified ordinances regulates this new technology. Large cell tower installations will remain in the zoning code as a conditional use.
- Planning Commission began reviewing the Comprehensive Land Use Plan last updated in 2010. The commission requested a consultant to assist in the update which was approved by Council through a request by Marianne MacQueen, council liaison to the Planning Commission. Staff would like to see the update completed in 2019 as this document and the Vision: Yellow Springs and Miami Township document are consistently utilized by staff and the Planning Commission when making decisions on land use in Yellow Springs.

ZONING PERMITS ISSUED IN 2018

- Accessory structures ó 17 (includes 3 solar I/C agreements)
- Accessory Dwelling Units (ADUs) ó 3
- Additions ó 4
- Change of Use ó 6
- Fences ó 23
- Home Occupations - 2
- Replats ó 7
- Signs ó 8
- Single Family Dwellings ó 6
- Single Family Dwellings Attached - 1
- Solar I/C Agreement ó 1 (Permit for Meter only)
- Swimming Pools ó 1
- Transient Guest Lodgings ó 32
- Two-Family Dwellings - 2
- Working in the Right of Way (ROW) ó 34

Total Number of Permits Issued: 147

ZONING VIOLATIONS ISSUED IN 2018

Violation notifications were also sent for the following issues:

- Recreational Vehicle in the Right of Way ó 1
- Rubbish ó 3
- Setback Dispute ó 1
- Snow on Sidewalks ó 22
- Tall Grass ó 1
- Unsanitary Conditions ó 1
- Vegetation in the Right of Way - 27

Total Number of Violations Issued: 56

MEETINGS ATTENDED BY THE PLANNING & ZONING ADMINISTRATOR

- Active Transportation Plan ó 7
- Chamber of Commerce ó 2
- Council ó 16 (Rezoning PND/Rezoning PUD/Text Amendments)
- Dayton Development Coalition re: Economic Development
- Greene County Building Regulations ó 1 (regulation of tiny homes)
- Greene County Dept. of Development ó 2 (re: Electro-Shield, re: Annual Meeting)
- Greene County Officials ó 4 (subpoena to testify at trial re: zoning ordinance)
- Greene County Regional Planning ó 3 (GIS software update/Meet new director/Glass Farm)
- Greene County Tax Incentive Review Council - 1
- Housing Advisory Board - 18
- MVRPC Technical Advisory Committee - 3
- Ohio Dept. of Transportation ó 2 (2024 Meeting - Columbus/Ramps & Domes Grant)
- Planning Commission ó 14 (includes 2 work sessions on Comp Plan + 1 work session for PUD and 11 regularly scheduled meetings February - December)
- Yellow Springs Home Inc. ó 5 (includes PND & PUD preliminary planning/tour of local projects)

Scheduled Meetings on Plans/Issues related to Zoning - 63

- Businesses ó 9
- Contractors/Architects ó 8
- Council members ó 5 (re: Home, Inc./Inclusionary Zoning/Planning Commission/Housing Advisory Board and Boards & Commissions interviews)
- Residents ó 35
- Schools ó 6 (Antioch College ó PND/Banners/Student Research)
- Surveyors ó 1

NOTE: *The majority of interactions with the public are by phone or walk-ins and not by scheduled appointments.*

Staff Meetings – 25

Special Staff Meetings – 22

- Small Cell Wireless Facilities (Legislation/Application & Checklist Process)
- Land Use
- GIS
- Zoning Code Text Amendments
- PUD Process

Special Events - 8

- Active Transportation Plan Kick Off
- Chamber of Commerce Annual Meeting
- Community Forum
- Housing Advisory Board Meeting with Stakeholders
- Housing Needs Assessment ó Mills Lawn & Senior Center
- MVRPC Annual Meeting
- Pocket Neighborhood Development Presentation by Antioch College
- Wright State University ó Intern Information Booth

Trainings/Workshops – 13

- American Planning Association ó Miami Valley Planning & Zoning Workshop
- Bias Training
- CPR Training
- Dementia Training
- Ethics Training
- Gentrification of Neighborhoods
- Groundwater Workshop
- Miami Valley Communications Council
 - Design Standards
 - Planning & Zoning Roundtables (2)
 - Small Cell Wireless (2)
- Sinclair ó UAS Workshop ó Informational flier on Yellow Springs Commerce Park

Respectfully submitted,

Denise Swinger
Planning & Zoning Administrator

Yellow Springs Planning Commission
Comments on the Yellow Springs Active Transportation plan
Paul Abendroth
Jan 3, 2019

Report recommendations I have concerns about (pg 24-32):

Map ID S-4 Xenia Avenue at Corry Street: Recommendation of the report is to reduce the turning radius on the Northeast corner. When the village hosts the semiannual street fair large thru-trucks detoured down Allen and Corry Streets make this turn. Also until the new fire house is occupied the fire department vehicles also use this intersection. Rear truck wheels riding over a sidewalk full of pedestrians waiting to cross is not a safe situation.

Map ID L- 20 Walnut Street from Short Street to Limestone Street: Recommendation to convert Walnut Street to one-way traffic southbound would violate the first rule of traffic planners, make it easier to leave town than to enter. South Walnut is used by many villagers to reach the North part of town, avoiding 5 minutes going through downtown 68-Corry-Dayton, then back on Walnut.

There is plenty of space on Mills Lawn to accommodate individual drop-off and pick-up (which really should be discouraged in favor of buses and walking/biking).

Map ID S-5 Xenia Avenue at Emporium Midblock Crossing with Curb Extension: The most important service in Yellow Springs to the elderly and mobility limited citizens is Tomø Market. Encouraging visitors to downtown boutiques to use his parking lot would be damaging to Yellow Springs. Slowing traffic downtown more would only increase congestion, not safety. If visitors want to cross 68 there are well designed crossings at both nearby corners.

Map ID L- 4 Pleasant Street from Enon Road to LMST: This would involve a large amount of private property while roadside paths would be more practicable. Besides, the citizens voted down giving part of the Glass farm to Home Inc years ago. Despite several HI proponents on council, developing a subsidized subdivision so far from downtown services doesn't make sense.

Map ID L- 21 Short Street from Walnut Street to Xenia Avenue: Closing this street to cars would require Southbound vehicles from the North part of town to use the congested Xenia-Limestone-Walnut intersection.

Map ID L-13 Herman Street from High Street to Enon Road: Would require acquisition of expensive private land, incorporates a steep hill (old village dump) and not necessary as a block away is the South College bikepath/sidewalk/roadway.

Map ID L-9 Trail from Omar Circle to Enon Road: Minor benefit to small number of possible users who already have close access using the very short Barbara St. Would require purchasing property currently subject to EPA control.

Also they recommend replacing our expensive curb cuts with raised crosswalks which along with curb extensions would make snow clearing and street sweeping difficult. Curb extensions can be problematic, see the Walnut-Dayton corner which causes commercial traffic to Millworks to take a roundabout detour through town.