

VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, April 13, 2015 at 7:00 PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

7:00 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

February 9, 2015 Minutes of Planning Commission

COMMUNICATIONS

CITIZENS' COMMENTS

CONSENT ITEMS

Application 15-003 for a proposed lot split at 1126 Livermore Street.

PUBLIC HEARINGS

1. **Rezoning Application – 104 Xenia Avenue** – (C-Conservation) – The Village of Yellow Springs has requested a rezoning for the property at 104 Xenia Avenue from the C- Conservation with Gateway Overlay District to the B-1 Central Business with Gateway Overlay District. The rezoning is being requested to correct a clerical error found after the adoption of the official zoning map.
2. **Right-of-Way Vacation** – Antioch College request to vacate the twenty-five foot wide undeveloped East Herman Street right-of-way which is situated between the developed portion of East Herman Street and Corry Street.
3. **Right-of-Way Vacation** – Antioch College request to vacate the sixty-six (66) foot wide undeveloped portion of East North College Street right-of-way which is situated between the developed portion of East North College Street and Corry Street.
4. **Text Amendment** – The Village of Yellow Springs has submitted an application for a text amendment to the Zoning Code Section 12.72.04 amending the section titled, "Fees; Performance Guarantees."

PLANNER'S REPORT

AGENDA PLANNING

ADJOURNMENT

**Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7pm**

**Monday, February 9, 2015**

**CALL TO ORDER**

The meeting was called to order at 7:01 P.M.

**ROLL CALL**

Planning Commission members present were Matt Reed, Chair, Council Representative Lori Askeland, Tim Tobey, Susan Stiles and Rose Pelzl. Alternate Gerald Simms was present in the audience. Also present was John Yung, Assistant Village Manager.

**REVIEW OF AGENDA**

There were no changes made.

**ANNOUNCEMENTS**

Askeland announced that Adam Abraham has been nominated and interviewed, and is likely to be approved as a PC Alternate at the next Council meeting.

Askeland noted that Gerald Simms will be taking over as the Council representative in the future, and that he will consequently be attending PC meetings on a regular basis to gain insight.

**REVIEW OF MINUTES**

Minutes for December 8, 2014 were reviewed. Askeland MOVED and Tobey SECONDED a MOTION TO APPROVE AS AMENDED. The MOTION PASSED 3-0 ON A VOICE VOTE. Stiles and Pelzl abstained due to absence from that meeting.

Minutes for January 12, 2014 were reviewed. Stiles MOVED and Askeland SECONDED a MOTION TO APPROVE AS WRITTEN. The MOTION PASSED 4-0 ON A VOICE VOTE. Tobey abstained due to absence from that meeting.

**PETITIONS AND COMMUNICATIONS**

Yung submitted a power point on “The Three Branches of Government: Planning and Zoning Edition.” This was discussed by the Commission, since several members had attended the regional workshop session at the Allor Planning workshop.

**REPORTS**

There were no reports.

**CITIZEN CONCERNS**

There were no Citizen Concerns.

**PUBLIC HEARINGS**

**Application 15-001:** Submitted by Patrick Ertel on behalf of the Morgan Family Foundation, for a Conditional Use at 506 High Street, Yellow Springs, OH 45387 for a Professional Office. The property is located in the R-B Moderate Density Residential Zoning District.

Yung explained the request as follows:

Morgan Family Foundation, a local non-profit is looking to relocate from their current office space at 130 Glen St. The Foundation had received approval to move into an office space last year however that plan has since changed. They are now prepared to move forward with leasing space at 506 S. High Street. The property is zoned R-B Moderate Density Residential which permits Offices as Conditional Uses. The space is currently the home of Curves, a gym, however they will be moving out in March.

**REQUIREMENTS:**

Section 1262 of the Zoning Code highlights the requirements for Conditional Uses:

- (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.

Yung noted that he had harbored concerns regarding the issue of signage, because there are several temporary signs in addition to several permanent signs now at the property, but stated that the Morgan Family Foundation (MFF) has assured him that they will adhere to the zoning code regulations for this use (one sign).

#### **FINDINGS**

The proposal is in conformance with the Villages Comprehensive Plan. The office use will be a significant reduction in traffic and impact on the surrounding residential neighborhood.

#### **DISCUSSION**

The proposed conditional use is less intense than the current use of the space. The Foundation has stated it currently has three employees that will be on site during the day. The parking lot meets the requirements of the zoning code. Additionally the site has good access from a vehicular and pedestrian standpoint. Automobiles can utilize the existing alley or street to access the buildings parking area.

One concern with the current tenant is signage. There are temporary signs, in addition to two wall signs and an awning sign at the existing site. The applicant has indicated that they will conform to the signage standards of the zoning code.

#### **RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the Conditional Use with the following findings of fact:

- The Conditional Use is in conformance with goals of the Village's 2010 Comprehensive Plan and the Vision: Yellow Springs and Miami Township visioning plan.
- The Conditional Use will not be detrimental to the health, safety and welfare of the village's residents.
- The Conditional Use is adequately served by essential public facilities.
- The Conditional Use is compatible with the surrounding character of the general vicinity.
- The Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- The Conditional Use will not block sight lines.
- The proposal as presented significantly complies with the requirements of the Village's Zoning Code.

Matt Reed noted the letter of support from Don Hollister.

Yung reiterated the signage restrictions, and stated that he would work with the applicant regarding signage.

Pelzl received clarification that the use will have more than adequate parking available on site.

Reed OPENED THE PUBLIC HEARING.

Wendy Clark, a current neighbor of the Morgan Family Foundation, stated that they are outstanding neighbors, and that she will be sorry to see them go.

Reed CLOSED THE PUBLIC HEARING, and CALLED FOR A MOTION.

Stiles MOVED TO ACCEPT THE STAFF RECOMMENDATION WITH THE FINDINGS MADE BY STAFF AS SHOWN IN THE STAFF REPORT. Askeland SECONDED, and the MOTION PASSED 5-0.

**Application 15-002:** Submitted by Tim Conrad, for a Conditional Use at 1108 S. Xenia Avenue, Yellow Springs, OH 45387 for an Accessory Dwelling Unit. The property is located in the R-C High Density Residential Zoning District.

Yung explained the Conditional Use request as follows:

The property owner of 1108 S. Xenia Avenue is proposing to construct a detached three-car garage with an accessory dwelling unit on the second floor. The two story accessory building will be located in the rear yard behind the building. The dwelling unit will be accessed by an exterior staircase. The property is zoned R-C High Density Residential.

**REQUIREMENTS:**

Section 1262 of the Zoning Code highlights the requirements for Conditional Uses which include:

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

Additionally Section 1262.04(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.
  - 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.
  - 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.
  - D. The accessory dwelling unit shall be limited in size to a maximum of 50 percent of the total living area of the principal dwelling or 750 square feet, whichever is less.
  - 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.
  - F. The owner of the property shall live on the property in the principal dwelling or accessory dwelling.
  - G. No more than two adults shall occupy the accessory dwelling unit.
  - H. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

## **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.

## **FINDINGS**

Staff has reviewed the application and found that the proposal meets the conditions of the zoning code and associated planning documents. For a detailed findings analysis please refer to page 3 of this report.

## **DISCUSSION**

The proposed conditional use meets the requirements of the Village's Zoning Code. The applicant has stated to staff that the garage will be accessible off of the existing drive way along the Herman Avenue street frontage. The size of the garage and dwelling unit conform to the maximum square footage allowed in the zoning code. The placement of the garage meets the setback and sizing requirements of the zoning code.

## **RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the Conditional Use with the following findings of fact:

- The Conditional Use is in conformance with goals of the Village's 2010 Comprehensive Plan and the Vision: Yellow Springs and Miami Township visioning plan.
- The Conditional Use will not be detrimental to the health, safety and welfare of the village's residents.
- The Conditional Use is adequately served by essential public facilities.
- The Conditional Use is compatible with the surrounding character of the general vicinity.
- The Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- The Conditional Use will not block sight lines.
- The proposal as presented significantly complies with the requirements of the Village's Zoning Code.

Stiles received clarification that there will be no changes made to the parking area.

Eric Jurgens, the property owner stated that he plans to adhere to the zoning requirements, and that his interest is in building an attractive structure.

Reed OPENED THE PUBLIC HEARING.

Ken Odiorn stated that he likes the current property and favors whatever the neighbor wishes to do with regard to the additional structure. Odiorn stated that he has plans to construct a privacy fence, and would be pleased to work with Jergens regarding a suitable fence.

Simms received confirmation that as long as Jergens lives on the property, it does not matter which structure he chooses to dwell in.

Reed CLOSED THE PUBLIC HEARING.

Reed commented that the proposed dwelling perfectly fits the intention of the zoning code with regard to increasing density.

Tobey MOVED TO ACCEPT STAFF RECOMMENDATIONS AND FINDINGS OF FACT ON THE APPLICATION. Askeland SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

## **OTHER BUSINESS**

Yung noted that the Rights-of-Way will be discussed at the April meeting, which will give Antioch enough time to hold its charrette.

Askeland noted that some of the proposals Antioch is making are significant, and urged citizens and board and commission members to attend.

Simms brought up the issue of property taxes, and wondered if the properties located at Antioch could be slated for taxation.

Yung responded that that issue was almost certain to be raised.

Pelzl asked about the appropriateness of gathering information on her own in advance of a hearing.

Yung responded that the best practice is to ask staff to do the research, and stated that he would be happy to follow up on suggestions.

Stiles noted that this method supports a more judicial approach, which assures that information is equitably presented.

In response to a question from Askeland, Yung noted that he has one text amendment ready to bring to Planning Commission.

Yung brought up the issue of signage, noting that the sign size is set at six square feet, but that there is no stated standard for lettering. He suggested focusing on letter size, which would make it easier to order standard signs.

Yung noted that this would be a text amendment to the zoning code, and stated that he is gathering all of the amendments he can find, and will present them to Planning Commission in late Spring.

Yung noted that there is one update that needs to occur as soon as possible. He stated that Peaches is currently zoned conservation, which needs to be changed to B-1. Yung will bring the zoning change to Planning Commission in the April meeting.

Planning Commission discussed the need to have Village zoning on the GIS system.

Yung asked Planning Commission for a motion to initiate the procedure to rezone 104 Xenia Avenue from C to B-1. Stiles MOVED and Askeland SECONDED. Reed CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**AGENDA PLANNING**

1. Right-of-Way Vacation – Antioch College request to vacate the twenty-five foot wide undeveloped East Herman Street right-of-way which is situated between the developed portion of East Herman Street and Corry Street.
2. Right-of-Way Vacation – Antioch College request to vacate the sixty-six (66) foot wide undeveloped portion of East North College Street right-of-way which is situated between the developed portion of East North College Street and Corry Street.

**ADJOURNMENT**

At 7:56pm, Tobey MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Matt Reed, Chair

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Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*



# Staff Report

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**APPLICATION NUMBER:** 15-007  
**APPLICANT:** Samantha Eckenrode  
**TYPE OF REQUEST:** Lot Division

## **BACKGROUND:**

Samantha Eckenrode, property owner of 1126 Livermore Street has applied to the Village to subdivide the property at the same address. She is proposing to subdivide the lot into three separate lots. The property is located in the R-A Low Density Residential zoning district.

## **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**

The Planning Commission may take no action under the consent agenda if its members find that the proposed subdivision meets the requirements. However; a member may make a motion to discuss the application and have the Commission make a decision. If no action is taken, the Zoning Administrator may approve the proposed subdivision.

## **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.**
  - a. The proposed subdivision is located along Livermore Street. There are no proposals to modify any part of the street or any public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.**

a. See chart below for zoning conformance. All measurements are in feet:

	Lot Area	Lot Width	Front Setback	Side Setbacks	Rear Setbacks	Lot Coverage
<b>R-A Zoning Requirements</b>	7,500	60	25	10 (25 total)	25	35%
<b>Tract 1</b>	13,329.36	60	N/A	N/A	N/A	N/A
<b>Tract 2</b>	15,681.6	70	N/A	N/A	N/A	N/A
<b>Tract 3</b>	28,444.68	126.69	68.3	24.5 & 10.1	>25	<35%
<b>Conformance</b>	Yes	Yes	Yes	Yes	Yes	Yes

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

a. Three lots will be created from one lot.

**(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.**

a. This parcel has not been involved in a lot division within the past two years. The new lots would not be able to be further subdivided as more lots would not be able to satisfy the R-A zoning lot minimums with the exception of Tract 3 which could be subdivided if the existing buildings are removed.

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

a. The applicant has indicated they do not require easements. All properties have access to a dedicated public right-of-way.

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

a. Any new development on these lots would have to obtain new taps into existing utilities.

**(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.**

a. The provided plat document contains the necessary items from this section.

**(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.**

a. A copy of the record plat was delivered to the Village Offices at the Bryan Center on March 16, 2015.

Staff has found that the proposed subdivision meets the requirements of Section 1226.11(a).

### **RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the proposed lot division with the findings that it is in compliance with Section 1226.11(a) of the Village Code of Ordinances.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-3703 or [jyung@vil.yellowsprings.oh.us](mailto:jyung@vil.yellowsprings.oh.us).



HERBY TOTTMAN LAND SURVEYOR 937-603-2875

Village of Yellow Springs  
Application for Minor Subdivision

Applicant(s): SAMANTHA WILLIAMS ECKENRODE

Applicant's mailing address: 1126 LIVERMORE ST

YELLOW SPRINGS, OH 4310

Phone: 937-470-1867

Address(es) of property: 1126 LIVERMORE ST, YELLOW SPRINGS, OH 4310

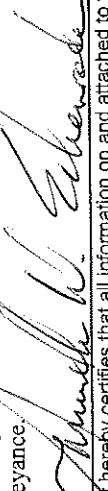
Greene County Parcel ID: F19000100670604900

Zoning District: RA Total number of lots after Subdivision: 3

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:  Date: \_\_\_\_\_

The applicant hereby certifies that all information on and attached to this application is true and correct.

.....  
For Village use only: .....

Date filed: \_\_\_\_\_

☒ \$100.00 Fee Paid at \$50.00 for each new lot created. (The residual of the original parcel shall be excluded).

Forwarded to Planning Commission 10 Days Prior to their \_\_\_\_\_ (date) Meeting.  
Planning Commission Action: ☐ none ☐ approval ☐ denial ☐ modification

RECEIVED: 3/17/15

PROPOSED LOT SPLIT

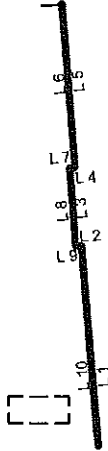
SECTION #19, TOWN 4, R-8, M.R.s.  
VILLAGE OF YELLOW SPRINGS  
GREENE COUNTY, OHIO

3 TRACTS CONTAINING:

- 0.306 ACRE TRACT 1
- 0.401 ACRE TRACT 2
- 0.612 ACRE TRACT 3

1.319 ACRES TOTAL

- LEGEND:
- O = 5/8" Rebar found (Capped Green)
  - = 5/8" Rebar Found (capped Clinco & Sutton)
  - = Axle at fence corner Found
  - ⊗ = 5/8" Rebar Set (capped Toedman 7937)
  - X = Chain link fence post found



LINE	BEARING	LENGTH
L1	N 85°27'28" E	69.94'
L2	N 04°34'35" W	2.50'
L3	N 85°27'28" E	35.50'
L4	S 04°32'32" E	2.50'
L5	N 85°27'28" E	69.94'

LINE	BEARING	LENGTH
L1	N 85°27'28" E	69.94'
L2	N 04°34'35" W	2.50'
L3	N 85°27'28" E	35.50'
L4	S 04°32'32" E	2.50'
L5	N 85°27'28" E	69.94'

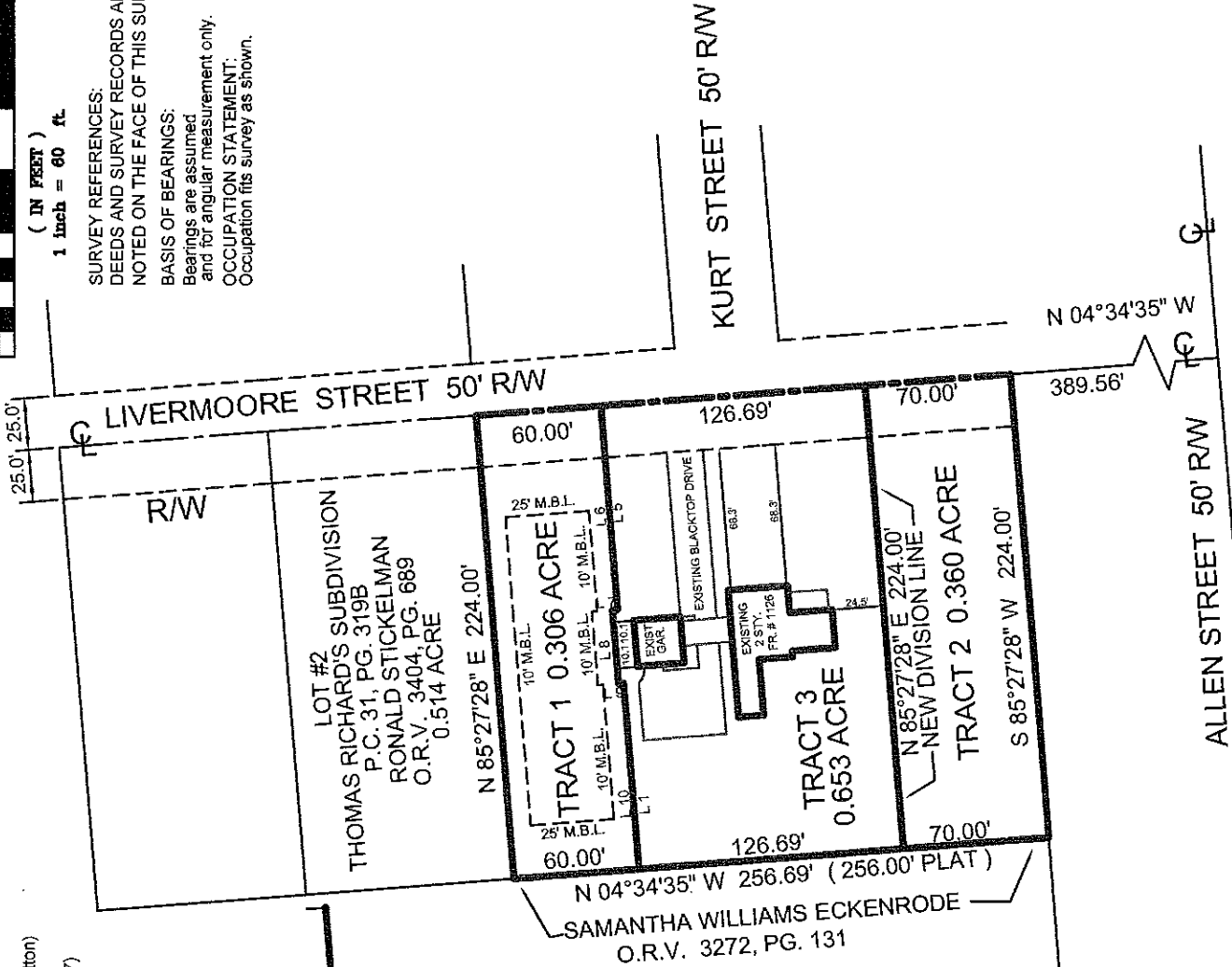
FRIENDS HEALTH CARE  
D.B.546, PG. 527  
17.503 ACRES

GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.

SURVEY REFERENCES:  
DEEDS AND SURVEY RECORDS ARE  
NOTED ON THE FACE OF THIS SURVEY  
BASIS OF BEARINGS:  
Bearings are assumed  
and for angular measurement only.  
OCCUPATION STATEMENT:  
Occupation fits survey as shown.



Henry L. Toedman  
L.S. 7937

5006 BUNNELL HILL ROAD  
LEANS, OHIO 43032  
PHONE 637-865-7678  
FAX 637-865-7717

SURVEYED BY:

Reg. Surveyor No. 7937

APPROVED  
Greene County Engineer

By \_\_\_\_\_ Date \_\_\_\_\_

ZONING \_\_\_\_\_

APPROVED BY:

RFCC \_\_\_\_\_ DATE \_\_\_\_\_



GRANTOR SAMANTHA WILLIAMS ECKENRODE  
GRANTEE SAMANTHA WILLIAMS ECKENRODE  
LOCATION  
Section #19, Town #4, Range #8 M.R.s.  
or Survey No. \_\_\_\_\_  
YELLOW SPRINGS VILLAGE  
GREENE COUNTY, OHIO  
DATE MARCH 09, 2015



# Staff Report

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**APPLICATION NUMBER:** 15-003  
**APPLICANT:** Village of Yellow Springs Planning Commission  
**TYPE OF REQUEST:** Map Amendment

## **BACKGROUND:**

Staff found that the property at 104 Xenia, which is the location of a restaurant known as Peach's was rezoned C – Conservation when the zoning map was adopted in September 2013. The property has been utilized as a restaurant for over a decade. Staff identified the conflict and asked the Planning Commission to initiate a rezoning. The Commission voted unanimously in February of 2015 to rezone the property from C – Conservation with a Gateway Overlay District to B-1 Central Business with a Gateway Overlay District.

## **REQUIREMENTS:**

Section 1280.02(b) of the Zoning Code highlights the requirements for a rezoning application which include:

- (1) are consistent with the goals, policies and future land use map of the Yellow Springs Comprehensive Development Plan and the Vision: Yellow Springs and Miami Township document; or, if conditions have changed significantly since the plan was adopted, is consistent with recent development trends in the area;
- (2) are compatible with the site's physical, geological, hydrological and other environmental features;
- (3) are compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts;
- (4) can be accommodated on the subject property, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting; and
- (5) do not result in a spot zone.

## **PLANNING COMMISSION DUTIES**

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the map amendment request.

## **FINDINGS**

Staff has found that the proposal meets the requirements of Section 1280.02(b). The property is the site of a commercial establishment, not a park. Neither the Village's Comprehensive Plan nor the Vision Plan indicates that this area is designated as a future planned park. Finally, this is not a spot zone as it would add to the existing adjacent B-1 Central Business zoning district.

## **DISCUSSION**

Staff has found that the zoning on this property was most likely a misidentification of the property as a park being in close proximity to the existing bike path and train station, which are adjacent to the property. The adopted map lacks appropriate street lines which cloud the ability for the casual observer to know the location of properties in this area of the Village. The village discovered the discrepancy when comparing the adopted zoning map from 2013 to the street address map in GIS.













**RECOMMENDATION**

Staff recommends that the Planning Commission recommend that Village Council **APPROVE** proposed map amendment with the findings that the request satisfies all of the requirements of Section 1280.02 (b) of the Village's Zoning Ordinance.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-3703 or [jjung@vil.yellowsprings.oh.us](mailto:jjung@vil.yellowsprings.oh.us).

# Zoning Map

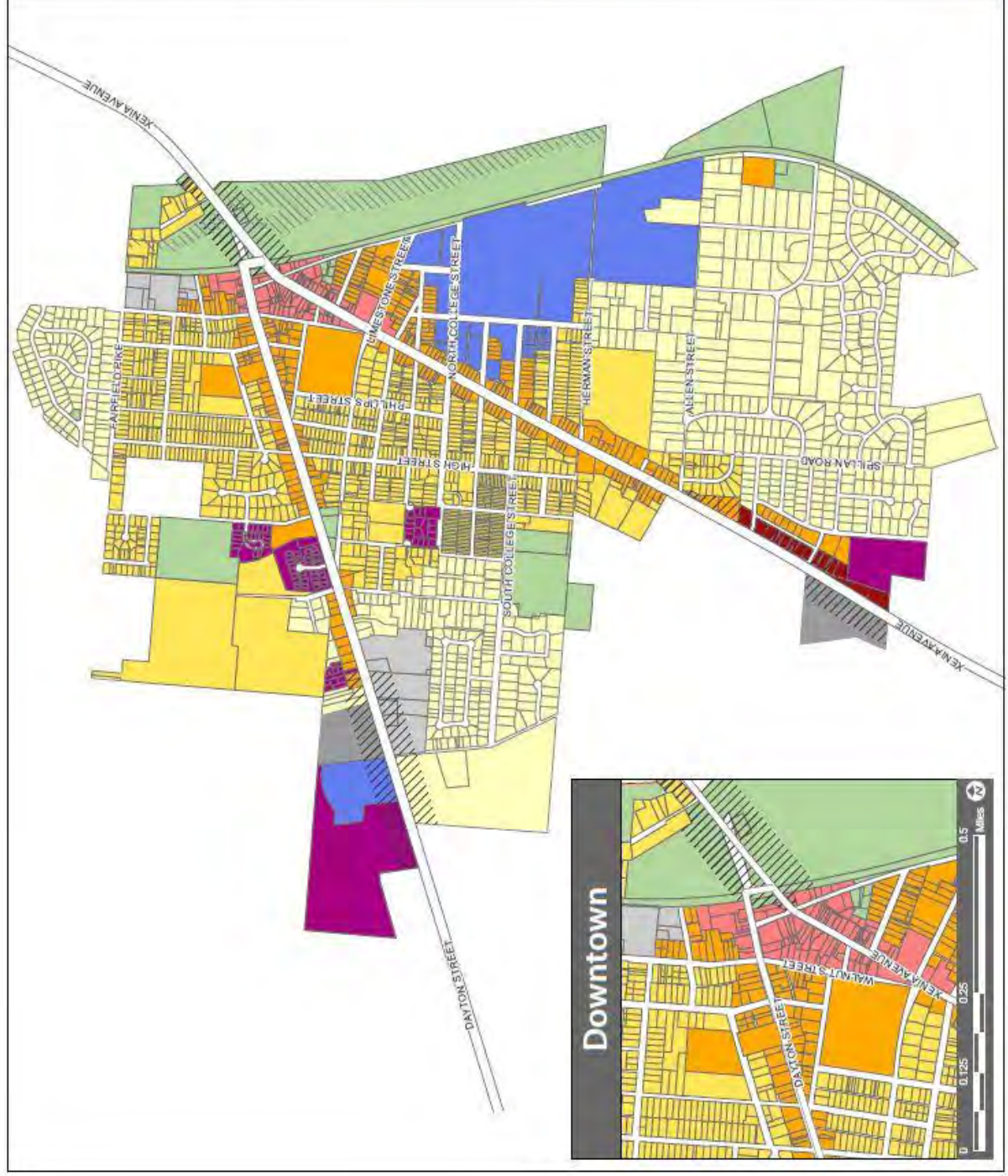
Zoning Code  
Village of Yellow Springs  
Greene County, OH

-  C Conservation
-  R-A Low Density Residential
-  R-B Moderate Density Residential
-  R-C High Density Residential
-  E-1 Educational Institution
-  B-1 Central Business
-  B-2 General Business
-  I-1 Business Park
-  I-2 Industrial
-  PUD Planned Unit Development
-  Floodplain Overlay District
-  Gateway Overlay District

Adopted - 8/16/2013



Sources: State of Ohio, Village of Yellow Springs





# Downtown





Picture of property from Xenia Ave.



# Staff Report

---

**APPLICATION NUMBER:** 15-005  
**APPLICANT:** Antioch College  
**TYPE OF REQUEST:** Right-of-way Vacation (E. Herman Street)

## **BACKGROUND:**

Antioch College has requested that the Village vacate the right-of-way of an eastern portion of Herman Street. The portion is located between the turn around on Herman east of Livermore and Corry Street. It is twenty-five (25) feet in width and is One thousand twenty-two (1022) feet in length. The street is a paper street. The proposal was heard on December 8, 2014 however the Planning Commission decided to table the application. The street is located in the E-1 Educational Institution zoning district.

## **REQUIREMENTS:**

Section 1224.02(b) of the Village Code of Ordinances highlights the decision criteria for a right-of-way vacation which are:

- (1) The relationship between the proposed action and the Yellow Springs Comprehensive Development Plan.
- (2) Staff recommendation concerning such things as present land use, adjacent property access, utility easements and transportation needs.
- (3) Validity of the applicant's reasons for requesting the vacation.
- (4) General Citizen reaction to the proposed vacation.
- (5) Abutting property owners' support or lack thereof for the proposed vacation.

## **PLANNING COMMISSION DUTIES**

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the right-of-way vacation request.

## **FINDINGS**

- (1) The relationship between the proposed action and the Yellow Springs Comprehensive Development Plan.**
  - a. The right-of-way is not identified in the plan as a connector for automobile traffic in the Village's Comprehensive Plan.
- (2) Staff recommendation concerning such things as present land use, adjacent property access, utility easements and transportation needs.**
  - a. Present Land Use: Historically this area used to be the location of a golf course that was owned by the College. Currently the adjoining land is utilized by the College as part of its small scale farming operation and also its solar array field.
  - b. Adjacent Property Access: Adjacent property is currently accessed by the cul-de-sac at the end of the maintained portion of Herman.
  - c. Staff consulted with utility department heads and the Miami Township Fire Department. Their responses are summarized below:
    - i. Fire Department: Concerned about maintaining turn around at the end of Herman Street.
    - ii. Water and Electric: There is a 4 inch main water line running behind President Street right-of-way. There is no clear way to access this if the right-of-way is vacated. Not sure if the proposed farm will raise elevations of



right-of-way. A certain amount of depth is needed for maintenance for the existing utility lines, adding more topsoil would impair the Village's ability to access those lines.

iii. Sewer: There is an existing sanitary sewer main that runs within and adjacent to the undeveloped Herman Street right-of-way that connects to a sanitary sewer main in Corry Street.

1. Concerns over meeting EPA standards for farm runoff into sanitary sewer. Needs fencing to be at least ten feet from manhole in the middle of the right-of-way for access, (5 feet on each side).

2. Concerned about east/west access from Corry to rest of village.

d. Transportation Needs: The right-of-way has never been utilized as a street. A majority of it is about twenty five (25) feet in width, which is too narrow to be utilized for a street according to the Village's Subdivision regulations. However it could be utilized as a bicycle or pedestrian path in the future.

**(3) Validity of the applicant's reasons for requesting the vacation.**

a. The applicant has stated that they intend to expand their farm garden and solar array onto the site.

**(4) General Citizen reaction to the proposed vacation.**

a. At the December 2014 Planning Commission meeting residents spoke voicing concern that nearby property owners had not been notified of the meeting.

**(5) Abutting property owners' support or lack thereof for the proposed vacation.**

a. The college owns all adjacent property to this right-of-way. Staff has mailed notices to property owners beyond the required scope of the regulations to include all properties along Herman to the intersection of Herman and Livermore. The village offices have received no phone, email or written correspondence regarding the vacation proposal as of the writing of this report.

**DISCUSSION**

Staff has found that concern remains regarding the utilities that run within the existing right-of-way. Additionally there are environmental concerns regarding runoff from the farm entering the Village's storm sewer system.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend that Village Council **DISAPPROVE** the proposed right-of-way vacation with the following findings:

- Vacating of the right-of-way would not allow sufficient access to exiting Village utilities.
- Long term plans presented by the applicant may conflict with utility performance and maintenance in the right-of-way.

Staff recommends that the applicant do the following before reapplying to the Planning Commission:

- Present the farm use expansion outlined in the College Master Plan along with the application for right-of-way vacation.
- Consult with Village Utility departments and reach an agreement for the maintenance of the existing utilities in the paper street.

In the event these things cannot be accomplished staff is willing to explore other ways to incorporate the non-vacated right-of-way into the College's master plan.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-3703 or [jyung@vil.yellowsprings.oh.us](mailto:jyung@vil.yellowsprings.oh.us).

**Pictures of site**



Village of Yellow Springs  
Application for Right-of-way Vacation

Applicant(s): Antioch College / Reggie Stratton

Applicant's mailing address: 1 Morgan Place  
Yellow Springs, OH 45387

Phone: 937-478-2704

Location of Right-of-way: East Herman Street - South Campus  
Between west property line and Corry St.

Attachments: ☒ Map / Survey ☒ Legal description  
☐ Petition from all Abutting Property Owners

Applicant's Signature: [Signature] Date: 10/16/14  
The applicant hereby certifies that all information on and attached to this application is true and correct.

\*\*\*\*\*  
For Village use only:

Date filed: 9-18-14 ☒ \$35 Fee Paid Received at Council Mtg. \_\_\_\_\_ date

Planning Commission Action:

Notice Publication date: 11-27-14  
(min. 10 days prior to hearing)

☐ Affidavit attached

Notice mailed to abutting property owners, date: 11-21-14

☐ Mailing list attached

Public Hearing date: 12-8-14  
(max. 60 days from receipt by P.C.)

☐ Minutes attached

Recommended for: ☐ approval ☐ denial ☐ modification

Recommendation date: \_\_\_\_\_  
(max. 60 days from receipt by P.C.)

☐ Report attached

Village Council Action:

Notice & Map Publication date: \_\_\_\_\_  
(min. 10 days prior to hearing if petitioned, 60 days without)

☐ Affidavit attached

Notice mailed to abutting property owners, date: \_\_\_\_\_

☐ Mailing list attached

Public Hearing date: \_\_\_\_\_

☐ Minutes attached

Council Action: ☐ approval ☐ denial ☐ modification

Ordinance # \_\_\_\_\_ Date: \_\_\_\_\_



ANTIOCH  
COLLEGE

Physical Plant Department

Antioch College  
1 Morgan Place  
Yellow Springs, Oh 45387  
937-478-2704

September 18, 2014

Yellow Springs Planning Commission  
100 Dayton Street  
Yellow Springs, OH 45387

Attention: Judy Kintner, Clerk of Council

Re: Request to Vacate Streets and Alley

Dear Judy,

Antioch College is formally requesting that the Village of Yellow Springs vacate the following streets and alley located on our campus:

1. Herman Street right of way, extending from west property line to Corry Street.
2. E. North College Street right of way, extending through campus from east side of Livermore Street to Corry Street
3. 15" wide alley extending 450' from east side of Livermore Street through the Wellness Center.

The purpose of this request is as follows:

1. Future planning of pedestrian and bicycle friendly brick pathway across campus from Livermore to Corry Street at E. North College Street right of way location.
2. Farm garden expansion and Solar site development on South Campus along the Herman Street right of way.
3. Protection of Wellness Center building from any planned future Village development of specified alley.

Antioch College will still honor any sanitary, storm water and village water easements once the streets and alley are vacated.

Thank you,

Reggie Stratton

# LEGEND

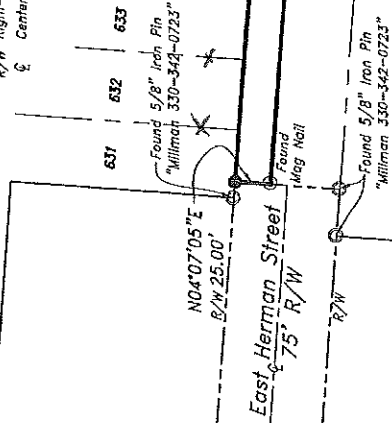
- Set Iron Pin
- Found Iron Pin
- ⊙ Found Mag Nail
- ⚠ Found Railroad Spike
- ⊥ R/W Right-of-Way
- ⊥ Centerline

**Vacated East Herman Street**  
 Situated in the Village of Yellow Springs,  
 Greene County, Ohio:  
 Section 20 & 14, Town 4, Range 8  
 0.584 Acres

Antioch College Corp. Plot 169B  
 Vol. 13 Cabinet 3X

Antioch College Corporation  
 Vol. 3053, Page 191

Survey Tract 22  
 Antioch College Corporation  
 Vol. 3053, Page 191



## NOTES:

1. Basis of Bearing: Ohio State Plane Coordinates, NAD83, South Zone.
2. Lines of occupation, wherever they exist, generally agree with boundary lines.
3. All monumentation shown in good condition unless otherwise noted.
4. All documents used as shown.
5. Prior Deed Reference: Vol. 3053, Page 191

## CERTIFICATION

This survey was made from an actual field survey performed on August 7, 2014. The Plot of Survey was prepared in accordance to the Ohio Administrative Code Chapter 4733-37 Standards for Boundary Surveys and that all monumentation is or is to be set as shown.

SCALE: 1" = 80'



Antioch College Corporation	
1160 Cory Street	
Yellow Springs Village, Ohio, 45387	
Bock & Clark	
7362 Kingsgate Way, Suite A	
West Chester, Ohio 45069 (513)-779-9944	
Scale 1"=80'	Date: August 7, 2014
Sheet 1 of 1	Project No. 1201402099

David J. Kuelthe  
 Registered Surveyor No. 7911  
 State of Ohio



**VACATED EAST HERMAN STREET**  
**0.584 ACRE**

Situated in the Village of Yellow Springs, County of Greene, State of Ohio, and being part of Section 20 & 14, Town 4, Range 8 and being more particularly described as follows:

Beginning at a found mag nail at the northwest corner of Vacated East Herman Street as conveyed to Antioch College Corporation and described in Survey Tract 22, recorded in Volume 3053, Page 191 of the Official Records of Greene County, Ohio, and the True Point of Beginning;

Thence, North  $04^{\circ}07'05''$  East through the right-of-way of East Herman Street, a distance of 25.00 feet to a set  $5/8''$  iron pin;

Thence, South  $85^{\circ}52'55''$  East along the northerly right-of-way line of said East Herman Street same being the southerly line of Lot 13 shown on Antioch College Corp. Plat recorded in Plat Cabinet 37, Page 169B, a distance of 1013.94 feet to a found  $5/8''$  iron pin "Millman 330-342-0723";

Thence, South  $14^{\circ}42'24''$  East along the West line of Corry Street (60' wide – Public), a distance of 26.41 feet to a found  $5/8''$  iron pin "Millman 330-342-0723";

Thence, North  $85^{\circ}52'55''$  West along the northerly of said Vacated East Herman Street, a distance of 1022.46 feet to the True Point of Beginning, containing 0.584 acres.

Basis of bearings for this survey is Ohio State Plane Coordinates, NAD83, South Zone.

All set pins are  $5/8$  inch diameter x 30 inches in length rebar with a plastic cap bearing the number 7911.

The above description is prepared from and in accordance with a field survey by David J. Kuethe, Ohio Registered Surveyor No. 7911 dated August 7, 2014.





General Information  
 Owner Name  
 Owner Cont  
 Address  
 City  
 State  
 Zip  
 County

Property Information  
 Parcel ID  
 Address  
 City  
 State  
 Zip  
 County

Building Information  
 Story  
 Construction  
 Type  
 Year Built  
 Total Rooms  
 Bedrooms  
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 Total Area  
 Total Value

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Herman Street Vacation Request

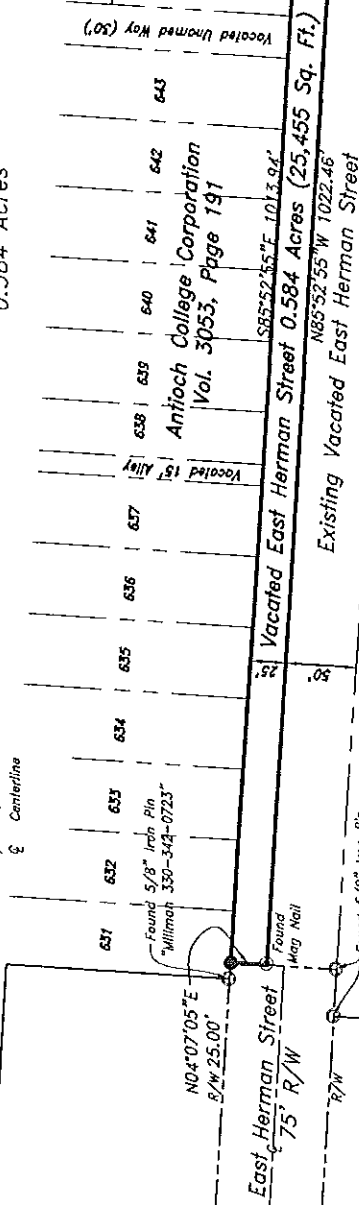


# LEGEND

- Set Iron Pin
- Found Iron Pin
- ⊙ Found Mag Nail
- ▲ Found Railroad Spike
- △ Found Right-of-Way
- ⊕ Centerline

**Vacated East Herman Street**  
Situating in the Village of Yellow Springs,  
Greene County, Ohio:  
Section 20 & 14, Town 4, Range 8  
0.584 Acres

Lot 13  
Antioch College Corp. Plat 1698  
Plat Cabinet 38



**Survey Tract 22**  
Antioch College Corporation  
Vol. 3053, Page 191

## NOTES:

1. Basis of Bearings: Ohio State Plane Coordinates, NAD83, South Zone.
2. Lines of occupation, wherever they exist, generally agree with boundary lines.
3. All monumentation shown in good condition unless otherwise noted.
4. All documents used as shown.
5. Prior Deed Reference: Vol. 3053, Page 191

## CERTIFICATION

This survey was made from an actual field survey performed on August 7, 2014. The Plat of Survey was prepared in accordance to the Ohio Administrative Code Chapter 4733-37 Standards for Boundary Surveys and that all monumentation is or is to be set as shown.

David J. Kuehn  
Registered Surveyor No. 79111  
State of Ohio



Antioch College Corporation	
1160 Cary Street	
Yellow Springs Village, Ohio, 45387	
Bock & Clark	
7362 Kingsgate Way, Suite A	
West Chester, Ohio 45069 (513)-779-9944	
Scale 1"=80'	Date August 7, 2014
Sheet 1 of 1	Project No. 1201-40289

VILLAGE OF YELLOW SPRINGS  
REVIEW AND COMMENT SHEET  
(927) 767-3703 / tennist@yso.com

LOCATION: The undeveloped portion of Herman Street right-of-way located between the east end of the built portion of Herman Street and Corry Street.

DATE: December 4, 2014

Scheduled for Planning Commission Review at their December 8th meeting at 7:00pm. You are welcome to attend the meeting. Please return review comments A.S.A.P.

PROPOSAL: Development of a Solar Array Field to support Antioch College energy needs.

X	Village Water / Electric	1 Site Plan w/ Packet of info		Village Zoning Division	
			X	Village Manager	1 Site Plan w/ Packet of info
X	Village Streets / Sanitary Sewer / Stm Water	1 Site Plan w/ Packet of info		Greene County GIS	
			X	Miami Township Fire Department	1 Site Plan w/ Packet of info
			X	Village Police Department	1 Site Plan w/ Packet of info

COMMENTS:

NEEDS to MAINTAIN ACCESS to 4" WATER MAIN  
ALSO NOT CHANGE GRADE AROUND THIS AREA!

SEE MAP FOR WATER Line

X

APPROVAL

CONDITIONAL APPROVAL

DISAPPROVAL

Review Agent:

DATE:

POSITION:

SUPERINTENDENT  
ELECTRIC/WATER

VILLAGE OF YELLOW SPRINGS  
REVIEW AND COMMENT SHEET  
(927) 767-3703 / tennist@yso.com

LOCATION: The East North College Street right-of-way  
between Livermore Street and Corry Street.

DATE: December 4, 2014

Scheduled for Planning Commission Review at their December 8th meeting at 7:00pm. You are welcome to attend the meeting. Please return review comments A.S.A.P.

**PROPOSAL: Development of a Solar Array Field to support Antioch College energy needs.**

X	Village Water / Electric	1 Site Plan w/ Packet of info		Village Zoning Division	
			X	Village Manager	1 Site Plan w/ Packet of info
X	Village Streets / Sanitary Sewer / Stm Water	1 Site Plan w/ Packet of info		Greene County GIS	
			X	Miami Township Fire Department	1 Site Plan w/ Packet of info
			X	Village Police Department	1 Site Plan w/ Packet of info

COMMENTS:

THE VILLAGE IS GETTING READY TO INSTALL A NEW WATER LINE  
ON THIS SECTION. AT THIS TIME, I DON'T THINK THE VILLAGE  
SHOULD ALLOW THIS.

THIS ALSO WOULD LOCK THE VILLAGE FROM PUTTING  
BACK AS A ROAD IN THE FUTURE.

APPROVAL

CONDITIONAL APPROVAL

X

DISAPPROVAL

Review Agent:

DATE: 12-8-14

POSITION:

SUPERINTENDENT  
ELECTRIC/WATER

I have been submitted Right-of-Way vacates for (3) locations within Antioch College for my approval, being the Superintendent of Streets, Wastewater Collection and Parks and Recreation. Among these are 1) East North College – between Livermore and Corry; 2) Alley East of Livermore – location of the Wellness Center; and 3) The undeveloped portion of Herman Street – between Herman turn around and Corry Street.

#### East North College

- 1) After careful review, I cannot approve vacating of such street. I have infrastructure, aged infrastructure, in and near that roadway. Contrary to document stating ***"it appears that this right-of-way was never developed for streets purposes"***, it was once a through street – connecting Livermore Street to Corry Street, not an alleyway as the plans suggest. I have a sewer main that carries a great deal of sewer to connect with the Corry Street trunk that transports waste to the Wastewater Treatment Plant. Also installed are numerous storm water drainage catch basins.

It has been brought to my attention that this has been brought up previously and the Village has disapproved, and I am going to disapprove this once again.

#### Alley East of Livermore

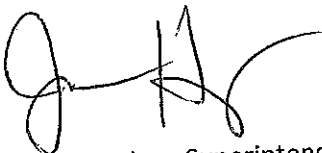
- 2) Since there is a building currently erected upon said location at this time, I am approving this location. I don't have any infrastructure there as well.

#### Herman Street

- 3) I am also going to disapprove this request as well. We currently have sanitary infrastructure running through this area as well. This was an issue when the College was building their solar farm. It was an understanding between the Village and College that if any work was to be performed on our Village sanitary sewers, the Village would not be putting back any fencing or materials located closely to our said sanitary mains.

If the College were to ever go under again, both #1 and #3 locations could be used as potential through streets connecting Livermore Street to Corry Street, enabling quicker response for MTR and Village Police. It would also allow residents to access the bike path and Glen Helen better.

Thanks so much for your time



Jason Hamby – Superintendent of Streets, Wastewater Collection, Parks & Recreation



# Staff Report

---

**APPLICATION NUMBER:** 15-004  
**APPLICANT:** Antioch College  
**TYPE OF REQUEST:** Right-of-way Vacation

## **BACKGROUND:**

Antioch College has requested that the Village vacate the right-of-way of an eastern portion of North College Street. The portion is located between Livermore and Corry Streets. It is sixty-six (66) feet in width and is one thousand thirty-six (1036) feet in length. The street has been closed from automobile traffic however it is a fire access for the existing buildings located along the street. The proposal was heard on December 8, 2014 however the Planning Commission decided to table the application. The street is located in the E-1 Educational Institution zoning district.

## **REQUIREMENTS:**

Section 1224.02(b) of the Village Code of Ordinances highlights the decision criteria for a right-of-way vacation which are:

- (1) The relationship between the proposed action and the Yellow Springs Comprehensive Development Plan.
- (2) Staff recommendation concerning such things as present land use, adjacent property access, utility easements and transportation needs.
- (3) Validity of the applicant's reasons for requesting the vacation.
- (4) General Citizen reaction to the proposed vacation.
- (5) Abutting property owners' support or lack thereof for the proposed vacation.

## **PLANNING COMMISSION DUTIES**

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the right-of-way vacation request.

## **FINDINGS**

### **(1) The relationship between the proposed action and the Yellow Springs Comprehensive Development Plan.**

- a. The right-of-way is not identified in the plan as a connector for automobile traffic in the Village's Comprehensive Plan.

### **(2) Staff recommendation concerning such things as present land use, adjacent property access, utility easements and transportation needs.**

- a. Present Land Use: The present surrounding land use is associated with Antioch College. There is a walking path located along the north side of the street. The street is not accessible to automobiles due to a gate at each end of the section of the street.
- b. Adjacent Property Access: All properties are accessible by surrounding streets.
- c. Staff consulted with utility department heads and the Miami Township Fire Department. Their responses are summarized below:
  - i. Fire Department: Main concern is fire access to building located along the street. If that access can be maintained they have no issues.
  - ii. Water and Electric: Utility lines are present under the street and access would need to be maintained.

iii. Sewer: Sewer lines are under the street and access to them will need to be maintained.

- d. Transportation Needs: Although not identified as a possible automobile connector, the street can be utilized as a pedestrian and bicycle connection between the Village, the School and the Little Miami Trail. The applicant has indicated that they intend to convert the street into a bricked pedestrian and bicycle walkway. The plan was presented as part of the Antioch Master Plan and the Antioch Eco-Village Charrette in March 2015.

**(3) Validity of the applicant's reasons for requesting the vacation.**

- a. The applicant has stated that they intend to reutilize the vacated right-of-way as a brick walking and biking path for the benefit of students. At the charrette, this path was prominently displayed as a connectivity feature for future site development. Some aspects of the plan show development possibly encroaching into the middle section of the vacated right-of-way. These areas must be developed in a way to either relocated or avoid the existing utilities.

**(4) General Citizen reaction to the proposed vacation.**

- a. The Village offices have not received any comments regarding the proposed vacation. Staff notified adjacent property owners within 100 feet of the alley vacation and sent notice in the Yellow Springs News for three weeks. The agenda item was announced at the past two Village Council meetings.

**(5) Abutting property owners' support or lack thereof for the proposed vacation.**

- a. The college owns all adjacent property to this right-of-way. Staff has mailed notices to property owners beyond this scope.

**DISCUSSION**

Staff has found that the primary concerns from the village utility departments are maintained access to the existing utility lines. Additionally there also needs to be clarity on how the area is repaired when utility line maintenance is required. Currently the Village utility departments only replace with compact gravel for lines outside of paved Village right-of-way. The utility departments have stated they cannot replace the brick if the walkway is converted.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend that Village Council **APPROVE** the proposed right-of-way vacation with the following conditions:

- Maintain a utility easement for existing utility access.
- Relocate utilities if at some point in the future if a building is constructed in the vacated right-of-way.
- Enter into an agreement with Village utilities on the restoration from utility maintenance.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-3703 or [jyung@vil.yellowsprings.oh.us](mailto:jyung@vil.yellowsprings.oh.us).

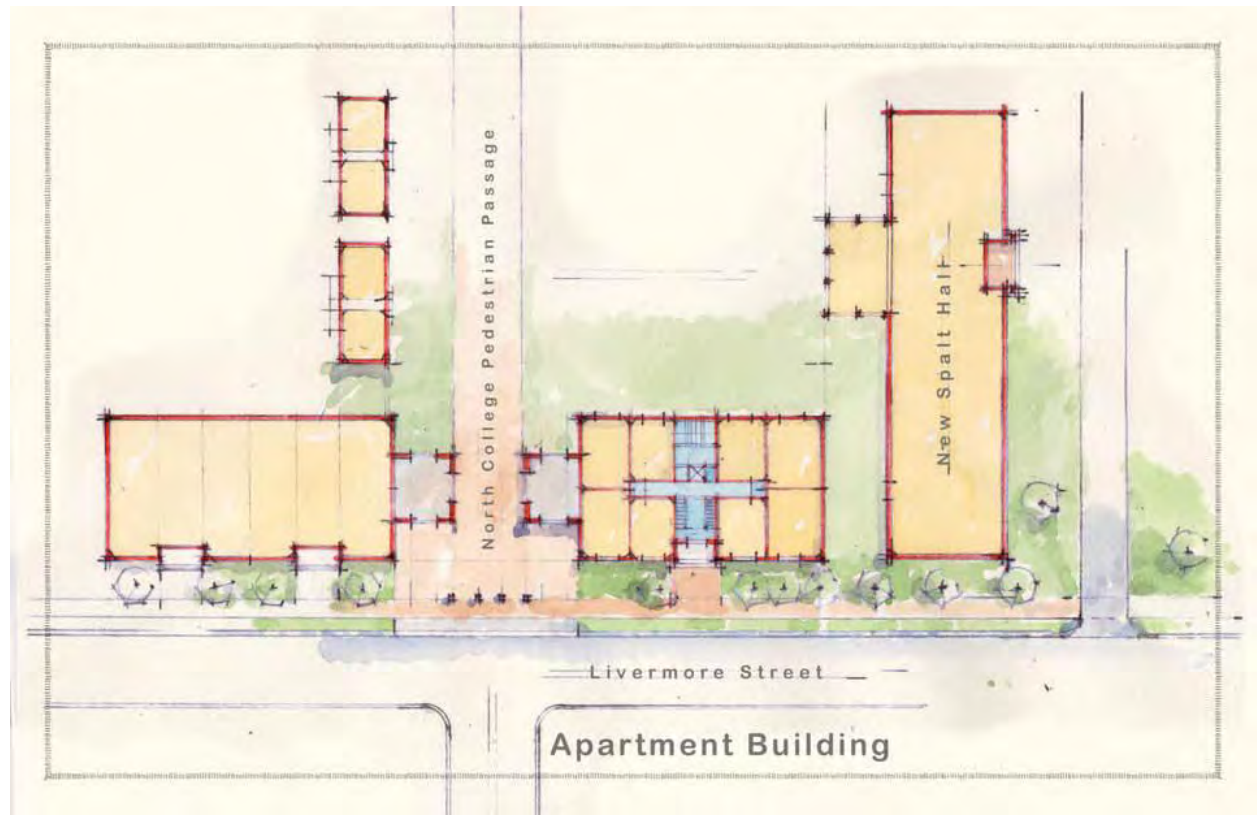


## Pictures of site





**From Antioch Eco-Village Charrette**





Village of Yellow Springs  
Application for Right-of-way Vacation

Applicant(s): Antioch College / Reggie Stratton

Applicant's mailing address: 1 Morgan Place  
Yellow Springs, OH 45387

Phone: 937-478-2704

Location of Right-of-way: E. North College St.  
Between Livermore & Corry St.

Attachments: ☒ Map / Survey ☒ Legal description  
☐ Petition from all Abutting Property Owners

Applicant's Signature: [Signature] Date: 10/16/14  
The applicant hereby certifies that all information on and attached to this application is true and correct.

\*\*\*\*\*  
For Village use only:

Date filed: \_\_\_\_\_ ☐ \$35 Fee Paid Received at Council Mtg. \_\_\_\_\_ date

Planning Commission Action:

Notice Publication date: \_\_\_\_\_  
(min. 10 days prior to hearing)

☐ Affidavit attached

Notice mailed to abutting property owners, date: \_\_\_\_\_

☐ Mailing list attached

Public Hearing date: \_\_\_\_\_  
(max. 60 days from receipt by P.C.)

☐ Minutes attached

Recommended for: ☐ approval ☐ denial ☐ modification

Recommendation date: \_\_\_\_\_  
(max. 60 days from receipt by P.C.)

☐ Report attached

Village Council Action:

Notice & Map Publication date: \_\_\_\_\_  
(min. 10 days prior to hearing if petitioned, 60 days without)

☐ Affidavit attached

Notice mailed to abutting property owners, date: \_\_\_\_\_

☐ Mailing list attached

Public Hearing date: \_\_\_\_\_

☐ Minutes attached

Council Action: ☐ approval ☐ denial ☐ modification

Ordinance # \_\_\_\_\_ Date: \_\_\_\_\_



ANTIOCH  
COLLEGE

Physical Plant Department

Antioch College  
1 Morgan Place  
Yellow Springs, Oh 45387  
937-478-2704

September 18, 2014

Yellow Springs Planning Commission  
100 Dayton Street  
Yellow Springs, OH 45387

Attention: Judy Kintner, Clerk of Council

Re: Request to Vacate Streets and Alley

Dear Judy,

Antioch College is formally requesting that the Village of Yellow Springs vacate the following streets and alley located on our campus:

1. Herman Street right of way, extending from west property line to Corry Street.
2. E. North College Street right of way, extending through campus from east side of Livermore Street to Corry Street
3. 15" wide alley extending 450' from east side of Livermore Street through the Wellness Center.

The purpose of this request is as follows:

1. Future planning of pedestrian and bicycle friendly brick pathway across campus from Livermore to Corry Street at E. North College Street right of way location.
2. Farm garden expansion and Solar site development on South Campus along the Herman Street right of way.
3. Protection of Wellness Center building from any planned future Village development of specified alley.

Antioch College will still honor any sanitary, storm water and village water easements once the streets and alley are vacated.

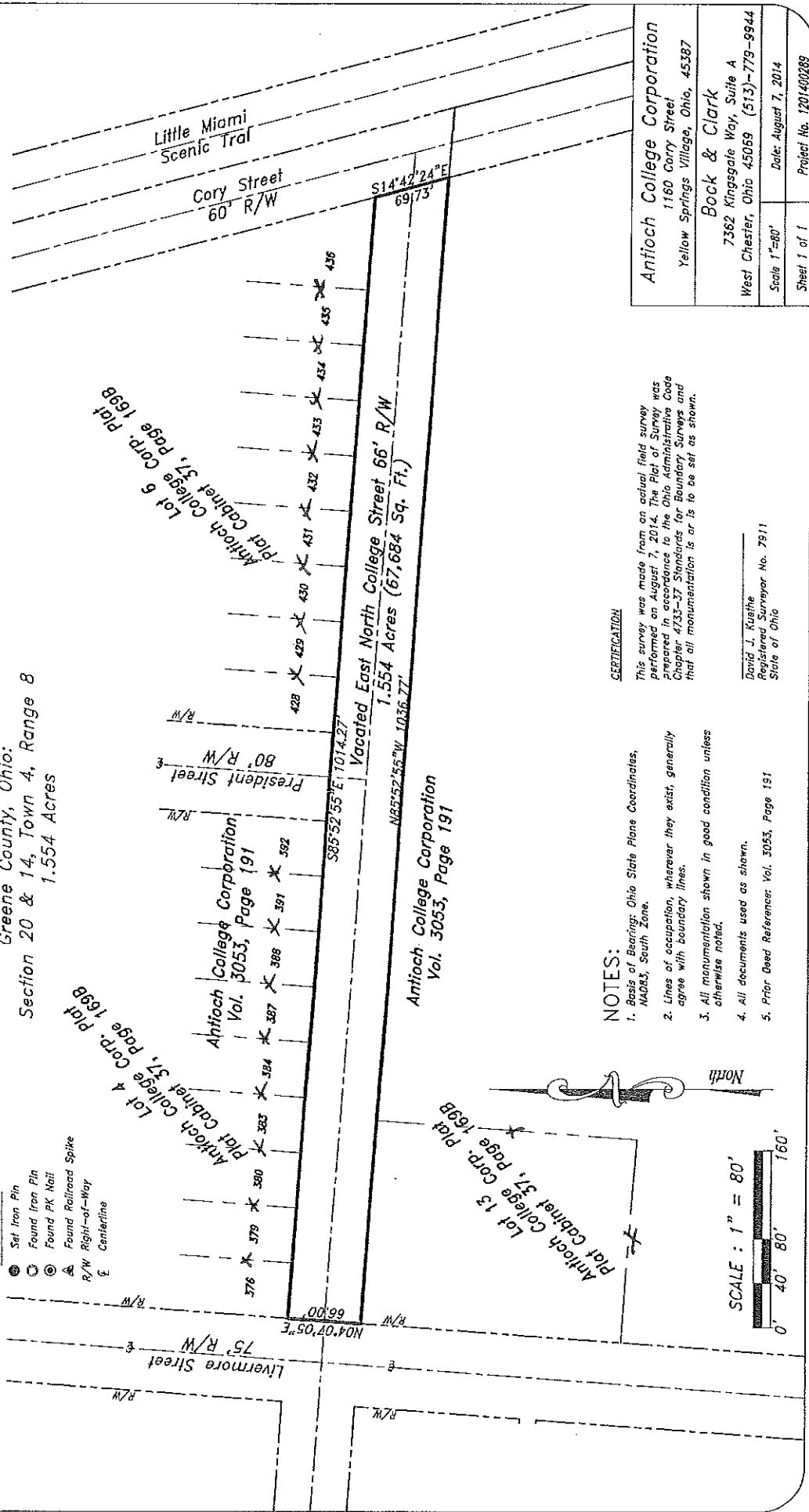
Thank you,

Reggie Stratton

**Vacated East North College Street**  
 Situated in the Village of Yellow Springs,  
 Greene County, Ohio:  
 Section 20 & 14, Town 4, Range 8  
 1.554 Acres

**LEGEND**

- Set Iron Pin
- Found Iron Pin
- ⊙ Found PK Nail
- ▲ Found Railroad Spike
- R/W Right-of-Way
- ⊥ Centerline



**NOTES:**

1. Basis of Bearing: Ohio State Plane Coordinates, NAD83, South Zone.
2. Lines of occupation, wherever they exist, generally agree with boundary lines.
3. All monumentation shown in good condition unless otherwise noted.
4. All documents used as shown.
5. Prior Deed Reference: Vol. 3053, Page 191

**CERTIFICATION**

This survey was made from an actual field survey performed on August 7, 2014. The Plot of Survey was prepared in accordance to the Ohio Administrative Code Chapter 4733-37 Standards for Boundary Surveys and that all monumentation is or is to be set as shown.

David J. Kuefle  
 Registered Surveyor No. 7911  
 State of Ohio

Antioch College Corporation  
 1180 Cory Street  
 Yellow Springs Village, Ohio, 45387

Bock & Clark  
 7362 Kingsgate Way, Suite A  
 West Chester, Ohio 45069 (513)-779-9944

Scale 1"=80'

Date: August 7, 2014

Sheet 1 of 1 Project No. 1201400289

**VACATED EAST NORTH COLLEGE STREET**  
**1.554 ACRE**

Situated in the Village of Yellow Springs, County of Greene, State of Ohio, and being part of Section 20 & 14, Town 4, Range 8 and being more particularly described as follows:

Beginning at the northeast right-of-way intersection of East North College Street (66' wide – public) and Livermore Street (75' wide – Public) and the True Point of Beginning;

Thence, South  $85^{\circ}52'55''$  East along the northerly right-of-way line of said East North College Street same being the southerly line of Lot 4 and Lot 6 shown on Antioch College Corp. Plat recorded in Plat Cabinet 37, Page 169B, a distance of 1014.27 feet;

Thence, South  $14^{\circ}42'24''$  East along the West line of Corry Street (60' wide – Public), a distance of 69.73 feet;

Thence, North  $85^{\circ}52'55''$  West along the southerly line of said East North College Street and Lot 13 shown on Antioch College Corp. Plat recorded in Plat Cabinet 37, Page 169B, a distance of 1036.77 feet;

Thence, North  $04^{\circ}07'05''$  East along the easterly line of said Livermore Street and through said East North College Street, a distance of 66.00 feet to the True Point of Beginning, containing 1.554 acres.

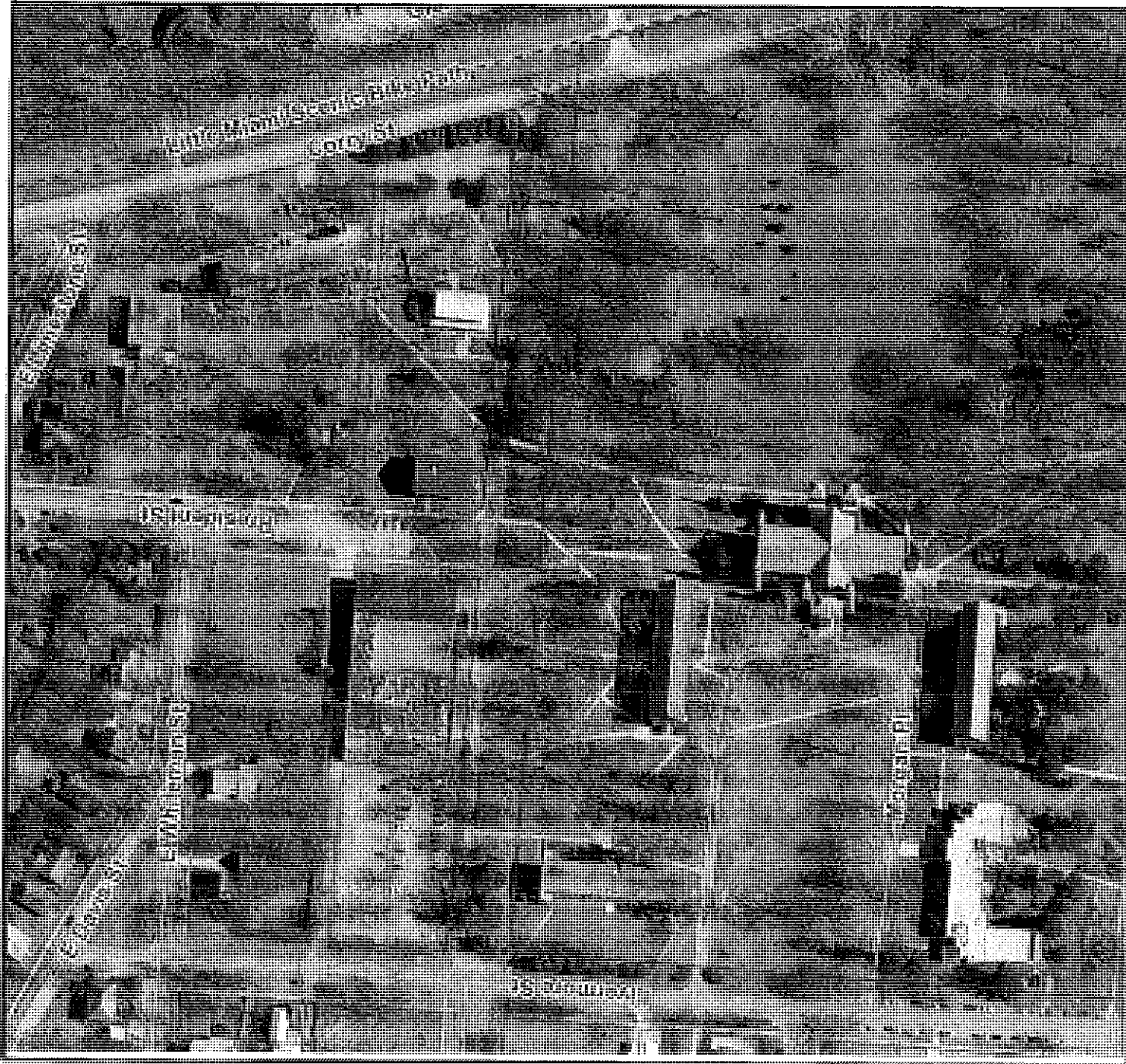
Basis of bearings for this survey is Ohio State Plane Coordinates, NAD83, South Zone.

All set pins are 5/8 inch diameter x 30 inches in length rebar with a plastic cap bearing the number 7911.

The above description is prepared from and in accordance with a field survey by David J. Kuethe, Ohio Registered Surveyor No. 7911 dated August 7, 2014.



一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

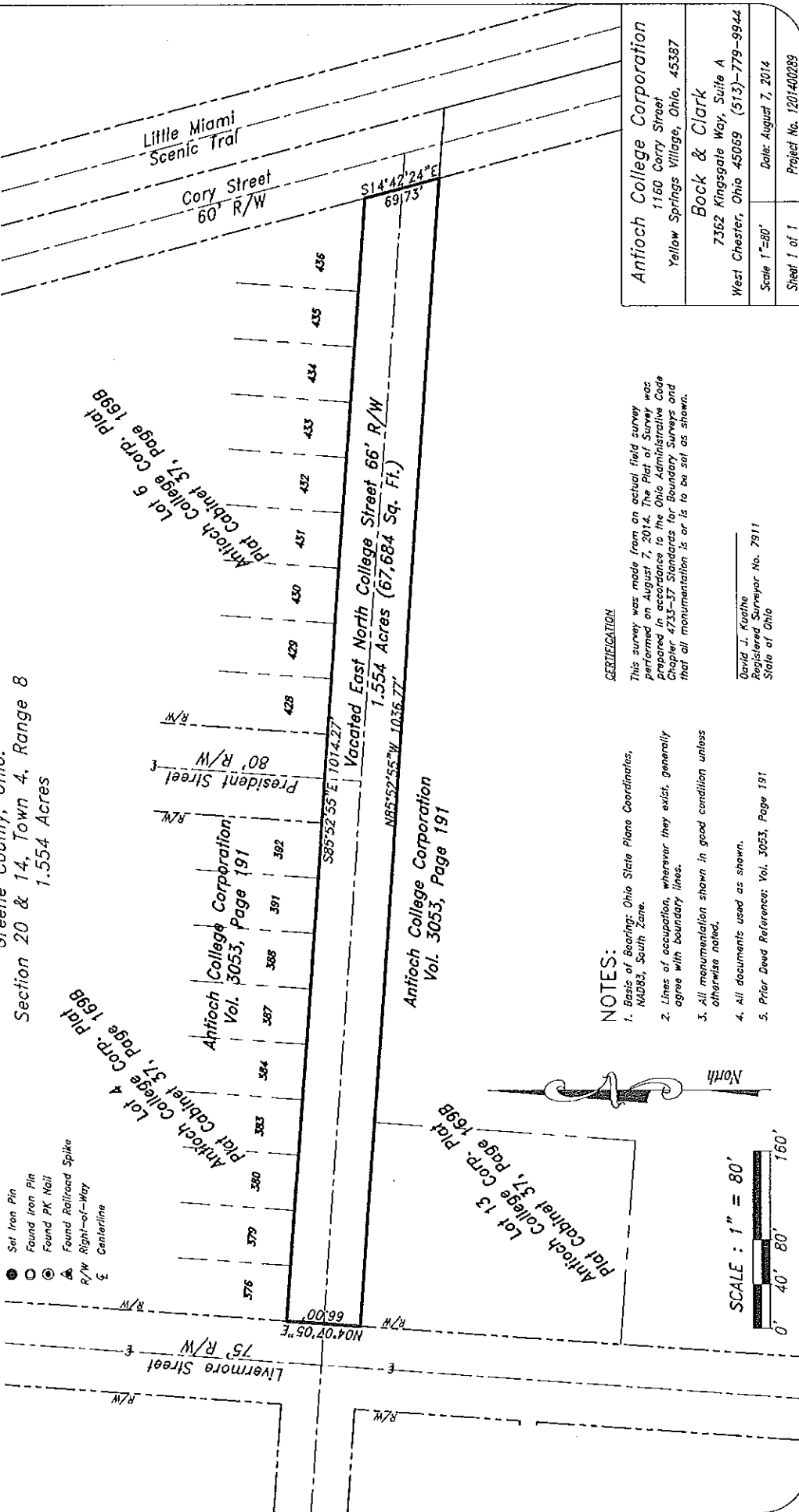
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East North College Street

**Vacated East North College Street**  
 Situated in the Village of Yellow Springs,  
 Greene County, Ohio:  
 Section 20 & 14, Town 4, Range 8  
 1.554 Acres

**LEGEND**

- Set Iron Pin
- Found Iron Pin
- ⊙ Found PK Nail
- ⚓ Found Railroad Spike
- R/W Right-of-Way
- ± Centerline



**NOTES:**

1. Basis of Bearings: Ohio State Plane Coordinates, NAD83, South Zone.
2. Lines of occupation, wherever they exist, generally agree with boundary lines.
3. All monumentation shown in good condition unless otherwise noted.
4. All documents used as shown.
5. Prior Deed References: Vol. 3053, Page 191

**CERTIFICATION**

This survey was made from an actual field survey performed on August 7, 2014. The Plat of Survey was prepared in accordance to the Ohio Administrative Code Chapter 4733-37 Standards for Boundary Surveys and that all monumentation is or is to be set as shown.

David J. Kuehn  
 Registered Surveyor No. 7911  
 State of Ohio

Antioch College Corporation 1160 Cory Street Yellow Springs Village, Ohio, 45387	Bock & Clark 7362 Kingsgate Way, Suite A West Chester, Ohio 45069 (513)-779-9944
Scale 1"=80'	Date: August 7, 2014
Sheet 1 of 1	Project No. 1201400289

## RECORD OF PROCEEDINGS

Minutes of

The Yellow Springs Plan Board

Meeting

4-47-10 THE COL. B. B. MFG. CO.



1097

Held.....

July 22,

19 68

Members Present: Cooper, Duncan, Huston, Zurbuchen, Veimeister, and Kahoe.

Members Absent: None

There were no items slated for the agenda.

Present for the meeting were Mr. Morton Rauh, Antioch College, and Mr. Dober, Planning Consultant.

Mr. Dober indicated that it was a formal request for the closing of North College Street from Livermore Street to Carry, and Pleasant Street from Whiteman to North College; an improvement within the village and college.

Slides were shown of the college campus and area involving the two particular streets. The facts and professional opinions were the results from information gathered over a two years of intensive study.

The street closing would bring about order, safety, and aesthetics. Mr. Dober and Mr. Rauh indicated that the plans were for a brick type of street which would be left wide enough for emergency vehicles to enter and exit from the campus, and easy access to the College Inn for their deliveries and other operational services.

After the slides were shown, there was a discussion, and Mrs. Dober informed Board Members that this was a long range plan (approximately 20 years), and that "No plans are foreseen as to the closing of Livermore Street."

Mr. Duncan informed him that Plan Board members would take a look at the streets and come up with recommendations for Council at the next meeting on August 12th.

Cooper moved to adjourn, seconded by Huston, and the meeting was adjourned.

  
William Duncan, Chairman  
Rachelle E. Dawson, Secretary



# RECORD OF PROCEEDINGS

151  
303

Minutes of

The Yellow Springs Plan Board

Meeting

4-47-10

THE COL. B. S. MFG. CO.



1097

Held

August 12

19 68

Members Present: Duncan, Cooper, Huston, Zurbuchen, and Kahae.

Members Absent: Veimeister

Minutes of the July 22nd meeting were read and approved.

Chairman Duncan read a petition circulated by Mrs. Fraelick which contained about 20 names of property owners who were against the closing of President Street from N. College to Whiteman Street, and East North College from Livermore Street to Corry Street. The letter was passed on for Council at their meeting on August 13th.


Mr. Rauh was present and presented additional data pertaining to the closing of the two streets obtained from a traffic survey.

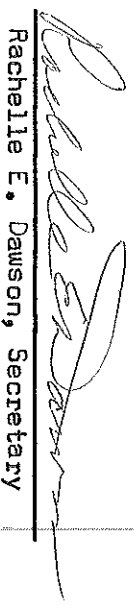
Others present for the meeting who had comments and questions were: Mr. Holly, Mr. Ehman, and Mr. Roger Brucker.

Cooper made the following recommendation for Council: "Move to permit college's petition to close N. College Street between Livermore and Corry, and President between Whiteman and N. College, provided the college provides at least as many off-street parking spaces as are lost by such closure, and provided E. Limestone Street and Corry Street are of adequate width and sidewalks have been installed where needed, and provided consideration has been given to relocation of E. Limestone Street at Corry Street."

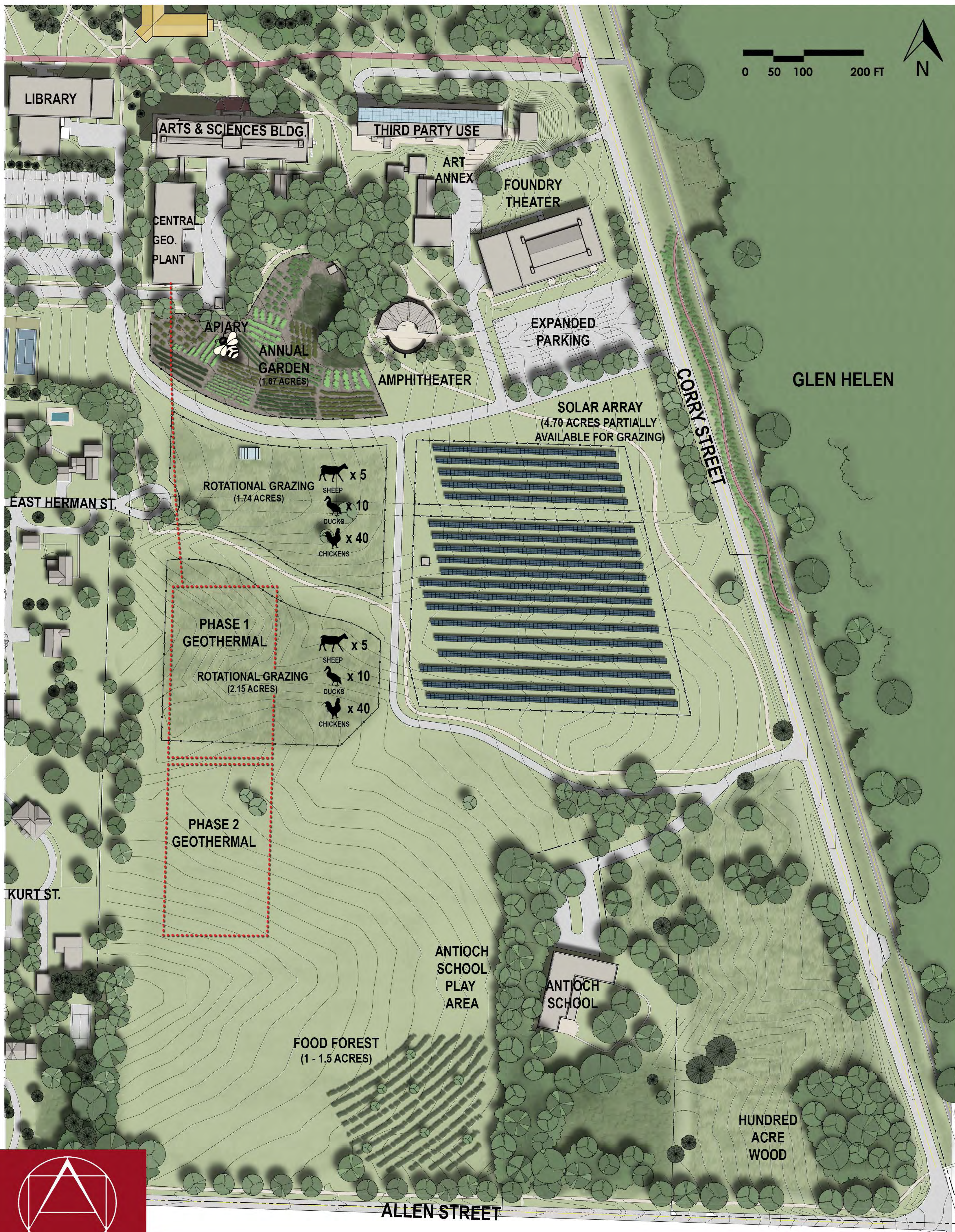
Seconded by Mrs. Zurbuchen, and on roll call, all members voted "I", and the motion was carried.

There being no further items of business, Cooper moved to adjourn, seconded by Huston, and the meeting was adjourned.

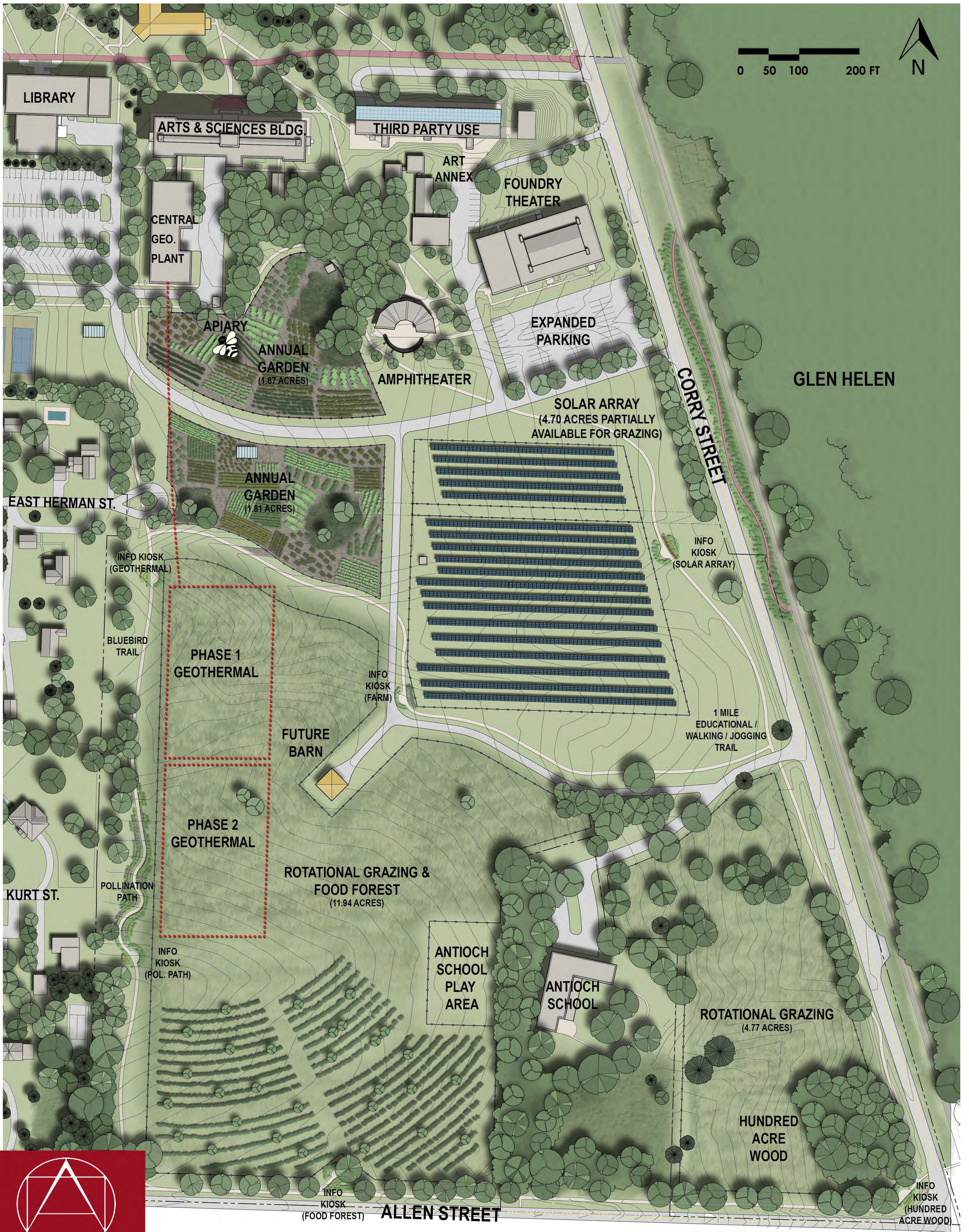
  
William Duncan, Chairman

  
Rachelle E. Dawson, Secretary











# Staff Report

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**APPLICATION NUMBER:** 15-006  
**APPLICANT:** Village of Yellow Springs  
**TYPE OF REQUEST:** Text Amendment for Fee Schedule Update

## **BACKGROUND:**

The Village planning staff has been working on revising the permit fee schedule for zoning and subdivision permits. The permit schedule was last revised in 1993. Since then the code has been moved from Section 11 of the Code of Ordinances to Section 12 and the entire zoning code has been updated in September of 2013. Staff has reviewed several other cities and villages permitting fee structures including Xenia, Williamsburg and Bellevue Kentucky.

## **REQUIREMENTS:**

Section 1280.02(a) of the Village Code of Ordinances highlights the decision criteria for a text amendment. Not all of the criteria may apply to the text amendment:

- (1) clarify the intent of the code;
- (2) correct an error in the code;
- (3) address changes to state legislation, recent case law or opinions from the Attorney General of the State of Ohio;
- (4) affect the implementation of the Yellow Springs Comprehensive Plan and the Vision: Yellow Springs and Miami Township document;
- (5) promote compliance with changes in other county, state or federal regulations;
- (6) in the event the amendment would add a use to a district, that use would be fully consistent with the purpose of the district and the character of the range of uses provided for within the district;
- (7) not create incompatible land uses within a zoning district;
- (8) be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items;
- (9) if applicable, be consistent with the Village 's ability to provide adequate public facilities and services; and
- (10) be consistent with the Village 's desire to promote the public health, safety, convenience, comfort, prosperity and general welfare of the community.

## **PLANNING COMMISSION DUTIES**

The Planning Commission may make recommendations of approval, denial or conditional approval to the Village Council regarding the right-of-way vacation request.

## **FINDINGS**

Staff has found that the proposed amendments further clarify the adopted Zoning Ordinance.

## **DISCUSSION**

The proposed fee schedule generally raises permit fees by \$5 to \$10 for most applications. It clarifies and delineates the different types of permits the village can issue and better accounts for covering staff time devoted to the permitting process. The fee increase keeps the Village permitting fees much lower than other Greene County jurisdictions. The addition of a refundable development deposit will help ensure that

the Village can cover possible engineering and other expenses related to development projects. The fee increases for Commission based applications has increased to cover several things. The Village's advertising expense for meetings, village staff administrative costs, and mailing costs.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend that Village Council **APPROVE** the proposed text amendments with the findings that it is in compliance with Section 1280.02(a) of the Zoning Ordinance.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-3703 or [jyung@vil.yellowsprings.oh.us](mailto:jyung@vil.yellowsprings.oh.us).



The following text is proposed to be changed in the adopted zoning ordinance. Additions are underlined, deletions are ~~strikethrough~~.

## **1272.04 Fees; Performance Guarantees**

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*Fees.* All applications and reviews subject to this zoning code shall be accompanied by a fee, according to a fee schedule adopted by resolution of the Village Council and contained in Appendix A of this code. Actions initiated by Village staff, the Planning Commission or Village Council shall not be subject to the fee.

## **APPENDIX A – Fee Schedule**

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The following amended fee schedule shall apply to non-governmental applications and appeals file pursuant to the regulations outlined in the Village's Zoning Code:

- a) Zoning Permits
  - a. Fence/Accessory Structure Permit Application \$15.00
  - b. New Construction Permit
    - i. Single Family \$35.00
    - ii. Multi-family & Commercial \$35.00 + \$10 per residential unit over 4 and/or 1,000 sq ft over 5,000 commercial.
  - c. Sign Permit \$15.00 Per sign
  - d. Change of Use permit \$15.00
- b) Planning Commission Applications
  - a. Planned Unit Development Application
    - i. Preliminary Plan Application \$150.00
    - ii. Final Plan Application \$75.00
  - b. Level B Plan Review Development Application \$100.00 + \$500 Refundable deposit.
  - c. PUD or Level B Plan Re-application/Amendment \$50.00
  - d. Conditional Use Application \$100.00
  - e. Lot Subdivision (Not associated with dev plan or PUD) \$50.00 + \$15 per lot
  - f. Map/Text Amendment Request \$200.00
- c) Board of Zoning Appeals Applications
  - a. Variance Application Request \$100.00
  - b. Administrative Appeal \$100.00
- d) Zoning Compliance Certificate \$15.00
- e) Village Council Appeal from Planning or Board \$100.00\*
- f) Right-of-way Vacation Request \$50.00 (if petition as per Section 1224.03(a)included) \$100.00 (if no petition included)
- g) Fine for starting work without obtaining a permit is 50% of the cost of the permit.

Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.

\* According to Section 1276.03(b)(6) - \$30.00 refunded if appeal affirmed