VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet in regular session on Monday December 8, 2014 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
November 10, 2014 Minutes of Planning Commission

COMMUNICATIONS
Bernadine Parks re: 318 Phillips

CITIZENS’ COMMENTS

PUBLIC HEARINGS

1. **318 Phillips Street – Conditional Use Application for Offices for executive, administrative, professional, real estate, accounting and similar professional activities** – (R-B, Moderate Density Residential District) – BigHut LLC (Rick and Chris Kristensen) Agent/Owner has requested a conditional use permit to allow: offices for executive, administrative, professional, real estate, accounting and similar professional activities at the property located at 318 Phillips Street within the Village of Yellow Springs.

2. **Alley Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate a fifteen (15) feet wide alley situated east of Livermore Street south of the intersection with East South College Street in the location of the Curl Gym per the Village of Yellow Springs Code of Ordinances Chapter 1224.

3. **Right-of-Way Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate the twenty-five (25) feet wide undeveloped East Herman Street right-of-way which is situated between the developed portion of East Herman Street and Corry Street in the location of the Antioch Solar Array Field per the Village of Yellow Springs Code of Ordinances Chapter 1224.

4. **Right-of-Way Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate the sixty-six (66) feet 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 which also intersects with President Street per the Village of Yellow Springs Code of Ordinances Chapter 1224.
5. Alley Vacation Question from Rose Pelzl.

NOMINATIONS FOR RECOMMENDATION TO COUNCIL

AGENDA PLANNING

ADJOURNMENT
Planning Commission
Special Meeting Minutes

Council Chambers 6pm             Monday, November 10, 2014

CALL TO ORDER
The meeting was called to order at 6:04 P.M.

ROLL CALL
Planning Commission members present were Matt Reed, Chair, John Struwing, Tim Tobey, Bill Bebko, Council Representative Lori Askeland and Village Planner Tamara Emnitt.

REVIEW OF AGENDA

REVIEW OF MINUTES
July 14, 2014 Minutes of Planning Commission. This was a meeting held to review minutes only. Struwing MOVED and Bebko SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 ON A VOICE VOTE. Reed abstained due to absence from that meeting.

PETITIONS AND COMMUNICATIONS
Miami Valley Planning and Zoning re: Workshop
Askeland gave detail regarding the presentation, and recommended attendance if possible.

CITIZEN CONCERNS
There were no Citizen Concerns.

REPORTS
There were no Reports.

PUBLIC HEARINGS

1. 101 South Walnut Street
2. 318 Phillips Street

LOCATION: 101 S. Walnut Street

ZONING DISTRICT: B-1, Central Business District

APPLICANT: Dayton Walnut, LLC (Representative; Bob Swaney)

PROPERTY OWNER: Ridgeway Management, LLC

REQUESTED ACTION: The request is for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1250.02 (Schedule of Uses Table), to allow a 'Mobile Vending (food truck)' operation on the property located at 101 S. Walnut Street which is within the B-I, Central Business zoning district.

HEARING NOTICE: "The Corner Cone Dairy Bar and Grill" - Conditional Use Application for a mobile vending food truck – 101 S. Walnut Street – (B-I, Central Business District) – Robert Swaney of Dayton Walnut, LLC representing the property owner, Ridgeway Management, LLC has requested a conditional use permit to allow a mobile vending food truck to be situated within the existing parking lot located at 101 S. Walnut Street within the Village of Yellow Springs. Greene County Parcel ID # F19000100100005800. Applicable Yellow Springs Zoning Code sections are: Sec. 1250.02 (Schedule of Uses: Business Districts Table) and Sec. 1262.08(d)(1) (Conditional Use-Specific Requirements for Mobile Vending-food truck).

GREENE COUNTY PARCEL ID: # F19000100100005800

PROPERTY INFORMATION AND ANALYSIS:
The property is located at 101 S. Walnut Street which is at the southeast corner of the intersection of Dayton Street and S. Walnut Street. This is lot 28A of the Yellow Springs All Replat and contains 0.22 acres. It is located within the B-I, Central Business zoning district [VYS ZC Chapter 1250] with properties of similar zoning located north, east and south. The properties to the west on the other side of South Walnut Street are within the R-C, High Density Residential district. The property is occupied by The Corner Cone Bar and Grill and owned by Ridgeway Management, LLC. A seating area is located on the north side of the building and parking is provided on the south side of the lot. In addition, The Corner Cone offers bicycle rentals. A bicycle shelter was permitted as an accessory...
structure and is located behind the front line of the principal building within the established rear yard. Access to the parking area is from S. Walnut Street. The mobile vending food truck location is within the parking lot next to the east property line.

STAFF ANALYSIS OF THE APPLICATION: The applicant has applied for a conditional use permit to allow the operation of a mobile vending food truck [ZC Sec. 1250.02 Table & 1262.08(d)(3)] on the Corner Cone property. The mobile vending food truck would be located within the parking lot located southeast of the Corner Cone building along the east property line. Access to the parking lot is from S. Walnut Street.

Adequate off-street parking is provided on the Corner Cone site. The current zoning code requires an open front restaurant/ice cream stand to provide six (6) parking spaces plus one (1)

for each employee and one (1) per four (4) seats. However, because this is the Central Business District, the parking requirement can be reduced by twenty-five (25) percent [ZC Sec. 1264.02(h)]. In addition, the parking requirement can be additionally reduced by the Planning Commission in accordance to ZC Sec. 1264.02(d) if necessary. It appears that the Corner Cone property provides at least twelve (12) on-site parking spaces outside of the space used by the food truck.

CONDITIONAL USE CRITERIA:
Yellow Springs Zoning Ordinance;
Chapter 1250 Business Districts
Section 1250.02 (Table)-Schedule of Uses: Business Districts
Food, Drink, Entertainment and Hospitality:
   Mobile vending (food truck) – Conditional Use within the B-1 district.
Section 1262.08(d)(1) Mobile Vending (Food Trucks)
A. Food trucks may be permitted to operate within the B-1, E-1 and I-2 zoning districts.
B. The food truck shall be located only within an approved off-street parking lot; provided, the food truck shall not displace any required parking spaces.
C. The food truck shall not be located closer than ten feet to any driveway.
D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces.
E. Amplified sound and freestanding signs shall not be permitted.
F. The food truck shall be stationary at all times when open for business.
G. The owner or an employee shall be present within the vehicle at all times while open for business.
H. Access to restroom facilities must be available.
I. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.
J. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck.
K. Evidence of Greene County health department approval shall be provided.
L. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited.
M. The conditional use approval shall be reviewed annually by the Village manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

Chapter 1264 Off-street Parking and Loading
Section 1264.02 (Table) Parking Requirements by Use

Restaurants, Bars and Clubs
Open Front Restaurant / Ice Cream Stand;
   Six (6) parking spaces, plus one (1) parking space per employee and one (1) parking space per four (4) seats.

Corner Cone:
Employees – Two at a time – Requires two (2) parking spaces.
   Seating (Outdoor only) – Twenty-four – Requires six (6) parking spaces.
   Parking Required – 6 + 2 + 6 = 14 parking spaces
   Parking Reduction for the B-1 zoning district (25%) – [14 x 0.75 = 10.5 parking spaces]
   Parking Required with the B-1 location reduction = 10.5 parking spaces.
Chapter 1262 Conditional Use Requirements

Section 1262.01 Purpose
Conditional uses are uses of land specifically permitted within a zoning district only with the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure for conditional uses and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

1262.03 General Standards
Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

(a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Yellow Springs Comprehensive Plan and Vision: Yellow Springs and Miami Township.
(b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
(c) The proposed use will be compatible with the character of the general vicinity.
(d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required.
(e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
(f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
(g) The proposed use will not block sight lines from the right of way to existing signs or windows on the front or side of a building.

1264.04 Conditions of Approval
Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

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

STAFF RECOMMENDATION: Staff has no concerns and recommends approval.

Struewing asked for information regarding availability of restrooms. The owner, Bob Swaney, responded that there are restroom facilities located at the rear of the existing structure. Struewing commented that these are unmarked.

Struewing received confirmation that the mobile unit has been moved closer to the rear property line, opening up more parking areas. Swaney commented that there has been no negative comment from the neighbors.
Swaney noted 11-12 faintly marked parking spaces currently, and stated that he has no plans to stripe the bike parking area.

Reed OPENED THE PUBLIC HEARING.

Paul Abendroth commented that there is regularly a sandwich board sign located in the center of the sidewalk near the business, and asked that PC address signage.

Reed CLOSED THE PUBLIC HEARING.

Struwing asked PC for a recommendation regarding signage.

Bebko stated that he would like to hold the business to the current zoning requirement for Section 1262.08(d)(1)(E), which states, “Amplified sound and freestanding signs shall not be permitted.”

Struwing asked whether PC agreed with his belief that the parking lot should be re-striped.

There was general agreement with this recommendation.

Reed called for a motion.

Askeland MOVED to APPROVE THE CONDITIONAL USE APPLICATION with the following conditions: 1. Stripe the existing parking lot for parking spaces; 2. Follow all signage regulations. Struwing SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

LOCATION: 318 Phillips Street
ZONING DISTRICT: R-B, Moderate Density Residential
APPLICANT: Rick and Chris Kristensen
PROPERTY OWNER: Big Hut LLC (Rick and Chris Kristensen) Agent Owned
REQUESTED ACTION: The request is for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1248.02 Table (Schedule of Uses: Residential Districts), to allow a property within the R-B residential district to be used for the professional offices of the Morgan Family Foundation (MFF) which is a private family foundation that provides grants and other support for charitable purposes.

HEARING NOTICE: “318 Phillips Street – Conditional Use Application for Offices for Executive, administrative, professional, real estate, accounting and similar professional activities – (R-B, Moderate Density Residential District) – BigHut LLC (Rick and Chris Kristensen) Agent/Owner has requested a conditional use permit to allow: offices for executive, administrative, professional, real estate, accounting and similar professional activities at the property located at 318 Phillips Street within the Village of Yellow Springs. Greene County Parcel ID #’s F19000100100010800 and F19000100100010900. Applicable Yellow Springs Zoning Code sections are: Sec. 1248.02 (Schedule of Uses: Residential Districts, Table) and Sec. 1262 (Conditional Use Requirements).”

GREENE COUNTY PARCEL ID: # F19000100100010800 and F19000100100010900

PROPERTY INFORMATION AND ANALYSIS:
The 318 Phillips Street property is located on the west side of Phillips Street between Elm Street and W Limestone Street across from the Mills Lawn Elementary School property. The property is comprised of the south 15’ of lot #62 and the north 26’ of lot #63 of the Yellow Springs subdivision. It has forty-one feet (41’) of frontage on Phillips Street and is one hundred-twenty-seven and a half feet (127.5’) deep, containing 5,227.5 square feet of area. The property contains a one and a half story residential structure and a detached garage. The properties located to the north, west and south of this property are all within the R-B, Moderate Density Residential district. The property to the east, the Mills Lawn Elementary School, is within the R-C, High Density Residential District.

In the past the property was used as professional offices for ReMax Realty but is currently being used as a short term rental which the owners market as Springs Cottage.

STAFF ANALYSIS OF THE APPLICATION: The applicant has applied for a conditional use permit to allow a property within the R-B residential district to be used for the professional offices of the Morgan Family Foundation (MFF) which is a private family foundation that provides grants and other support for charitable purposes. The office would be open Monday through Friday from 8:30am to 5:00 pm and would be staffed by three individuals with a fourth individual attending a meeting once a week. In addition, there will be quarterly board committee meetings that could involve consultants or various vendors to MFF and occasional meetings with grantees. The Morgan Family Foundation plans to convert the detached garage
into a conference room that could be used by outside groups such as nonprofit charitable organizations for meetings. These meetings may occur during the day or early evening during the Monday through Friday week. This conference facility would accommodate up to twelve persons.

CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Ordinance

Chapter 1248 Residential Districts

Section 1248.02 (Table)-Schedule of Uses: Residential Districts

Non-Residential:

Offices for executive, administrative, professional, real estate, accounting and similar professional activities – Conditional Use within the R-B, Moderate Density Residential District.

Chapter 1264 Off-street Parking and Loading

Section 1264.02 (Table) Parking Requirements by Use

Offices:

Business Offices or professional offices of lawyers, architects or similar professionals;

One for every 300 square feet of usable floor area (UFA), but no less than five (5) parking spaces.

318 Phillips Street; (gross floor areas)

House (1st floor) 27’ x 32’ = 864 sq. ft.

House (2nd floor) 27’ x 14’ = 378 sq. ft.

Garage - 20’ x 20’ = 400 sq. ft.

1642 sq. ft. Total Gross Floor Area

1642 sq. ft. \ 300 sq. ft. = 5.473 parking spaces

The usable floor area would be less than 1642 sq. ft. therefore the maximum number of parking spaces required would be less than 5.473

Required Parking – Minimum of five (5) off street parking spaces should be provided.

(The application identifies 3-4 on-site parking spaces at the rear of the lot and suggests that additional parking will also be provided on either side of Phillips Street.

Section 1264.02(d) - Modification of Parking Requirements. The Planning Commission may reduce the parking space requirements of this chapter for any use, based upon a finding that other forms of travel are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one or more of the following conditions shall also be met:

(1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:

A. Pedestrian connections shall be maintained between the uses.

B. For separate lots, shared parking areas shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots.

C. Unless the multiple uses all are within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed with the Clerk of Council after approval by the Planning Commission.

(2) Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property.

(3) Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.

(4) Where the applicant has provided a parking study, conducted by a qualified traffic engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

(5) The Planning Commission may require a parking study to document that any one or more of the criteria (1) through (4) above would be met.

Section 1264.02(e) – Deferred Parking.

(1) Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the required parking. A site plan shall designate portions of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so
designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose. Landscaping, such as parking lot trees, that would otherwise be required for the deferred spaces shall be installed within the deferred parking area.

(2) The deferred parking shall meet the requirements of this chapter, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the Village, based on parking needs or observation, and shall require approval of an amended site plan.

Chapter 1266 Signs
Section 1266.05 Permitted Signs
Section 1266.05 Table – Schedule of Permitted Signs by District

Residential Districts;

Ground sign for non-residential principal uses: One 24 sq. ft. ground sign would be permitted.
- Maximum height – Six (6) feet.
- Minimum ten (10) feet from the front lot line.
- Minimum ten (10) feet from all other lot lines.
- Two sided.
- Cannot be internally lit.

Wall sign for non-residential principal uses: A wall sign would be permitted.
- One per street frontage, but only one per wall.
- Five (5) percent of the wall area to which it is attached, not exceeding 64 sq. ft.
- Mounted flat against the wall.

Chapter 1262 Conditional Use Requirements
Section 1262.01 Purpose

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1262.03 General Standards

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(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.

1264.04 Conditions of Approval

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

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

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the application and determine whether modification of the required parking spaces would provide sufficient parking for this use. In addition, the Planning Commission should consider whether conditions should be imposed on hours of operation and signage.

Struwing sought clarification that the MFF could fit four parking spaces at the rear of the property.

Ennist recommended a setback at the side lot lines so that doors would not open into adjoining Yards, but did not disagree with the possibility for four parking spaces.

Reed asked for comment from the applicant(s). Rick Christiansen addressed the parking issue, commenting that on-street parking is readily available except during mass and Sunday services at the Catholic Church. He stated his opinion that the available parking in the right-of-way was sufficient.

Tobey expressed concern regarding the parking issue given the request for a 12-person meeting room.

Struwing disagreed, stating that the Church parking need is managed adequately with existing on-street parking.

Reed OPENED THE PUBLIC HEARING.

Bernadine Parks of 314 Phillips Street spoke in opposition to the Conditional Use. She based her objection in the assertion that the location of a business in the residential neighborhood would devalue existing homes and change the character of the neighborhood. Parks several times asserted that she had been unaware of the use of the structure over the last several years, and indicated her belief that the use of the structure as an office and meeting space would violate the spirit of the neighborhood. She brought up parking issues, stating that the increased traffic would raise dust and noise issues, and would be problematic in snowy weather.

Parks stated her belief that granting the Conditional Use would take habitable space from families seeking housing. She stated that “none of the neighbors’ had been aware that the hearing was taking place when she approached them for comment.

Parks several times brought up issues of affordable housing and of the character of the neighborhood both of which she believed would be negatively impacted by granting of the Conditional Use.

Lori Kuhn, Executive Director of the Morgan Family Foundation addressed some of the concerns raised by Parks. She stated that the MFF is sensitive to the need for affordable housing in Yellow Springs, and stated that it is the intention of the MFF not to change the character of the property.

Kuhn stated that she had hoped for the meeting space in the garage, but that there are no immediate plans to convert the garage into a meeting space due to hesitation regarding that renovation on the part of the MFF Board of Directors. Kuhn noted further that the Board had requested that any changes to the home not alter its ability to be sold or re-used as a residence in the future.

Kuhn added that the MFF currently operates out of an apartment, and stated that the Foundation is an excellent neighbor and has never received complaints. She clarified that there are three employees currently, not four. She stated that the intention would be to place three parking spaces at the rear of the building.

Kuhn commented that any meetings at the MFF would involve primarily Village residents, many of whom would not drive to the meeting.
Regarding signage, Kuhn stated that the current sign is small, and is located on the currently-used building itself. She stated her willingness to forgo a yard sign and use only the small plate-style sign to address neighbor concerns.

Kuhn apologized for not reaching out to neighbors more extensively.

Reed CLOSED THE PUBLIC HEARING.

Struewng asked whether the space would be used for conferences or other meetings on weekends. Kuhn responded that this would be very unlikely, based upon established practice.

Struewng stated his desire that a condition be imposed that employees park at the rear of the building.

A concern was raised regarding plowing the alley in the winter.

Chris Kristensen (ReMax Realty) commented that she would like employees to be required to use the front (street) parking as less intrusive to neighbors than rear parking.

Struewng disagreed, and commented that he would like to attach a condition that employees use the three rear parking spots.

Bebko noted that creation of the spaces would not be cost prohibitive.

Struewng commented that the burden for plowing would then rest upon the MFF.

Rick Kristensen stated that the Village should plow the alley if it is in fact their responsibility.

Bebko commented that it should be easy to hire a service to keep the alley plowed. He did not think there was any parking issue on the street except during the twice yearly Street Fairs.

Reed stated that the concern regarding businesses on that block is a valid one. He stated, however, that in passing the recent zoning code, it was Council’s intention to allow businesses such as this one to be considered as allowable, with conditions.

Parks opined that property values would go down as soon as the home is turned into an office, and argued that the plan to convert the garage into a meeting room indicates that the group is planning to convert the structure into more traditional office space and not easily re-sold as a home. Park stated that “we don’t need another office space in town—we need more affordable housing”

Struewng interjected, citing a process error. He alleged that there was not a Conditional Use sign posted. Planning Commission members disagreed with this assertion, stating that the sign did go up.

Askeland asked Ennist to verify that notices had been sent out to neighboring properties. Ennist stated that notices went to properties contiguous to and across the street from the property in question.

Following further questioning from Struewng, Ennist acknowledged that the sign was not put up until November 5th, which is four days shy of the required ten-day notice.

Reed stated that the matter should not be heard, due to improper notice. Struewng voiced his agreement,

Reed suggested a special meeting as soon as possible. The Clerk noted that the earliest possible date for this would be the 24th, given noticing requirements.

Rick Kristensen asked for further explanation regarding the notification period.

Reed and Askeland explained to those present that notices have to be re-sent to neighbors with the new hearing date, a corrected notice must again be sent to neighboring property owners and published in the Yellow Springs News.

Chris Kristensen addressed an earlier objection, stating that, as a long-time realtor, she had never encountered any difficulty in selling a piece of real estate in the downtown area, regardless of what was adjacent.

Kristensen stated that she has always considered herself a good steward and a positive force for
the community. She stated that when they purchased the property they improved it, and intended that improvement to continue as a quiet, well kept use. Kristensen stated her respect for the previous owner, and her intention to keep the property in good hands.

Rick Kristensen spoke, enumerating several examples of neighborhood locations of office buildings which are well-integrated into their respective neighborhoods.

Reed noted that the new zoning code was enacted with the intention that thoughtful integration of office use with neighborhoods could benefit the community.

Struewing explained that the delay is procedural, and is meant to give neighbors adequate time to be heard. He noted that hearing objections helps Planning Commission in determining what conditions to attach to conditional uses.

Planning Commission decided upon November 24th as a Special Meeting date, at which meeting Bebko will be the only absence. The meeting was scheduled for 8pm November 24th.

Reed requested that the meeting be noticed, and specifically asked that Ennist re-notice the neighbors.

Struewing MOVED to TABLE THE HEARING UNTIL THE 8pm NOVEMBER 24th MEETING. BEBKO SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

At this time, the Clerk asked permission to introduce a matter for future consideration. She reported that at a recent meeting of BZA, that body had requested Planning Commission clarification on two matters: Interior Lot Lines, and Setbacks.

Ennist explained that a number of properties in the Village are comprised of multiple lots, which creates interior lot lines. In the past, she stated, homeowners have been encouraged to re-plat the lots to eliminate the problem. This, however, is not a viable solution for properties in the oldest sections of town, where an entire block might need to be re-surveyed to properly identify lot lines.

Ennist then opined that the current zoning code does not deal with setbacks in a clear manner, and related the way in which this is measured in other communities. Ennist stated that she used the illustration in the zoning code to determine what point to measure from, which she stated shows measurement from the roof.

Struewing brought up a separate issue, stating that it had been his understanding that Antioch was to erect a black security fence around the perimeter of the solar array approved by Planning Commission, rather than the silver/aluminum one currently on site. Struewing stated that his recollection that there would be a black fence because that was the fence shown on the renderings presented by Antioch College during the hearing process.

The matter was discussed, and the Clerk recalled the group briefly discussing whether to require a green fence or a black fence, and then deferring the matter to staff. She noted that the issue is on staff radar, and that staff have asked whether a black fence had been required.

Ennist stated that the current fencing does not deal with setbacks in a clear manner, and related the way in which this is measured in other communities. Ennist stated that she used the illustration in the zoning code to determine what point to measure from, which she stated shows measurement from the roof.

Struewing brought up a separate issue, stating that it had been his understanding that Antioch was to erect a black security fence around the perimeter of the solar array approved by Planning Commission, rather than the silver/aluminum one currently on site. Struewing stated that his recollection that there would be a black fence because that was the fence shown on the renderings presented by Antioch College during the hearing process.

The matter was discussed, and the Clerk recalled the group briefly discussing whether to require a green fence or a black fence, and then deferring the matter to staff. She noted that the issue is on staff radar, and that staff have asked whether a black fence had been required.

Ennist stated that she had pointed out during the hearing that it was unlikely that the elevation drawing presented by the College would be followed. She responded to a question from Struewing, stating that the College has not yet brought in a landscape plan.

Struwing asked what clout Planning Commission had to assure that conditions were in fact adhered-to.

Ennist responded that a letter would need to be sent from the Planner.

Tobey asked that the Commission receive clarification from the College as to their intentions.

Struwing suggested a letter asking for the landscaping plans.

Ennist commented that the College was supposed to come in for a Conditional Use for the farm. She commented further that she had denied a fence permit to the College recently on the grounds that it was for a part of the farm, which had not received a conditional approval.
Ennist opined regarding the use as a farm. Askeland then stated her discomfort with the discussion occurring when it had not been listed on the agenda as a topic, and the party under discussion was not present.

The Clerk was asked to send letters to potential Planning Commission candidates for the Township spot now open. There are also positions open for one Villager, and one alternate.

AGENDA PLANNING
Planning Commission decided to hold their next meeting on November 24th at 8pm to hear the 318 Phillips Street petition in a timely fashion.

ADJOURNMENT
At 8:28pm, Struewing MOVED and Tobey SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matt Reed, Chair

Attest: Judy Kintner, Clerk

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

MEETING DATE: December 8, 2014

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

LOCATION: 318 Phillips Street

ZONING DISTRICT: R-B, Moderate Density Residential

APPLICANT: Rick and Chris Kristensen

PROPERTY OWNER: Big Hut LLC (Rick and Chris Kristensen) Agent Owned

REQUESTED ACTION: The applicant is asking for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1248.02 Table (Schedule of Uses: Residential Districts), to allow a property within the R-B residential district to be used for the professional offices of the Morgan Family Foundation (MFF).

HEARING NOTICE: “318 Phillips Street – Conditional Use Application for Offices for Executive, administrative, professional, real estate, accounting and similar professional activities – (R-B, Moderate Density Residential District) – BigHut LLC (Rick and Chris Kristensen) Agent/Owner has requested a conditional use permit to allow: offices for executive, administrative, professional, real estate, accounting and similar professional activities at the property located at 318 Phillips Street within the Village of Yellow Springs. Greene County Parcel ID #’s F19000100100010800 and F19000100100010900. Applicable Yellow Springs Zoning Code sections are: Sec. 1248.02 (Schedule of Uses: Residential Districts, Table) and Sec. 1262 (Conditional Use Requirements).”

GREENE COUNTY PARCEL ID: # F19000100100010800 and F19000100100010900

PROPERTY INFORMATION:

LAND USE:
The 318 Phillips Street property is located on the west side of Phillips Street between Elm Street and W. Limestone Street across from the Mills Lawn Elementary School property. The property is comprised of the south 15’ of lot #62 and the north 26’ of lot #63 of the Yellow Springs subdivision. It has forty-one feet (41’) of frontage on Phillips Street and is one hundred-twenty-seven and a half feet (127.5’) deep, containing 5,227.5 square feet of area. The property contains a one and a half story residential structure and a detached garage that has access from a rear alley way. In addition, there is a gravel parking area located between the front lot line and the paved portion of the Phillips Street right-of-way.

ZONING:
The properties located to the north, west and south of this property are all within the R-B, Moderate Density Residential district. The property to the east, the Mills Lawn Elementary School, is within the R-C, High Density Residential District.

According to the applicant, the property was used as professional offices for ReMax Realty in the past but is currently being used as a short term rental which the owners market as Springs Cottage.
DETAIL OF APPLICANT REQUEST: The applicant has applied for a conditional use permit to allow a property within the R-B residential district to be used for the professional offices of the Morgan Family Foundation (MFF) which is a private family foundation that provides grants and other support for charitable purposes. According to the applicant, the office would be open Monday through Friday from 8:30am to 5:00 pm and would be staffed by three individuals with a fourth individual attending a meeting once a week. There will also be quarterly board committee meetings that could involve consultants or various vendors to MFF and occasional meetings with grantees. In addition, the Morgan Family Foundation plans to convert the detached garage into a conference room that could be used by outside groups such as nonprofit charitable organizations for meetings. According to the applicant, these meetings would occur during the day or early evening hours during the Monday through Friday work week. The conference facility would accommodate up to twelve persons.

CONDITIONAL USE CRITERIA: Relationship of Request to R-B, Moderate Density Residential District

Section 1248.02 (Table)-Schedule of Uses for Residential Districts

Non-Residential Uses: Offices for executive, administrative, professional, real estate, accounting and similar professional activities.

Conditional Use within the R-B, Moderate Density Residential District.

Section 1260.04(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, PUDs, or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

(1) Individual buildings share common parking areas, signs, access and similar features;
(2) Buildings are under single ownership;
(3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
(4) Buildings are architecturally unified and compatible.

Section 1264.02 (Table) Parking Requirements by Use

Business offices or professional offices of lawyers, architects or similar professionals:

One (parking space) for every 300 square feet of usable floor area (UFA), but no less than five (5) parking spaces.

318 Phillips Street: (gross floor areas)

House (1st floor) 27’ x 32’ = 864 sq. ft.
House (2nd floor) 27’ x 14’ = 378 sq. ft.
Garage (detached)-20’x20’ = 400 sq. ft.

1642 sq. ft. Total Gross Floor Area

1642 sq. ft. \ 300 sq. ft. = 5.473 parking spaces (Note: The usable floor area would be less than 1642 sq. ft. therefore the maximum number of parking spaces required would be less than 5.473)
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly:

One (parking) space per three (3) seats, based on maximum seating capacity in the main place of assembly therein, as established by the Village fire and building codes.

- A twelve (12) person conference room would require four (4) parking spaces.

Required Parking – Minimum of five (5) off street parking spaces should be provided for the principal use. The conference room would need an additional four (4) off street parking spaces if the conference use is not an accessory use to the principal use. (The application identifies 3-4 on-site parking spaces at the rear of the lot and suggests that additional parking will also be provided on either side of Phillips Street.

Section 1264.02(d) - Modification of Parking Requirements. The Planning Commission may reduce the parking space requirements of this chapter for any use, based upon finding that other forms of travel are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one or more of the following conditions shall also be met:

1. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
   A. Pedestrian connections shall be maintained between the uses.
   B. For separate lots, shared parking areas shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots.
   C. Unless the multiple uses all are within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed with the Clerk of Council after approval by the Planning Commission.

2. Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property.

3. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.

4. Where the applicant has provided a parking study, conducted by a qualified traffic engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

5. The Planning Commission may require a parking study to document that any one or more of the criteria (1) through (4) above would be met.

Section 1264.02(e) - Deferred Parking.

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the required parking. A site plan shall designate portions of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or
parking lot setbacks, or be used for any other purpose. Landscaping, such as parking lot trees, that would otherwise be required for the deferred spaces shall be installed within the deferred parking area.

(2) The deferred parking shall meet the requirements of this chapter, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the Village, based on parking needs or observation, and shall require approval of an amended site plan.

Chapter 1266 Signs
Although the applicant has not requested a specific plan for signage at this time, the Yellow Springs Zoning Code regulations will allow the following signage in the R-B zoning district for a non-residential use:

- **Ground sign for non-residential principal uses:** One 24 sq. ft. ground sign would be permitted.
  - Maximum height – Six (6) feet.
  - Minimum ten (10) feet from the front lot line.
  - Minimum ten (10) feet from all other lot lines.
  - Two sided.
  - Cannot be internally lit.

- **Wall sign for non-residential principal uses:** A wall sign would be permitted.
  - One per street frontage, but only one per wall.
  - Five (5) percent of the wall area to which it is attached, not exceeding 64 sq. ft.
  - Mounted flat against the wall.

Chapter 1262 Conditional Use Requirements
Section 1262.01 Purpose
Conditional uses are uses of land specifically permitted within a zoning district only with the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure for conditional uses and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

1262.03 General Standards
Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

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

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

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

(e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

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

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

1264.04 Conditions of Approval
Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

(a) Insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.

(b) Insure that the use is compatible with adjacent conforming land uses and activities.

(c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.

(d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the application and determine whether modification of the required parking spaces would provide sufficient parking for this use. It’s imperative that when uses of this nature are introduced into residential districts that walkability play an important role to reduce additional parking in the area. If the proposed use for a conference facility is approved, the Planning Commission may want to have the applicant provide an agreement for shared parking with a compatible business in the area. In addition, the Planning Commission should consider whether conditions should be imposed on hours of operation, signage and lighting.
Date: October 21, 2014

To: Tamara Euniss, Zoning Administrator, Village of Yellow Springs
Planning Commission, Village of Yellow Springs

From: Lori M. Kuhn, Executive Director

Re: Application for Conditional Use, 318 Phillips Street

Following is an application for conditional use of property at 318 Phillips Street, Yellow Springs, submitted by Rick and Chris Kristensen who hope to sell it to the Morgan Family Foundation for our use as office space. This memo will provide some background information to support the application.

As you may know, the Morgan Family Foundation is a private family foundation based in Yellow Springs. We make grants to charitable organizations, primarily in Yellow Springs and St. Cloud, MN. The foundation has been operating here for about 10 years. We need to vacate our current location on Glen Street and have been looking for appropriate office space for our three employees since the spring. We have found suitable space in the property at 318 Phillips Street, and have negotiated a purchase contract with the present owner, BigHut, LLC (Riek and Chris Kristensen), contingent on approval of the conditional use application submitted herewith.

We believe the foundation operation would appropriately be classified as business or professional offices in the new zoning code, and therefore permitted as a conditional use within the R-B Moderate Density Residential District applicable to 318 Phillips Street. Our office hours are Monday through Friday, 8:30 a.m. – 5 p.m. Occasionally an employee may work outside of those hours. On a daily basis, there is not a large volume of outside visitors to the office, although we do have meetings with nonprofit representatives, foundation colleagues, and other community members from time to time, typically not exceeding three additional participants per meeting. Often when we meet with local community members, guests walk or bike to the meeting instead of driving cars – a benefit of our small community! We believe that the scope and nature of the foundation’s operation is such that it would not be a disruption to the local neighborhood. Currently, the foundation space is in a building with other residential tenants, and neither we nor the landlord have had any complaints about the impact of our operations on the neighbors’ quality of life.

We understand from the Kristensens that the property we hope to purchase was granted a conditional use in 2007 for the local offices of ReMax Realtors, and served in that capacity for about two years. Since that time, it has been used as an extended stay rental, marketed as Springs Cottage by the owners.

I would be happy to provide additional information or answer any questions that you may have.

Enclosures
Village of Yellow Springs, Ohio
CONDITIONAL USE APPLICATION FORM

As required by Section 1262 of the Village Zoning Code: All applications shall be in writing and filed with the Zoning Administrator at least twenty (20) days before the next regularly scheduled Planning Commission meeting at which it is to be heard. A public hearing will be scheduled where the Planning Commission will render a decision on the application. The Planning Commission shall review the application in relation to the general standards for conditional uses, as provided in Section 1262.03, and any specific standards required for the use proposed, as identified in Chapter 1262. Prior to approval of the application, the Planning Commission shall make an affirmative finding that pertinent provisions of the Village Zoning Code have been met or exceeded. A fee of $35.00 must accompany this application.

PERMIT NUMBER: 
APPLICATION DATE: 

APPLICANT INFORMATION

Applicant Name: Rick and Chris Kristensen
Mailing Address: 140 Miami Drive
City: Yellow Springs State: Ohio ZIP Code: 45387
Telephone #: 937-371-9900 Fax #: 
E-mail: rick@chriskroup.com

Signature of applicant: 
PROPERTY OWNER INFORMATION

Property Owner: Big Hut LLC (Rick and Chris Kristensen) Agent Owned
Mailing Address: Same as above
City: Yellow Springs State: Ohio ZIP Code: 45387
Phone: Same as above Fax #: 866-749-5920 E-mail: Same as above

PROPERTY DESCRIPTION

Property Address: 318 Phillips St
Parcel ID #: 10800/10900 Zoning District: R-B Moderate Residential Existing Use: See below

General Location in Village: Two blocks west of downtown, across from elementary school on Phillips
Present Use of Property: Springs Cottage, an overnight/short stay accommodations facility
Description of the Proposed Conditional Use: The property will serve as the offices for the Morgan
Family Foundation (MFF). MFF is a private family foundation that provides grants and other support for charitable purposes, primarily in Yellow Springs, Ohio and St. Cloud, Minnesota. MFF will purchase the property upon approval of the conditional use (see attached information).

SUBMITTAL MATERIALS

The following information must accompany this application:
1) A site plan in accordance with the requirements of Chapter 1268.
2) Any material determined by the Planning Commission to be necessary.
3) Application fee.

Public Hearing Notice Date:
Sign Posted:
Neighbor Notification Date:
Planning Commission Meeting Date:
Exhibit 1

318 Phillips St.: Proposed Use of the Property continued

Owner/Occupant: Morgan Family Foundation (MFF)

Structure: MFF currently employs three individuals who typically work in the office four days of the five day work week. There also is a Program Officer, a contracted position, who will come to the office, on average, once a week for a staff meeting or project work.

Daily operations: The MFF office is open Monday through Friday from 8:30 a.m. to 5:00 p.m. The majority of the time the office is occupied by the three employees; the above mentioned program officer will come in as described. There is little or no additional foot traffic of other individuals on a daily or regular basis.

Other: MFF will hold quarterly board committee meetings. All the board members live out of the Yellow Springs area, and thus participate in these meetings via electronic means. On occasion, one or two board members may attend a meeting in person. Quarterly meetings will sometimes involve consultants or various vendors to MFF. Again, the majority of the participation is done via electronic communication. If a consultant/vendor does come to the office, it normally will be one, possibly two individuals. Finally, MFF personnel will have occasional meetings with grantees. Local grantees could come to the office if such meeting were held there. One current grantee meets most with MFF personnel on a quarterly basis; others would be as planned (at most one or two a month) with maybe one to three persons in attendance.

Other: MFF is planning to have a conference facility on the premise (current garage), with the thinking to allow various non profit of charitable organizations hold meetings in the facility, in addition to it's own use. MFF does not have the capacity in its current facility and does not have a feel for the potential use of such a facility. Meetings could occur during the day or early evening times during the Monday through Friday week. It is the desire that the conference facility accommodate up to twelve persons.

Parking: Parking will be provided on the street in front of the property (both sides of Phillips St.) and at the back of the property (planned three spaces).
| Owner: BIGHUT LLC |
| Mailing Name/Address: BIGHUT LLC |
| 140 MIAMI DR |
| YELLOW SPRINGS OH 45347 |
| Description: YELLOW SPRINGS N SIDE |
| LOT 61 |
| 318 PHILLIPS ST |
| Property Address: 318 PHILLIPS ST |
| Class: R - SINGLE FAMILY DWELLING, PLATTED LOT |
| Map/Routing: 0010.00 045.00 |
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http://gis.co.greene.oh.us/gismap/map.asp

10/16/2014
Morgan Family Foundation

PAY TO THE ORDER OF Village of Yellow Springs

Thirty-Five and 00/100

Village of Yellow Springs
100 Dayton Street
Yellow Springs, OH 45387

MEMO KristensenMFFConditional Use Application

$ 35.00 DOLLA
PUBLIC HEARING

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

Notice is hereby given that:

The following properties in the Village are scheduled for a public hearing with the Yellow Springs Planning Commission;

318 Phillips Street – Conditional Use Application for Offices for Executive, administrative, professional, real estate, accounting and similar professional activities – (R-B, Moderate Density Residential District) – BigHut LLC (Rick and Chris Kristensen) Agent/Owner has requested a conditional use permit to allow: offices for executive, administrative, professional, real estate, accounting and similar professional activities at the property located at 318 Phillips Street within the Village of Yellow Springs. Greene County Parcel ID #’s F19000100100010800 and F19000100100010900. Applicable Yellow Springs Zoning Code sections are: Sec. 1248.02 (Schedule of Uses: Residential Districts, Table) and Sec. 1262 (Conditional Use Requirements).

A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE VILLAGE OF YELLOW SPRINGS PLANNING COMMISSION:

DATE: Monday, December 8, 2014

TIME: 7:00 p.m.

LOCATION: Council Chambers, 2nd floor, Bryan Center, 100 Dayton Street, Yellow Springs, OH 45387

This notice provides you and every other interested party the opportunity to appear or have input at the hearing. You may come in person or have someone appear on your behalf. You may express your views in writing by providing a copy to the Clerk of Council for inclusion in the record of the hearing. The applications, as prepared by the petitioners, may be examined at the office of the Village Manager on the 2nd floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387. Questions regarding the applications, zoning code or procedures may be directed to the Village Zoning Administrator at the same address, or by calling 937-767-3702 or (937) 562-7480.

Tamara Ennist, Village Zoning Administrator

PLANNING COMMISSION
MEETING DATE: December 8, 2014
STAFF REPORT: Tamara Ennist, Village Zoning Administrator

LOCATION: The alley east of Livermore Street between the intersections of East South College Street and Marshall Street in the location of Antioch’s Wellness Center.

ZONING DISTRICT: The alley right-of-way is surrounded by one parcel (ID #F19000100150002300) situated within the E-I Educational Institution zoning district.

APPLICANT: Antioch College, represented by Reggie Stratton

PROPERTY OWNER: The Village of Yellow Springs

REQUESTED ACTION: Request for vacation of the entire four hundred fifty (450) feet length of the fifteen (15) feet wide alley per Yellow Springs Codified Ordinance Chapter 1224.

HEARING NOTICE: “Alley Vacation – Antioch College, represented by Reggie Stratton, has requested to vacate a fifteen (15) feet wide alley situated east of Livermore Street south of the intersection with East South College Street in the location of the Curl Gym per the Village of Yellow Springs Code of Ordinances Chapter 1224. The alley is four hundred and fifty (450) feet long. The following parcel, owned by Antioch College Corporation, is adjacent to the portion of alley requested for vacation; Greene County parcel ID #F19000100140005700.”

GREENE COUNTY PARCEL ID: N/A

PROPERTY INFORMATION:

Land Use / Zoning
The alley right-of-way requested for vacation is surrounded by one parcel (ID #F19000100140005700) under the ownership of Antioch College Corporation. It is an undeveloped alley way that does not connect to any existing public way. The Antioch College Wellness Center (previously the Curl Gym) and a parking lot were constructed within and across most of the length of the undeveloped alley.

At the end of 2013, the Village Council at the recommendation of the Planning Commission approved the vacation of the alley extending west of Livermore Street directly be vacated.

The parcel on either side of the undeveloped Herman street right-of-way is within the E-I Educational Institution zoning district.

DETAIL OF APPLICANT REQUEST:
It appears that this right-of-way was never developed. There are no curb cuts or apron approaches and the portion not occupied by the building or the parking lot is grass covered. There does not appear to be any overhead utilities within the alley way and at this time I have not heard back from the utility departments to determine what public utilities if any might exist underground.
RIGHT-OF-WAY VACATION CRITERIA:
Yellow Springs Codified Ordinance; Chapter 1224 Right-of-Way Vacation Procedure

Section 1224.02 PLANNING COMMISSION REVIEW

(b) The Planning Commission shall render a decision based on the following:

(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.

(c) The Planning Commission shall forward to the Village Council the petition complete with a recommendation.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider the request and any public comments and forward a recommendation to Village Council. If it is determined that public utilities exist within the area proposed for vacation, then utility easements should be provided.
Vacated 15' Alley
Situated in the Village of Yellow Springs, Greene County, Ohio:
Section 20, Town 4, Range 8
0.155 Acres

NOTES:
1. Basis of Sealing: Ohio State Plane Coordinates
   M083 South Zone.
2. Lines of occupation, wherever they exist, generally agree
   with boundary lines.
3. All measurements shown in good condition unless
   otherwise noted.
4. All documents used as shown.
5. Prior Due Reference: Vol. 3055, Page 191

CERTIFICATION
This survey was made from an actual field survey
performed on August 7, 2014. The Plan of Survey was
prepared in accordance to the Ohio Administrative Code
Chapter 4735-37 Standards for Boundary Surveys and
that all measurements is or is to be set as shown.

David J. Kuehne
Registered Surveyor No. 7911
State of Ohio
Village of Yellow Springs
Application for Right-of-way Vacation

Applicant(s): Antiach College / Reggie Stratton

Applicant’s mailing address: Antiach College
1 Morgan Place

Phone: 937-478-2704

Location of Right-of-way: 15th Alley starting at east edge of Livermore through Wellness Center
450'

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: 10-16-14 ☐ $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: 11-24-14

☐ 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: __________________________
Physical Plant Department

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 15' Alley
Situated in the Village of Yellow Springs,
Greene County, Ohio:
Section 20, Town 4, Range 8
0.155 Acres

NOTES:
1. Basis of Bearing: Ohio State Plane Coordinates, NAD63, 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 4731-27 Standards for Boundary Surveys and that all monumentation is or is to be set as shown.

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

Antioch College Corporation
1160 Gery Street
Yellow Springs Village, Ohio, 45387

Bock & Clark
7262 Kingsplice Way, Suite A
West Chester, Ohio 45069 (513) 779-9944

Sheet 1 of 1 Project No. 1201400089
VACATED 15’ ALLEY  
0.155 ACRE

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

Beginning at the northwest corner of a 15 foot Alley and the easterly right-of-way line of Livermore Street (75’ wide – Public) and the True Point of Beginning;

Thence, South 85°52’55” East along the northerly right-of-way line of said 15 foot Alley same being the southerly line of Lot 13 shown on Antioch College Corp. Plat recorded in Plat Cabinet 37, Page 169B, a distance of 450.00 feet;

Thence, South 04°07’05” West along the easterly line of said 15 foot Alley, a distance of 15.00 feet;

Thence, North 85°52’55” West along the southerly line of said 15 foot Alley and said Lot 13, a distance of 450.00 feet;

Thence, North 04°07’05” East along the easterly line of said Livermore Street, a distance of 15.00 feet to the True Point of Beginning, containing 0.155 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.
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The information contained on this cadastral maps is used to locate, identify and inventory parcels of land in Greene County for appraisal and monitoring purposes only, and it is not to be construed or used as a legal description of the tract, location, boundaries of property or any other representations or guarantees. This information is subject to changes and corrections, including loss of data, inaccuracy, transmission errors, loss of business information, or other potential errors that might arise from the use of this map or the information it contains.

1 inch = 74 Feet
PLANNING COMMISSION

MEETING DATE:  December 8, 2014

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

LOCATION:  Undeveloped portion of Herman Street right-of-way located between the east end of the developed portion of Herman Street and Corry Street.

ZONING DISTRICT:  The right-of-way is situated with E-I Educational Institution zoning districts on either side.

APPLICANT: Antioch College, represented by Reggie Stratton

PROPERTY OWNER:  The Village of Yellow Springs

REQUESTED ACTION:  Request for vacation of approximately one thousand twenty (1,020) feet of the eastern end of the twenty-five (25) feet wide Herman Street right-of-way per Yellow Springs Codified Ordinance Chapter 1224.

HEARING NOTICE: “Right-of-Way Vacation – Antioch College, represented by Reggie Stratton, has requested to vacate the twenty-five (25) feet wide undeveloped East Herman Street right-of-way which is situated between the developed portion of East Herman Street and Corry Street in the location of the Antioch Solar Array Field per the Village of Yellow Springs Code of Ordinances Chapter 1224. The right-of-way is approximately one thousand and twenty-two (1022) feet in length. The following parcels, owned by Antioch College Corporation, are adjacent to the portion of right-of-way requested for vacation; Greene County parcel ID #F19000100140005700 and ID #F19000100150002300.”

GREENE COUNTY PARCEL ID: N/A

PROPERTY INFORMATION:

Land Use / Zoning

The portion of Herman Street right-of-way requested for vacation is all located between two parcels (#F19000100140005700 and ID #F19000100150002300) under the ownership of Antioch College Corporation. This portion of the undeveloped Herman Street right-of-way runs between the recently constructed solar array fields between Corry Street and the east end of the developed Herman Street.

Both parcels on either side of the undeveloped Herman street right-of-way are within the E-I Educational Institution zoning district.

DETAIL OF APPLICANT REQUEST:

It appears that this right-of-way was never developed and the applicant has identified that the southern fifty (50) feet of the original seventy-five (75) feet right-of-way width was previously vacated along this same length of right-of-way. There are no curb cuts or apron approaches at the Corry Street end and most of the length is grass covered. However, the eastern end of the developed portion of Herman Street ends in a cul-de-sac loop that extends into the proposed right-of-way vacation area as well as into both of the Antioch College Corporation parcels. In addition, 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.
RIGHT-OF-WAY VACATION CRITERIA:

Yellow Springs Codified Ordinance;
Chapter 1224 Right-of-Way Vacation Procedure

Section 1224.02 PLANNING COMMISSION REVIEW

(b) The Planning Commission shall render a decision based on the following:

(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.

(c) The Planning Commission shall forward to the Village Council the petition complete with a recommendation.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider the request and any public comments and forward a recommendation to Village Council. In addition, easements will need to be provided for the sanitary sewer main and any other utility need. Before the proposed vacation is allowed, Staff recommends that Antioch College Corporation dedicate new public right-of-way surrounding the turn-around at the east end of the existing built Herman Street. The size and shape of the right-of-way should be coordinated with the needs of the Miami Township Fire Department. Furthermore, the Planning Commission should consider requiring a public pedestrian/bike path easement between the un-vacated portion of Herman Street and Corry Street for public connectivity to the bikeway and Glen Helen.
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: 937-478-2764

Location of Right-of-way:
East Herman Street - South Campus
Between west property line and Cassy 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)
Notice mailed to abutting property owners, date: 11-21-14
Public Hearing date: 12-8-14 (max. 60 days from receipt by P.C.)
Recommending for: □ approval □ denial □ modification
Recommending 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, 80 days without)
Notice mailed to abutting property owners, date: □ Mailing list attached
Public Hearing date: □ Approval □ denial □ modification
Council Action: □ approval □ denial □ modification
Ordinance #: Date: _____________________________
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 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°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°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°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°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. Kueth, Ohio Registered Surveyor No. 7911 dated August 7, 2014.
PLANNING COMMISSION

MEETING DATE: December 8, 2014

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

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

ZONING DISTRICT: This portion of the East North College Street right-of-way is situated with E-I, Educational Institution zoning districts on either side.

APPLICANT: Antioch College, represented by Reggie Stratton

PROPERTY OWNER: The Village of Yellow Springs

REQUESTED ACTION: Request for vacation of approximately one thousand thirty-six (1,036) feet length of the sixty-six (66) feet wide East North College Street right-of-way per Yellow Springs Codified Ordinance Chapter 1224.

HEARING NOTICE: “Right-of-Way Vacation – Antioch College, represented by Reggie Stratton, has requested to vacate the sixty-six (66) feet 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 which also intersects with President Street per the Village of Yellow Springs Code of Ordinances Chapter 1224. The right-of-way is approximately one thousand and thirty-six (1036) feet in length. The following parcels, owned by Antioch College Corporation, are adjacent to the portion of right-of-way requested for vacation; Greene County parcel ID #F19000100140005700, ID # F19000100090029600 and ID #F19000100090029800.”

GREENE COUNTY PARCEL ID: N/A

PROPERTY INFORMATION:

Land Use / Zoning

This portion of East North College Street right-of-way requested for vacation is located between parcels (ID #F19000100140005700, ID #F19000100090029600 and ID #F19000100090029800) that are all under the control of Antioch College Corporation. All three lots with frontage on this undeveloped right-of-way were created with the Antioch College Corporation Plat that was recorded in 2010. This length proposed for vacation extends from Livermore Street to Corry Street and is intersected with the eighty (80) feet wide President Street right-of-way mid-way on the north side.

Currently, this undeveloped right-of-way is utilized by Antioch College and numerous pedestrian walk ways have been established throughout. Previous site plans from Antioch College also identified numerous utility crossings; most appear to be private and at this time we have not heard back from the utility departments regarding public utilities that may be located there also. In addition, according to the Miami Township Fire Department, there is also a fire lane in this location.

The parcels on either side of the undeveloped East North College Street right-of-way are within the E-I Educational Institution zoning district.
DETAIL OF APPLICANT REQUEST:

It appears that this right-of-way was never developed for street purposes. However, even though it is currently used for campus purposes it is still a public right-of-way allowing everyone access between Livermore Street and Corry Street. In the applicants proposal, they state that a pedestrian and bicycle friendly brick pathway will be developed by Antioch College in the location of the East North College Street right-of-way for use by the Yellow Springs community.

RIGHT-OF-WAY VACATION CRITERIA:

Yellow Springs Codified Ordinance; Chapter 1224 Right-of-Way Vacation Procedure

Section 1224.02 PLANNING COMMISSION REVIEW

(b) The Planning Commission shall render a decision based on the following:

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.

(c) The Planning Commission shall forward to the Village Council the petition complete with a recommendation.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider the request and any public comments and forward a recommendation to Village Council. In addition, easements will need to be provided for any public sanitary sewer main, water main and/or any other utility need. Before the proposed vacation is allowed, Staff recommends that Antioch College Corporation coordinate with Miami Township Fire Department on the size and specifications needed for an emergency fire lane. Furthermore, the Planning Commission should consider requiring a public pedestrian/bike path access easement between the Livermore Street and Corry Street for public connectivity to the bikeway and Glen Helen.
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 & C Levy St.

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

Applicant's Signature: ___________________________ Date: 10/6/14

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)
Notice mailed to abutting property owners, date: ___________
Public Hearing date: ___________ (max. 60 days from receipt by P.C.)
Recommended for: approval denial modification
Recommendation date: ___________ (max. 60 days from receipt by P.C.)

Village Council Action:
Notice & Map Publication date: ___________ (min. 10 days prior to hearing if petitioned, 50 days without)
Notice mailed to abutting property owners, date: ___________
Public Hearing date: ___________
Council Action: approval denial modification
Ordinance # ___________ Date: ___________
Physical Plant Department

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
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°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°42'24" East along the West line of Corry Street (60' wide – Public), a distance of 69.73 feet;

Thence, North 85°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°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. Kueth, Ohio Registered Surveyor No. 7911 dated August 7, 2014.
PUBLIC NOTICE

PUBLIC HEARING

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

Notice is hereby given that:

An owner of property in the Village has requested a public hearing with the Yellow Springs Planning Commission to vacate three portions right-of-way;

1) **Alley Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate a fifteen (15) feet wide alley situated east of Livermore Street south of the intersection with East South College Street in the location of the Curl Gym per the Village of Yellow Springs Code of Ordinances Chapter 1224. The alley is four hundred and fifty (450) feet long. The following parcel, owned by Antioch College Corporation, is adjacent to the portion of alley requested for vacation; Greene County parcel ID #F19000100140005700.

2) **Right-of-Way Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate the twenty-five (25) feet wide undeveloped East Herman Street right-of-way which is situated between the developed portion of East Herman Street and Corry Street in the location of the Antioch Solar Array Field per the Village of Yellow Springs Code of Ordinances Chapter 1224. The right-of-way is approximately one thousand and twenty-two (1022) feet in length. The following parcels, owned by Antioch College Corporation, are adjacent to the portion of right-of-way requested for vacation; Greene County parcel ID #F19000100140005700 and ID #F19000100150002300.

3) **Right-of-Way Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate the sixty-six (66) feet 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 which also intersects with President Street per the Village of Yellow Springs Code of Ordinances Chapter 1224. The right-of-way is approximately one thousand and thirty-six (1036) feet in length. The following parcels, owned by Antioch College Corporation, are adjacent to the portion of right-of-way requested for vacation; Greene County parcel ID #F19000100140005700, ID # F19000100090029600 and ID #F19000100090029800.

A PUBLIC HEARING WILL BE HELD ON THESE PETITIONS BY THE VILLAGE OF YELLOW SPRINGS PLANNING COMMISSION:

**DATE:** Monday, December 8, 2014

**TIME:** 7:00 p.m.

**LOCATION:** Council Chambers, 2nd floor, Bryan Center, 100 Dayton Street, Yellow Springs, OH 45387
This notice provides you and every other interested party the opportunity to appear or have input at the hearing. You may come in person or have someone appear on your behalf. You may express your views in writing by providing a copy to the Clerk of Council for inclusion in the record of the hearing. The applications, as prepared by the petitioners, may be examined at the office of the Village Manager on the 2nd floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387. Questions regarding the applications, zoning code or procedures may be directed to the Village Zoning Administrator at the same address, or by calling 937-767-3702 or (937) 562-7480.

Tamara Ennist
Village Zoning Administrator

To: Village of Yellow Springs Planning Commission  
From: Patti Bates, Village Manager  
Re: Vacation of Alleys and Roadways, Pelzl Property  
Date: December 5, 2014

Honorable Planning Commission Members:

I am in receipt of several documents from Rose Pelzl regarding the alley and roadway vacations on the Pelzl family property at South High and West South College Streets. Apparently, there is a discrepancy between what is recorded on the actual deeds and what is currently recorded at the Greene County Auditor’s Office.

Deeds at the Greene County Recorder’s Office indicate that the alleys and roadways on the property were vacated by the Yellow Springs Village Council in an unnumbered ordinance on March 24th, 1879. That indication is supported by records of the Village of Yellow Springs Council minutes that reference a meeting held and a vote taken (5 yays, 0 nays) on that issue on March 24th, 1879.

For some reason, the alley and roadway vacations were never recorded with the County Auditor, only with the County Recorder when the deeds were next transferred. I would agree with Ms. Pelzl’s thought that this may be due to the fact that the property has never actually been deeded to someone outside the family since its original purchase in 1877. Deeding within the family would not generally have required a title search that would have indicated the vacations. Additionally, it may well be that things were just done differently in a much simpler time.

The Greene County Auditor will not file the alley and roadway vacations without a document from the Village of Yellow Springs Planning Commission indicating that the alleys and roadways were officially vacated. As this action has, in fact, already taken place, it is my recommendation that the Planning Commission either (1) accept that the vacation was appropriate and should be recorded without further action by the Planning Commission or the Village Council and that the Greene County Auditor should be notified of this opinion or (2) determine that further discussions should be held to consider that matter and determine if the vacation process as described in the Zoning Code be undertaken.

Thank you for your time and consideration.
Pelzl request for Alley Vacation

There is historical precedent to officially vacate the streets and alleys that bisect the former Carr Nursery property in Yellow Springs, Ohio. William Wallace Carr bought the land South of South College Street, West of High Street, North of Herman Street, and East of the future Gaunt Park in 1877 from M. G. Bell and David Murphy. The property is now owned by W.W. Carr’s great-great-granddaughter, Corinne Odiorne Pelzl. (Greene County, Ohio, 1876, Vol. 56, Pg. 559).

The deeds for the property were changed to include the wording:

“and all vacated allies and vacated streets abutting said lots, as shown on the plat of William Mills’ 1st Addition, recorded in Plat Cabinet 31, page 245A, Greene County Plat Records, (...). The said lots appear on the map of the Village of Yellow Springs, Greene County, Ohio, as described, but said alleys and streets have been heretofore vacated even though they do not appear so on the map.”

in 1961 when the deeds transferred through General Warranty Deed from Oscar Edwyn Carr to Louise Harris Odiorne (Greene County, Ohio, 1961, Vol. 328, Pg. 549). Oscar received the property through Last Will and Testament in 1931 from W. W. Carr (Greene County, Ohio, 1931, Vol. 147, Pg. 229). A clause on the deed does not constitute a legal vacation, but this language was a clue to search for a possible Village Ordinance that does.

In the current Village Ordinance “Table C - Vacating Streets and Alleys” there is reference to an unnumbered ordinance dated March 24th, 1879, that vacates “Certain Streets and Alleys”. The corresponding ordinance of that date includes a petition brung to Council by J. W. Hamilton, Wm. Mills, J. B. Weston, and W.W. Carr. The petition lists ten points, describing several streets and alleys within their respective properties ranging several blocks. (Village of Yellow Springs, Ohio, 1879, Pg. 537-539).

Points “1.” and “2.” from the petition refer to the alleys and streets bisecting W.W. Carr’s property.
“1. So much of Marshall Street as lies West of Xenia Avenue.”
“2. All the Alleys within the bounds of Xenia Avenue on the East, South College Street on the North, the East line of James Moore’s land in the West, and by Herman Street on the South.”

James Moore’s property referred to in the petition lies to the West of the Carr property according to the 1879 Tax Records. (Greene County, Ohio. 1876. Vol. 56 Pg. 48).

“Being part of Sec. 20, Township four (4), Range eight (8). Beginning at a stake at Collier Street and the street West of High Street, 60 feet wide and running thense with the middle grid of said last named street.”

Further evidence that the Moore property referred to in the petition was West of the Carr property is that the ownership of the lots East of High Street and West of Xenia Avenue can be confirmed as belonging to distinct people, through the 1879 Greene County Tax Records. Lots 534 and 534 were not taxed at the time because the building on the land was an elementary School House. Even without the evidence, it is reasonable to assume that points 1 and 2 refer to the Carr property because the other eight points do not, and W.W. Carr was one of the petitioners.

All of the other eight points from the petition do not concern the Carr property, and almost all have been adopted over the years as the properties have changed owners:

“3. All the alleys between Marshall Street on the North, Xenia Avenue on the west, Herman Street on the South, and on the East by an alley being the first alley west of Livermore Street, continuing North and South from Herman Street and Marshall Street.”

“4. All the alleys within the bounds of High Street on the west, Central Avenue on the North, Xenia Avenue on the East and South College Street on the South.”

“5. All the alleys within the bounds of High Street on the West, Whiteman Street on the North, Phillips Streets on the East and North College on the South.”

“6. So much of an alley lying between Central Avenue and North College Street, and [so much] West of Xenia Avenue as lies between lot on 235 on the west and lots No. 233 and 234 on the east.”

“7. All the alleys in the block west of Xenia Avenue and east of Phillips Street, lying between Whiteman and North College Streets.”
“8_ Also the alley west of High Street, and east of the east line of land owned by David Potter, lying between Whiteman and North College Streets.”

“9_ All the alleys lying west of Livermore Street and east of Xenia Avenue and between North College Street and Central Avenue, ex the alley next east of Xenia Avenue [running?] between North College Street and Central Avenue.”

“10_ The alley running east and west between Central Avenue and South College Street, and on the [?] of lots.

It is possible that the changes in status of the Carr property alleys and streets were never officially recorded because, up until now, the property has only transferred between family members and has never been replatted or resurveyed from the original Mills First Addition Plat (Greene County, Ohio, Cabinet 31. Pg. 245A). At the time, putting the vacation language on the deed (without reference to the ordinance) may have sufficed. Resurveying the property if one was not breaking it up into smaller parts would have been seen as an unnecessary expense.

The ordinance from March 24th, 1879 states that

“At a meeting of the Council of the Village of Yellow Springs, held Feb. 6th 1879, the foregoing petition was presented and on motion it was: ‘Ordered that notice of the prayer of said petition be given by posting notices through three public places in said village for six weeks, and that Monday, March 24th, at 8 o’clock P.M. be assigned as the time and the Mayor’s Office as the place for taking action on the prayer of said petition.’


Moved by J Hafner and Seconded by J.J. Herst that the repost of the Clerk be accepted and that a committee be appointed to draft an ordinance in accordance with the prayers of the petition. The question [of] the motion was taken by yays and nays and carried in the affirmative by the vote.

Councilman Hafner, Haze, Herst, Kinney, Little. 5 Yays. Nays: 0.

On motion it was voted that the Clerk be a committee to draft said ordinance.

Even though the language is confusing, it is reasonable to assume that the ordinance was approved. This sort of language is standard in the Village Minutes books of that time. In addition, the current Table C, “Vacated Streets and Alleys” references the Ordinance from March and the fact that all the other points from the petition, excluding point no. 7, have been
adopted without separate ordinances support this conclusion. The document establishes that proper notice was posted for a sufficient amount of time, even for today's standards, for the petition to be accepted when reviewed again on the 24th of March 1879, and that the ordinance was approved unanimously by the council at that time. We would ask that the Planning Commission of the Village of Yellow Springs should act in such a way as they see fit to resolve this discontinuity and have the Greene County Auditors office reflect the vacation of the Alleys and Streets bisecting the former Carr Nursery Property.

Corinne Pelzl, Trustee 240 West South College Street
Rose M. Pelzl, Trustee Yellow Springs, Ohio 45387
Jonathan Estes, Trustee (937) 344-0563

Codified Ordinance of Yellow Springs, Ohio. (2013). Table C - Vacating Streets and Alleys.
American Legal Publishing Corporation.

Village of Yellow Springs, Ohio. (March 24th, 1879). Roll #1 Council Minutes. (Microfilm).
Wright State University Archives.

Greene County, Ohio Tax Records. (1879). Vol. 1 Pg. 328. Greene County Archives.

(Microfilm). Greene County Archives.

(Microfilm). Greene County Archives.

Greene County, Ohio Deed Records. (1877) Vol. 57 Pg. 626 David Murphy to W.W. Carr lots.
(Microfilm). Greene County Archives.


Greene County, Ohio. Plat Records. Plat Cabinet 31. Pg. 245A.
March 24th, 1879

The Clerk reported that in acceptance with the instruction of the council in as much as no new paper is established in Yellow Springs, he had given notice of the (fundancy) and prayer of the petition of J. W.

“Citizens Wm. Mills, J.B. Weston and W.W. Carr by cause copies of the same with the action of the council wherein, to be posted up in three public places in said village, to wit, at the mayors office, the post office, and at the warehouse of (J.M. Linden) for six weeks to wit from Feb. 6th till ceasing. The following is a copy of the petition and notice of (fundancy) of the action and posting.

“Petition
To the honorable mayor and board of Councilmen of the Village of Yellow Springs, Greene County, Ohio.
The undersigned citizens of Yellow Springs and owners of lots in the immediate vicinity of the within-mentioned streets and alleys respectfully petition praying that you will dictate by ordinance the vacation of the following described part of streets and alleys in said Village.

1_ So much of Marshall Street as lies West of Xenia Avenue.

2_ All the Alleys within the bounds of Xenia Avenue on the East, South College Street on the North, the East line of James Moore’s land in the West, and by Herman Street on the South.”

3_ All the alleys between Marshall Street on the North, Xenia Avenue on the west, Herman Street on the South, and on the East by an alley being the first alley west of Livermore Street, continuing North and South from Herman Street and Marshall Street.”

4_ All the alleys within the bounds of High Street on the west, Central Avenue on the North, Xenia Avenue on the East and South College Street on the South. “

5_ All the alleys within the bounds of High Street on the West, Whiteman Street on the North, Phillips Streets on the East and North College on the South.”

6_ So much of an alley lying between Central Avenue and North College Street, and [so much] West of Xenia Avenue as lies between lot on 235 on the west and lots No. 233 and 234 on the east.”

7_ All the alleys in the block west of Xenia Avenue and east of Phillips Street, lying between Whiteman and North College Streets.”

8_ Also the alley west of High Street, and east of the east line of land owned by David Potter, lying between Whiteman and North College Streets.”

9_ All the alleys lying west of Livermore Street and east of Xenia Avenue and between North College Street and Central Avenue, ex the alley next east of Xenia Avenue [running?] between North College Street and Central Avenue.”
10. The alley running east and west between Central Avenue and South College Street, and on the [?] of lots.

At a meeting of the Council of the Village of Yellow Springs, held Feb. 6th 1879, the foregoing petition was presented and on motion it was: ‘Ordered that notice of the prayer of said petition be given by posting notices through three public places in said village for six weeks, and that Monday, March 24th, at 8 o’clock P.M. be assigned as the time and the Mayor’s Office as the place for taking action on the prayer of said petition.’


Moved by J Hafner and Seconded by J.J. Herst that the repost of the Clerk be accepted and that a committee be appointed to draft an ordinance in accordance with the prayers of the petition.

The question of the motion was taken by yays and nays and carried in the affirmative by the vote.

Councilman Hafner, Haze, Herst, Kinney, Little. 5 Yays. Nays: 0.

On motion it was voted that the Clerk be a committee to draft said ordinance.
It is respectfully requested that the request for a conditional use permit for the property at 318 Phillips Street, Yellow Springs be denied for the following reasons:

1. The permit to rezone the property at 318 Phillips Street cannot be justified on the grounds of inadequate office space existing elsewhere within the community; e.g., Creative Memories Building, Millworks. The property in question is located in the middle of a neighborhood comprised of residential housing, which is occupied by either the property owners themselves or responsible renters. In addition to the loss to the community of residential housing that the renovation of the cottage would entail, the applicant’s plan to convert the present garage into a “conference facility” accommodating 12 persons and add three parking spaces in the rear of the property is likewise unjustifiable, given the ready availability of meeting space that already exists within the community. The Morgan Foundation acknowledges in its application that the community “need” for the proposed conference facility is unknown at this time. The “conversion” will necessarily involve significant construction to make it amenable to year round use. Once “converted”, it will leave the neighborhood with additional commercial space that could feasibly be rented out to yet another business enterprise. It appears from the materials provided by the applicants, that the property will require significant alteration to meet its needs for meeting space, parking space and office space. These alterations will permanently impact not only the character of the neighborhood but also the attractiveness of the remaining properties to potential buyers, who would be understandably hesitant to purchase property in a “changing” neighborhood. Approval of the request by the Planning Commission seems to be a foregone conclusion as the involved parties are already seeking active bids on the planned renovations. Among the considerations that need be taken into account by the Planning Commission (and the Morgan Foundation as well) is the impact that approval of this request would have on stakeholders in the immediate community and the future of the immediate neighborhood. It would appear from the recommendation made by Planning Staff that those considerations are not considered as relevant as concerns related to parking availability and signage.

2. The neighborhood which surrounds the Mills Lawn property, with the exception of St. Paul’s Church and rectory, the Morgan House Bed and Breakfast and the Springs Cottage enterprise, is composed of residential properties. These residential properties are attractive to families and senior citizens due to their proximity to the elementary school and the business and recreational amenities of the village, as well as for the relative affordability of some properties when compared to other neighborhoods within the Village. The neighborhood on the 300 block of Phillips Street has long been a highly attractive residential neighborhood. Several of the well cared for homes date from the late 1800’s and remain part of the architectural heritage of the community. Unfortunately, the proximity of these properties to the downtown business district are likewise attractive to investors/developers who believe the “solution” to expansion of the business district could be found in the properties adjacent to Mills Lawn. The permit to convert the property from residential use to office space and conference facilities would unalterably change the character of the present residential neighborhood and pave the way for the destruction of a long-standing residential neighborhood. The intrusion of commercial activity will negatively impact the attractiveness of nearby properties for residential purposes and set a precedent for eventual conversion of other residential properties into buildings re-zoned and re-purposed for commercial use.
3. The history of the property at 318 Phillips Street is worth taking into account. The home at 318 Phillips Street was continually in use since it was built mid-century as a residence until the purchase by the Kristensen’s following the death of the previous long-term owner, Chettie Winter. Following her death, the house was never placed on the open market and appeared to be unoccupied, but well cared for in the intervening years. Property records indicate that the property was purchased by the Kristensen’s from Mrs. Winter’s estate. In recent years, it has become apparent that the property was being used as a short term rental property as traffic in and out of the house seemed to increase and a yellow plaque naming the property Springs Cottage appeared. The assertion that the property was initially used as the office for the REMAX realtors is questionable at best, given that there was never any signage or traffic into the property to suggest that was the case. Given the demand for affordable housing, the property could have easily been sold as residential housing had it ever been openly advertised on the market. The fact that it has been held by a local realtor until the “right buyer” appeared raises troubling concerns as to whose interests are being served by the intrusion of office space into this particular residential neighborhood. The fact that the Morgan Foundation engages in philanthropic activities which benefit the Yellow Springs community is irrelevant in both the short and long run. Should the time come when the property no longer meets their needs and they decide to vacate the property after destroying a viable family residence, the residents of the 300 block are still left with a commercial property that can be used for whatever enterprise- or enterprises- might find it attractive.

4. The proposed solution the parking needs, would involve the addition of three parking spaces in the rear of the property. This would increase significantly traffic in the unimproved gravel alley that runs behind all properties on the 300 block. The alley has long-served to provide property owners access to the rear of their property, and is not designed to bear the load of significant traffic. Property owners would notice an increase in noise, dust as well as increase an increase in cars being parked along the properties abutting the alley, as is evident during the street fair days. In addition, the parking to the rear of the building would be largely inaccessible at times of heavy snowfall, as the alley is not ploughed. Residents who must clear parking areas in front of their home after a snowfall, will come home to discover that the parking area is occupied by non-residents in need of parking. As a homeowner sandwiched between St. Paul’s church and the proposed office site, I can only imagine the parking situation will become even more challenging when the parking is not available in front of the 318 address.

5. The issue of affordable housing has long been a concern for the Village. The destruction of a small home/cottage that could provide attractively located housing for a couple or seniors who want to downsize and remain in the community does not meet the needs of the community at large for affordable housing. The proposal is significantly detrimental to the interests of the residential community of the 300 block of Phillips Street, the property owners on Stafford Street which share use of the alley that provides access to their properties or property owners adjacent to Mills Lawn.

It is respectfully requested that the request be denied and the Morgan Foundation be directed to search elsewhere for appropriate office facilities. Given that none of the neighbors that I contacted were aware of the proposal to grant conditional use, at the very least, a decision should be delayed until input is gathered from neighborhood stakeholders. The long-term consequences of this change to the neighborhood need to be adequately considered. It is evident that the present property does not meet their needs without significant renovation, which would destroy the properties utility as for residential purposes. No one’s interest is served by granting a request that will ultimately destroy one of the Village’s oldest neighborhoods.