VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

The Village of Yellow Springs Planning Commission will meet with Council in regular session on Monday, February 10th, 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

7:05 REVIEW OF MINUTES
   November 11, 2013 Minutes of Planning Commission

COMMUNICATIONS

7:10 CITIZENS’ COMMENTS

7:15 OLD BUSINESS

7:25 NEW BUSINESS/ PUBLIC HEARINGS
   Update on CBE (Bristol)

9:00 ADJOURNMENT
CALL TO ORDER
The meeting was called to order at 7:01 P.M.

ROLL CALL
Planning Commission members present were Matt Reed, Chair, John Struwing, Tim Tobey, Bill Bebko, Lori Askeland, and Chris Till, Alternate. Stephen Anderson and Tamara Ennist, Village Zoning Administrators, were present, as was Interim Village Manager Kent Bristol.

REVIEW OF MINUTES
October 14, 2013 Minutes of Planning Commission. Bebko MOVED and Tobey SECONDED a MOTION TO APPROVE THE MINUTES AS AMENDED.

REVIEW OF AGENDA
There were no changes made.

REPORTS
There were no Reports.

CITIZEN CONCERNS
There were no Citizen Concerns.

NEW BUSINESS and PUBLIC HEARINGS
502 South High Street; Conditional Use Application to establish a home occupation for a home based hair salon. Tamara Ennist read through the conditions as follows.

LOCATION: 502 S. High Street, Apartment A
ZONING DISTRICT: R-B, Moderate Density Residential District
APPLICANT: Michael Harrod, Tenant
PROPERTY OWNER: Virginia G. Alexander, Trustee
REQUESTED ACTION: Request for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1248.02(Table) and 1262.08(e)(5), to allow a home occupation for the establishment of a home based hair salon at 502 S. High Street. Apartment A located within the R-B, Moderate Density Residential District.

HEARING NOTICE: 502 South High Street – Michael Harrod, tenant of the property owned by Virginia G. Alexander, Trustee, has applied for a conditional use to establish a home occupation for a home based hair salon at 502 South High Street, Apt. A, pursuant to the Village of Yellow Springs Code of Ordinances Chapter 1248.02 (Table) and 1262.08(e)(5). The property is located within the ‘R-B Moderate Density Residential District’ [Z.C. Ch. 1248] which permits ‘Home Occupations’ by right in all Residential Districts per the conditions of Section 1262.08(e)(5). Greene County Parcel ID; # F19000100040010700. Applicable Yellow Springs Zoning Code sections are: Sec. 1248.02(Table); 1262.08(e)(5); 1262.01-1262.06 & Ch. 1272.

GREENE COUNTY PARCEL ID: # F19000100040010700

PROPERTY INFORMATION AND ANALYSIS:
The 502 S. High Street property is located at the southwest corner of the intersection with W. Davis Street. It is described as lot #158 of the Yellow Springs East Plat and it measures 60.0’ wide and 93.0’ deep. The property is zoned R-B, Moderate Density Residential as are the adjoining properties and those across the street right-of-ways. There are, however, a variety of uses within the surrounding residential neighborhood, including a commercial property adjoining this property to the south and a church caddy corner across the street intersection. Apartment A occupies the north east portion of the structure, including the part of the structure that sits closest to High Street that has an appearance of a commercial store front.

STAFF ANALYSIS OF THE APPLICATION: Because the applicant is requesting a conditional use permit to allow a home occupation that will generate customers, it was determined that it would need to be reviewed by the Village Planning Commission. [Section 1262.08(e)(5)A&B] The property is located in the R-B, Moderate Density Residential district and Home Occupations are listed as a conditional use. [Section 1248.02(Table)] The applicant is requesting to use 250 square feet of his residential apartment for a home
based hair salon. [Section 1262.08(e)(5)E] The applicant is planning on being the sole proprietor and will have only one chair. [Section 1262.08(e)(5)D] He is aware that no more than eight clients per day are permitted. [Section 1262.08(e)(5)K] No off-street parking is available for this site. [Section 1262.08(e)(5)L] The applicant would like to utilize W. Davis for parking.

CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Ordinance;

Chapter 1248 Residential Districts

Section 1248.02 Schedule of Uses: Residential Districts (Table)
Home Occupations are listed as a conditional use in the R-B, Moderate Density Residential District.

Section 1262.08(e)(5) Home Occupation

A. Permit. Application for a home occupation permit shall be made to the zoning administrator, together with payment of such fee as may be established by Village Council. The requirement for a permit shall be waived if all of the following conditions apply to the home occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

B. If the zoning administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the zoning administrator may refer the matter to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.

C. The use shall be conducted entirely within the dwelling, with the following exception(s):

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned RA or RB as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Village ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.

D. The use shall be carried on only by the residents of the dwelling and not more than one other person.

E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20 percent of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

G. No outdoor storage, activities or displays shall be permitted.

H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.

J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e., pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.

K. The home occupation shall not entail more than eight client visits per day or forty per week. The operator of the home occupation is responsible for maintaining a log of such visits.

L. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home occupation shall be provided for on the lot’s driveway, which shall meet the minimum size requirements for off-street parking set forth in Chapter 1264. Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

M. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in Section 1262.06 shall take place.
Section 1240.09 (DEFINITIONS)

Accessory Use. A use incidental to, and on the same lot as, a principal use.

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

Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation.

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

SECTION 1272.01 PURPOSE

Conditionally permitted uses typically represent more intensive or extensive land uses than are principally permitted in a given zoning district. The purpose of this chapter is to specify criteria against which to measure the proposal of a conditionally permitted development and, through such monitoring, to achieve compatible and diverse community development through a public and private project review partnership.

1272.04 STANDARDS FOR ALL CONDITIONAL USES

In addition to specific requirements for conditionally permitted uses, as specified in this chapter and elsewhere in this Zoning Code, the Planning Commission shall find adequate evidence that the number, location, and design of points of vehicular and pedestrian access to the site shall be such as to minimize threats to traffic safety and disruption of interference of existing traffic patterns and that the use proposed at a given location:

(a) Will conform to all requirements of this Zoning Code and be in general accord with the Comprehensive Development Plan.
(b) Will be adequately served by essential public facilities and services as measured against prevailing engineering standards for similar development;
(c) Will not create excessive additional requirements at public cost for public facilities and services as measured against comparable facilities and services which would be needed to serve principally permitted uses;
(d) Will not cause a public nuisance by creating, beyond the boundaries of the subject property, objectionable amounts of light, noise, smoke, odors, fumes, vibration or traffic;
(e) Will not result in the destruction or damage of a natural or scenic feature of major importance which has been identified by either local or regional studies;
(f) Will be designed so as to avoid diversion of watercourses or excessive run-off;
(g) Will be adequately designed with respect to safety and with respect to off-premises impact, as evidenced by site development plans addressing:
   (1) On-site traffic circulation;
   (2) Lighting;
   (3) Storm drainage;
   (4) Landscaping;
   (5) Ingress/egress of automobiles and pedestrians with respect to the site and existing and proposed structures;
   (6) Parking; and
   (7) Waste handling and storage.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission of the Village of Yellow Springs approve the application for the Home Occupation.

The petitioner, Michael Harrod, stated that he has lived in the apartment for about three years, and has worked for the owner of Wavelengths Salon for about two and a half year. Harrod stated that he has been working on the space, preparing it for use as a Barber Shop.

Reed opened discussion on the matter among PC members. Struwing and Askeland discussed parking, and concluded that the on-street parking in the area is sufficient to accommodate a single chair operation which is limited to a total of forty customers per week.

Till commented that the business will be consistent with other businesses now in the neighborhood, and that the Village needs a barber shop.
Bebko commented in favor, noting that the building has historically housed businesses. Bebko MOVED to ACCEPT STAFF RECOMMENDATIONS TO GRANT THE REQUEST FOR A CONDITIONAL USE AT 502 South High St. Struwing SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

321 Xenia Avenue; Conditional Use per Zoning Code Section 1250.02(Table), to allow the construction of a hotel at 321 Xenia Avenue. Ennist introduced the matter as follows:

LOCATION: 321 Xenia Avenue

ZONING DISTRICT: B-1, Central Business District

APPLICANT: Ted Donnell, Architect

PROPERTY OWNER: James F. & Elizabeth S. Hammond, Trustees

REQUESTED ACTION: Request for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1250.02, to allow the location of a Hotel/Restaurant/Meeting Room/Retail mixed use development on the property located at 321 Xenia Avenue in the B-1, Central Business District.

HEARING NOTICE: 321 Xenia Avenue – (B-1, Central Business District) – Ted Donnell, on behalf of the property owners, James F. & Elizabeth S. Hammond, Trustees, has requested a conditional use, per the Village of Yellow Springs Zoning Code Section 1250.02(Table), to allow the construction of a hotel at 321 Xenia Avenue. The property is located within the “B-1, Central Business District [Z.C. Ch. 1250] which permits ‘Hotels and Motels’ as a conditional use pursuant to Z.C. Chapter 1268. Greene County Parcel ID; #F19000100090024800. Applicable Yellow Springs Zoning Code sections are Chapter 1250, Sec. 1250.02(Table), Sec. 1260.01(a), 1260.02(b), 1260.03, 1260.04, 1272.06, 1260.05, Ch. 1262, Ch. 1264, Ch. 1266, Ch. 1268, Ch. 1270, & Ch. 1272.

GREENE COUNTY PARCEL ID: # F19000100090024800.

PROPERTY INFORMATION AND ANALYSIS:
The property is located at 321 Xenia Avenue at the northeast corner of the intersection with Limestone Street. It contains 1.608 acres with approximately 200 feet of frontage on Xenia Avenue and 328 feet on Limestone Street. This property as well as the properties facing Xenia Avenue on either side and across the street is within the B-1, Central Business District. The eastern half of the lot abuts the R-C, High Density Residential District to the north, east and across the Limestone Street right-of-way to the south. Most recently, the property was used residentially and contained a single-family one and a half story house that was built in 1840. The structure was demolished earlier this year. Water and sanitary sewer service provided by the Village is available to the site.

STAFF ANALYSIS OF THE APPLICATION: The applicant is requesting a conditional use permit to allow the establishment of a hotel with an additional retail space within the B-1, Central Business District. Conditional uses are identified in the zoning code as, “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…. ” [YSZC Sec. 1262.01]. Conditional uses are expected to comply with all applicable requirements of this code, except as specifically altered in the approved conditional use. [YSZC Sec. 1262.03(b)]

“The B-1, Central Business District serves as the focal point for the social and commercial activities of the Village. The integration of business, institutional, public, quasi-public, cultural, residential and other related uses is permitted and encouraged. Uses in this district, for the most part, are intended to promote pedestrian movement and social interaction and should be of a scale and character that is consistent with the small town ambiance of the Village of Yellow Springs.” [YSZC Sec. 1250.01(a)]

Hotels and motels are permitted as a conditional use within the B-1, Central Business District. [YSZC Sec. 1250.02(Table)] and as such must be presented at a public hearing and receive approval from the Village Planning Commission. [YSZC Sec. 1262.01] Furthermore, because the proposed structure will exceed 5,000
square feet in size, the Village Planning Commission is responsible for site plan review. [YSZC Sec. 1268.02(b)]

The Village of Yellow Springs zoning code defines ‘Hotel/motel’ this way:
A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests. [YSZC Sec. 1284.05]

The current proposal, as identified in the ‘Conditional Use Application’, specifies the use as “Hotel, Restaurant, Meeting Room, & Retail” indicating that some or all of these uses may be intended to serve the public as well as the registered guests.

The zoning code states that, “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 [YSZC Sec. 1260.04(d)]:

(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 buildings are architecturally unified and compatible.
(4)
While the zoning code does not list ‘Specific Requirements’ for a hotel it does list added requirements for Commercial retail uses that are 10,000 square feet or more. [YSZC Sec. 1262.08(3)] As a hotel is a commercial endeavor the following requirements should be considered;

A. The building and site design shall be compatible with and complementary to the established character of the district with respect to scale, height, bulk, setbacks, building materials and pedestrian and bicycle transportation amenities.
B. Off-street parking areas shall be designed to minimize their visibility and obtrusiveness from the adjacent street(s).
C. No new driveways or other means of vehicular access shall be permitted on Xenia Avenue between Limestone and Corry Streets.

Off-street parking is required in the B-1, Central Business district [Sec. 1264.02] but cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning Commission based upon a finding that other forms of travel are available and likely to be used and the site plan incorporates both bicycle parking facilities and pedestrian connections and at least one factors listed in Section 1264.02(d) can be applied. [YSZC Sec. 1264.02(c)(1)]

The proposal provides shared parking by multiple uses and provides pedestrian connections between the uses [YSZC Sec. 1264.02(d)(1)] In addition, on-street spaces are located adjacent to the site and sidewalk connections have been provided for expected walk-in trade. [YSZC Sec. 1264.02(d)(2)&(3)]

The number of parking spaces required for this mixed use development were calculated as specified in Section 1264.02(Table);

Hotel – 35 spaces
Restaurant (sit down w/licorer licence) – 17 spaces
Meeting Room – 50 spaces
Retail Space – 4 spaces

For a total of 106 required spaces. The zoning code provides for an automatic 25% reduction from the required number of spaces for developments within the B-1, Central Business District [YSZC Sec. 1264.02(h)] bringing the required number of spaces to 80 which can be further reduced by the Planning Commission in conformance with the provisions of Section 1264.02(d). The parking arrangement identifies eighty (80) parking spaces that include three handicapped marked spaces and is designed to meet the requirements listed in Section 1264.03(Table). Although, ingress and egress standards are identified in the zoning code, the B-1, Central
Business District is exempt from those standards. [YSZC Sec. 1264.03(b)(5)] Landscaping is shown on the plans and appears adequate but is not required in the B-1, Central Business District. [Section 1264.03(b)(7) & 1270.02] Lighting of the parking lot, not shown on the plans, will need to comply with Section 1264.03(b)(8). Signage is identified on the plans but the location does not comply with the sign regulation in Chapter 1266 of the zoning code. A separate sign permit will be required and issued by the Zoning Administrator.

Accommodation for bicycle parking is especially encouraged in this district [YSZC Sec. 1264.02(i)] and is provided at the northwest corner of the site.

CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Ordinance;

Chapter 1250 Business Districts

Section 1250.02 (Table) Schedule of Uses: Business Districts and Section 1258.01(Table) Schedule of Uses by District.

Hotels and motels – Conditional Use.
Restaurants, excluding drive-in or drive-thru facilities. – Permitted Use.
Outdoor patio seating in conjunction with a permitted restaurant – Conditional Use.
Bars, taverns, clubs and restaurants serving alcoholic beverages – Conditional Use.
Assembly and performance halls – Conditional Use.
General Retail catering to the needs of the community, but less than 10,000 square feet of UFA (usable floor area) – Permitted.
Banks, credit unions & similar excluding drive thru – Permitted.

Section 1250.03a Spatial Requirements - All lots and buildings shall meet the minimum area and width requirements of Table 1250.03.

Section 1250.03 (Table) Lot and Width Requirements: Business Districts

Minimum Lot Area (sq. ft.) – 0 sq. ft. / Existing lot area = 70,044.48 sq. ft.
Minimum Lot Width (ft.) – 0 ft. / Existing lot width = ~199.73 feet

Section 1250.03a (Table) Dimensional Requirements: Business Districts

Maximum Building Height – 35 feet / Proposed height exceeds 35 feet and scales to approximately 43’ at the height of the tallest gable roof ridge.

Minimum Yard Setbacks:

Front: Parking – 0 feet / Proposed - Approximately 37” setback from the front lot line adjacent to Xenia Avenue and approximately 5’ from the front lot line adjacent to the Limestone Street right-of-way.
Front: Building – Min. 1’ and Max. 10’ from the right-of-way line (front lot line) / Proposed – The setback of the building front from the front lot line adjacent to Xenia Avenue varies from a minimum of 3’ to a maximum of 30.5’. The setback of the building front from the front lot line adjacent to Limestone Street also varies from a minimum of 5’ to a maximum of 15’.

Side: 0’ unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side. / The side yard is adjacent to both B-1, Central Business and to R-C, High Density Residential. The proposed parking lot will be setback two (2) feet at the closest point from the side lot line where adjacent to the B-1, Central Business district and setback between 14.4 feet to 28 feet from the side lot line where adjacent to the R-C, High Density Residential District. In addition, the building appears at the closest point to be approximately 48’ from the side lot line.

Rear: 5’ unless the rear yard abuts a Residential District in which case a minimum rear yard of 15 feet shall be provided along that side. / Proposed - The minimum 15’ rear yard depth shown to the edge of the parking lot will be exceeded and will range from 17.2 feet to approximately 18.5 feet.

Maximum Lot Coverage – 90% / The maximum lot coverage of the proposed structure appears to be approximately 6%. Note: By definition maximum lot coverage excludes parking lots.

Chapter 1260 General Provisions

Section 1260.01 Buildings and Structures
(a) **Fences and Walls.** Notwithstanding other provisions of this zoning code, fences, walls and foliage are permitted in required yards under the following conditions:

(1) The height shall not exceed four feet in the front yard, including both front yards of a corner or through lot, except within the clear vision triangle (see Section 1260.02(b)) which shall be three feet.

(2) Fences, walls and foliage adjacent to any public sidewalk shall be set back at least one foot from the inside of the sidewalk.

(3) Visibility into and out of any driveway or street shall remain unobstructed.

(8) Fences, walls or foliage erected or maintained above or within utility easements shall be subject to removal, as necessary, to provide access to such easements.

(9) **Section 1260.02 Dimensional Provisions.**

(b) Clear Vision Corner. Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of three feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.

(c) **Section 1260.05 Other Provisions**

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

(e) Storm water. When land is developed or redeveloped and/or the surface characteristics of the property change (increased impervious surfaces, site grading, etc.), these activities shall not result in additional storm water runoff flowing to adjacent properties.

(f) **Chapter 1264 Off-Street Parking and Loading**

**Section 1264.02 General Requirements**

(a) Applicability of Parking Requirements.

(1) Whenever, use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided…

(2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided, as required by this chapter.

(c) Shared/Common Parking.

(1) Two or more buildings or uses may share a common parking facility, provided the number of parking spaces available equals the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning Commission where it can be determined that one or more of the factors listed in subsection (d) below apply.

(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.

   (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.

(h) Downtown Parking. The minimum off-street parking spaces required for any nonresidential use in the B-1 district shall be reduced by 25 percent from the requirements of Table 1264.02. These requirements may be further reduced by the Planning Commission in conformance with the provisions of Section 1264.02(d).

(i) Bicycle Parking. Accommodation for bicycle parking is encouraged in all districts, but especially in the B-1, Central Business District, and the E-I, Educational Institution District.
Motel, hotel or other commercial lodging establishment -
1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of specific requirements for each individual use.

Standard sit-down restaurants with liquor license and brew pubs –
1 per 50 sq. ft. of UFA

Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly –
1 space per 3 seats, based on maximum seating capacity in the main place of assembly therein, as established by the Village fire and building codes

Retail stores except as otherwise specified herein –
1 for every 250 sq. ft. of UFA

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 (For All Conditional Uses)
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.

1262.04 Conditions of Approval
Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

(a) 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 of the Village of Yellow Springs review the application and the site plan and determine what if any conditions should apply. Staff would recommend that the following conditions be required:

1) Revise the drawings as identified by the zoning administrator and all review agents. The utility department has identified an error with identifying catch basins as manholes.
2) Refrain from placing any steps within the public right-of-way as shown on sheet 3 of 7.
3) Obtain any variances necessary for height and setbacks from the BZA or modify the plans to be in compliance.
4) Obtain approval for all work within the public right-of-way from the Village Street Department and/or ODOT as applicable.
5) Provide adequate screening between the commercial use and the adjoining residential properties.

Ennist here added that the sidewalk surrounding the parking lot is required to be seven feet in width where it is adjacent to the parking lot. The width shown on the schematic is five feet.

Bristol commented that he has circulated the plans to Jason Hamby and Kelley Fox in Public Works, as well as to the Miami Township Fire Rescue and the Village Engineer, Mike Heintz. Bristol noted a concern received from a neighbor to the property who experiences occasional sewer backups. He commented that Heintz did not see the increase in use as a significant concern, but that the Village will continue to follow up on the concern.

The Agent for Owners James and Elizabeth Hammond, Ted Donnell spoke regarding the nature, scope and intent of the project, commending the Hammonds for desiring to recreate an iconic structure in following the architectural features of the Mills Mansion.

Donnell noted that the trees which were removed from the lot have been milled into lumber which will be used in the building of the structure. Donnell commented that the hotel will house a restaurant, a retail shop for patron conveniences and branded items is also planned. Donnell noted that the design is such that it lends itself easily to weddings, stating that this is one of the reasons that he is not seeking a variance regarding required parking.

Donnell noted that the hotel has received endorsements from local businesses, including EnviroFlight, Antioch College, and many businesses in town. Jim Hammond, Donnell said, has arranged with Antioch College to handle the recycling for the facility.

Donnell stated that he and Hammond have tried hard to work within the zoning code, and that they have read Engineer Heintz’s report. Donnell said that he and Hammond have walked the site with Heintz, and that they understand where potential water retention issues exist, and where the sewer is located.

Donnell stated that lighting will be pedestrian scale, and that there will be no light spill onto adjoining properties.

Donnell commented that the seven foot sidewalk seems out of scale to him, and that he may seek a waiver.

The parking lot, Donnell said, will be covered with pervious pavers, and runoff water will be stored in a tank under the parking lot.

Donnell went through the energy efficiency features of the building, noting that it will far exceed code minimums for energy efficiency.

Donnell stated that the request for conditional use is for the hotel status, the restaurant and the meeting room.

Responding to a question from Reed, Donnell put up whiteboards with the schematic. He also explained the cleaning process for the underground retention tanks to Reed’s satisfaction.

Planning Commission discussed the variances for setback and for height, determining that the necessary height variance for the gables shown in the schematic is seven and nine feet, with a one foot variance needed for the molding.
The group discussed the height of several other buildings in the vicinity.

The setback requirement for the B-1 is no greater than ten feet. The building is within that parameter in some areas, and outside in others. Ennist suggested that this variance serves to transition the eye to the downtown/out of the downtown, where setbacks are non-existent.

Reed OPENED THE PUBLIC HEARING.

Dino Pallotta, Owner of Dino’s Cappucinos, spoke in favor of the project, stating that competition is healthy, and that increased visitor traffic is good for the downtown area in general.

Neighboring property owner Joan Ackerman commented that Jim Hammond has done an excellent job of communicating with neighbors and asking for input. She expressed approval for the look of the proposed structure and landscaping. She described the Hammonds as good neighbors.

Reed CLOSED THE PUBLIC HEARING.

In answer to questions from Tobey, Donnell stated that the Hammonds plan to manage the facility, and plan a workforce of about 18 employees, full and part time.

Bebko received information from Donnell that the plan is for the facility to be open by June 2015, with construction beginning in May 2014.

Donnell commented that he and the Hammonds have been and will continue to take on as much as possible off site as possible so as to decrease on-site disruption. He noted that they will be using unique materials and methods.

Regarding landscaping, Planning Commission agreed to allow staff to handle the issue.

A conversation regarding parking spaces ensued, with Donnell stating that while he does object to gearing a lot to single event parking, the Hammonds have designed the hotel with the capacity and landscaping for weddings and wedding parties.

The group calculated the required parking at 80 required spaces, given the differing uses on site and the requirement for each. Donnell noted that he and Hammond have discussed the possibility of permeable green pavers, but said that they would like to maintain the 80 spaces. Donnell noted that bike racks will be available.

Struwing MOVED TO APPROVE THE CONDITIONAL USE PETITION WITH THE FOLLOWING CONDITIONS:

1) Revise the drawings as identified by the zoning administrator and all review agents. The utility department has identified an error with identifying catch basins as manholes.
2) Refrain from placing any steps within the public right-of-way as shown on sheet 3 of 7.
3) Obtain any variances necessary for height and setbacks from the BZA or modify the plans to be in compliance.
4) Obtain approval for all work within the public right-of-way from the Village Street Department and/or ODOT as applicable.
5) Provide adequate screening between the commercial use and the adjoining residential properties as determined by staff.

Bebko SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

AGENDA PLANNING

There was no Agenda Planning.

At 7:58 pm, Bebkoo MOVED and Reed SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matthew 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.