VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION: MEETING OF PLANNING COMMISSION

AGENDA

The Village of Yellow Springs Planning Commission will meet with Council in regular session on Monday, October 14th, 2013 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
       June 10, 2013 Minutes of Planning Commission
       August 12, 2013 Minutes of Planning Commission

COMMUNICATIONS

7:10 CITIZENS’ COMMENTS

7:15 OLD BUSINESS
       Discussion Regarding New Zoning Code and Implementation with BZA Members

7:25 NEW BUSINESS/ PUBLIC HEARINGS
       Antioch College, Request for Alley Vacation
       230 Xenia Avenue, Conditional Use Request
       Presentation: Low Impact Development/Green Infrastructure (Sara Hippensteel)

9:00 ADJOURNMENT
Planning Commission
Regular Meeting Minutes

Council Chambers 7-9pm             Monday June 10, 2013

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

ROLL CALL
Planning Commission members present were John Struwing, Tim Tobey, Bill Bebko, Lori Askeland, and Chris Till, Alternate, attending for Matt Reed who was out of town. Stephen Anderson and Tamara Ennist, Village zoning administrators, were also present.

REVIEW OF AGENDA
There were no changes made.

REVIEW OF MINUTES
The March 21, 2013 Minutes of Planning Commission were reviewed. Tobey MOVED and Till SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 4-0, with Bebko abstaining due to absence from that meeting.

REPORTS
There were no Reports made.

CITIZEN CONCERNS
There were no Citizen Concerns.

NEW BUSINESS and PUBLIC HEARINGS
Conditional Use Petition for 4 Xenia Avenue. Jane Nipper described the petition as below, and stated that the business has created additional parking to accommodate the additional food vendor for a total of ten parking spaces. Nipper stated the businesses plan to eliminate one non-food vendor space next to Bonadies, for a total of two non-food vendors in that area, which would increase parking availability by one space. She requested in addition that the conditional use be for two years, rather than for one year.

Ennist introduced the Conditional Use petition as follows:

LOCATION: 4 Xenia Street
ZONING DISTRICT: Central Business District

APPLICANT: Williams & Nipper, LLC; Dennis & Jane Nipper

PROPERTY OWNER: Williams & Nipper LLC

REQUESTED ACTION: Request for a conditional use permit per Yellow Springs Zoning Ordinance Sections 1240.06 & 1256.03 in order to provide an area for mobile vendors on the property located at 4 Xenia Street in the Central Business District.

HEARING NOTICE: “Dennis and Jane Nipper, acting on behalf of the property owner, Williams & Nipper, LLC., have requested a conditional use permit to allow retail and food vendors an area of use on their business property located at 4 Xenia Ave. This property is located within the Central Business District and the primary use of the property is the BP gas station and convenience store. They are proposing spaces for three mobile food vendors along their north property line which is shared with the post office located on Corry Street. And they are proposing two non-food vendor spaces on the southwest corner of their property. The Central Business District identifies “Drive-in / Drive-through / carry-out establishments, including restaurants, banks and other financial institutions” as Conditional Uses in Section 1256.03(d).

GREENE COUNTY PARCEL ID: #F19000100010004000 & #F19000100010004100.

STAFF ANALYSIS OF THE APPLICATION: The applicant is requesting a conditional use permit to allow the location of mobile vendors on their business property. They are requesting three mobile food vendor spaces along the eastern part of the north property line that they share with the Post Office and two non-food vendor spaces along the southwest property line shared with the Glass studio located at 220 Xenia Street.
Due to comments received prior to last year’s approval, the food vending area was limited to the north and northeast corner of the lot so as not to cause a nuisance with the food smells. There was also discussion regarding interference with the visibility of the neighboring businesses window located on the northeast side of the building overlooking the BP station property. The site plan that was submitted with this year’s application identifies three (3) mobile food-vending spaces along the north property line and two (2) vendor spaces at the southwest portion of the lot between Xenia Street and their convenience store.

To satisfy the parking requirements, the applicant has identified a total of ten (10) off-street parking spaces. Six spaces are required for the convenience store and four (4) additional to address the square footage of the vendor spaces. (Jane Nipper reiterated that these conditions are being met).

Property Information and analysis:
The property, located at 4 Xenia Street, is lot #20 & lot #21 of the Yellow Springs Subdivision and it measures approximately 292.31’ (wide – SE property line along Xenia Street frontage) X 154.10’ (deep-SW property line), and approximately 211’ along the north property line shared with the post office, equaling approximately 23,000+ square feet. Currently, this lot contains a BP Gas Station and Convenience Store. The applicant is applying for a conditional use permit to allow three (3) mobile food vendors along the north property line and two (2) non-food vendors at the southwest corner of the lot as accessory uses on this site.

VARIANCE CRITERIA; YELLOW SPRINGS ZONING ORDINANCE:

SECTION 1240.06 (PROHIBITED USES) Within the Village, no lot, land, premises, place or building shall be used, and no building or structure shall be erected or placed, which is arranged, intended or designed to be used, in whole or in part, for any of the following specified uses:

(D) More than one principally permitted use or structure per lot, whether involving residential purposes or not, unless approved by the Planning Commission. Appropriate standards, as determined by the Commission, shall be utilized in the Commission’s review.

SECTION 1240.09 (DEFINITIONS).

(1) “Accessory Structure” means a subordinate structure detached from, but located on the same lot as, the principal structure, the use of which is incidental and accessory to that of the principal structure.

(2) “Accessory Use” means a use incidental to, and on the same lot as, a principle use.

(28) “Conditional use” means 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 different from those usual requirements for the district in which the conditional use may be located.

(48) “Garage, service station” means any land and building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion. This definition can also include facilities for washing, polishing, greasing and otherwise servicing motor vehicles and for the sale of accessories.

SECTION 1256 CENTRAL BUSINESS DISTRICT

Section 1256.02 Principally Permitted Uses.

(c) Service-related establishments

Section 1256.03 Conditionally Permitted Uses

(d) Drive-in / Drive-through / carry-out establishments

Section 1256.05 Accessory Structures – Customary accessory structures are permitted provided that:

(a) No structure shall exceed 500 square feet in size,

(b) No structure shall exceed twenty feet in height,

(c) No signage or advertising shall be posted on any accessory structure,

(d) The structure shall be located behind the principal structure on the lot and may be erected in the required rear yard if such structure occupies no more than thirty percent of the required rear yard.

(e) No form of external lighting shall be used to illuminate an accessory structure, except for public safety purposes.
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.

SECTION 1256.08 OFF-STREET PARKING AND LOADING. Principally and conditionally permitted uses, including drive-in commercial uses, shall abide by the off-street parking and loading requirements specified in Chapter 1268, except for the number of parking spaces required, which shall be as follows;
(d) Lots larger than those listed above shall provide one off-street parking space for each 300 square feet of floor area on the ground floor. (The convenience store is approximately 1770 square feet. This would require six (6) off-street parking spaces. The vendor structures, as accessory structures, are not to exceed 500 sq ft. each but are expected to use much less area. As there are four (4) additional off-street parking spaces shown and 1 is required for each 300 square feet of floor area, you could reason that the vendor floor area could not be greater than 240 square feet without requiring more parking.)

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: That the Village of Yellow Springs Planning Commission review this application and, if deciding to approve the conditional use, determine the number of vendors that will be permitted and the number of off-street parking spaces necessary for the uses.
In addition, I would recommend that the following standards, mainly as identified by Ed Amrhein last year, be considered as well;
1) That for a period of ____ year, a maximum of ______ mobile vendors is permitted on the lot at any one time, and that only in the locations approved by the Planning Commission. Upon expiration of this permit, the owner, if desired, shall apply for a new Conditional Use Permit according to the provisions of the Village Ordinances in force at that time.
2) That no individual vendor be allowed to exceed ______ sq. ft. in area.
3) That no mobile vendor obstructs access to any other permitted use in the CBD.
4) That mobile vendors permitted along the southwest property line be restricted to a height of ______ feet so that they will not visually interfere with the neighboring use.
5) That all required off-street parking spaces are clearly marked, and that access to them be maintained at all times, per 1268.03(c).
6) That any additional signage, if allowed, meets all requirements for a sign permit in the CBD and not block sightlines to any other business or property.
7) That all items related to the vendor’s business are stored inside a secure structure or off-site when the business is not operating.
8) That the vendor’s apply for the applicable vendors permit, identifying their name and contact information which will be forwarded to the Village Finance Director for tax reporting and collection purposes.
9) That the property owner must be able to confirm that the vendors have obtained all necessary business licenses and any required certifications from the Greene County Combined Health District.

Askeland questioned whether Planning Commission had in fact required that the property owner reapply for the use after one year, stating that this is not a normal process for a conditional use.

Ennist commented that it is normal not to impose a time restriction upon a conditional use, but that her reading of the minutes indicates that Planning Commission did so.

Dennis Nipper commented that he had attempted last year to deliver vendor tax information to the Director of Finance, but that she had not been informed of the matter, and did not want the information.

Struewing opined that the only reason for the hearing is the fact that the applicants are introducing another use. Struewing OPENED A PUBLIC HEARING.

Kathy Christian, owner of the Trail Tavern, asked that the owners of the BP be made responsible for providing restrooms, seating and trash facilities for customers of the food vendors.

Struewing CLOSED THE PUBLIC HEARING.

Struewing asked the Nippers whether they provide restroom facilities to the public.

Jane Nipper stated that while there is a restroom, it is not available for public use.

Bebko and Tobey were unwilling to require a restroom.

Askeland stated that she too was unwilling to require restroom provision.

Till commented that the lack of restrooms in town is problematic, and that while he is not ready to require their provision, he does see providing such facilities as one of the costs of doing business.

Askeland commented that the BP needs to make their restroom available to vendors.

Struewing stated that the Nippers should consider making their restrooms generally accessible, but that he is not ready to make this a condition for approval.

Regarding seating, the group agreed that while it would be an asset, the busy nature of the parking lot would make permanent seating provision a potential liability.

Jane Nipper stated that trash barrels are currently provided by each vendor, and this matter was considered resolved.

Planning Commission then considered the number of parking spaces to be required, and concluded that ten total spaces is sufficient, and is the number currently provided.

The Commission discussed vendors on the southeast section of the parking lot. Struewing stated that one of the comments made in 2012 was that the height of the vendors’ stalls on the southeast corner had to be limited in that area so that visual access to the Bonadies display windows is not restricted.

Struewing asked that the group come up with a height limit for the vendors in the southeast corner.

Till stated that it is “the neighborly thing to do” not to block adjacent windows”.

Askeland stated adamantly that tents cannot be permitted in that area of the parking lot.
Tobey stated that the height limit needed to be no lower than that of a standard van.

The group decided upon a height condition for any tables, racks or trucks, of six feet. Askeland stated that principle use trumps conditional use, and that six feet is her upper limit.

The group further decided to maintain the spatial condition imposed in 2012, which is 200 square feet.

Planning Commission set the maximum total number of vendors on the property at any one time at five.

Streuwing brought up the condition imposed in 2012 that vendors secure their vending units each evening, commenting that the Nippers need to do a better job of policing this requirement.

Planning Commission finalized the conditions for approval as follows:

A maximum of three food and two non-food mobile vendors, for a total not to exceed five, are permitted on the lot at any one time, and that only in the locations approved by the Planning Commission.

1) That no individual vendor be allowed to exceed 200 sq. ft. in area.
2) That no mobile vendor obstructs access to any other permitted use in the CBD.
3) That only non-food mobile vendors will be permitted along the southwest property line adjacent to 220 Xenia Avenue, and will be restricted to a display height of six feet so that they will not visually interfere with the neighboring use.
4) That all required off-street parking spaces are clearly marked, and that access to them be maintained at all times, per 1268.03(g).
5) That any additional signage, if allowed, meets all requirements for a sign permit in the CBD and not block sightlines to any other business or property.
6) That all items related to the vendor’s business are stored inside a secure structure or off-site when the business is not operating.
7) That the vendors apply for the applicable vendors’ permit through the Yellow Springs Police Department, identifying their name and contact information which will be forwarded to the Village Finance Director for tax reporting and collection purposes.
8) That the property owner must be able to confirm that the vendors have obtained all necessary business licenses and any required certifications from the Greene County Combined Health District.

Bebko MOVED to PERMIT THE CONDITIONAL APPROVAL BASED UPON THE NINE RECOMMENDATIONS PROVIDED BY STAFF and the MODIFICATIONS THERETO (as stated above). Tobey SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Melanie Ricart explained the nature of her request, stating that she and another certified Montessori teacher had started a pilot program for children ages 3-6 in response to strong local interest in early childhood academics. Ricart and her partner, Martha Warner-Brown ran the program for nine months, and interest in continuing the program continues.

Ricart stated that Warner-Brown ran a toddler program in the mornings, and she ran a 3-6 year old program in the afternoons.

Responding to a question from Askeland, Ricart stated that classes were taught in the rental property in which the Warner-Brown family resided. Ricart noted that she had looked for an appropriate location for her school for months, and while interest was high, available property meeting Health Department regulations was not. The Tower Court property in question is the only realistic option at present, she stated, and the owner is in full support of this use.

Ennist presented the staff report as follows:

LOCATION: 107 Tower Court

ZONING DISTRICT: Residence ‘B’

APPLICANT: Melanie Ricart, Children’s Montessori Cooperative

PROPERTY OWNER: Bruce R. Morgan, Trustee
REQUESTED ACTION: Request for a conditional use permit per Yellow Springs Zoning Ordinance Sections 1250.03 Table in order to establish a Montessori style pre-school for 12-14 students age 3-6 years old.

HEARING NOTICE: "Melanie R. Ricart, acting with acknowledgement of the property owner, Bruce Morgan, has requested a conditional use permit to establish a Montessori School in a Residence ‘B’ zoning district. The property is located at 107 Tower Court, Yellow Springs. Section 1250.03 identifies a school within the Residence ‘B’ zoning districts as a conditional use. Applicable Yellow Springs Zoning Code sections are: Sec. 1268.08(l).”

GREENE COUNTY PARCEL ID: #F19000100100013000.

STAFF ANALYSIS OF THE APPLICATION: The applicant is requesting a conditional use permit to establish a Montessori type pre-school in the Residence “B” zoning district for between twelve (12) and fourteen (14) students between the ages of three (3) and five (5) years old. The normal hours of operation listed in the application are from 8am-4pm. Per the table in Section 1250.03 of the Village of Yellow Springs Zoning Code, “Schools and Cultural Buildings” are listed as a conditional use. While the ‘Schools and Cultural Buildings’ use is the most similar use listed under Section 1250.03 Conditional Uses, it may be better to keep in mind that the actual use is closer to the use defined under definitions as a “Group child care center”. Under Section 1272.05, specific standards are listed for conditional use permits approved for “Churches, and similar places of worship, schools, cultural buildings and other governmental buildings…” but while ‘Standards for All Conditional Uses (Sec. 1272.04) would apply to either use, there are no specific standards listed for “Group child care center”.

Property Information and analysis:
The property, located at 107 Tower Court, is lot #1 of the Fairview Subdivision and it measures approximately 75.00’(W) X 98.00’(D), equaling 7350 square feet (approx. 0.169 acre). Currently, this lot contains a one-family residential principle structure with an attached one car garage (1660 sq. ft. TTL). The applicant is applying for a conditional use permit to allow the property to be used for a Montessori type pre-school.

VARIANCE CRITERIA
YELLOW SPRINGS ZONING ORDINANCE:

SECTION 1240.09 (DEFINITIONS).
(25) “Child care facility (day care center)” shall be defined as follows;
A. “Family child care home” means a private residence where care, protection and supervision are provided, for a fee, at least twice a week and to no more than six children at one time, including the children of the adult provider;
B. “Group child care center, Class A” means a building or structure where care, protection and supervision are provided, on a regular schedule, at least twice a week to at least seven and no more than twelve children, including children of the adult provider;
C. “Group child care center, Class B” means a building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week to more than twelve children, including children of the provider.

(28) “Conditional use” means 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 different from those usual requirements for the district in which the conditional use may be located.

SECTION 1250.03 CONDITIONAL USES; LOT SIZE AND BULK REQUIREMENTS.

TABLE - Schools and Cultural Buildings in the Residence ‘B’ zoning district shows the following requirements;
Maximum Lot Coverage – 50% [40% max for single-family residence] (Current coverage is under 35%)
Minimum Lot Area – 10,000 square feet [7,500 sq. ft for single-family residence] (Current lot area is approximately 7700 square feet. Note: the proposed revised zoning code will only require 6,000 min. lot area for R-B districts)
Minimum Lot Width – 75 feet [Single-family residence – Min. 50 feet] (Current lot width is 75+ feet.)
Minimum Front Setback – 30 feet [Single-family residence – Min. 25 feet] (Current front setback is approximately 19-20 feet)
Minimum Side Setback – 15 feet [Single-family residence – 5 feet min. / 15 feet total] (Current side setbacks are approximately 3 feet (north side) / approximately 18 feet (south side)) [Note: The applicant is applying to the BZA for a variance from this standard.]
Minimum Rear Setback – 30 feet [Single-family residence – 25 feet min.] (Current rear setback is approximately 32 feet)
Maximum Building Height – 60 feet [Single-family residence – 35 feet] (Current building height is less than 20 feet)
Maximum # Stories Height – Four (4) [Single-family residence - 2½ story max.] (Current building is 1 story)

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.

SECTION 1268.08 PUBLIC AND SEMIPUBLIC PARKING REQUIREMENTS.
(l) Private pre-school child care centers – 1.0 off-street parking space required per 200 sq. ft. of floor area. [Note: The applicant is applying to the BZA for a variance from this standard.]

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.

1272.05 STANDARDS FOR SPECIFIC CONDITIONAL USES.
In addition to meeting standards above and elsewhere in this Zoning Code, particularly Chapters 1268 and 1278, the Planning Commission shall find the following conditions met before approving a conditional use:
(While standards for a “Group child care center” are not specifically identified, this section does identify specific standards for schools.)
(d) Churches and similar places of worship, schools, cultural buildings and other government buildings (conditional in Residence “A-1,” “A,” “B” and “C” Districts) may be approved if they meet the following conditions: (The proposed draft zoning code, further classifies “schools” to mean ‘elementary, middle, and high’ under Specific Requirements of Conditional Uses.)
(1) These uses shall have direct access to a primary or secondary or collector thoroughfare, as determined by the Village of Yellow Springs Thoroughfare Plan, and shall have no more than one access point onto any local street (if the applicant can give a reason why this will not cause a negative traffic impact on the adjacent neighborhood). *(Given the proposed changes shown in the draft zoning code, this condition may be directed more toward elementary, middle, and high schools. [Note: The applicant is applying to the BZA for a variance from this standard.]*

(2) All outdoor activity and recreational space shall be screened from adjacent residential property by an appropriate landscaped buffer of not less than four feet and not more than six feet in height. *(The property has a lot of vegetation that buffers the yard areas from the neighboring properties, including those across the street. In addition, there is a 6’ board fence, up to the garage, between the driveway and the property to the north; Existing buildings located on the Electro Shield property provide a buffer along the east property line; and landscaping on-site and on the property to the south, also owned by the same property owner, provides some buffer to this neighbor. The only area not fully screened is along the north property line from the rear of the garage to the rear lot line)*

(3) Parking areas shall be screened from adjacent residential property by an appropriate landscaped buffer of not less than four feet and not more than six feet in height. *(The applicant is not proposing to provide a parking area other than the driveway and the parking along the right-of-way.)*

(4) All exterior lighting shall be directed away from adjacent property and public rights-of-way. *(No additional lighting is proposed)*

(5) Where these uses are located in areas where the surrounding development has no parking in the front yard and structures are located close to the street, these uses shall locate parking areas to the rear of their structures. *(The surrounding development uses the front yard area for parking.)*

(6) The development shall cause no additional drainage or runoff from the site, and all drainage and runoff shall be handled on-site.

**STAFF RECOMMENDATION:** That the Village of Yellow Springs Planning Commission review the application and consider the use as a service to the residential community in which it is located. At the same time, the Board should consider the surrounding properties and provide whatever conditions it deems necessary to ensure that the rights of these individuals are not undermined.

Ennist noted that Ricart will need to appeal to the BZA for variances to lot area, the north setback, and parking. Ennist commented that the total lot size of 10,000 square feet noted in the code clearly refers to an Elementary, Middle or High School.

Struwing determined that a school will be the sole purpose of the space, and that its hours will be set as 8-4 Monday through Friday.

Askeland determined that Ricart will be the primary employee, and that her husband will assist at peak activity times. Should the number of children at any point exceed 12, Ricart stated, her husband would then become a full-time employee, per Ohio Department of Job and Family Services requirements.

Struwing received confirmation from Ricart that total number of students will not exceed 14.

Conversation ensued, wherein Planning Commission debated the lack of requirements for pre-schools within the current code, and whether Ricart should apply for the use as a day care or as a school.

Planning Commission considered the matter of parking. Ricart stated that at a parent meeting, parents agreed to a simple drop off procedure that involved parking only if necessary, and then only in the driveway.

Askeland received confirmation that the garage could be considered an off-street parking space, given that the house has no full-time tenants.

Ricart asked whether she could discount the square footage in the bedrooms, which are not being used, which would then reduce the number of parking spaces required.

The Clerk asked for clarification as to whether the applicant was applying as a school or as a group daycare.
Ricart stated that if she is not living in the structure, she has to license the structure as a child care center through ODJFS.

Struwing Opened a Public Hearing.

Parent Luisa Bieri spoke in favor of the school, noting that as a parent she is very willing to cooperate in any way to make pick up/drop off times smooth and unproblematic for the neighborhood.

Amy Holbrook expressed frustration at not being personally approached by Ricart regarding her intentions for the house. Holbrook stated that Tower Court is surrounded by rentals and apartment buildings, some of which have management problems. She stated her concern regarding the ability to address any problems that might arise from the use.

Holbrook stated that currently parking and drop-off times are an issue on a street that is very narrow and minimally maintained. She received confirmation that 12-15 children would double the number of current students.

Struwing determined that neighbors were notified, but that the notification preceded the hearing by only two to three days. A sign was placed in the yard of the property in question, per Village requirement.

Neighbor Steve Rumbaugh expressed concern about the potential for cars parking in his yard.

Montessori School parent Jason Wright spoke in support of the school as an affordable option to parents.

Michael Chase, another parent, spoke in support.

Laura Pardo spoke to the issue of parking, stating that parents are willing to work with neighbors regarding the parking issues raised.

Jill Aberdar seconded the commitment to working with neighbors.

Parent Chad Stiles expressed concern that neighbors were not personally contacted about the plan for a school, but expressed his support generally.

Melanie Ricart noted that many families have more than one child in the program, which means that the traffic will not necessarily double, and that one family lives around the block from the school and has regularly walked to school.

Bebko recognized neighbors’ issues, noting that Tower Court is unusually congested with trees and shrubs.

Ricart expressed her apologies at not personally speaking with the neighbors.

Bebko suggested that the hedge be either partly or completely removed and graveled, and the group agreed.

Planning Commission agreed that if the home is approved as a day care, and if there is no one residing in the home, that the three required parking spaces for employees can be considered as the driveway (2), and the garage (1).

After discussion regarding the gravelling issue, Planning Commission asked for input from Anderson. Anderson suggested that staff advise regarding the issue.

Jason Wright stated that has a civil engineering background, and suggested an aggregate which would not create a drainage issue.

Struwing suggested that the hedges be removed and replaced with gravel, and that that be the area required for a pull-off for drop off. This was later clarified to be only the set of hedges directly in front of the house.
With regard to the conditions, Anderson responded to a suggestion that the use be reconsidered in two to three years that often substantial money is spent in developing the use, such that a time-limited use would be detrimental.

Askeland MOVED that the Conditional Use be APPROVED with the FOLLOWING CONDITIONS:

1. The entire hedge is removed, and replaced with gravel, sufficient for pick up and drop off purposes.
2. The number is limited to 12-14 students.
3. Ingress is via Tully, and egress is via West North College Streets only for drop off and pick up of students.
4. The facility is considered as a day care facility, not as a school.

Bebko SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Struewing asked the group to consider their role, noting that Planning Commission now meets only when there is a specific matter at hand, while previously the body held more of a research and advisory role.

Askeland stated that there will be need for the group once the zoning code is completed, especially with regard to creating forms.

Struewing asked that a meeting be scheduled, and that at that meeting staff make specific suggestions as to topics that should be addressed by Planning Commission. Ennist noted that the body will have to formalize rules and procedures once the new zoning code passes into use. She also asked for further clarification regarding mailing of notices to neighbors.

The group agreed to a meeting on August 12, 2013.

Askeland asked that Ennist provide her with the notification requirements under the proposed code.

At 9:30 pm, Askeland MOVED and Tobey SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

John Struewing, Acting 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.
CALL TO ORDER
The meeting was called to order at 7:02 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, Village Zoning Administrator, was also present.

REVIEW OF AGENDA
There were no changes made.

REVIEW OF MINUTES
The June 10, 2013 Minutes of Planning Commission were reviewed. Bebko MOVED and Struwing SECONDED a MOTION TO APPROVE the Minutes as amended. The MOTION PASSED 5-0, with Reed abstaining due to absence from that meeting.

REPORTS
Askeland updated Planning Commission regarding the current water conservation efforts and work being completed on pumps at the water treatment plant.

Askeland provided an update to the zoning code process, stating that Council has at this point received a marked draft based upon changes made to date.

CITIZEN CONCERNS
Sam Young asked that the changes to the zoning code be put on line, and that the updated version be available on line in enough time to read and comprehend before the first reading of the ordinance.

NEW BUSINESS and PUBLIC HEARINGS

305 N. Walnut Street Conditional Use Hearing

LOCATION: 305 N. Walnut St., Suites 1 & J  ZONING DISTRICT: Light Industrial

APPLICANT: Meg Solomon-Gujer, Business Mgr./Co-Owner

PROPERTY OWNER: Millworks Development Corporation

REQUESTED ACTION: Request for a conditional use permit per Yellow Springs Zoning Ordinance Sections 1260.03(c) in order to permit limited retail sales of products produced on-site.

HEARING NOTICE: “Meg Solomon-Gujer, Business Manager/Co-owner, acting with acknowledgement of the property owner, Millworks Development Corp. for the structure operated by S and G Artisan Distillery, has requested a conditional use permit to incorporate a limited amount of retail use to the S and G Artisan Distillery business which occupies Suite 1 and Suite J located at 305 N. Walnut Street. The property is located within the ‘light industry’ zoning district [Z.C. Ch. 1260] which permits limited retail sales of products produced on-site as a conditional use [Z.C. Sec. 1260.03(c)]. Applicable Yellow Springs Zoning Code sections are: Sec. 1240.09(28); 1242.05(e); 1242.05(f); 1242.05(g); 1260.02(a); 1260.03(c); & 1260.05.”

GREENE COUNTY PARCEL ID: # F19000100110025900.

STAFF ANALYSIS OF THE APPLICATION: The applicant is requesting a conditional use permit to incorporate a limited amount of retail use to the S and G Artisan Distillery business which occupies Suite 1 and Suite J located at 305 N. Walnut Street. Per the Village of Yellow Springs Zoning Code Section 1260.03(c), “Accessory retail sales of goods produced on site” shall be permitted in a Light Industrial District, and “No more than 10% of the ground floor area shall be used for retail sales”, subject to the provisions of Chapter 1272.

The applicant applied to the Board of Zoning Appeals to increase the percentage of ground floor area that could be used for retail sales and at the Boards July 17, 2013 meeting, they conditionally approved the applicants
request to allow 25% of the ground floor area to be used for retail sales pending approval of the conditional use by the Planning Commission.

Property Information and analysis:
The property, located at 305 N. Walnut St., is a 3+ acre parcel owned by Millworks Development Corp. that contains an industrial complex with multiple tenants. Suites I & J are occupied by S & G Artisan Distillery and contain approximately 326.25 square feet and 1076.30 square feet, respectively, providing a total of 1402.55 square feet for their operation. Currently, Suite J houses the distillery operation and is only indirectly attached to Suite I as regulated by Ohio Division of Liquor Control regulations. Suite 1, containing approximately 23.3% of the total floor area, would be the location used for the S & G’s Spirits of Yellow Springs Tasting Room.

VARIANCE CRITERIA YELLOW SPRINGS ZONING ORDINANCE;
Section 1240.09 (DEFINITIONS).
(2) “Accessory use” means a use incidental to, and on the same lot as, a principle use.
(13) “Bar” means a lounge, tavern, beer parlor, night club or similar establishment principally operated for the sale of alcoholic beverages to be served on the premises.
(21) “Building, principal” means a building in which is conducted the main or principal use of the lot on which said building is located, ordinarily the largest building on a lot and ordinarily the use conducted on the first story of such building, above the basement.
(28) “Conditional use” means 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 different from those usual requirements for the district in which the conditional use may be located.
(79) “Principal use” means the main use of land or structures, as distinguished from secondary or accessory use.

CHAPTER 1260 LIGHT INDUSTRIAL DISTRICT
Section 1260.01 PURPOSE. The Light Industrial District has been planned to encourage the development of manufacturing, wholesale and large professional establishments which are clean, quiet and free of hazardous or prohibited elements. The creation or promotion of retail activities in this District is not encouraged.
Section 1260.03 CONDITIONALLY PERMITTED USES.
(C) Accessory retail sales of goods produced on site. No more than 10% of the ground floor area shall be used for retail sales.
Section 1268.07 INDUSTRIAL PARKING REQUIREMENTS.
(a) Industrial and manufacturing plants – 1.0 per 300 sq. ft. of floor area. [The 1077.3 square feet associated with Suite J would require 4 parking spaces. The 326.25 square feet associated with Suite 1 would be used as a tasting room and parking calculations are not listed. See Sec. 1268.02(g)]
Section 1268.02(g) - In the case of any building, structure or premises the use of which is not specifically mentioned herein, the provisions for similar uses which are mentioned shall apply. The determination of similarity shall be made by the Planning Commission.
Section 1268.10 JOINT USAGE AND LOCATION OF OFF-STREET PARKING
(a) Except as provided in subsection (b) hereof, off-street parking spaces for different buildings and/or uses may be provided collectively in any zoning district, provided the total number of joint spaces in not less than the sum of the separate requirements for each use, and provided, further, that a written agreement for joint usage is properly drawn and executed by the parties concerned and is filed with the Zoning Administrator along with the application for a zoning permit.
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: That the Village of Yellow Springs Planning Commission review the application and determine if the proposed retail use would be compatible with the current principal use and the other uses currently operating in the industrial complex. Also, bear in mind that this application is similar to a previously approved conditional use granted to the Yellow Springs Brewery on February 11, 2013 which is also located in this complex. The Planning Commission should also consider that as more uses are added to the site, parking demands will increase and it becomes more important to identify how the site will address the parking needs. In addition, with the pedestrian traffic being a possibility, the Board may want to consider what type and level of lighting requirements should be provided depending on the hours of operation.

Reed OPENED THE PUBLIC HEARING.

Solomon-Gujer stated that the posted hours are less than those approved, and that parking is shared with the Brewery, which has more extensive hours than the Distillery. She stated that the Distillery has now been operational since October 2012, which allows her a baseline to consider traffic flow and number of customers.

Tobey received confirmation that there are no restrooms available in the Distillery.

Solomon-Gujer stated that the Distillery is not required to provide restroom facilities since it is not a bar, but a distillery with a tasting room.

Anderson read the requirement regarding parking for handicap access, noting that if the entirety of Millworks uses are considered, there should be several spaces, but that considered separately, there is no such requirement.

Planning Commission, Young and Solomon-Gujer discussed options for handicapped spaces, given the graveled lot.

Streuwing asked whether the handicapped spot is required to be paved. Anderson stated that he did not have an answer to this question. Streuwing noted that this is a second request for a conditional use for the property, and wondered when Planning Commission would begin to view the requests holistically and to require more accommodation.
Tim McKlinden, a neighborhood resident, expressed that he and his wife have not experienced ill effects from the existence of either the Brewery or the Distillery. He stated that with both businesses seeking to expand, however, he is concerned about a potential increase in traffic or public intoxication, and a need to increase lighting.

Sam Young commented that Millworks has been responsive to neighbors in the past, and that he does not anticipate future problems.

Solomon-Gujer stated that point of purchase is generally not at the facility, which is set up more for production and sampling.

Reed CLOSED THE PUBLIC HEARING.

Askeland followed upon the ADA accessible parking, stating that gravel is not recommended, but that there appears to be no prohibition.

Streuwing suggested that Planning Commission have a discussion regarding Millworks’ handicap parking facilities.

Streuwing commented that access to the Distillery is not pedestrian friendly. Solomon-Gujer responded that this problem is on the radar for the Distillery.

Askeland stated that the issue of the gravel parking lot is a matter of concern for her.

Sandra Love commented that she had been told that the gravel should remain to alleviate drainage issues.

Streuwing took issue with that, stating that packed gravel is relatively impermeable.

Askeland stated that she did not consider the one available handicapped parking spot at Millworks adequate to serve the Distillery.

Streuwing noted that the ability to address the issue will disappear in several months with adoption of the new zoning code.

Sam Young stated that there will be more issues presented in the future which will allow a re-visitation of the issue.

Streuwing stated his opinion that it should be the job of Planning Commission to address the matter of handicap parking. Reed seconded this opinion.

Till stated that it is premature to assume the success of retail businesses in the Millworks location, stating that he would like to facilitate the Distillery’s success without assuming that success.

Solomon-Gujer noted that any expansion would occur on the production side rather than the tasting side.

McKlinden commented that if the Distillery adds a deck, they are increasing the floor space and the area in which people can consume beverages. He added that handicap parking should be made available in correct proportion to the number of potential consumers.

Askeland asked that provision of handicapped parking be a condition.

Reed commented that that would have to be done in conjunction with Millworks, and that he is not comfortable with the requirement.

Askeland and Streuwing pressed, stating that accessibility should be a minimal requirement.

In answer to a question from Tobey, Young stated that the handicap accessible spot not on site was installed by the Brewery with the permission of Millworks.
Reed stated that there are more than 30 spaces in use on an average weekend, and that as such, the required number of accessible spots should be provided.

Young differed with the assessment that 30 spaces are in use consistently.

Askeland stated that she stood by her motion, and that at least one accessible spot should be provided for the Distillery. Struewing expressed his agreement.

Struewing stated that he would like one paved, ADA compliant space provided.

Bebko commented that the requirement is one accessible spot per every ten, and that there are a minimum of 20 spaces regularly in use.

Struewing asked that that group weigh in on lighting requirements.

The group agreed generally that the available security lighting is sufficient.

Reed inquired as to a limitation on hours of operation. Solomon-Gujer stated that she sees no need to expand hours. Askeland suggested 10am-midnight. Solomon-Gujer stated that they would be unlikely to ever use that much time.

The neighbors stated that if the hours go until midnight, and if parking moves closer to the neighborhood, the later hours could become a problem.

Reed asked that the hours be limited further.

Struewing SECONDED ASKELAND’S EARLIER MOTION TO REQUIRE ONE ACCESSIBLE PARKING SPOT.

Reed CALLED THE VOTE ON THE CONDITION THAT ONE ADA COMPLIANT, PAVED PARKING SPACE BE CONSTRUCTED IN PROXIMITY TO THE DISTILLERY ENTRANCE.

The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reed MOVED TO LIMIT HOURS OF BUSINESS TO 10am to 10pm. Askeland SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reed CALLED FOR A MOTION. Bebko MOVED TO APPROVE THE CONDITIONAL USE, PROVIDED THE TWO CONDITIONS ARE MET. Struewing SECONDED, and the Clerk read Askeland’s motion into the record, “to require on paved ADA compliant space near the entrance of the Distillery. Reed CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

PLANNING COMMISSION GOALS

Reed noted that the 2010 and 2012 goals are included as reference points. Askeland noted that once the zoning code is passed, new forms will be needed, and those forms should be reviewed by Planning Commission.

Struewing suggested dividing the code by section to review it. Anderson stated that when he and Ennist write their staff reports, they try to provide notes on relevant sections, and that there will be sections that will never come to the attention of Planning Commission.

Struewing disagreed, noting that it takes years to gain a strong working knowledge.

Askeland suggested inviting Sarah Hippensteel to speak on the topic of sustainable planning.

The group agreed to September 9th.

Struewing stated that after the Visioning process, there was supposed to be follow-up. The Clerk noted that a Commission does exist in name only. The group agreed that they would like a review of the Visioning document.
Struwing noted that in 2004-2004, there was a project started to connect the bike path with SR 343. Askeland noted that there was a great deal of push-back from cyclists at that time, and funding opportunities were lost. Struwing asked for a final recommendation on that bike spur from Anderson.

Bebko commented that when he attended a Council meeting dealing with the zoning code, Antioch had presented regarding their plan for a sustainable farm. Bebko noted that they were underprepared for the response they received, and that Planning Commission would have a challenge once that comes to them. Bebko expressed his favor with the idea of connecting farming and sustainability with the Village. He suggested that Planning Commission as the College to make several short presentations on the topic, and regarding their intentions.

Askeland noted that the farming uses at Antioch are all conditional at this time, meaning that all such issues will come through Planning Commission.

Struwing suggested that a spokesperson from Antioch come to Planning Commission to present the master plan. Reed indicated that this should come about in three to four months.

At 8:40 pm, Struwing MOVED and Tobey SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matt Reed, Chair

Attest: Judy Kintner, Clerk

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PUBLIC HEARING

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION

Notice is hereby given that:

Two owners of property in the Village have requested a public hearing with the Yellow Springs Planning Commission;

1) **Alley Vacation** – Antioch College, represented by Reggie Stratton, has requested to vacate a portion of the alley situated between E. South College Street and Marshall Street on the east side of Livermore Street per the Village of Yellow Springs Code of Ordinances Chapter 1224. The following parcels are adjacent to the portion of alley requested for vacation; Greene County parcel ID #F19000100080018000, #F19000100080037800, #F19000100080037900, #F19000100080021700, #F19000100080021600, #F19000100080018100, #F19000100080018400, #F19000100080018500.

2) **230 Xenia Avenue** – (Central Business District) – Christy Lewis Comerford, on behalf of the property owner, The Kings House, LTD, has requested a conditional use, per the Village of Yellow Springs Zoning Code Section 1256.03(h), to allow the establishment of two residential units above the street level building currently in retail use. Greene County Parcel ID; #F19000100100003700. Applicable Yellow Springs Zoning Code sections are Chapter 1256, 1268.05, 1272.01, 1272.02, 1272.03, 1272.04, 1272.06, & 1272.07.

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

**DATE:** Monday, October 14, 2013  
**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.

Tamara Enniss  
Village Zoning Administrator  
PLANNING COMMISSION

MEETING DATE: October 14, 2013

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

LOCATION: 230 Xenia Avenue  ZONING DISTRICT: Central Business District
APPLICANT: The Kings House, LTD, represented by Christy L. Comerford
PROPERTY OWNER: The Kings House, LTD, (Brendan Comerford, agent)

REQUESTED ACTION: Request for a conditional use permit, per Yellow Springs Zoning Ordinance Section 1256.03, to allow the establishment of two residential units above existing street level commercial spaces on the property located at 230 Xenia Avenue in the Central Business District.

HEARING NOTICE: “230 Xenia Avenue – (Central Business District) – Christy Lewis Comerford, on behalf of the property owner, The Kings House, LTD, has requested a conditional use, per the Village of Yellow Springs Zoning Code Section 1256.03(h), to allow the establishment of two residential units above the street level building currently in retail use. Greene County Parcel ID; #F19000100100003700. Applicable Yellow Springs Zoning Code sections are Chapter 1256, 1268.05, 1272.01, 1272.02, 1272.03, 1272.04, 1272.06, & 1272.07.”

GREENE COUNTY PARCEL ID: #F19000100100003700.

PROPERTY INFORMATION AND ANALYSIS:
The property, located at 230 Xenia Avenue, is lot #19B of the Yellow Springs Original Replat and it measures 49.75’ wide at the front lot line adjacent to Xenia Avenue right-of-way. The irregular shaped lot is 153.47’ deep along the south side lot line but measures approximately 183’ at the deepest point. The lot widens out and measures approximately 84’ wide across the middle portion, equaling approximately .2935 acre. Currently, this is a commercial property containing two uses; Iona a clothing retail shop and Asanda Imports which also has retail sales. The applicant is applying for a conditional use permit to allow two (2) residential units to be established on the second floor of the principle structure.

STAFF ANALYSIS OF THE APPLICATION: The applicant is requesting a conditional use permit to allow the establishment of two (2) residential units on the second floor of the principle structure above the existing retail uses. The property is located in the Central Business District among other retail businesses uses. According to the applicant, the upstairs had at one time been used for residential purposes but that conditional use would have expired as it has not been used for residential purposes for more than two years.

The Central Business district encourages a variety of business, institutional, public, quasi-public, cultural, residential, and other related uses to support both local and regional commercial and cultural activities. [YSZC Sec. 1256.01] Dwelling units are permitted as a conditional use either above the street level building spaces or as a subordinate use in floor area to a principally permitted use on the street level. [YSZC Sec. 1256.03(h)]
CONDITIONAL USE CRITERIA:

Yellow Springs Zoning Ordinance;
Chapter 1256 Central Business District

Section 1256.03 Conditionally Permitted Uses.
(h) Dwelling units either above the street level building spaces or as a subordinate use in floor area to a principally permitted use on the street level.

Section 1256.08 Off-Street Parking.
Principally and conditionally permitted uses, including drive-in commercial uses, shall abide by the off-street parking and loading requirements in Chapter 1268, except for the number of parking spaces required, which shall be as follows:
(a) Interior lots with less than 80 feet of frontage are exempt from the parking requirements unless they have access from an alley.

Chapter 1258 Off-Street Parking and Loading

Section 1268.05 Residential off-street Parking Requirements
(c) One and two –family housing dwelling unit – 2.0 spaces per dwelling unit, except when located in the Central Business District and then 1.0 spaces per dwelling unit.

Section 1240.09 (DEFINITIONS)
(7) “Apartment” means a dwelling unit consisting of one or more rooms, together with kitchen and sanitary facilities that are one part of a larger structure.
(21) “Building, principal” means a building in which is conducted the main or principal use of the lot on which said building is located, ordinarily the largest building on a lot and ordinarily the use conducted on the first story of such building, above the basement.
(28) “Conditional use” means 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 different from those usual requirements for the district in which the conditional use may be located.
(45) “Front foot” means the width measured in a straight line parallel and adjacent to the street.
(63) “Lot Types” shall be defined as follows;
   B. “Interior lot” means a lot other than a corner lot with only one frontage on a street.
(79) “Principal Use” means the main use of land or structures, as distinguished from a secondary or accessory use.

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 designed so as to avoid diversion of watercourses or excessive run-off;

(g) Will be designed so as to avoid diversion of watercourses or excessive run-off;

STAFF RECOMMENDATION: Staff recommends that the Planning Commission of the Village of Yellow Springs approve the application provided that a copy of the Greene County occupancy permit is submitted to the Village Zoning Department.

VILLAGE MANAGER RECOMMENDATION: (May be provided at the meeting)
CONCONDITIONAL USE APPLICATION FORM
Village of Yellow Springs, Ohio

1272
As required by Section 1125:0256 of the Village Zoning Code: All applications shall be in writing and filed with the Zoning Administrator at least 14 days prior to a regularly scheduled Planning Commission meeting. A public hearing will be scheduled where the Commission will render a decision on the application. 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: 2013-31

Applicant Name: The King's House LTD

Applicant Address: 507 S. High St. Yellow Springs

Property Owner: The King's House LTD

Property Description: General Location in Village: 230 Xenia Ave. Lot #193 of the Yellow Springs original replat

Parcel number: F1000104100003700 Zoning District: Commercial

Present Use of Property: None

Description of Proposed Conditional Use: Conditional Residential. We will return the upstairs to apartments like they were before. We are not altering the building or property.

The following information must accompany this application:

1. A site plan indicating the location and dimensions of all buildings; parking and loading areas; pedestrian, bicycle, and auto circulation; bicycle storage areas; open spaces and landscaping; refuse collection points; storm drainage plan; location of existing utilities and where new hook-ups will be located and; signs.

2. A map showing land use by individual parcel within 100 feet of the lot lines of the subject site.

3. A map showing significant natural features of the site including notations of existing trees over eight inches in diameter.

Please Note: no application will be processed and set for the required public hearing until the associated fee and required information has been received.

RECEIVED: 35.00 8/25/13
CCH #1232 - The King's House LLC
Wright-Patt C.U.
PLANNING COMMISSION

MEETING DATE: October 14, 2013

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

LOCATION: Alley west of Livermore between E. South College Street and Marshall Street

ZONING DISTRICT: The alley is situated between two zoning districts with properties on the north side within the Office/Research district and properties on the south side within the Residence ‘B’ zoning district.

APPLICANT: Antioch College, represented by Reggie Stratton

PROPERTY OWNER: The Village of Yellow Springs

REQUESTED ACTION: Request for vacation of two hundred Sixty-five (265) feet of the alley running west from Livermore Street between and parallel to E. South College Street and Marshall Street per Yellow Springs Codified Ordinance Chapter 1224.

HEARING NOTICE: “Alley Vacation – Antioch College, represented by Reggie Stratton, has requested to vacate a portion of the alley situated between E. South College Street and Marshall Street on the east side of Livermore Street per the Village of Yellow Springs Code of Ordinances Chapter 1224. The following parcels are adjacent to the portion of alley requested for vacation; Greene County parcel ID #F19000100080018000, #F19000100080037800, #F19000100080037900, #F19000100080021700, #F19000100080021600, #F19000100080018100, #F19000100080018400, #F19000100080018500."

GREENE COUNTY PARCEL ID: N/A

PROPERTY INFORMATION AND ANALYSIS:
The portion of alley requested for vacation is located west of Livermore Street and runs between and parallel to E. South College Street and Marshall Street. It measures fifteen (15) feet wide and the portion requested for vacation measures two hundred sixty-five (265) feet in length from the Livermore Street right-of-way.

The alley in its entirety measures approximately 710’+ and while unused, connects to Livermore Street with an asphalt drive apron. This alley is bisected behind the lots that front on Livermore Street by another alley that runs south to Marshall Street. While the north/south alley is paved, most of the east/west alley exists in an undeveloped state, including the portion adjacent to Livermore Street. However, the western portion of the area requested for vacation and approximately 75’ of the alley beyond this has been paved and is in a usable condition. This paved area that extends beyond the area requested for vacation provides access to the rear at least two residentially used properties; 125 Marshall Street and 131 Marshall Street. While both of these properties have driveways off of Marshall Street, the alley vacation would eliminate any public access to the rear of their lots.

There are eight (8) parcels that are directly adjacent to the portion of the alley requested for vacation and they are all under the ownership of Antioch College Corporation. There are eighteen (18) lots owned by five (5) property owners adjacent to alley right-of-way beyond the area requested for vacation, nine (9) on the south and nine (9) on the north. All nine lots on the
north and two of the lots on the south side are owned by Vernay Laboratories. The remaining seven (7) lots are owned by four (4) property owners and used residentially. In addition to the vehicular access aspect of the alley, the alley also provides a utility corridor for electrical service to the properties. The Village currently has an overhead electric line supported on power poles within the alley right-of-way as well as a transformer located approximately one hundred feet west of the Livermore Street right-of-way. Also, Antioch College has a generator located within the alley right-of-way near the Villages transformer and has incorporated a portion of the alley into the parking area.

**STAFF ANALYSIS OF THE APPLICATION AND RECOMMENDATION:**

It appears that over the years the alley lost its importance and over time most of the length of the area of the alley returned to a natural state. However, while the alley and the utility lines are inaccessible by vehicle from Livermore entrance, they are still accessible by the north/south alley. While vacation of the first one hundred fifty (150) feet would not interfere with the delivery and maintenance of Village services and infrastructure an easement would be necessary to protect the Village transformer and to maintain it and the power line. The remaining one hundred and fifteen (115) feet of alley in the vacation request provides access not only for the Village but also may provide access for the existing residential properties and consideration for this part of the vacation should be made considered during the public process. The Village Electric Department is in approval of the vacation as long as a utility easement is put into place prior to the vacation. In addition, consideration should be given for the removal of the asphalt approach and curb and gutter replacement.

A couple of other things to consider are that if the alley vacation is approved, it will basically land lock the remaining portion of the alley right-of-way making it unusable as an alley and it would also, in essence, make the north/south alley a private alley only utilized to service the Antioch College parking lot behind the WYSO building.

**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 of 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. If the Planning Commission recommends this alley be vacated then staff recommends that the Board also request that the entire area proposed for vacation is encumbered with a utility/access easement for the Village to use.

VILLAGE MANAGER RECOMMENDATION: (May be provided at the meeting)
To The Yellow Springs Village Council:

On behalf of Antioch College, I would like to formally request that the Village vacate the alleys behind the Kettering building and parallel with the building formerly known as the Jarco building. A survey was performed as part of the purchase of this property from Antioch University and it was discovered that portion of the Jarco building encroaches the alley as well as a nearby transformer. This puts both the building and electrical service at risk if the village needed to perform work in this right of way. I've enclosed an email notification from our attorneys as well as a map and survey information.

Respectfully,

Reggie Stratton

Reggie Stratton
Facility Manager
Antioch College
One Morgan Place
Yellow Springs, OH 45387
937-478-2704 (mobile)
rstratton@antiochcollege.org
Greene County GIS
Owner Information
Owner Name: ANTOCH COLLEGE CORPORATION
Mailing Addr: 1 MORGAN PL
YELLOW SPRINGS OH 45387

Property Information
Parcel ID: F19000100000017909
Address: 150 SOUTH COLLEGE
District: YELLOW SPRINGS VIL
Acres: 0
Description: YELLOW SPRINGS ADD ALL
LOT 438 90
150 E SOUTH COLLEGE ST

Building Information
Story: 
Construction: 
Style: 
Year Built: 
Sq Ft: 
Total Rooms: 
Bedrooms: 
Family Room: 
Full Baths: 
Half Bath: 
Basement: 
Fire Place: 
Grade: 
Mkt Adj: 
Land Use: 
Heat Fuel: 
Heating: 

Values
Appraised

Land
$44,400.00

Building
$1,847,270.00

Total
$1,891,770.00

Assessed

Land
$15,543.00

Building
$646,580.00

Total
$662,120.00

Taxes

Delinquent
Real
$0.00

Special
$0.00

Total
$0.00

1st Half
2nd Half

Due
$0.00

Sales
Price
$1,800,000.00
Date
07/03/13

1 inch = 52 Feet

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