VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION: MEETING OF PLANNING COMMISSION
WITH COUNCIL PRESENT

AGENDA

The Village of Yellow Springs Planning Commission will meet with Council in regular session on Monday, August 12, 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

COMMUNICATIONS

7:10 CITIZENS’ COMMENTS

7:15 OLD BUSINESS

7:25 NEW BUSINESS/ PUBLIC HEARINGS
   305 N. Walnut Street Conditional Use Hearing
   2013-14 Planning Commission Goals

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

ROLL CALL
Planning Commission members present were John Strueming, 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: #F19000100100004000 & #F19000100100004100.

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 it 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.

Struwing 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(c).
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 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 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.
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.

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.

107 Tower Court

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.

Struewing 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.

Struewing 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.

Struewing 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.

Struwing 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.

Struwing 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 Struwing, 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.
Notice is hereby given that: 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. A PUBLIC HEARING WILL BE HELD ON THIS PETITION: DATE: Monday, August 12, 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 application, as prepared by the petitioners, may be examined at the office of the Village Planner 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 Planner at the same address, or by calling 937-767-3702. Tamara Ennist, Village Zoning Administrator.
PLANNING COMMISSION

MEETING DATE: August 12, 2013

STAFF REPORT: Tamara Ennist, Village Zoning Administrator

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 1 & 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 1 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.
CONDITIONAL USE APPLICATION FORM
Village of Yellow Springs, Ohio

As required by Section 1425.025 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: 2013-23

Applicant Name: S and G ARTISAN DISTILLERY, LLC

Applicant Address: 305 N. WALNUT STREET, SUITE J, YELLOW SPRINGS

Property Owner: MILLWORKS DEVELOPMENT CORPORATION

Property Description: General Location in Village: North side of North Walnut Street between Cliff St and Fairfield Pk.

Parcel number: 19000100110025900 Zoning District: Light Industrial

Present Use of Property: SUITE J IS DISTILLERY, SUITE I IS TASTING ROOM.

Description of Proposed Conditional Use: TASTING ROOM/RETAIL SALES.

Business Owners: Meg Solomon-Gufer, Steven Gufer & Hajo Scheuner

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 Fee 7/25/13
CH 21 2013
WES BANCO
July 25, 2013

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

Attention: Ms. Tamara Ennist

Subject: Request for Conditional Permit

Dear Ms. Ennist:

Pursuant to our location meeting in May of this year, at the Millworks Business Center, please accept this letter as S and G Artisan Distillery’s official request for a conditional permit to operate our tasting room (allowable in accordance with our State Division of Liquor Control A3a Permit) in Suite 1 of the Millworks Development Center. This request is in addition to, and succeeding, S and G’s request for a 25% variance for the total size of Suite 1, which was granted by the Village Council in the meeting held Wednesday, July 17, 2013.

The S and G’s Spirits of Yellow Springs Tasting Room currently utilizes Suite 1 of the development center and is only indirectly attached to Suite J, which houses the distillery operation, as permitted by the Ohio Division of Liquor Control.

Please feel free to contact me at (937) 623-6814 should you have any questions or require additional information. Thank you in advance for your prompt attention to this request.

Respectfully,

Meg Solomon-Guier
Business Manager
2010 PLANNING COMMISSION GOALS  
(Revised 5/2/2011)

<table>
<thead>
<tr>
<th>Level of Priority</th>
<th>Goal</th>
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<tbody>
<tr>
<td>1.</td>
<td>Review proposed Parks and Recreation Master Plan</td>
</tr>
<tr>
<td>2.</td>
<td>Outline policy and/or legislative needs as next steps for implementation of the updated Comprehensive Plan, particularly with respect to the Miami Township Comprehensive Plan.</td>
</tr>
<tr>
<td>3.</td>
<td>Review and define Special Planning Areas to preserve important historical and cultural assets of the Village.</td>
</tr>
<tr>
<td>4.</td>
<td>Determine which areas of the Village have not been zoned for possible zoning. Currently Glass Farm.</td>
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</tbody>
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Planning Commission Goals for 2012  
(list not prioritized)

- Identify critical environmental area, such as the well fields, Jacoby Creek Watershed and applicable areas within the Village. Coordinate the work with the Environmental Commission, and the updating of the Areawide Water Quality Management Plan (AWQMP) by the Miami Valley Regional Planning Commission (MVRPC).

- Annual review and update of the Comprehensive Plan’s reference list (following completion of the current Comprehensive Plan review)

- Complete Historical Inventory
Possible speakers for the Village of Yellow Springs Planning Commission

**Community Gardens/local foods**

OSU Extension Master Gardener

The Master Gardener Volunteer Program provides intensive training in horticulture to interested gardeners who then volunteer their time assisting in various ways. Master Gardener Volunteers provide such educational services to their communities as: answering gardening questions from the public; conducting plant clinics; gardening activities with children, senior citizens, or disabled persons; beautifying the community; developing community or demonstration gardens; and other horticultural activities with educational programs and activities in Greene County.

Contact Barbara Mills at 937.372.9971 or e-mail at Mills.35@osu.edu

**Low Impact Development**

Miami Conservancy District, Sarah Hippensteel

Low Impact Development (LID) is an innovative stormwater management approach that manages rainfall where it lands. The goal is to mimic a site’s pre-development landscape by using site design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source.

Instead of managing and treating stormwater in large, costly end-of-pipe facilities such as stormwater detention ponds, LID encourages the use of small, cost-effective management practices located at each individual lot. Almost all components of the urban environment have the potential to serve as a management practice. This includes open space, rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and commercial and industrial projects.

Hippensteel, Sarah
Manager, Watershed Partnerships
(937) 223-1278 x3244
shippensteel@miamiconservancy.org

**Bikeways, bicycle safety, multi-purpose trail maintenance, pedestrian friendly design, walkable communities**

Greene County Parks and Trails and Miami Valley Regional Planning Commission

Active transportation is any kind of human powered mode, but usually refers to biking and walking. Active transportation is not only for getting in shape and staying healthy – though
walking and biking are excellent exercise and can be a fun way to introduce physical activity into your daily life. But keep in mind: your feet are an efficient and fun way to get around town. You’ll be reducing automobile congestion, pollution, and noise, not to mention air pollution and greenhouse gas emissions.

MVRPC Contacts
Matt Lindsay (937) 531-6548  mlindsay@mvrpc.org or
Kjirsten Frank (937) 531-6524  kfrank@mvrpc.org

Greene County Parks and Trails
Chuck Frazier (937) 562-6476  cfrazier@co.greene.oh.us

**Historic and cultural inventory**

City of Xenia

Brian Forschner, AICP
City Planner
(937) 376-7285
Fax: (937) 372-8151
bforschner@ci.xenia.oh.us

**Heritage Tree program**

City of Xenia

Purpose:
1. Recognize, foster appreciation and inspire awareness of the contribution trees make to the community.
2. Increase public awareness of the significance and importance of trees in general.
3. Draw attention to and protect unique trees.
4. Encourage public participation in identification and perpetuation of heritage trees.
5. Connect the past to the present by preserving historic trees for the enjoyment of future generations.
6. Increase public awareness of the important contribution of trees to our cultural and community history, and the significant role they play in the quality of our daily lives.
7. Provide property owners with recognition and reward for preservation of significant heritage trees.