The Village of Yellow Springs Planning Commission will meet in regular session on Monday, May 9, 2011 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 –April 11, 2011

7:08 REPORTS
1. Council Update
2. Bike Enhancement Committee
3. Village Staff Report

COMMUNICATIONS
Ohio Historical Preservation Office re: Webinar
Miami Valley Cycling Summit re: Invitation

7:20 CITIZENS’ COMMENTS

7:25 OLD BUSINESS
Vote on Chair
Parks Master Plan

7:40 NEW BUSINESS
Discussion regarding Ordinance Regulating Computerized Internet Sweepstakes Cafés
Staff Information on Possible Re-Platt (Amrhein)

8:55 AGENDA PLANNING

9:00 ADJOURNMENT
VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION MINUTES

In Village Council Chambers  April 11, 2011

CALL TO ORDER
Planning Commission Chair John Struewing called the meeting to order at 7:00 p.m.

ROLL CALL
John Struewing, Tim Tobey, Bill Bebko and Karen Wintrow, sitting in for Lori Askeland, were present. Village Manager Mark Cundiff was also present.

REVIEW OF AGENDA
There were no changes to the agenda.

REVIEW OF MINUTES
Bebko MOVED and Tobey SECONDED a MOTION to APPROVE the minutes of March 14, 2011 AS WRITTEN. The MOTION PASSED 3-0, with Wintrow abstaining. Council Representative Lori Askeland arrived at 7:04pm, and took over for Wintrow. Commission member Matt Reed arrived at 7:06pm. Neither arrived in time to vote on the Minutes.

REPORTS
Bike Enhancement Committee—Tobey announced that he will be attending a meeting this Wednesday to discuss the Northern Gateway project, and asked Cundiff if he had any new information to share. Cundiff stated that he has no new information, and his understanding was that the Village would probably not hear about its grant application before August.

Struewing commented that he had worked diligently on this project in 2004-2005, and was disappointed to see it still unfunded.

Cundiff responded that funding relies upon obtaining grant monies, which have thus far been elusive.

Council Update—Askeland reported on the 2/22/11 and 3/7/11 meetings. She announced that Council is considering placement of a Solar Farm on the Glass farm property, and this will be presented before Council as legislation on April 18th.

Council approved the RFQ for a non-profit partner for building affordable housing on Cemetery Street, Askeland stated, and an RFQ/RFP process for zoning code rewrite candidates.

Askeland noted that the RFQ deadlines had been extended 30 days to allow the Village Manager a little extra time to work on the solar farm project, which is on a tight deadline.

Askeland noted the work of the Levy Committee, and Wintrow provided the new brochures for distribution to the group.

Askeland noted that Council had briefly discussed the Skate Park, and has asked that Planning Commission review the Parks Master Plan to see if it can be adapted or updated for current use.

At the April 16 Council Meeting, said Askeland, a representative from American Municipal Power (AMP) will present information on participation in a landfill gas program through AMP.
Resolutions on sidewalk re-paving and a county-wide street-paving contract will be on Council’s April 16 agenda as well, Askeland stated.

Struewing inquired as to what portion of the Glass Farm will be taken up by the solar farm.

Cundiff explained that it would be approximately 2/3 of the western side of the property—either 12 or 15 acres, depending upon whether Council wants a 2 or 2.5 MW facility.

Village Staff Report—Cundiff clarified that the AMP representative will be at Council meeting on Monday to discuss membership in a combined cycle natural gas/steam generation facility located in Fremont, Ohio. The plant will burn natural gas to produce heat energy, and that heat energy can be used to run steam turbines which in turn produce energy.

CBE Update – The Village has received the signatures of one of the property owners for the annexation petition for the Dayton-Yellow Springs ROW, and the other two are expected by the end of the week. It will be filed with Greene County once everyone has signed the petition.

Zoning Code Update – A Special Joint Meeting of Village Council, Planning Commission, and Board of Zoning Appeals was held on March 28th to discuss this project. The decision to switch from a RFP process to a combination RFQ/RFP process was made. Village Staff amended the RFP into the RFQ/RFP and presented it to Council at their April 4th meeting. Council authorized the issuance of this RFQ/RFP and it will be advertised in the next issue of the Yellow Springs News. Qualification packets will be due by June 8th. Matt Reed has expressed interest in being one of the two Planning Commission members on the Technical Advisory Panel which will help select the consultant and work with them during the update process. One other member will need to volunteer.

Solar Farm Proposal - The Village has received a proposal from a company called Solar Vision regarding the development of a solar installation from which the Village would purchase and receive electricity. Council has zeroed in on the Glass Farm as the location, although this will need to be discussed at Council meeting. It is anticipated that this will be a 2.0 – 2.5 MW installation occupying approximately 12-15 acres. Currently, an electrical engineer is performing a load flow study and an energy utility consultant is reviewing the proposal for the Village. Legislation will be introduced for this project at the April 18th Council meeting.

Affordable Housing Proposal – Cundiff noted that Askeland had covered this topic during her summary.

Matt Reed asked about the potential for an increase in cost for the affordable housing project if the necessary utilities will have to be set in rock.

Cundiff responded that the Village did receive a cost estimate for that project from John Eastman, and that he did take the rocky substrate into consideration in that estimate.

Struewing asked whether there are conditions on the land in question.

Cundiff responded that those conditions were lifted some time before his tenure.

Cundiff explained that the RFP has gone out, and responses will be in by June 8th, at which point Council will select developers to present to the TRC to determine final selection of the developer. At that
point, an ordinance will be brought forward approving the contract with that non-profit developer. At the same time, the zoning for the plots will need to be changed to Residence “B,” an action which will come through Planning Commission.

   Cundiff noted that this is a 2-4 year process.

   **Spring Hydrant Flushing** – Village crews will be flushing fire hydrants the week of April 18th. As the usual practice, this will begin at the south end of town and work northward throughout the week. Residents will likely experience discolored water as the flushing reaches their neighborhood.

   **Wheeling Gaunt Statue** – Ed Amrhein has been approach by someone who is interested in having a statue of Wheeling Gaunt created and permanently installed on public property somewhere in the Village. According to Ed, they would like to do this at the “triangle” point formed by Walnut and Xenia Streets. This is proposed as the first of three statues honoring historical figures in the history of Yellow Springs.

   **Community Gardens at Corry Street Greene Met Housing Development** – Greene County Metropolitan Housing is allowing the use of some of their land on Corry Street for another Community Garden Site. There was some concern over the soils in this area due to it being the location of the old WWTP, so the soils were tested. Tests showed nothing that would prohibit the use of the land for gardening.

   **Spring Clean-Up**—Is set for the week of May 9th.

   Bebko asked about the status of the load-flow study. Cundiff explained that the Village has now selected the lowest and best bidder for that project, and they are aware that it is needed by the end of the month.

   **Miami Township Zoning Commission Report.** Struewing reports that he spoke with the Chair, and they are meeting tonight to complete the final version of the Miami Township zoning report.

   In answer to a question from Reed, Struewing replied that he is unaware of any final decision regarding his status on the Commission. He will not attend meetings, he commented, until he is definitively on the Commission.

**COMMUNICATIONS**

There were no communications.

**CITIZENS’ COMMENTS**

There were no citizen comments.

**OLD BUSINESS**

There was no Old Business

**NEW BUSINESS**

   **Review of By-Laws and Election of Officers.** Struewing passed the topic to Cundiff, who noted that there is a term limit of 3 years for Chair of Planning Commission. Struewing noted that those by-laws can be changed by the Commission with the approval of Council.

   Cundiff has spoken with John Chambers with regard to the issue of co-chairs, and notes that the Solicitor has suggested a Chair/Vice Chair set up, in which the Vice-Chair runs any meeting at which the Chair is not present.
Struwing noted that as Senior Member, he would chair any meeting Reed was unable to attend. He suggested, therefore, that Reed accept the nomination for Chair.

Askeland NOMINATED Matt Reed for Chair. Struwing SECONDED the NOMINATION.

The vote will take place during the May meeting.

Planning Commission members noted that a motion remains on the table that Struwing and Reed serve as Co-Chairs. The group will vote to RESCIND THE MOTION during the May meeting.

**Technical Review Committee Members.** Cundiff explained that once the RFQs come in, the TRC will need to review these and cull the list down to five finalists for RFP.

Tobey confirmed that most meetings will occur during the work week. He asked if the RFQ process would entail two or three meetings.

Reed noted that the TRC would need to meet to establish their selection parameters and methodology.

Askeland MOVED that REED and TOBEY SERVE AS REPRESENTATIVES TO THE TRC. Bebko SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

**2011 Goals.** After discussion and deliberation, the group decided upon the following updates to the 2010 Goals, thus making them 2011 Goals:

- Visioning/Planning was removed as having been completed.
- “Merge policy and legislative needs necessary to implement the updated Comprehensive Plan, particularly with respect to the Miami Township Comprehensive Plan” was moved up to priority one. Struwing commented that he has no idea when the Miami Township Comprehensive Plan will be completed, and suggested that this goal be ongoing.

Askeland suggested a meeting with the Township once their Comprehensive Plan is adopted.

Wintrow asked about the legality of joint planning between Yellow Springs and the Township.

Cundiff noted that this is not unheard-of, although there may be some differences in the way the BZA deals with appeals.

Reed commented that the Township is pushing development in the direction of the Village, and this may conflict with Village goals.

Cundiff noted that the Village has control over the sanitary system, and doesn’t see centralizing housing as a problem if in fact preservation of farmland is a goal.

Struwing noted that he disagrees with the comments made by others. “If we don’t work together on this, if you want control, you need to work with the Township on the Comp Plan.” The Comprehensive Plan, he noted, should be approved before the zoning code is done. Struwing asserted that Planning Commission needs to “hold these goals at the feet of both Miami Township and Council.”
Bebko noted that Planning Commission is seeking direction from Council in these matters, and pointed out that the Township does want to push growth towards its two villages—towards the urban service boundaries in an effort to preserve farmland.

Cundiff stated his belief that the Joint Meeting on March 28th was geared solely towards the RFP for the zoning code, but that he agrees some direction regarding overall development parameters is needed.

After general discussion of growth and the urban service boundary, Askeland pulled the discussion back for a decision, and suggested leaving the goal as is.

- “Meet with the Miami Township Zoning Commission” was recognized as an ongoing goal.
- “Complete updated inventory of historical buildings. . .” was moved off the priority list and under general bullet points due to uncertainty regarding impact of the zoning code update,
- “Review of YSO infrastructure (Capital Improvement Planning)” section was rolled over to 2011 Goals. Askeland suggested Cundiff proceed with the Five Year CIP, and make updates as possible, with the awareness that some items might change with the zoning code rewrite.

Cundiff noted that the upcoming Water Feasibility Study which John Eastman is working on might impact this area of planning. He mentioned that the load flow study due at the end of the month will also impact this area.

Section 5, the “Parallel review of procedural requirements. . .” and Section 6, “Solar Access Legislation Discussion” were both moved off the list due to the zoning code rewrite.

Planning Commission then reviewed the proposed 2011 Goals.

Askeland expressed confusion regarding the first goal; “Identify critical environmental areas. . .”

Following discussion, the group decided to move this goal to 2012, since it should receive scrutiny during the rewrite process, and may need to be revisited.

The second bullet, “Annual review and update of the Comprehensive Plan’s reference list” was moved to a bullet for 2012.

“What Parks and Recreation Master Plan” was identified as a 2011 goal, and Struewing segued into that topic.

**Discussion of Parks Master Plan**

Wintrow addressed the topic, stating that the proposed master plan needs a great deal of updating, but offers a solid starting point in that it is quite comprehensive. Wintrow noted that since the dog park project was halted, discussion has been raised about several Yellow Springs parks, including the Skate Park, with many of the same issues coming to light.

Wintrow stated that she has heard from many citizens questioning Council’s priorities with regard to parks. A Citizen Survey would be very useful, she stated, in looking at and updating the Master Plan.

Bebko stated that the document is very good, but does need updating. He stated that this “needs to be done,” and noted that it was appropriate for Planning Commission to consider.
All other members agreed, though Struwing noted that Planning Commission will need Staff help.

Askeland suggested breaking the Master plan into small parts which can be addressed in the context of regular meetings. Askeland also suggested that aspects of the work could be done as part of a college study project (such as the survey).

Cundiff stated that he thought the reworking could be done, but mentioned that this will be likely be more work than Planning Commission believes. He explained that this is something that has been on Council’s agenda since he arrived. Cundiff stated that he started to put together an RFP for the Plan several weeks ago, and in so doing, queried fellow Municipal Managers. As a result of this query, Cundiff connected with the consultant whose firm recently revamped Beavercreek’s Parks and Recreation system. Cundiff has included that executive summary in the packet.

Cundiff noted that key aspects of the development of Beavercreek’s plan involved various strategies for gathering information about the community’s use and need. Cundiff wondered how in-depth Planning Commission would want to go in gathering this kind of information. How many stakeholders do we want to pull in, he wondered, and how extensive do you want this to be.

Struwing stated that there are a number of issues to address, but that they can be addressed in the course of reviewing the document. He suggested that members familiarize themselves with the document in preparation for discussion.

The group decided that they will definitely discuss the Master Plan, and should think about the scope of the document.

Cundiff restated his concern that the group is underestimating the amount of time needed to rework the document.

AGENDA PLANNING
For May 9, 2011:
* Election of Officers
* Discussion of Parks Master Plan

ADJOURNMENT
Having no further business, Askeland MOVED and Bebko SECONDED a MOTION to ADJOURN. The MOTION PASSED UNANIMOUSLY at 8:38 p.m.

______________________________
John Struwing, Chairperson

______________________________
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.
There are several planning-related items that Staff wants to provide an update on to Planning Commission.

**CBE Update** – There are several items to update the Commission: 1) The design engineer, Jacobs Engineering, has begun work on the Stage II submittals. These engineering plans are the details of the utility work and roadway construction. Once they are completed, ODOT will determine if a Stage III submittal is required or to allow the release of the plans for bidding. 2) We have completed the first step in the annexation process of the Dayton-Yellow Springs ROW by obtaining the signatures of all three property owners on the annexation petition. The next step is the filing of the petition with Greene County. 3) According to the OPWC web site, our OPWC grant application for statewide Small Government funds for the construction of the left-turn lanes was approved. It appears that we were the last community to receive funding. We are trying to get official verification from OPWC. 4) ODOT has granted the Village permission to bid out the ROW acquisition at the CBE locally, rather than have ODOT handle the bidding. We hope that this will speed up this process. And finally 5) we had a very productive meeting with representatives from Community Resources about the status of the project on Thursday. We will continue to meet once a month until the project is completed.

**Solar Farm Proposal** - Village Council has approved legislation that would authorize the Village Manager to enter into a Solar Purchase Power Agreement and a Solar Licensing Agreement with a company called Solar Vision regarding the development of a solar installation on the Glass Farm from which the Village would purchase and receive electricity. It is anticipated that this will be a 2.0 – 2.5 MW installation occupying approximately 12-16 acres.

**Vectren Surveying** – You may have seen or heard from residents about some utility surveying occurring in the Village. These are not Village crews or contractors. They are crews hired by Vectren to perform some work for them.
Utilizing the Online Mapping System - Live Webinar
Tuesday, June 7, 2011
Tuesday, October 25, 2011
9 a.m.-12 noon / $25

Learn how to access extensive historic and archaeological data electronically. The Online Mapping System is a stand alone web application that includes many tools for queries and searches ... more

Historic Preservation for Local Governments
10 a.m.- 4:30 p.m. / $50; $40 for CLG staff and commission members
Price includes lunch
Tuesday, June 21, 2011, Ohio Judicial Center, Columbus
Tuesday, September 13, 2011, Old Town Hall, Glendale
Tuesday, November 1, 2011, Burton Public Library, Burton

This day-long session will provide specific training, tools and advice for those involved in historic preservation at the local level. Whether you are a Certified Local Government coordinator, a city or village official or local historic preservation commission member, or anyone involved in local preservation, or anyone involved in local historic preservation and Main Street efforts ...

Prepare Federal Historic Preservation Certification Applications - Live Webinar
July 12, 2011
12 noon / $25

Instructions, via narrated PowerPoint presentations, will be provided for those involved in or interested in preparing the Federal Historic Preservation Certification Applications and qualifying for the Federal 20% Historic Rehabilitation Investment Tax Credit for historic buildings...

Identifying Archaeological Sites in the Ohio Archaeological Inventory - Live Webinar
October 4, 2011
12 noon - 12 noon / $25

This workshop is designed for anyone who needs to understand the information recorded in the Ohio Archaeological Inventory (OAI), including government agency staff, cultural resource management consultants, and archaeologists and their students. ... more

Meet the Secretary of the Interior’s Standards for Rehabilitation in Historic Tax Credit Projects - Webinar
October 18, 2011
webinar will provide specific guidance and advice via narrated PowerPoint presentations, for those interested in designing and executing projects that qualify for a Historic Rehabilitation Tax Credit. ... more

**Revisiting and Evaluating Properties of the Recent Past**

October 27, 2011

4 p.m. / $75; $50 for CLG staff and commission members

Includes lunch

Historical Center, I-71 & 17th Avenue, Columbus

From high-rise skyscrapers to suburban ranch houses, properties associated with the recent past, 1940-1970, pose challenges and opportunities for those involved with historic preservation. Significant mid-twentieth century architecture is under-identified, under-appreciated and beginning to disappear. ... more

**Who Should Attend?**

Agency Managers and Staff • Applicants for Federal Assistance, Licenses, or Permits • Planners • Architects • Consultants • Developers • Elected Officials • Engineers • Historians • System Users • and the Interested Public.
2011 Ohio Historic Preservation Office Workshops

Workshop Registration

Please complete one form for each person attending.

Name: __________________________________________
Company: _______________________________________
Address: _______________________________________
City: ___________________ State: _______ Zip: _______
Telephone: _______________ E-mail: ________________

Check the workshop(s) you will attend:

Utilizing the Online Mapping System – Live Webinar / $25 $ ____
  ☐ Tuesday, June 7
  ☐ Tuesday, October 25

Historic Preservation for Local Governments / $50; $40 for CLG $ ____
  ☐ Tuesday, June 21, Columbus    ☐ Tuesday, September 13, Glendale
  ☐ Tuesday, November 1, Burton

How to Prepare Federal Historic Preservation Certification Applications - Live Webinar / $25 $ ____
  ☐ Tuesday, July 12

Recording Archaeological Sites in the Ohio Archaeological Inventory - Live Webinar / $25 $ ____
  ☐ Tuesday, October 4

How to Meet the Secretary of the Interior’s Standards for Rehabilitation in Historic Tax Credit Projects - Live Webinar / $25 $ ____
  ☐ Tuesday, October 18

Identifying and Evaluating Properties of the Recent Past / $75; $50 for CLG $ ____
  ☐ Thursday, October 27

Discounts
Students subtract 33% (provide copy of current student ID) - $____
Ohio Historical Society Members subtract 10% (Member #: ________________) - $____

Registration Total $ ____

Check method of payment:
  ☐ Purchase Order #: ____________ ☐ Check enclosed payable to Ohio Historical Society
  ☐ Visa ☐ MasterCard ☐ American Express ☐ Discover
Card Number: ___________________________ Expiration: _______________
Name on Card: _____________________________________________
Authorized Signature: ________________________________________

Mail, fax or email completed form(s) to:
Ohio Historic Preservation Office
Ohio Historical Society
1982 Velma Avenue
Columbus, OH 43211-2497
Fax: 614-298-2037
E-mail: ohpo@ohiohistory.org
April 2011

Dear Community Leader,

Cycling Sells Cities….communities, villages, townships, counties… the region and you are invited to participate in the second summit held to celebrate cycling:

Miami Valley Cycling Summit
May 20th, 10 a.m. to 4 p.m.
Kroc Center,1000 N. Keowee Street, Dayton, OH 45402

As an opinion leader, either informal or elected, as the president, chair or elected official, you are probably looking for opportunities to grow, invigorate and better serve your organization, stakeholders, customers, and constituencies. The Miami Valley Cycling Summit is that opportunity. The Miami Valley Cycling Summit is your opportunity to engage in the cycling movement and to support the future of cycling in the region.

In fact, the summit has been organized by cycling enthusiasts and organizations from across the region with the sole purpose of providing resources, ideas and networks to further enhance the regions cycling endeavors and to promote, sell and grow the region’s communities and businesses. This in turn provides for safe, clean, enjoyable, healthy living and lifestyles.

While attending the Miami Valley Cycling Summit, you will hear from Bruno Maier, Vice-President of Bikes Belong and Dayton native. Bikes Belong works to put more people on bicycles more often by helping create safe places to ride to promoting bicycling. Other topics will include funding opportunities to support cycling infrastructure, how cycling has a positive impact upon the region’s economic development, cycling and public health.

It is our sincere hope that you can join us for the Miami Valley Cycling Summit: Cycling Sells Cities on May 20th. This exciting event will be held at the Kroc Center which also presents an amazing opportunity to tour this wonderful amenity to the region.

Sincerely,

Nan Whaley, Dayton City Commissioner
On behalf of the Miami Valley Cycling Summit Committee
Ground Mount:
2504kW of Abound 70w @ 25deg
I’ve reviewed the February 1998 Draft of the Village of Yellow Springs Parks & Recreation Master Plan. It appears to me that this document was created in-house by the Parks & Recreation Department, which apparently existed and was staffed 13 years ago. Generally, I think it could be a good starting point in the development of a new Master Plan, which could be done in-house with some graphical assistance. I would like to break down the plan by the various sub-sections, along with my comments on each sub-section:

History and Background: This section appears only to be updated. I found it interesting that the Village did at one time have a Council-appointed Board advising them on parks and recreation matters. We seem to have a Board or Commission on practically every other topic, but at some point this Board was disbanded.

Past Planning Efforts: This section also appears only to be updated. Obviously there needs to be some mention of the recent Comprehensive Plan Update as well as the development of the Visioning Plan.

National Standards and Trends for Parks: Much of this text appears to be taken straight out of a textbook. It should be looked at and updated if needed. Perhaps some additional demographic data would be helpful here as it relates to trends. The timing is good with the data from the 2010 Census starting to be released. Also, any information on possible parks and recreation grants or other funding sources would be useful information.

The Village Park System: Present and Future: This section needs to be reviewed and updated as there have been improvements made at several of these parks. Additionally, new facilities such as the Skate Park need to be included. I also would recommend splitting this section into two sections. The first would be part of an inventory of parks and recreation facilities, and the second would be any recommended improvements to the various facilities. This could also identify any needs for additional facilities.

Other Park/Open Spaces in the Village: This section needs to be expanded. I think there should be more information on the various other parks/open spaces. Additionally, I think it
should include a section to itself about the activities inside Bryan Center. This is a unique recreational resource and should not be limited to a paragraph. Non-sport recreational spaces (pottery shop, dance studio, community gardens, public art etc.) also need to be described. I also would discuss recreational spaces outside of the Village limits such as area golf courses, Youngs, Glen Helen, John Bryan State Park, Clifton Gorge, Twin Towers Park, etc. While these may not be entirely in the Village, they do provide recreational opportunities for our residents.

**Future Needs:** This section will need to be completely rewritten as the future needs of 1998 may not be the future needs of 2011. These needs will hopefully become clear if we embark on this process.

**Financial History and Future Needs:** This section will need to be completely rewritten and updated as well.

I also have some general comments:

**Graphics:** The plan has some graphics (plans/layouts) of the various park facilities. We will need to have someone provide this service. I think we can use aerial photographs from the Greene County GIS system of the various park facilities, but we will have a need for someone to create the plans for us. Perhaps we could receive assistance from a Landscape Architecture student. Ohio State University offers degrees in this discipline, perhaps they could be of assistance (also with the development of the plan itself).

**Public Input:** I didn’t see in the draft Plan and mention of public input. Some communities have surveys performed asking their residents what type of parks and recreational facilities they use and what type they would use if available. Other communities use a series of public forums to solicit this input. After the “controversy” over the proposed Dog Park, I would strongly recommend that there be a very intensive public input component of the overall planning process.

In conclusion, it appears that there is a lot of updating that would need to be done to the Draft Plan, as well as possibly a lot of new data to gather, analyze and report. If Planning Commission takes on this project, it likely will dominate its agenda for the next 12-18 months. Staff could not devote more than a day each month to this process. When this draft was developed, there was a Parks & Recreation Director position staffed. Today, I assume that is one of the many hats I wear. An update could be done, but not as quickly as with using a consultant.
Mark,

As you no doubt are aware, a new business has been created called a Computerized Internet Sweepstakes Café. These appear to many as nothing more than a place for gambling, but the operation has thus far been found to not run afoul of state law. It makes sense to regulate this use now before one decides to locate in the Village. We cannot prevent them, but we can regulate them. I have “borrowed” a piece of legislation from another community and modified it to fit Yellow Springs better. The only task that is still needed to finalize the legislation is a decision as to what zoning district they should be required to be in. We can discuss this and you may ask Planning Commission to weigh in on this.

This is not a critical project right now but we ought to use this time to get regulations in place before this type of business comes to town.

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AN ORDINANCE ESTABLISHING CHAPTER 850, COMPUTERIZED INTERNET SWEEPSTAKES CAFÉS, IN THE BUSINESS REGULATION AND TAXATION CODE, TITLE TWO OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS; AND DECLARING AN EMERGENCY.

WHEREAS, based on investigation and reports of staff, news reports, discussions with representatives of other communities, and on findings incorporated in cases decided by Ohio courts, Village Council finds that in other communities where businesses such as Computerized Internet Sweepstakes Terminal Cafés currently exist in the State of Ohio, there has been numerous incidents of illegal gambling at such Cafés, an increase in reports of criminal activities in the areas near the Computerized Sweepstakes Terminal Café, an increase in the number of constituent complaints related to the businesses, and an increase in the need for police oversight to ensure illegal gambling is not occurring; and

WHEREAS, Village Council finds that the enactment of this Ordinance to regulate Computerized Internet Sweepstakes Terminal Café is a substantial government interest for the Village in preserving the quality of urban life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Yellow Springs.

NOW THEREFORE, the Village of Yellow Springs, Ohio hereby ordains:

Section I

Chapter 850, Computerized Internet Sweepstakes Cafes, is hereby established in the Business Regulation and Taxation Code, Title Two, of the Codified Ordinances of the Village of Yellow Springs, Ohio:

CHAPTER 850
Computerized Internet Sweepstakes Cafés

850.01 PURPOSE.

Purpose. It is the intent of the Council in enacting this Ordinance to improve the quality of life and economic vitality of the Village of Yellow Springs; enforce income tax regulations, prevent safety and fire hazards; disturbances, disruption of traffic, disorderly assemblies, and gambling within the Village; to establish standards for licensing, regulation and control of Computerized Internet Sweepstakes Terminal Cafès and premises upon which they are located and operated.
850.02 DEFINITIONS.

As used in this Chapter:

(a) "Computerized Internet Sweepstakes Device" means any computer, machine, or apparatus which, is capable of connection to the internet, regardless of whether such connection is utilized, through a wireless router telephone line, digital subscriber line, satellite, cellular telephone, cable connection or any other method, which is engaged or accessed upon the insertion of a coin, token, or similar object, or the sliding of a magnetic card or entry of a code, or similar process, or upon payment of anything of value, either directly or indirectly, and which may be operated by the public generally for use as entertainment, amusement or a contest of skill, whether or not generally for use as a contest of skill, entertainment of amusement, whether or not registering a score and which when so utilized produces, announces, reveals or discloses the eligibility, award or payment of a cash prize redeemable on or at the Computerized Sweepstakes Terminal Café, whether or not said prize was in fact announced, revealed or disclosed through the usage of the Computerized Sweepstakes Device. Computerized Sweepstakes Device does not include machines designated for use by the State Lottery Commission.

(b) "Computerized Internet Sweepstakes Terminal Café" means any premises upon which there are situated two (2) or more Computerized Sweepstake Devices that are available for the use or entertainment of the public within such premises, whether or not such premises has any other business purpose.

(c) "Chief of Police" means the Police Chief of the Village of Yellow Springs or their designee.

(d) "Village Manager" means the Village Manager of the Village of Yellow Springs or their designee.

(e) "Operator" means the person or persons having authority to control the premises of a Computerized Sweepstakes Terminal Café.

(f) "Licensee" means the person or persons who sign an application for a license hereunder and to whom such license is issued.

(g) "Owner" means any person who possesses any interest, either directly or indirectly, in a Computerized Sweepstakes Terminal Café.

(h) "Applicant" means the person or persons who sign an application for a license hereunder.

(i) "Person" means any natural person, firm partnership, association, corporation or any other form of business organization.
(j) "Premises" means the building or any portion thereof used for conducting the operation of a Computerized Sweepstakes Terminal Café.

(k) "Zoning Administrator" means the Zoning Administrator of the Village of Yellow Springs, as established in Chapter 1242 of the Planning and Zoning Code, or their designee.

850.03 COMPUTERIZED INTERNET SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED.

No person shall conduct or operate a Computerized Sweepstakes Terminal Café in the Village without having first obtained a Sweepstakes Terminal Café license as provided in this Chapter.

850.04 COMPUTERIZED INTERNET SWEEPSTAKES DEVICE LICENSE REQUIRED.

One Computerized Internet Sweepstakes Device license shall be required for each individual Computerized Sweepstake Device and shall specify the name and address of the licensee and the manufacturer, model number and serial number of the Computer Internet Sweepstakes Device for which it was issued.

850.05 AUTHORITY OF CHIEF OF POLICE.

Authority is hereby established and vested in the Chief of Police to consider any application for a Computerized Internet Sweepstakes Terminal Café license under this Chapter as submitted by the Zoning Administrator, to conduct investigations therefore and thereon and issue or deny issuance of any such license based upon the criteria set forth in this Chapter.

850.06 NATURE OF LICENSES.

(a) Each Computerized Internet Sweepstakes Terminal Café license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued. Each Computerized Internet Sweepstakes Terminal Café license shall be issued for only one (1) business at only one (1) premise.

(b) A Computerized Internet Sweepstakes Device license shall become invalid if the Computerized Sweepstakes Device is replaced or moved to another location not specifically stated on the license.

(c) Any license issued under this Chapter shall be valid for a period of one year from and after the date of issuance unless suspended or revoked as provided in this Chapter. Each license shall vest a personal privilege but not any property rights in the license. No license shall be assignable or transferable, either as to person or location.
850.07 PROCEDURE FOR OBTAINING LICENSES.

(a) Applications for Computerized Internet Sweepstakes Terminal Cafe Licenses. All applications for Computerized Internet Sweepstakes Terminal Cafe licenses under this Chapter shall be in writing on a form approved by and filed with the Zoning Administrator. The application shall be sworn to under oath and shall contain information required by this section supplied in detail as to each such person, including general and limited partners of partnerships, shareholders of corporations and principals or members of any other type of business entity or organization. All applications shall contain a statement that the information contained therein is complete, accurate and truthful. Every owner and operator of the Computerized Sweepstakes Terminal Cafe, shall at their sole cost and expense, be fingerprinted by the Village of Yellow Springs or an approved agency.

(b) Contents of Applications. The application for a Computerized Internet Sweepstakes Terminal Cafe License shall contain the following information as to all Owners:

1. True name and all names used by owner(s) in the past five years;
2. Date of birth;
3. Permanent home address and all home addresses used in the past five years;
4. Business and home telephone numbers;
5. Employment history for the past five years;
6. A statement as to whether or not the owner has been convicted of any felony or misdemeanor involving the operation of a business or involving gambling activity, minors or any crime involving moral turpitude and, if so, the date and place of conviction, the nature of the offense and the penalty imposed;
7. A statement as to whether or not the owner has ever conducted a Computerized Sweepstakes Terminal Cafe or similar business and, if so, when, where and for how long.
8. A description of the nature and operation of the main type of business activity to be conducted upon the premises;
9. The address and telephone number of the premises and of the business, if different from that of the premises;
10. The name under which the business and premises will be operated;
11. A statement as to whether or not the owner will directly operate the Computerized Internet Sweepstakes Terminal Cafe, or whether or not an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator;
12. A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage and placement of the computerized sweepstakes devices, exits, windows, storage spaces, and off-street parking;
13. The name, and address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;
14. Specification of the days of the week and the hours of the day during which the licensed activity will be conducted; and

(c) Reports of Village Officials. Upon receipt of an application for a Computerized Internet Sweepstakes Terminal Cafe license under this Chapter, the Zoning Administrator shall
submit to the Chief of Police the following reports, which shall be rendered to him within thirty (30) days of the date of filing of the application:

(1) A written report from the Fire Chief of Miami Township as to whether the premises and Computerized Internet Sweepstakes Devices thereon will create a fire hazard;

(2) A written report from the police department specifying, with regard to all owners and operators, any convictions for any felony or for any misdemeanor involving the operation of a business or involving gambling activity, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;

(3) A written report from the Zoning Administrator as to whether all applicable building laws have been satisfied.

(4) Written report from the Zoning Administrator as to whether all applicable zoning laws have been satisfied.

(d) Applications for Computerized Internet Sweepstakes Device Licenses. All applications for Computerized Sweepstakes Device licenses under this Chapter shall be in writing on a form approved by and filed with the Zoning Administrator who shall maintain such application file. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail. All applications shall contain a statement that the information contained therein is complete, accurate and truthful. The application shall contain the following information:

(1) A list of all Computerized Internet Sweepstakes Device to be used at the Computerized Internet Sweepstakes Café, specifying the manufacturer, model number and serial number of the Computer Internet Sweepstakes Device for which it was issued.

(2) Supporting documentation from a Certified Independent Regulatory Compliance Test Laboratory that the software that will be used by the Computerized Internet Sweepstakes Device performs in similar fashion as other permitted sweepstakes commercially offered to the public and that the entries are drawn from a pre-created finite static pool of entries with assigned values. To be certified the Independent Regulatory Compliance Testing Laboratory must be authorized to test regulated gaming equipment by at least one state government gaming regulatory agency.

(e) Determination Process.

(1) All applications for licenses under this Chapter shall be considered by the Chief of Police, who shall, within fourteen (14) days after receiving the written reports, either issue such licenses or deny issuance of such licenses via the Zoning Administrator. Unless a longer time is agreed upon by the Applicant and Zoning Administrator, all decisions shall be issued within forty (40) days of submittal of an Application.

(2) In the event of the denial of issuance of such a license, the Applicant shall be notified of such denial and the specific reasons therefore in writing. Such notice shall be mailed or delivered to the Applicant at the address specified in the application by certified U.S. mail, return receipt requested. The Applicant shall have ten days after receipt of such notice within
which to appeal such denial, by filing a written notice of appeal with the Village Manager. Thereupon, the Village Manager shall set a date and time for a hearing upon the appeal which date shall be no later than 30 days from the date of receipt by the Village Manager of the written notice of appeal. Notice of hearing shall be sent to the Applicant not later than ten (10) days prior to the date of hearing, by certified U.S. mail, return receipt requested. The appeal shall be heard by the Village Manager, who shall have the power after such hearing to confirm the denial, order the license to be issued or, at its discretion, to issue a conditional or probationary license. The Applicant may present evidence, provide witnesses and testimony, cross exam witnesses and may be represented by legal counsel.

(f) License Renewal. Each Computerized Internet Sweepstakes Terminal Café license and each Computerized Internet Sweepstakes Device license must be renewed annually. At the time of renewal, a statement shall be filed with the Zoning Administrator that the information listed on the original application for the license is still complete, accurate and truthful to the best knowledge of all applicants. Such statement shall be signed by the same persons who signed the original application. In the event of a change since the original application, a statement shall be filed with the Zoning Administrator listing each and every item of information which has changed since the original application. The Zoning Administrator may determine to accept such statement and issue the renewal license requested, or, in the event of a material change, may require updated information in which case the provisions associate with obtaining an original license shall be followed.

(g) Expiration. Any Computerized Internet Sweepstakes Terminal Café license issued under this Chapter shall expire upon the transfer or sale of a majority interest in the business, sale of substantially all the Assets of the business, or the discontinuation of the business for a continuous period of thirty (30) days.

(h) Changes. Applicants for any Computerized Internet Sweepstakes Terminal Café license issued under this Chapter shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any material way from what is stated on the application, including all information pertaining to Operators. This requirement applies even after a license has been issued. The failure to comply with said continuing duty within twenty (20) days from the date of such change, by supplementing the application on file with the City, shall be grounds for suspension of a license.

850.08 DENIAL OF LICENSE

(a) A Computerized Internet Sweepstakes Terminal Café license shall not be issued or renewed for any business:

1. Where any of the owners or the operators have been convicted within the last five years of any felony or for any misdemeanor involving the operation of a business or involving gambling activity, minors or any crime involving moral turpitude;

2. Where the premises do not provide a minimum of one (1) off-street parking space for every two (2) computerized internet sweepstake devices;
(3) Where it is determined that the premises or operation therein would be in violation of any provision of the Building Code, the Planning and Zoning Code or the Fire Prevention Code of the Village or any other pertinent provisions of local, state or federal law;

(4) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;

(5) Where the application failed to provide all of the required information; or

(6) Where there is not compliance with all terms and conditions under this Chapter and all other applicable ordinances and statutes.

(b) A Computerized Internet Sweepstakes Device license shall not be issued or renewed:

(1) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;

(2) Where the application failed to provide all of the required information; or

(3) Where there is not compliance with all terms and conditions under this Chapter and all other applicable ordinances and statutes.

850.09 CONDITIONS AND REGULATIONS.

(a) In addition to any other condition or regulation contained in this Chapter or in state statutes, the following conditions and regulations shall be applicable to and shall govern and control all licenses of Computerized Internet Sweepstakes Terminal Cafes:

(1) Each licensee shall at all times open each and every portion of the premises for inspection by the Police department and other Village personnel as necessary for the purposes of assuring compliance with, and/or enforcement of, any provisions of this Chapter.

(2) Each licensee shall have present on the premises at all times when the premises are open to the public at least one adult operator who has not been convicted of any felony or of any misdemeanor involving the operation of a business or involving gambling activities, minors or any crime involving moral turpitude.

(3) No licensee shall allow living quarters to exist with direct entry to the premises.

(4) No person under the age of twenty one (21) years shall be permitted to operate a Sweepstakes Terminal Cafe.

(5) Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed on the Computerized Internet Sweepstakes Device at the start of each game and/or activity. If results of a sweepstakes can be ascertained immediately upon receipt of the sweepstakes card, token code, or the like, such fact shall conspicuously placed at the premises and displayed on the Computerized Internet Sweepstakes Device.

(6) A list of each separate prize that may be given out and each separate dollar amount that may be given and the odds of winning any offered prize or dollar amount awarded for the participation in any game, activity, program, scheme, sweepstake or play, shall be conspicuously placed at the premises and displayed on the computerized sweepstakes device.

(7) Each licensee shall operate the Computerized Internet Sweepstakes Terminal Café business in compliance with any and all pertinent Federal, State and local laws rules and regulations.
(8) No person under the age of twenty one (21) years shall be permitted within the Computerized Sweepstakes Terminal Café.

(b) All Computerized Internet Sweepstakes devices upon the premises of a Computerized Internet Sweepstakes Terminal Café shall be located thereon in conformity with the floor plan filed with the application for the license and in such a manner:

(1) So as not to impair ingress or egress to the premises;
(2) So as not to interfere with free and unfettered passage through the premises;
(3) So as to permit a clear and complete view of the interior of the premises immediately upon entry;

(c) The operator shall require a photo identification of every person to whom anything of value is given in connection with the sweepstakes/internet café and shall record the person's name, date of birth, and home address and a description of the thing given, a stated dollar value of the thing given, the date and time of the giving and, if a Computerized Internet Sweepstakes Device is involved in the circumstances of the giving, the serial number or other identifying description of the device. If the dollar value given for any single event is six hundred dollars ($600.00) or more, and the person receiving such sum is a resident of the Village of Yellow Springs, the operator shall also include in the record a copy of the person's social security number. By the second Tuesday of each month the operator shall cause to be delivered to the Village of Yellow Springs Finance Department, a copy of the record containing the information set forth above for the preceding month. The operator and the Village shall not disclose the social security number of any person to anyone except as required by the laws of the State of Ohio and the United States.

(d) Computerized Internet Sweepstakes Terminal Café shall be located only in the__________________ District, Section ________________, of the Planning and Zoning Code. No Computerized Sweepstakes Terminal Café shall be located upon a parcel that abuts residentially zoned property. No Computerized Sweepstakes Terminal Café shall be located closer than one thousand (1,000) feet from another Computerized Sweepstakes Terminal Café.

850.10 PROHIBITED CONDUCT.

No Licensee of a Computerized Internet Sweepstakes Terminal Café by himself, directly or indirectly, or by any representative, agent or employee shall permit or fail to take active steps to eliminate the activities specified in this section from occurring upon the premises. All such Licensees shall have a duty to diligently pursue enforcement of this section. The actions of the Operator and the failure to take action by the Operator shall be imputed to the Licensees. No such Licensee shall:

(1) Permit the premises to become a gathering place for disorderly persons of any type;
(2) Permit gambling in any form or the possession of gambling paraphernalia upon the premises;
(3) Permit intoxication or permit the possession, sale, use or consumption of alcoholic beverages upon the Premises unless properly licensed through the State of Ohio;
(4) Permit the possession, use or consumption of any unlawful drug, narcotic or controlled substance upon the premises;
(5) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding environs;
(6) Permit the driveways or streets to become obstructed in any manner so that traffic is hindered;
(7) Permit any Computerized Internet Sweepstakes Device thereon to be operated at any time the premises are not open for business, or permit the entrance to be locked at any time that the premises are open for business;
(8) Permit any computerized sweepstakes device to be offered to be used for gambling of any sort.
(9) Permit the premises to be open for business without displaying the licenses therefore in a conspicuous place thereon;
(10) Permit any violation of any ordinance of the Village or statute of the State of Ohio to take place upon the premises.

850.11 REVOCATION.

(a) Revocation. All Computerized Internet Sweepstakes Terminal Café licenses issued under this Chapter shall be revoked by the Chief of Police upon his finding of the occurrence of any of the following events;
   (1) A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;
   (2) Conviction of any licensee or operator of any felony or of any misdemeanor involving gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;
   (3) Conviction twice within a one-year period of any licensee or operator for a violation of this Chapter.
   (4) Where it is determined that the premises or operation thereof are in violation of any provision of the Building Code, the Zoning Code or the Fire Code of the Village or any other pertinent provisions of local, state or federal law;

(b). Hearing. A license shall not be revoked without a hearing before the Village Manager. The licensee shall be given at least ten days prior written notice of intent to revoke, which shall set forth the time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at the hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for revocation.

850.12 LICENSE FEES.

Each person submitting an application for a permit under the provisions of this section shall pay a fee, as set forth in Appendix A of Chapter 1464 of the Codified Ordinances of the Village of Yellow Springs.
License fees under this Chapter shall be filed with the application for license and at the time for renewal. In the event an application is denied under this Chapter, one-half of the license fees therefore shall be returned to the applicant. In the event any license is revoked under this Chapter, no portion of the license fee shall be returned to the owner.

850.13 SEVERABILITY.

This Chapter and each section and provision of this Chapter, are hereby declared to be independent sections and subsections and, notwithstanding any other evidence of legislative intent, the Council of the Village of Yellow Springs, by adoption of the legislation containing this section, hereby states that it is the controlling legislative intent that if any provisions of said Chapter, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently if such section or provision were so known to be invalid. The adoption of this Chapter in a single legislative act is merely for convenience. It is the intent that each and every separate part hereof be severable so as to leave in effect as much of this Chapter as is not found invalid so as to provide as much benefit to its citizens as possible while still protecting the rights guaranteed under the U.S. and State Constitution. Nothing contained herein shall be deemed to permit the use of a Computerized Internet Sweepstakes Device or operation of Computerized Internet Sweepstakes Terminal Café if such use or operation is determined by a court of competent jurisdiction to be illegal within the State of Ohio.

850.99 PENALTY.

Whoever violates any of the provisions of this Chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section II

Section 1464, Appendix A, is hereby amended by adding the following to the Administration subsection:

| Computer Internet Sweepstakes Café       | $2,500.00 |
| Computer Internet Sweepstakes Device    | $ 35.00   |

Continued on page 11.
Section III

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of the Village of Yellow Springs, and for the further reason that provisions for the establishment of the regulations for computerized internet sweepstakes cafes as described in this Ordinance are needed immediately to ensure the orderly development of the Village of Yellow Springs and therefore this Ordinance shall be in full force and effect immediately upon its adoption by Village Council.

Signed: 
Judith Hempfling, President

ADOPTED: ________________

ATTEST: ________________
Judith Kintner, Clerk of Council
MEMORANDUM

DATE: May 6, 2011

TO: Yellow Springs Planning Commission

FROM: Mark Cundiff, Village Manager

SUBJECT: Discussion of Possible Zoning Code Amendment – Computerized Internet Sweepstakes Cafés

Village Solicitor John Chambers has brought it to my attention there is a new business has been created in other communities called a “Computerized Internet Sweepstakes Café”. These businesses appear as nothing more than a place for gambling, but the operation has thus far been found to not run afoul of state law. Mr. Chambers feels it makes sense to regulate this use now before one decides to locate in the Village. We cannot prevent them, but we can regulate them. These businesses have been shown to create problems similar to those found at Sexually Oriented Businesses (SOB). While this is not a critical project right now (we do not have anyone proposing this type of business), we feel we should get regulations in place before this type of business comes to the Village.

Mr. Chambers has drafted a piece of legislation which would create a new Chapter 850 in the Business Regulation and Taxation Code of the Codified Ordinances. This new chapter does not indicate what Zoning District or Districts a Computerized Internet Sweepstakes Café would be a permitted or conditional use, and in what Districts would this use be prohibited. Since this ultimately will result in an Amendment to the Zoning Code, I wanted to have a discussion with the Commission prior to drafting any language.

At first blush, it would appear that this type of use would be closest to those already permitted in the Central Business District or the General Business District. It makes sense to me that these would be the districts in which these uses would be permitted. I would suggest that this type of use be prohibited in any residential district and as a Home Occupation. It does not appear to be a good fit in the Agricultural, Conservation, Educational Institution, Office/Research, or Mixed Commerce Districts or Light Industrial Districts, and perhaps should be prohibited in these districts as well. However, SOBs are a Principally Permitted Use in the Light Industrial District. I anticipate and look forward to the Commission’s viewpoints and input on what might be the most appropriate district(s) for this use.

The stated purpose of the Central Business District is:
“The Central Business District shall serve as the focal point for the social and commercial activities of the Village. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses is encouraged to support both local and regional commercial and cultural activities. An appropriate mix of activities to retain a vital environment is encouraged. Activities occurring in this District are, for the most part, pedestrian oriented, and, therefore, the safety, mobility and well-being of persons using this area shall be protected and supported by these regulations.”

It would appear that this use would fit into the stated purpose of this District. What I’m not so sure of is whether this is the type of use a typical resident would want to see in the downtown. While not an exactly similar type of use, SOBs are not permitted in the Central Business District. My recommendation would be to not allow this use in the Central Business District.

The stated purpose of the General Business District is:

“The General Business District is intended to accommodate the needs of large-scale and/or automobile-dependent enterprises. Such business interests frequently represent high volume outlets with special requirements for access, visibility and parking. It is the intent of this zoning district to provide for the legitimate needs of business while protecting nearby residential areas from adverse off-premises byproducts of such activity.”

It appears that this use would fit into the stated purpose of this District. These uses tend to be somewhat automobile oriented and therefore need dedicated parking areas. This District does allow SOBs as Principally Permitted uses. My recommendation would be to designate this District as the one which Computerized Internet Sweepstakes Cafés would be permitted.

This matter is only to be discussed tonight. I hope to get direction from the Planning Commission as to which Zoning District or Districts it wants to recommend allowing a Computerized Internet Sweepstakes Café as a permitted use. We can discuss the merits of a Principally Permitted Use versus a Conditionally Permitted Use, as well as which District(s) are the most appropriate for this type of use.

I am looking forward to discussing this with more fully on Monday night.
MEMORANDUM

TO: Planning Commission
FROM: Ed Amrhein
DATE: May 6, 2011
RE: Proposed replat of property at 215 North Walnut St.

Enclosed are images of the property in question. Currently, there are four parcels, all of which are substandard (not large enough to allow a single-family dwelling), and the home on the property encroaches across a lot line.

The replat would:

1. Move the western edge of the Bush Works property 25 feet to the west.
2. Move the lot line of the house to the south ten feet.
3. Erase the lot lines between the front and rear lots.

This would result in:

1. Only one substandard lot, indicated on the “after” image as new parcel “B”.
2. The house would no longer encroach across a lot line.
3. The out buildings associated with Bush Works would be located on Bush Works’ property.

Note: The new parcel “B” would comply with 1266.06, Non-Conforming Lots of Record, which permits construction of a single-family dwelling on a substandard lot if it meets two thirds of the area and frontage standards.