

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION
AGENDA

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, December 13, 2010 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

7:02 REVIEW OF AGENDA

7:05 REVIEW OF MINUTES – November 8, 2010

7:08 REPORTS

1. Council Update
2. Bike Enhancement Committee
3. Village Staff Report
4. Miami Township Zoning Commission Report

7:30 COMMUNICATIONS

John Chambers re: BZA Variance Request Follow-up
Planning Commissioners Journal
Nevin Mercede and Bill Robinson re: CUP

7:40 CITIZENS' COMMENTS

See Above Referenced Letter

7:50 OLD BUSINESS

7:55 NEW BUSINESS

- . Zoning Code Amendment
- . Conditional Use Hearing

8:55 AGENDA PLANNING

- . PUD Chapter Review
- . Historic Preservation Ordinance

9:00 ADJOURNMENT

**VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION MINUTES**

In Village Council Chambers

November 8, 2010

CALL TO ORDER

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

ROLL CALL

Tim Tobey, Matt Reed, Bill Bebko, John Struewing and Lori Askeland were present. Village Manager Mark Cundiff was also present.

REVIEW OF AGENDA

Struewing suggested starting with a power point presentation from the Miami Township Zoning Board, followed by a discussion thereof. The rest of the agenda will then pick up in order following that discussion.

NEW BUSINESS

Update on Miami Township Comprehensive Plan. Struewing introduced those members of the Miami Township Zoning Board present; Fred Layh, Chair, Brian Corey, Co-Chair, and Alternate, Byron Arnett. Steven Anderson from Green Co. Regional Planning Commission was also present. Dale Emstead arrived mid-presentation, and MTZB member Doug Anderson was not present.

Layh gave a powerpoint presentation on the progress of the Miami Township Comprehensive Plan. Layh explained that work on the Comprehensive Plan began about five years ago and the group has held approximately 60 meetings in that time. He noted that Steven Anderson came onboard about two years ago to assist in the process. Three public meetings have been held in the past year, and feedback from those meetings has been incorporated into the plan.

Layh noted major planning influences as proximity to urban areas, the Little Miami River; farming, and the natural landscape—state parks, easements, camps, etc. Layh stressed the difficulty inherent in balancing the needs of farmers against those of conservation and residential opportunities. The Comprehensive Plan goals to strive to incorporate need for conservation and sustainability, need for large areas of viable land for farming, and the need to provide opportunities for growth. The challenge, Layh explained, is to offer enough opportunity and access to public services without impinging on the rural character of the Township.

Layh stated that the most significant need overall is the preservation of farm land, which is the major source of income and employment for Miami Township residents. Layh distinguished between class 1, 2 and 3 soils, noting the importance of prime soils to agriculture. Layh explained CAUV (Current Agricultural Use Valuation), and the importance of those tax breaks in supporting farm use for prime soils.

The most significant point of intersection between the Village Comprehensive Plan and that of the MTZB, according to Layh, lies in the area of housing development. Layh connected the MTZB's prioritization of farm use for prime areas to their encouragement of any future housing development in or adjacent to existing towns such as Yellow Springs.

Those developments outside of service areas are noted as Rural Residential (zoned 3-A) which require 3 acres per housing unit. Layh noted that these tend to break up prime farm land, and will be

discouraged under the Comprehensive Plan in favor of clustered developments with access to city water, sewer and power.

Layh described the Comprehensive Plan as a living document which lends support and direction to the law, which exists in the form of the zoning regulations. The Plan will be transformed into Public Policy, and, once accepted, will direct the revision of zoning regulations.

Layh stressed the desire of the MTZB to collaborate with neighboring areas in implementing the MTZB Comprehensive Plan.

Cundiff commented on the wastefulness of 3-acre lots on rural areas, and asked MTZB to look at 20-acre minimums to maintain the rural nature of the township.

Struewing commented that the overall goal is to protect farmland, and that they will probably do away with the three-acre parcels, though 20-acre minimums are not a strong possibility.

Paul Abendroth commented that recreation was not mentioned, and asked if the MTZB had spoken with the Park personnel at John Bryan State Park.

Layh responded that with recent cuts in state funding, the Board had not felt it beneficial at this point to attempt to collaborate with that group.

Struewing asked for an update on the Yellow Springs Comprehensive Land Use Plan.

Update to Village Comprehensive Land Use Plan. Cundiff noted that Council adopted the updated Comprehensive Plan at their last meeting. He commented that the plans seem very compatible, with the possible exception that Yellow Springs is looking first to infill, and not to development outside of the urban planning area.

Struewing observed that, given completion of both the Township and the Village Comprehensive Land Use plans, this is an ideal time to ascertain whether they are in line with Visioning recommendations.

Cundiff expressed his belief that the Comprehensive Plans are very compatible. Struewing followed this up by noting that both are also closely in line with the Visioning document.

Struewing commented that one of the goals laid out by the Visioning Plan is that MTZB and the Village complete and adopt a Joint Comprehensive Plan over the next two years. Struewing asked the Commission to deliberate this goal.

Anderson commented that in theory, the Village and the Township have a Joint Plan, since the Comprehensive Plans are currently in agreement.

Cundiff commented that the areas within the Urban Service boundaries should be considered, since those are the only real areas of difference.

Struewing expressed his agreement with Cundiff's assessment, and noted that the only areas of disagreement are that the Village would like to keep growth within its boundaries, while the Township would like to push growth closer to the Village so that there is access to services. Struewing stated that he believes this issue needs to be worked out prior to working on zoning codes.

Reed remarked that it would be unfortunate to both the Township and the Village if they were to miss an opportunity to work with a land owner or developer prior to updating the zoning codes. Reed described a potential situation whereby a land owner on the Jacobi Creek greenbelt needed to parcel land for housing. If development rights with access to urban services could be exchanged for an easement of a portion of the greenbelt, would that be beneficial to all? Reed pointed out that these kinds of conversations need to be able to continue, and cannot unless there is some agreement between the village and the Township to allow such collaborations.

Bebko asked how difficult it would be to bring the Village's Comprehensive Plan into accord with the Visioning document, only after which zoning regulations can be considered. He noted that while goals such as higher density housing and mixed use zoning are not yet a part of the zoning code, they are part of both the Visioning and Comprehensive Plan documents.

Tobey noted that a Joint Comprehensive Plan (JCP) makes sense. Like Bebko, he wondered about the proper order of events—should the Zoning Code be revised before attempting a JCP? Should the JCP be completed first?

Cundiff stated that it is best to have the Comprehensive Plan in place prior to revising the Zoning Code.

Steven Anderson commented that the MTZB stresses conservation of farmland and the preservation or conservation of natural resources. He noted that it is critical for unincorporated areas to have a Comprehensive Plan in place. Anderson stated his belief that the MTZB Comprehensive Plan follows Visioning recommendations closely with regard to managing the physical environment, specifically as relates to the unincorporated areas, and to maintaining the rural feel of the Township.

Abendroth asked if the zoning code would include “upper end” residences that might otherwise be built in the Township.

Cundiff noted that those wishing larger lot size would probably have to purchase multiple lots in town. He noted transferrable development rights as useful in this kind of situation.

Dale Emstead spoke, noting that he is a farmer who does not have a farm easement on his property. He pointed out that market fluctuations mean his farm's value might change from a valuation of \$5,000 per acre to \$20,000 per acre within a given year, and those realities, along with uncertainty about whether or not his children will choose to farm, make him hesitate to lock in to anything. He asked Planning Commission to be mindful of this difficulty when addressing zoning and land use issues.

Anderson pointed out that there is opportunity for open dialogue and communication given that both groups share a common member in John Struewing. He urged moving forward with zoning resolutions so that there is a base to work from in any future dialogue.

Struewing agreed that he would hate for this momentum to be lost, and suggested that he serve as the catalyst for those conversations.

REVIEW OF MINUTES

Bebko MOVED and Tobey SECONDED a MOTION to APPROVE the minutes of August 9, 2010. The MOTION PASSED 4-0, with Reed abstaining due to his absence from that meeting.

REPORTS

Council Update. Askeland reported that Council has approved the Demolition Form that PC worked with the Village Manager to develop.

Askeland noted that Budget Planning meetings will start on November 29, and that Council Goals are nearly ready for approval.

The Visioning document has been approved, and a committee to oversee follow-through is being formed.

Sidewalk policy is in process, with regard to Village policy regarding repair of existing sidewalks.

The Comprehensive Plan has been approved. A plan for Affordable Housing units on Cemetery Street is being developed.

Council has approved an amended Solar Agreement with American Municipal Power.

Council heard a report on water tests done for Atrizine.

Askeland also noted that Council helped Community Resources apply for a grant through Ohio Public Works.

Finally, Askeland announced a Fluoride Forum Saturday designed to answer questions related to water fluoridation.

Bike Enhancement Committee—Tobey reports that the school travel plan has been the major issue of discussion all summer. The travel plan will be ready to report on next week. Crosswalks are one of the small steps. Next will be the implementation, education and enforcement of the travel plan.

Village Staff Report. Cundiff summed up ongoing projects, including:

Center for Business and Education Update. The design engineer has been given the go-ahead to proceed to phase two.

Northern Gateway. The Village did not receive an ODNR grant for this project, so the Village is trying to reduce overall costs and combine with the CMAQ grant monies that the Village has received to proceed with a reduced version of the original which will then reduce the amount of the 30% match the Village is required to make.

Water Feasibility Study. Lockwood Jones and Beales is the firm selected to produce this study, which will examine cost and options to the Village regarding water provision.

Reuse of Village Property at 4550 US 68 North. Negotiations are underway with a potential renter for a business to be located on the property.

Bebko had questions for Cundiff regarding the nature of the agreement with regard to the property on Cemetery Street proposed for the Affordable Housing initiative. He wondered how this would impact plans for a parking lot for the Northern Gateway project.

Bebko asked about any deed restrictions now in place. Cundiff agreed that there are potential zoning issues to be faced, but reiterated that this only a first step in looking at the possibility for Affordable Housing at that location. He stressed that all zoning issues will be addressed as they arise at points along the discussion.

Struewing asked if Northern Gateway would ever become a reality. Cundiff stated that he can make no promises, but he is attempting to put together a package that cuts costs and that is palatable for Council and for purposes of obtaining necessary grant monies. He noted that this could eventually be a real boon to the community and could help to affect bike traffic positively. In answer to a question from Struewing, Cundiff projected this as a possibility for 2011.

Miami Township Zoning Commission Report. See New Business, above.

COMMUNICATIONS

Letter from Frost Brown and Todd

CITIZENS' COMMENTS

There were no citizen comments.

PUBLIC HEARING

There was no public hearing.

OLD BUSINESS

Historic Preservation. Cundiff explained that John Chambers had made some changes to the document, and because these were not clearly outlined, Cundiff suggested generating a memorandum explaining the changes asked for by Chambers before the group discusses this document again. Planning Commission will plan to discuss this document in December.

AGENDA PLANNING

Revisit Historic Preservation Ordinance. Reed asked for specific input from Council regarding Planning Commission's approach to addressing the Zoning Code. Askeland will report back regarding Council's position and any directives regarding continuation of zoning discussions with the township. PUD Chapter Review-Cundiff noted that he now has suggestions back from John Davis with regard to density bonuses, and will include these in a memo to the Commission.

ADJOURNMENT

Having no further business, Struewing **MOVED** and Bebko **SECONDED** a **MOTION** to **ADJOURN**. The **MOTION PASSED UNANIMOUSLY** at 8:51 p.m.

John Struewing, 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.

YELLOW SPRINGS PLANNING COMMISSION – DECEMBER 10, 2010 VILLAGE STAFF REPORT

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

CBE Update – A couple weeks ago we receive Stage I submittals from the design engineer, Jacobs Engineering. This information is currently being reviewed. Ed Amrhein tells me that we could be ready to go out for bids as early as next summer.

Water Supply Feasibility Study - John Eastman of LJB Engineering has been authorized to begin working on a Water Supply Feasibility Study which will investigate the alternatives to improving the Water Plant or purchase of water from another supplier. We should be getting this report presented to us sometime in March/April and look forward to knowing what options the Village has in regards to its water supply.

Reuse of Village Property at 4550 US 68 North – The lease document is currently being reviewed by Village Solicitor John Chambers. We hope to have arrangements with the potential leasee worked out shortly and to have this property leased by the end of the year.

WWTP Update – This project is winding down. This past week the generator and transformer were installed. The generator may allow us to lower our energy costs by participating in a “peak shaving” program through AMP. When notified during peak electrical generation hours (think really hot summer day), we would provide electric service to run the WWTP with the generator, thereby “shaving” some of the peak demand. We will be investigating this possibility.

Zoning Code Update – The proposed 2011 Village budget contains funds for the hiring of a consultant to update the Zoning Code. I am hopeful that this will be a project that we can solicit proposals for in January or February with the submittal of an updated code in September or October. Planning Commission will have a major role in this process and if any members have concerns with the current code that you feel need to be addressed in the update, please let me know.

MEMORANDUM

DATE: December 10, 2010
TO: Yellow Springs Planning Commission
FROM: Mark Cundiff, Village Manager
SUBJECT: Amendment to Section 1242.06 (d) of Zoning Code – Variance Criteria

The Planning Commission is being asked to review a proposed amendment to Section 1242.06 (d) of the Zoning Code and make a recommendation to Village Council on said amendment. This Code Section provides the criteria under which the Board of Zoning Appeals (BZA) can grant variances from the strict interpretation of the Zoning Code.

Village Solicitor John Chambers is strongly recommending the amendment due to the current language does not meet the requirements under Ohio law as repeated demonstrated by decisions from the Ohio Supreme Court and Federal Court of Appeals. He has indicated to me that he has been trying to get the Village to make this change to the Code for over five years. Attached is a copy of the current language and the proposed language.

Mr. Chambers will be attending the meeting, and members of the BZA have also been invited to attend. I'm looking forward to discussing this matter on Monday night.

CURRENT LANGUAGE:

(d) Variances.

(1) The Board shall have the power to authorize such variances from the provisions or requirements of this Zoning Code as will not be contrary to the public interest, but only in the case of peculiar conditions involving irregular, abnormally narrow, shallow or steep lots, or other unusual conditions, whereby strict and literal application of provisions or requirements of this Zoning Code would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved. No variance from the strict application of any provision of this Zoning Code shall be granted by the Board unless it finds that all of the following facts and conditions exist:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, buildings or structures within the same zoning district.

B. That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Code.

C. That the special conditions and circumstances do not result from the actions of the applicant.

D. That granting the variance requested will provide the minimum necessary relief to alleviate the hardship.

E. That granting of the variance will be in harmony with the general purpose and intent of this Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

F. That the proposed variance will neither constitute a change of zoning district, on the Official Zoning District Map, nor be of so general or recurrent a nature as to constitute a de facto change in zoning regulations if approved. In no case shall the Board of Appeals approve a variance for a use which is not a permitted use in the zoning district in which the property, building or structure is located.

G. That, if the subject property is located in a designated flood hazard area, the granting of the variance will not result in increased flood heights beyond that which are allowed in Chapter 1282, additional threats to public safety, extraordinary public expense, the creation of a nuisance or a conflict with any existing local laws or ordinances.

PROPOSED LANGUAGE:

(d) Variances.

(1) The Board shall have the power to authorize, upon request, variances from the provisions of the Zoning Code, in harmony with the intent and purposes of the Zoning Code as provided below. No variance may be granted which permits the establishment of any use which is not otherwise permitted in the district.

A. Variance Standards. Variances from the terms of the Zoning Code shall be granted only where the property owner shows that the application of a zoning requirement to the property owner's property is inequitable causing the property owner practical difficulties in the use of the property. The factors to be considered and weighted by the Board in determining whether a property owner has encountered practical difficulties in the use of the property owner's property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services such as water distribution, sanitary sewer collection, electric distribution, storm water collection, or refuse collection;
5. Whether the property owner purchased the property with knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The Board shall determine, after and weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.



COOLIDGE WALL

A Legal Professional Association

Ronald S. Pretekin
Jonas J. Gruenberg
Merle F. Wilberding
Glenn L. Bower
J. Stephen Herbert
R. Scott Blackburn
Richard A. Schwartz
Sam Warwar
Terence L. Fague
John C. Chambers
Richard A. Talda
R. Brent Gambill
C. Mark Kingseed
David C. Korte
Kristin A. Finch
David P. Pierce
Shannon L. Costello
Christopher R. Conard
Michelle D. Bach
Gregory M. Ewers
Daniel J. Gentry
Edie E. Crump
Allison D. Michael
Laura L. Wilson
Joshua R. Lounsbury
Erica L. Glass
Michael G. Leesman
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December 3, 2010

Yellow Springs Board of Zoning Appeals
Village of Yellow Springs
100 Dayton Street
Yellow Springs, OH 45387

Re: Variance Standards

Dear BZA Members:

Several years ago, I recommended that the Board of Zoning Appeals adopt a new set of Standards for considering area variances based upon the case law that had been given to us by the Ohio Supreme Court, as well as the Second District Court of Appeals. The Board of Zoning Appeals chose not to recommend a change in your Standards, and I understand that you continue to hear variances based upon the currently adopted Standards of the Village pursuant to the current Codified Ordinances.

As your Village Solicitor, I am hereby giving you a legal opinion that you are not to use those stated Standards in considering area variances in the future. You are, instead, to follow Ohio law and consider area variances under the Standards set forth in the attachment to this letter.

The Village Manager will be working with me to process an ordinance to amend the Codified Ordinances to adopt these new Standards. In the meantime, any area variance cases are to be considered using the practical difficulty Standard previously provided to you. I appreciate that this is a very unusual step. However, the Ohio law is clear, and the Yellow Springs Codified Ordinances regarding variance Standards are unconstitutional and will be ignored by the courts, to the detriment of both the Village and all applicants.

COOLIDGE WALL

A Legal Professional Association

Yellow Springs Board of Zoning Appeals
December 3, 2010
Page 2

I will be available upon request to meet with the Board and go over these new Standards at a future meeting.

Very truly yours,

A handwritten signature in cursive script that reads "John C. Chambers / jmc".

John C. Chambers
Village Solicitor

Attachment

JCC/jmc

c: Mark Cundiff, Village Manager
Judith Kintner, Clerk of Council
Members of Village Council

From: Nevin Mercede [<mailto:nevinmercede@yahoo.com>]
Sent: Saturday, December 04, 2010 1:32 PM
To: info@yso.com
Subject: attn: clerk of council

In response to notice of public hearing regarding conditional use permit for 201-203 N Walnut Street.

Unable to attend the hearing, we would like our views as immediate neighbors (212 N Walnut street) to the property in question be added to the discussion.

We prefer the property in question remain fully residential. It is a good quality building that can provide reasonably priced housing for two small families, as it has done for the past who knows how many years. Yellow Springs has now the critical need and growing demand for affordable housing and we feel this is the best use for this property. Retaining it as a duplex rental maintains the economic diversity of our neighborhood/community.

It seems that there are several properties in already established village business areas that offer alternative healing practices, some of which are not fully occupied, where this business might be better located. Perhaps these folks could be encouraged to join forces with others and redevelop one of these. Or perhaps this venture would provide a useful anchor business for the proposed development at Railroad and Corry.

Other concerns related to this change in use include increased traffic, a lack of off street parking and the tendency for conditional use to ease an extension of the business district into a residential neighborhood which already borders business properties.

Thank you for this opportunity to weigh in. Confirmation of receipt of this statement would be appreciated.

Bill Robinson
Nevin Mercede

Greene County, Ohio

Owner: HITCHCOCK LUCINDA ANN
Address: 201 N WALNUT ST
Parcel No: F19000100110014900

[Search](#) [Print](#)

Luwanna Delaney, County Auditor

Search Results

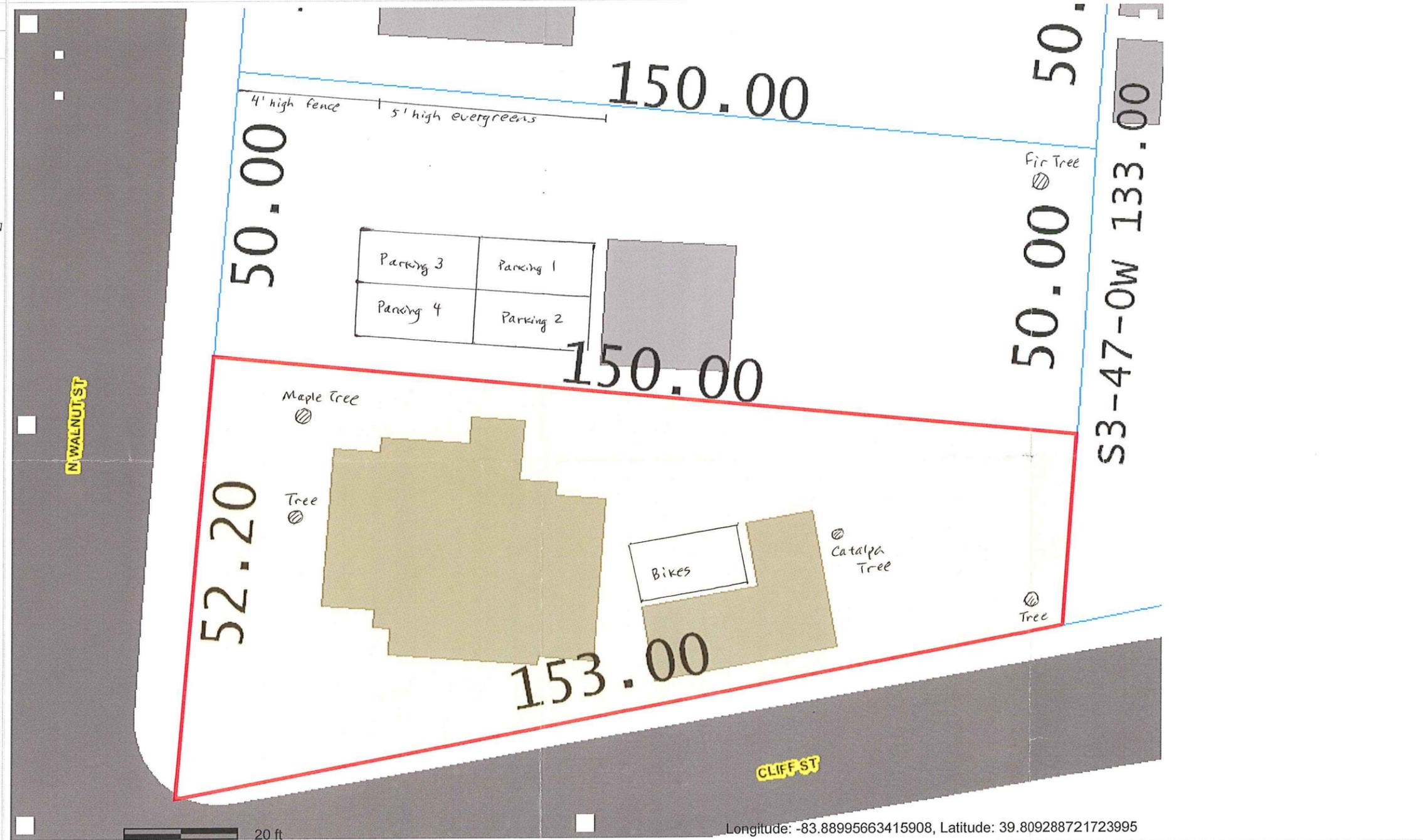
Map Layers

Property Information

Additional Property Information

Parcel ID	F19000100110014900
Owner Name	HITCHCOCK LUCINDA ANN
Property Address	201 N WALNUT ST
Mailing Address	4742 PEACOCK RD SPRINGFIELD OH 45502
Legal Description	OAKWOOD 13 ALL ALSO 25'X LOT 9 152' OF CLIFF ST ROW N WALNUT ST
Class	RESIDENTIAL
Land Use	520
Acres	
Appraised Bldg	\$127,680.00
Appraised Land	\$39,480.00
Appraised Total	\$167,160
Total Taxes	\$3,071.96
Taxes Owed	\$0.00
Delinq Taxes:	\$0.00
Sale Date	11/1/1986
Sales Amount	\$44,100.00
Neighborhood	00126000
Zoning	
Deed Volume/Page	0317 / 0505
Survey Record	/
Cabinet Vol/Pg	31/246A
Taxing District	YELLOW SPRINGS VIL

[Click Here To View Map](#)



[Click here to enlarge image](#)

[Click Here To View Additional Property Information](#)

Greene County, Ohio

Owner: HITCHCOCK LUCINDA ANN
Address: 201 N WALNUT ST
Parcel No: F19000100110014900

Search

Print

Luwanna Delaney, County Auditor

Search Results

Map Layers

Property Information

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Class	RESIDENTIAL
Land Use	520
Acres	
Appraised Bldg	\$127,680.00
Appraised Land	\$39,480.00
Appraised Total	\$167,160
Total Taxes	\$3,071.96
Taxes Owed	\$0.00
Delinq Taxes:	\$0.00
Sale Date	11/1/1986
Sales Amount	\$44,100.00
Neighborhood	00126000
Zoning	
Deed Volume/Page	0317 / 0505
Survey Record	/
Cabinet Vol/Pg	31/246A
Taxing District	YELLOW SPRINGS VIL



[Click here to enlarge image](#)

Click Here To View Map



Click Here To View Additional Property Information

MEMORANDUM

To: Village Manager, Planning Commission
From: Ed Amrhein *EDA*
Date: December 8, 2010
Re: 201 -203 N. Walnut St. Conditional Use Application

Attached are materials related to your consideration of the application for a Conditional Use Permit at 201 – 203 North Walnut St.

Attached are:

- Conditional Use application
- Public Notice
- Site Plan
- Description of intended uses
- Narrative and graphic floor plan
- Resume' of one of the applicants
- Aerial photo of parcels within 100 feet of subject property

These application materials are, I think, self-explanatory. This is a fairly standard Conditional Use application for "Professional Offices and Studios" Use in a Residential District, in accordance with 1250.02. Interior upgrades are planned (wiring, plumbing etc.) to bring the principal structure into compliance with building codes applicable to the intended uses. No modifications to the existing building footprints are planned at this time.

Please note the intended use of a portion of the second floor for two "guest rooms". Last year, planning Commission ruled that such use is a permitted use in Residential Districts in the Village, as long as no food service is offered. The current applicants indicate that such is the case, and that they intend to offer coupons for several of the eateries in town, rather than food service on site. Therefore, this use is not part of the Conditional Use application before you. You are, however, able to consider the impact of this use within the overall impact of the proposal on the neighborhood.

I will be happy to address any questions, either in advance of the meeting or at the meeting, which I plan to attend.

VILLAGE OF YELLOW SPRINGS
Planning Commission
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission will hold a public hearing on a Conditional Use application from Douglas Klappich and Deborah McGee to establish an alternative healing arts center at 201-203 North Walnut St. The proposal calls for an office, a small library and instruction space on the first floor, and a studio apartment and guest room on the second floor. The property, Greene County Parcel I.D. Numbers F19000100110014900 and F19000100110014800, is in the Zoning District "Residence 'B'". Code Reference: Sections 1250.03, 1272.04, 1242.05 and 1272.

A PUBLIC HEARING WILL BE HELD ON THE OF APPLICATION FOR A
CONDITIONAL USE AT 201-203 N. Walnut St:

DATE: Monday, December 13, 2010

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. A copy of the permit application may be examined at the Council Chambers, or at the office of the Village Planner, both in the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio.

Ed Amrhein

Planning Assistant

YS News: Publish 11/02/2010 & 11/09/2010, Provide affidavit.

CONDITIONAL USE APPLICATION FORM

Village of Yellow Springs, Ohio

As required by Section ~~125.0256~~¹²⁷² 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 _____

Applicant Name: Douglas Klappich + Deborah McGee

Applicant Address: 201-203 North Walnut St.

Property Owner: Lucinda Ferguson (Hitchcock)

Property Description: General Location in Village: 2 block N. of Dayton St.

Parcel number: 19900100110015900⁴ Zoning District: Residence B¹⁴⁸

Present Use of Property: 2 family dwelling

Description of Proposed Conditional Use: see attached -

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
VILLAGE OF
YELLOW SPRINGS

RECEIVED: November 18, 2010 - EDAME — EDA

NOV 18, 2010
10:10 AM

Description of Use

We are requesting a Conditional Use Permit in order to utilize the residence at 201-203 North Walnut Street, Yellow Springs, for part professional office space. The duplex structure would house upstairs: a two-bedroom suite with full bath for a tenant, and a two-bedroom suite with full bath for "Bed & Bodywork" guests, who would receive one bodywork session per stay plus voucher for \$5 off breakfast at local restaurants. Downstairs the structure would house: classroom space (e.g. yoga, Ayurveda, Reiki, reflexology, vegetarian cooking), office (including art space, library, massage space), a common area consisting of small meeting space and a half-bath, and a kitchen for the tenant. Upstairs suites have separate stairways. Future plans may include remodeling the garage and sheds on the property into studios or dwelling for rent. Trash collection will remain standard, and we will accept and discharge storm drainage run-off in the manner currently in use.

Respectfully submitted by:

Douglas C. Klappich

Deborah S. McGee

508 Fallis Rd.

Columbus OH 43214

614-263-7223

For December 13, 2010 Planning Committee meeting

Square Footage Plan

201

Classroom 448

(Living/Dining Room 360, Kitchen 88)

Utility Room (laundry) 32

B&B 330 Two bedrooms (165 +99) 264

Full Bath

203

Office 176

Common Rooms 90 + half-bath

Tenant:

Two bedrooms (165 + 90) 255

Kitchen 88

Utility Room (laundry) 32

Full Bath

Business Total = 920 + full bath, upstairs landing, downstairs entryway, 1/2 front porch, separate stair way to 2nd floor, back steps

Tenant Total = 375 + full bath, upstairs landing, downstairs entryway, 1/2 front porch, separate stairway to 2nd floor, back steps

Common Area = 90 + half-bath

Respectfully submitted by:

Douglas C. Klappich

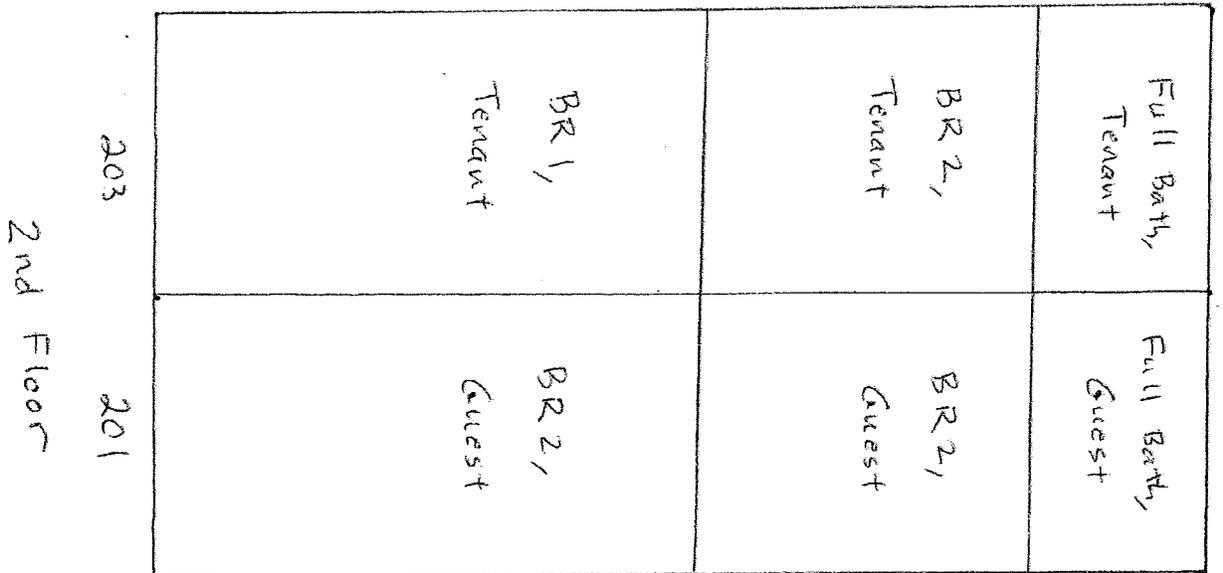
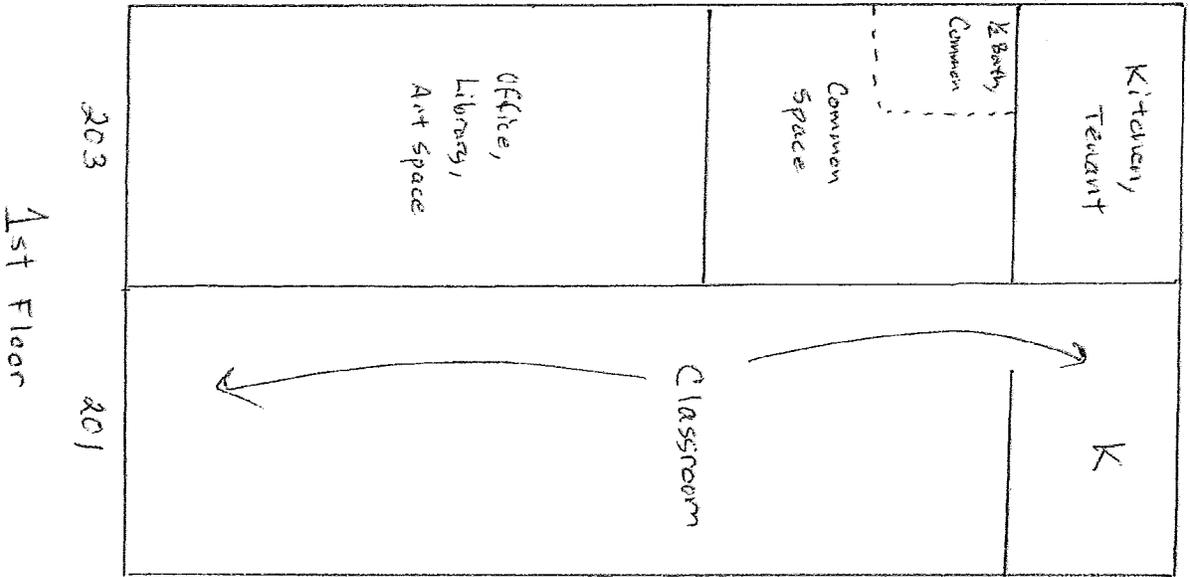
Deborah S. McGee

508 Fallis Rd.

Columbus OH 43214

614-263-7223

For December 13, 2010 Planning Committee meeting



Floor Plan, AhSoHappy Bed & Bodywork
 201-203 North Walnut, Yellow Springs
 Douglas Klappich & Deborah McGee, Proprietors
 December 2010

GENTLE SPIRIT BODYWORK

Deborah McGee offers Gentle Spirit Bodywork sessions that combine **Reiki, Polarity and Reflexology**. She has studied complementary and alternative health and practiced yoga for 30 years. Through the Ohio Institute for Energetic Studies and Bodywork (OIES) she completed master level Registered Polarity Practitioner (RPP) training in 2008, and Associate Polarity Practitioner (APP) training in 1999. Deborah is a Reiki Master, having trained with William Lee Rand in Michigan and Glastonbury/Stonehenge, England. A former public school teacher, university teacher, journalist and Ohio State University staff member, Deborah's professional studies in health and healing also include reflexology, Ayurvedic cooking, craniosacral therapy and shamanism.



POLARITY

Polarity looks at life as a continuous dance between extremes or poles, most simply represented as the elements of **Earth, Water, Fire, Air and Ether/Space**. When your energy gets stuck at a point in the cycle, or goes too far to an extreme, Polarity can re-establish balance and energy flow. A rich and effective system of bodywork, it was developed by osteopath and chiropractor Dr. Randolph Stone.

A Polarity practitioner looks at energy as neither good nor bad, and learns how to place her/his hands in ways to bring the body into greater balance. Polarity techniques vary from sattvic (gentle) to rajasic (quick) to tamasic (deep).

Columbus is one of few cities in the U.S. to have a professional school for learning Polarity, the Ohio Institute of Energetic Studies and Bodywork (OIES).

REIKI

Reiki was developed by Japanese Buddhist monk Mikao Usui in the early part of the 20th century, and was brought to the U.S. in 1938 by Mrs. Hayawa Takata, an American citizen. Practitioners learn techniques for hand placement on and off the body, and develop ways to **focus** the healing energy that is abundantly available in our environment. Although not a religion, Reiki is spiritual in nature.

REFLEXOLOGY

Reflexology operates on the theory that there are **specific points** in the feet, hands, ears that "reflex" to specific body parts. A reflexologist works to re-establish the flow of energy in the body in a loop that runs from the reflex point to the corresponding body part.

Deborah McGee MA, RPP, Reiki Master

- ♥ Polarity
- ♥ Reiki
- ♥ Reflexology
- ♥ Holistic Health Educator

Call for Appointment
614-263-7223

Located in Clintonville

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