

**Planning Commission
Regular Meeting**

Virtual Meeting @ 6:00pm

Tuesday, November 9, 2021

CALL TO ORDER

The meeting was called to order at 6:01 P.M.

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Liaison Laura Curliss, Susan Stiles, Stephen Green, and Alternate Gary Zaremsky. Also present were Denise Swinger, Zoning Administrator, Johnnie Burns, Public Works Director, Village Manager Josue Salmeron and Village Solicitor Breanne Parcels.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of October 6, 2021 Special Meeting: Work Session. Doden MOVED and Stiles SECONDED a MOTION TO APPROVE the Minutes. The MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Curliss abstaining due to absence from that meeting.

Minutes of October 12, 2021 Regular Meeting. Doden MOVED and Stiles SECONDED a MOTION TO APPROVE the Minutes. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

- Alex Melamed re: Oberer Development/"Hyde Creek"
- Connie Richeson re: Oberer Development
- David and Sheryll Kent re: Oberer Development
- Maria and Fritz Schuermeyer re: Oberer Development
- Carol Cottom re: Oberer Development
- Eve Fleck re: Oberer Development
- Charles Werking re: Oberer Development
- Sarah Amend re: Oberer Development
- Joseph Amend re: Oberer Development
- Max Crome re: Oberer Development

COUNCIL REPORT

There was no Council Report.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS:

- 1) **Conditional Use Application – B-1, Central Business District** – Thomas Gregor, on behalf of the property owner Mary Kay Smith, has submitted a conditional use application for an expansion to the Wind's Café outdoor patio area at 215 Xenia Avenue - Chapter 1250 Business Districts, Table 1250.02 Schedule of Uses: Business Districts, Chapter 1262 Conditional Uses. **Greene County Parcel ID# F19000100100002800.**

Swinger introduced the application, explaining that outdoor patios for establishments serving alcohol were granted temporary outdoor patio expansions by the State of Ohio Dept. of Liquor Control in response to the pandemic. The temporary expansion expires at the end of 2022. The owner of the Wind's Café is requesting a permanent expansion as an improvement to the business.

Builder Tomas Gregor presented the application for the business owner. He noted about a ten foot increase in surfacing on either side of the former patio, which is now home to six off-street parking spots for employees.

Green asked about fencing, and Gregor responded that the former six foot fence will be replaced with a four foot railing.

In response to a question from Stiles, Gregor stated that some form of heat will be provided if the budget permits.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED to approve the application as requested without conditions. Doden SECONDED, and the MOTION PASSED 5-0 on a roll call vote.

- 2) **Conditional Use Application – B-1, Central Business District** – Kurt Miyazaki, owner of Emporium Wines & Underdog Cafe, has submitted a conditional use application to serve wine and beer at his establishment and in an existing outdoor patio area at 233 Xenia Avenue - Chapter 1250 Business Districts, Table 1250.02 Schedule of Uses: Business Districts, Chapter 1262 Conditional Uses. **Greene County Parcel ID# F19000100100000800.**

Swinger introduced the hearing, noting that the outdoor space in question has existing tables and chairs. The current plan is to have an exit to the patio from inside the building. Staff has suggested that Mr. Miyazaki contact the Ohio Dept. of Liquor Control regarding the requirement of a locked fence around the perimeter of the patio area. If this is a requirement, the outdoor patio area will not be an option for serving alcoholic beverages due to the required access for the future vegan restaurant at the rear of the building and access to the apartments upstairs.

The only other option, Swinger said, would be a limited DORA. Swinger declined to go into detail regarding the DORA, since the matter was not on the table, but was presented as an option should the fence be required for the patio area by the Department of Liquor Control.

Curliss commented in favor of the DORA as a potential option, stating that it would be “a shame” to have to cut off access to the apartments and business at the rear of the Emporium.

Owner Kurt Miyazaki noted that the establishment now serves beer and wine during tastings, but would like to offer these with lunch options or as an accompaniment to food purchased from the planned vegan restaurant. In response to a question from Green, Miyazaki stated that the Emporium will return to pre-pandemic hours in the near future: 7am-7pm Saturday through Thursday, and 7am-10pm Friday.

Miyazaki stated that the Emporium and Senior Center have “an arrangement” in which they both assume that they each own to the center of the area between the buildings.

Zaremsky urged Miyazaki to invest in a survey to determine his true borders, or to formalize the agreement with the Senior Center, given the possibility of needing to put up fencing.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED to APPROVE the outdoor patio seating in conjunction with a permitted restaurant, along with bars, taverns, clubs and restaurants serving alcoholic beverages. Doden SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

- 3) **Planned Unit Development and Map Amendment (Rezoning) Application – R-A, Low Density Residential District** – Greg Smith, Developer for Oberer Homes, has submitted a PUD application and a Map Amendment (Rezoning Application) for a major subdivision – Chapter 1226 Subdivision Regulations, Chapter 1254 Planned Unit Development, Chapter 1248 Residential Districts, Chapter 1280 Amendments and Rezoning. **Greene County Parcel ID#’s F19000100180007300; F19000100180000300; F19000100060013300; F19000100180001100; F19000100180001200; F19000100180001300; F19000100180003200; F19000100180003400; F19000100180003500; F19000100180002800; F19000100180002300; F19000100180002400; F19000100180002500; F19000100180002600; F19000100180002700**

Swinger prefaced her report by going through the history of those parcels. In 1974, Swinger explained, retiring Village Manager Howard Kahoe recorded a document with Greene County that allowed water/sewer taps to his property. Thirty-five years later the property owner at that time, Ken Struewing, planned to develop the acreage outside the corporate boundary and approached Village Manager Mark Cundiff about exercising his right to use the tap ins, but the Village refused to do this without annexation.

After a lengthy legal battle, the Village lost the lawsuit and was required to provide tap-ins and utilities to this area. At some point, Miami Township in their comprehensive plan identified the area for residential growth, allowing lots of 10,000 sq. ft. or more. When Oberer reached out to staff about this property,

staff immediately brought up annexation because through annexation the Village could exercise some control over the development.

Oberer did not request the annexation as a means to greater density, Swinger said; the Village approached Oberer because staff did not want to see the entire 50+ acres built out with large scale homes on large lots. This was an unusual request for Oberer as they said they are usually asked to build larger single-family homes to cater to people with high incomes.

Swinger explained that staff held an initial meeting with Oberer team members, along with Council President and Vice-President, the Village Manager, Public Works Director and Swinger. The group was clear about what the Village wanted to see in this development, including a diversity of housing types, parkland, walkability and connectivity throughout the development, and affordable housing.

The currently proposed development includes not only single-family dwellings, but duplex units and row housing or town homes with 3 to 4 attached dwelling units per building. Oberer also offers a variety of floor plans and facades so that not all the houses will look exactly alike. Oberer will have three areas in the development for single-family homes (total of 64), 30 3-bedroom duplex units, 22 two-bedroom duplex units and seven townhome buildings containing a total of 24 units. There will be an 0.9 acre playground/park for use by the proposed and existing neighborhoods, along with a 2.2 acre wooded area which Public Works may later develop for use by residents, and also a 1.75 acre donation of land for affordable housing which could provide up to 28 units or more if the developer for that property requests increased density under the PUD zoning. The walkability and connectivity is featured throughout with sidewalks along both sides of the streets and connecting multi-modal pathways to enable people to walk into the constructed wetland and detention areas.

Swinger noted that infrastructure for this development will be paid by Oberer, not the Village. There is the capacity for utilities to the site per PW Director Johnnie Burns.

Doden described the process the PC would go through in considering the PUD request.

Stiles asked whether an environmental assessment should be undertaken regarding any impact upon the unnamed creek. She was informed that this would be a question for the developer.

Greg Smith, Developer for the Oberer Companies, introduced George Oberer, Jr., President and CEO; Jeff Puthoff, Engineer, Choice One Engineering, and Mike Goettmoeller Choice One Engineering Traffic Engineer.

Smith then went through a power point presentation description of the preliminary development plan for the site. He noted that the area is currently zoned R-A, and stated that in the event that the PUD is not approved, Oberer "can and will" go through with development of the site as R-A single family home development. He stated that after discussions with the Village, he is convinced that the PUD provides the Village with options for diverse housing types, which Oberer is interested in creating.

Smith noted that the CLUP for the Village does identify the area in question as appropriate for development for housing. He noted an existing sewer trunk line that currently runs through the center of the property, and water lines available for tap in on both Spillan and Edgefield.

Smith noted that the housing types were selected based on the land, some of which can support basements, some of which has rock substrate, and some of which slopes significantly.

Smith noted that Oberer has already submitted a plan to the Army Corps of Engineers to make a change to the spill into the creek in the form of mitigation to the currently unregulated outflow from the storm sewer on Southgate.

The plan will continue Southgate into the development.

Oberer described the housing types permissible under the PUD plan, including duplexes and town homes as well as single family homes.

Storm water detention will take the form of two detention ponds and a constructed wetland. Trails will be placed through the wetland areas.

Oberer will donate 1.75 acres to the Village for use for affordable housing, and will dedicate a park/playground, also to be donated to the Village.

The community will have sidewalks throughout, and will have a sidewalk, curb and gutter along Spillan.

Smith noted that the PUD proposal contains about 22% open space, commenting that there would be no open space requirement under the residential zoning currently in place. He noted that under the PUD, the trees along the western and southern edges of the neighborhood will be preserved, as will the creek.

Smith noted that buffer areas of trees will be planted between the community and the adjacent neighborhood on Edgefield.

Smith addressed the traffic issue, stating that Oberer did have a traffic study completed which concluded that the existing streets could adequately absorb the increase in traffic without causing significant delays in travel time.

Smith commented that the neighborhood is “excellent for pedestrian connectivity.”

Smith stated that the development will use three street types: one a narrow street designed for traffic calming, the second an extension of the Village streets (Southgate), and the third, Spillan, which will be widened, given curb and gutter, and onto which homes will front, again as a means to calming traffic along Spillan as well as smoothing the transition into the existing neighborhood.

Smith reiterated the benefits to the Village of the PUD as stated above. He noted that the PUD presents a number of benefits to the community which will be lost if the zoning reverts to R-A or R-C. He stated a goal of beginning construction by Spring 2022, with occupation by early 2023. He stated that the build-out is anticipated to take five to six years.

Green received clarification that there will be two detention areas and one retention area (two ponds and one constructed wetland).

Green received confirmation that the single family homes can be built “to order”, but some will be built on spec and sold in that manner. Duplexes will offer the same option. The housing market will drive some of this response.

Smith responded to Green’s question regarding fencing, stating that in general, fencing is not permitted around the duplex or townhome units, since this tends to interfere with mowing, which is contracted through the HOA (as is shoveling). He added that landscaping and amenities such as swing sets are permitted.

Oberer responded to a question from Stiles, stating that they offer high efficiency appliances and insulate to an R-21 wall. He stated that buyers can upgrade to higher than the 97% Oberer offers.

Stiles inquired about solar options, and was informed that Oberer is open to this possibility.

Swinger commented that the Village does have a small power production program which would allow homeowners to add solar.

Smith responded to a query from Curliss, stating his confidence that the roofs could structurally handle solar panels. He noted that the electric lines will be buried, and utility easements will be on the back side, rather than in the tree lawn.

Swinger confirmed that Oberer has already indicated that they will follow the tree guide contained in the Planning code.

Smith confirmed that the Southgate extension will be the 31 foot wide street. He reiterated the strategy that the narrower streets will contribute to traffic calming, and do follow the Greene County subdivision code.

Curliss commented that Southgate “is on our Active Transportation Plan”.

The path leading to Calypso, Swinger noted, does not belong to Oberer.

Swinger confirmed that the open space requirement and complete streets policies are met by the PUD as proposed.

Curliss opined that the presented light fixtures “are not dark skies compliant”. She asked that all outdoor lighting be 90 degree cutoff.

Doden asked for numbers of homes under the PUD as opposed to under the existing zoning.

Swinger stated that there would be a total of 140 homes under PUD.

Smith noted that if there is not a PUD, the greenspace requirement is removed, and Oberer would use those areas to increase the number of homes. The maximum number, he said, would be 117.

Regarding the HOA, Doden expressed concern regarding the limitation of livestock, noting that chickens might be a good thing to permit. He added that turf lawns are required, but that the Village zoning code permits managed natural landscapes. He noted as well that requiring sheds to be painted to match the home is not an esthetic normally followed in the village.

Smith responded that the HOA can be modified, and that Oberer recognizes that the village “is a unique community”. HOA’s will exist regardless of whether the community is PUD or existing zoning, in part to ensure maintenance and costs of the storm water mitigation areas. Deed restrictions can be flexible, he said, but there needs to be enough of a standard set that homebuyers can feel confident in the investment they are making.

Smith requested to work with staff on the HOA requirements, since there will be a great deal of detail to address.

Oberer commented that they can bring “economy of scale” to some of the HOA requirements.

Doden noted concerns expressed regarding traffic flow.

Mike Goettemoeller, Choice One Engineering Traffic Engineer, was sworn in as a witness by the solicitor, responding to her queries as follows:

My name is Michael Goettemoeller, Choice One Engineering. In the position almost eight years. Graduated from the University of Dayton in 2013 with a degree in Civil Engineering. My testimony will consist of a summary of results of the traffic study. Goettemoeller stated his understanding that the process is that of an adjudicatory hearing.

Goettemoeller stated that he collected traffic data using placed cameras. The information provides a count of existing traffic, directionality and intensity as well as speed. Goettemoeller used ODOT, the National Standards Association and the Institute of Traffic Engineers to estimate the number of trips that would be generated by the number of proposed homes’ occupants. “Almost every traffic study we do utilizes these numbers,” Goettemoeller stated.

This information, Goettemoeller stated, provides the number of trips the development is likely to generate, which is added to the known existing flow for projected traffic volumes. Expected delay at stop signs provides numbers for the capacity analysis. A turn lane analysis was done using the intersections at Spillan and Hyde and at Spillan and Edgefield, as well as Southgate and Edgefield. Sight distance was also calculated at the intersection of Spillan and the proposed drive.

Goettemoeller stated that the study concluded a less than 10-second delay was projected for every approach. The area is now at level of service “A”, and would remain at that service level. ODOT, he commented, accepts up to a service level “D”. This would indicate no need for an added turn lane.

Goettemoeller stated that the sight distance analysis indicated adequate sight lines to be able to turn off of or on to Spillan from or to the proposed development road.

Green commented that there is greater concern for people turning towards town out of the development, and asked what these numbers look like.

Goettemoeller responded that the study indicated that 65% of cars would turn away from town, while 35% would turn north towards town. He stated that in the morning peak hour, traffic on Spillan would be about 56 persons turning right and about 9 turning left. In the evening peak hour, he said, there would be about 36 vehicles turning right and 6 turning left. He confirmed that these are “worst case scenario” numbers.

In response to a question from Curliss, Smith stated that cars would be permitted to park on both sides of the larger streets, but that they would work with staff on this matter.

Smith responded to a comment from Curliss, stating that parking will and can be permitted on the cul de sac streets.

Doden OPENED THE PUBLIC HEARING.

Kevin Stokes stated a traffic concern for the intersection at Hyde and US 68, and asked whether the impact upon this intersection has been considered.

Max Crome stated that the “PUD is worth millions” and opined that the developer in effect gets blanket permission to construct many homes without returning to PC for approval, while they will “have to return repeatedly” for site approval if there is not a PUD. He opined that the contributions being made by Oberer are comparatively insignificant. He stated that PC has the duty to “guard the culture of the Village.” “This is the wrong place to densify,” he said. He asked for a traffic report and a phased environmental study.

Chad Stiles stated his concern regarding increased traffic, particularly to the intersection at Hyde and US 68, and loss of a “green belt.”

Lindsay Burke spoke against gentrification and the overall impact of the development on the Village. “This will make us look like Beaver Creek,” she said.

Patrick Lake challenged the veracity of the traffic study. He commented that the traffic study did not take pedestrian and bicycle traffic into account. Lake spoke against the need for an HOA.

Dino Pallotta spoke to the increase in traffic on Spillan, stating that the road is narrow and does not contain bicycle lanes. The development will negatively impact that neighborhood. He asked for confirmation that there will be no increase in taxes as a result of the development. He asked for confirmation that green technology will be used in the development.

Alex Melamed offered design alternatives to the presented project, characterizing the development as non-progressive and uninspired. He suggested conservation style development.

Eve Fleck noted the Natural Wildlife Habitat designation seems at odds with the HOA requirements and expressed hope that this would be addressed.

Issa Walker characterized the development as gentrification and antithetical to Yellow Springs values.

Emily Seibel, Executive Director, Yellow Springs Home, Inc. commented that while the development does meet the market demand outlined in the Housing Needs Study, it provides upper income homes. She opined that the development will benefit school, it “will impact the housing market for years to come.” She stressed the “dire need for affordable housing.” She asked that “an affordability lens” be brought to all PC discussions.

Brooke Obringer, resident of Edgefield, disagreed with the traffic impact study, arguing that traffic in her area would be greatly increased. She expressed concern that her property values will drop.

Matt Kirk opined that people seem to think that the developer seems not to understand Yellow Springs, and asked what research Oberer had conducted regarding YS “history and values”.

Anna Burke related her concern regarding wildlife, ie, the deer who now pass through the corn fields.

Toni Larrichutta stated her desire for an access point off of US 68.

David Stratton stated that there are storm water issues currently on the south end of Spillan and expressed concern regarding storm and sewer tie-ins. He added his voice to the objection to increased traffic citing the unsafe nature of township roads with no berms.

Nina Ellis expressed concerns regarding traffic, esthetic concerns, and concerns regarding the numbering of the lots and how they connect to what streets. She spoke against the “sidewalk to nowhere” along Spillan.

Selwa Whitesell expressed traffic concerns, particularly at the corner of US 68 and Hyde, suggesting a traffic light at that intersection. She suggested greater regulation, and asserted that the traffic study, if conducted during covid, was likely inaccurate in terms of numbers.

Max Crome commented that PC is not depriving Oberer of rights by voting “no” and argued that they have not proven provision of “measurable benefits” per the zoning code. He asserted that the open spaces are not truly open spaces, and that preservation of the creek is not a measurable benefit. He commented that no speaker had commented positively on the development.

Green received confirmation that the land will be developed regardless of whether the PUD is approved or not.

Green asked for clarification regarding Crome’s assertion that without a PUD, Oberer would have to return to PC for approval of each new home.

Parcels corrected Crome’s assertion, stating that no, Oberer would not need approval from PC. They would have to follow subdivision guidelines, she said, but they do not need any permission from the Village.

She added that the Village would have no input into any aspect of the development if it is developed under R-A.

Stiles commented that many callers had likely missed Swinger's explanation of the PUD process and history of the property. It was not a matter of whether the land would be developed, she said, but when, given its zoning and history. The PUD lets a greater variety of homes to be built. Further, she said, "we have to follow the code, we can't decide we want it developed differently and ask for that to happen."

Doden CLOSED THE PUBLIC HEARING.

Smith responded to some of the questions and comments, first those of Crome. Smith asserted that the area is zoned R-A, and if the PUD is turned down, Oberer will proceed with a single family home subdivision. There will be no duplexes or townhomes or affordable housing in that case, he said.

Responding to traffic related comments, Smith stated that the intersection at US 68 and Hyde could be studied, going forward, but he opined that if a traffic study indicated no need for road improvements on Hyde at Spillan, it is unlikely to require them on US 68, which has a greater capacity than Hyde.

Smith addressed utility concerns stating that all utilities will be paid for by Oberer, there will be "no tax dollars going towards the utility cost." Smith reiterated that a trunk line for sewer runs through the center of the property, and asserted that due to the slope of the land and the location of the water treatment plant, storm and waste water will flow south, away from town. He added that there is ample water pressure to serve the development, as well as storm and sewer capacity, per PW Director Johnnie Burns.

Oberer commented that it is common for citizens to have concerns regarding traffic, but that he believes the professional traffic study provided addresses these concerns. He commented as well that the Village is mandated to provide utility services to the tract "before we ever came on scene."

Oberer stated that while satisfied with the R-A zoning, he and his team have spent a year working with the Village to address staff concerns and suggestions, and this has resulted in the PUD proposal. He added that the preliminary plan meets the requirements of the zoning code. Oberer pointed out that this is a preliminary plan, and will receive comments from first PC, then Council, following which they will present a final plan to PC for their review.

Curliss asked for more detail as to how the extension of Southgate will comply with the Active Transportation Plan.

Smith replied that Southgate is being extended according to the original design of the street, to terminate at Spillan.

Responding to an earlier remark that the development should create an access road off of US 68, Smith pointed out that Oberer does not own the land between the development and US 68, and that they do not wish to pursue this avenue, believing that adding another entrance/exit to the community would increase traffic within the development. He added that they would also need to obtain a permit from the Army Corps of Engineers to build a bridge over the creek, which they are not interested in pursuing.

Green follow up on the query regarding Managed Natural Landscaping (MNL), asking how this and other Village principles can be worked into the HOA.

Smith noted that Oberer is only in charge of the HOA until the project is built out, at which time it will be taken over by the home owners. At that time, he said, the Board can vote to modify the terms.

Zaremsky commented that the HOA is fairly "boilerplate" with the storm water management being a key aspect, which is typical of an HOA.

Swinger commented that staff is willing to work with Oberer, noting that she will share with them information on the MNL.

Zaremsky commented that many of the traffic concerns are outside of the development, and questioned how PC deals with these concerns.

Parcels responded that PC can look at how the development will impact public facilities and adjacent areas.

Doden prepared PC members for walking through section 1254, reading in the opening paragraph of chapter 1254 by way of explanation.

Doden read section 1254.06 (a), noting that this leads PC back to section 1254.02. The entirety of 1254.06 and 1254.02 are copied below for reference.

1254.06 REVIEW STANDARDS.

In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter.
- (b) The PUD will promote the intent and purpose of this chapter.
- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the Village.
- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.
- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (g) The PUD will be consistent with the Village's Comprehensive Plan and Vision: Yellow Springs and Miami Township. Specifically, the following planning principles shall be adhered to, as applicable:
 - (1) Redevelopment and infill locations should be favored over greenfield development;
 - (2) Natural features and resources should be preserved or at least conserved;
 - (3) Future development/redevelopment shall strengthen the physical character of the Village;
 - (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
 - (5) Places are created with an integrated mix of uses that contribute to the Village's identity and vitality;
 - (6) Diverse housing choices are found throughout the Village, including relatively high-density and affordable units;
 - (7) Parks, open space and recreational areas are incorporated into future development; and
 - (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.
- (h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the Village where it is to be located.

1254.02 QUALIFYING CONDITIONS.

In order to qualify for PUD approval, the project must satisfy the conditions of this section. It is the applicant's responsibility to demonstrate, in writing, that each of the following criteria is or will be met by the proposed PUD:

- (a) Recognizable Benefit. A PUD shall achieve recognizable and substantial benefits that would not be possible under the existing zoning classification(s). At least three of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - (1) Preservation of significant natural features;
 - (2) A complementary mix of land uses or housing types;
 - (3) Extensive open space and recreational amenities;
 - (4) Connectivity of open space with new or existing adjacent greenway or trail corridors;
 - (5) Preservation of small town appeal;
 - (6) Improvements to public streets or other public facilities that mitigate traffic and/or other development impacts;
 - (7) Coordinated development of multiple small parcels; or
 - (8) Removal or renovation of blighted buildings, sites or contamination clean-up.
- (b) Size. Each PUD shall contain a minimum of five acres; provided sites containing less than five acres may be considered for rezoning to PUD, if the Village Council determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the Village Council shall determine that:
 - (1) Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent Village lands;
 - (2) The proposed uses will complement the character of the surrounding area;
 - (3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
 - (4) The PUD is not being used as a means to circumvent conventional zoning requirements.
- (c) Utilities. The PUD shall be served by public water and sanitary sewer.
- (d) Ownership. The PUD application shall be filed by the property owner, lessee or other person with legal interest in the property and written consent by the owner. The proposed development shall be under unified ownership or control, so one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.
- (e) Comprehensive Plan and Vision. Proposed uses and design of the PUD shall be substantially consistent with the Village's adopted Comprehensive Plan and the principles for land stewardship contained in the Vision: Yellow Springs and Miami Township.

(f) Pedestrian Accommodation. The PUD shall provide for integrated, safe and abundant pedestrian and bicycle access and movement within the PUD and to adjacent properties.

(g) Architecture. Building forms, relationships, scale and styles shall be harmonious and visually integrated.

(h) Traffic. The PUD shall provide for safe and efficient vehicular movement within, into and out of the PUD site. Traffic calming techniques, parking lot landscaping, and other sustainable design solutions shall be employed to improve traffic circulation, storm water management, pedestrian safety and aesthetic appeal.

(i) Eligible Districts. Land within any zoning district may qualify for PUD zoning.

Doden addressed 1254.02(a), reading each standard contained therein. He asked PC “do you believe the PUD application meets at least three of these standards,” and received an affirmative response from all members.

Doden stated 1254.02 (b) is already taken care of, the development area being in excess of five acres in size.

Doden read through the following standards, with the responses indicated:

1254.02 (c): Doden received an affirmative response from all members.

1254.02 (d): Doden received an affirmative response from all members.

1254.02 (e): Doden received an affirmative response from 4 members, with Curliss not affirming. There was some discussion as to the nature of the term “substantially compliant”. Curliss cited her reasoning that this constitutes greenfield development, which is antithetical to CLUP values. She added that the streets in the development will not, in her estimation, fulfill requirements of the Complete Streets policy.

1254.02 (f): Doden received an affirmative response from 4 members, with Curliss not affirming.

1254.02 (g): Doden received an affirmative response from all members.

1254.02 (h): Doden received an affirmative response from all members.

Doden noted that (i) is not subject to discussion, and all members responded in the affirmative.

Doden read the standards for 1254.03.

Doden asked Swinger to confirm that the PUD Requirement stated under 1254.03 (a) is met. Swinger responded in the affirmative.

Doden asked Swinger to confirm that the PUD complies with minimum lot size and zoning requirements. Swinger responded in the affirmative regarding 1254.03 (b).

Regarding 1254.03 (c), Doden stated that this requirement has been determined to have been met.

Regarding 1254.03 (d) Swinger confirmed that Oberer is not requesting any modifications, so this condition is not applicable.

Regarding 1254.03 (e), no density bonus is being requested, Swinger stated, so the requirement is not applicable.

Regarding 1254.03 (f), Swinger affirmed that Oberer is providing about 22% open space, exceeding the requirement.

Regarding 1254.03 (g) and (h), Doden received confirmation from Swinger that these are not applicable to the PUD being considered.

Doden returned PC to 1254.06 to address each of the eight standards.

Regarding 1254.06 (a): Doden received an affirmative response from all members.

Regarding 1254.06 (b): Doden received an affirmative response from all members.

Regarding 1254.06 (c): Doden received an affirmative response from all members.

Regarding 1254.06 (d): Doden received an affirmative response from all members.

Regarding 1254.06 (e): Doden received an affirmative response from all members.

Regarding 1254.06 (f): Doden received an affirmative response from all members.

PC queried PW Director Johnnie Burns as to the condition and capacity of the existing trunk line to handle sewer needs for the PUD. Burns stated that while he plans to test the line, it is concrete, and he does not anticipate the need for extensive upgrade or repair.

Burns confirmed that this is some of the deepest sewer in the Village, and the line was put in long ago, possibly as far back as the 1960's in anticipation of future development of the area.

Regarding 1254.06 (g): Doden read through the standards, noting those which are not applicable. Doden received an affirmative response to all applicable standards from 4 members, with Curliss not affirming.

Regarding 1254.06 (h): Doden received an affirmative response from all members.

Doden stated that the PUD has met all required standards. The next step, he stated, is the recommendation to Council. This can take the form of 1. Approval; 2. Approval with Modifications or 3. Denial.

PC members discussed modifications, focusing on the HOA and on lighting. Curliss suggested permitting a short privacy fence between patios.

Curliss asked for a 90 degree cutoff for all outdoor lighting.

Curliss asked for information as to how Southgate follows the Active Transportation Plan through the development.

Doden suggested that the HOA "be modified to be more in line with Village standards."

Parcels commented 1264.03 and 1264.08 address 90 degree cutoff lighting, so that it is permissible for PC to request this.

Doden asked whether an additional traffic study could be requested for US 68 at Hyde.

Burns stated that the County Engineer could be asked, but that he is not sure of the outcome since that intersection is not within Village limits.

Burns commented that 90 degree cutoffs cannot be required for homeowners.

Parcels affirmed that it can be required for new development approval, but that homeowners cannot be prevented from changing fixtures if they so desire.

Burns responded to a query from PC, stating that he would look into the possibility of a traffic study for the intersection of US 68 and Hyde Road.

The Clerk read back the modifications requested from PC members as follows:

Modifications requested are that Village staff work with Oberer to make the HOA more compliant with Village zoning code requirements and values, and that 90 degree cutoff is required for all outdoor fixtures within the PUD.

Doden MOVED to APPROVE THE PUD with the modifications requested. Green SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

The Clerk stated that PC will need to meet briefly to approve the minutes for this meeting so that the official record can be presented to Council on December 6th for the first reading of the rezoning ordinance. PC members agreed to meet at noon on December 1st.

ADJOURNMENT

At 9:53pm, Doden MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Frank Doden, Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.