

**Planning Commission  
Regular Meeting**

**In Council Chambers @ 7:00pm**

**Tuesday, October 11, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Susan Stiles, Acting Chair, Council Liaison Gavin DeVore Leonard, Gary Zaremsky, Stephen Green, and Scott Osterholm. Also present were Denise Swinger, Zoning Administrator, Johnnie Burns, Public Works Director and Amy Blankenship, Solicitor.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Green MOVED TO APPROVE the minutes of the September 13, 2022 Regular Planning Commission meeting. Zaremsky SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**COMMUNICATIONS**

The Clerk will receive and file the following:

- Johanna Northway re: Dark Sky Consideration for Plat
- Pam Nicodemus re: Support for TGL
- August Capiola/Betsy Fox re: Comments on Final Plat
- Emily Seibel/Penny Adamson re: Comments on Final Plat
- Margaret Koebnick re: Comments on Final Plat
- Chis Zurbuchen re: Comments on Final Plat
- Joan Northway re: Stormwater Management for Plat
- Chris Zurbuchan re: Clarification to Comments
- Rick Donohoe re: Stormwater Management for Plat

**COUNCIL AND COMMITTEE REPORTS**

Devore Leonard reported Council passed Ordinance 2022-31 creating a stormwater utility, with concomitant fees, at their October 3<sup>rd</sup> meeting. He noted that Council heard a first reading of an ordinance repealing and replacing the existing noise ordinance.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS:**

- 1) **Conditional Use Application – R-A, Low Density Residential District** – Shirley Smith has submitted an application to operate a transient guest lodging establishment at 251 Whitehall Drive – Chapter 1248 Residential Districts, Chapter 1262 Conditional Uses. **Greene County Parcel ID # F19000100120005700.**

Swinger explained that Smith had obtained a dimensional variance from the BZA in September, which now clears the way for her request to PC for a TGL.

Swinger remarked that Council’s intent in permitting TGLs had been twofold: one, to provide reasonably priced lodging options for visitors and two; to allow residents of the Village to supplement their incomes in such a manner as to better be able to afford the high cost of living in the Village. Ms. Smith is the perfect example of a person who needs this additional income to remain in the Village, Swinger said, and she also will be living in the residence while renting out half of it, if the use is permitted.

Smith noted that she is a 51 year resident, and does need the additional income in order to remain. Smith stated that she has great relationships with her neighbors.

Stiles OPENED THE PUBLIC HEARING.

Denise Seeums spoke in support of the request, stating that Smith would be an excellent business owner and observing that there is a need for visitor lodging.

Stiles CLOSED THE PUBLIC HEARING.

Stiles commented that Smith is a perfect example of what PC had in mind when they developed the TGL guidelines.

Stiles MOVED TO APPROVE THE REQUEST FOR A CONDITIONAL USE AS REQUESTED. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

- 2) **Final Plat – R-B, Moderate Density Residential District** – DDC Management of Miamisburg, OH has submitted an application for a final plat at 402 N Wright Street – Chapter 1226 Subdivision Regulations - Submission of and Action on Final Plats, consistent with the current zoning.  
**Greene County Parcel ID #: F19000100020001600; F19000100020005600.**

Swinger explained the parameters of the hearing as follows, first noting that the request does not differ from the preliminary plat request in any significant manner:

The Kinney parcel **F19000100020001600** was annexed into the Village of Yellow Springs in 2000. A condition of the annexation was the requirement that 10-percent of the annexed property be reserved as open space. This requirement applies to the larger parcel consisting of 22.6820 acres, which currently has a single-family dwelling and several accessory structures. The Village provides electric service, but does not provide water or sewer services. A septic system and water well will also be demolished. Parcel **F19000100020005600** is 0.3340 acres and has no existing structures. Both parcels combined account for a total acreage of 23.02.

The preliminary plan approved by the Planning Commission on April 12, 2022, proposed 90 buildable lots for single-family detached housing, all meeting the minimum requirements for R-B, Moderate Density Residential zoning. Proposed lots 91 and 92 were designated as open space with a total of 3.45 acres, which exceeded the minimum 2.268 acres required by Ordinance 2000-15 and the parkland dedication requirement of 1.35 acres. DDC considers the detention pond as part of the open space since it will be available for residents to use for fishing. The pond will be managed by an HOA, with the park area and streets dedicated to the Village. The developer, DDC, will develop the infrastructure at their cost, and then sell off the lots to a builder.

Since the April preliminary plat approval, due to the need for a sanitary sewer lift station, DDC is now proposing 90 lots with a few near the pond reduced in size, but still meeting the R-B square footage requirement. Areas labeled as open space are #91, #92, #93 and #94 delineated for the Village's parkland area. The location of the park area (next to lot #87) will be dedicated to the Village, with all other open space areas under the management of the HOA for maintenance and upkeep.

The area labeled as Lot #91 was added at the request of Planning Commission in order to provide a buffer area between the proposed development and the existing Stancliff neighborhood. This increased the total open space to 3.8262 acres or 16.7% of the total 23.02 acres.

DDC proposes a natural trail in the open space area, Swinger noted, commenting that the Village does ask that all connective surfaces be ADA compliant.

All lots in the proposed development meet the minimum requirements for lot area and frontage. DDC has requested a variation to the plans under 1226.10 to allow for a side yard setback of 5 feet minimum, total of 13 feet. Without this variation, DDC will have to eliminate the overhangs on the sides, which will give the homes a less appealing look. Public Works Director Burns has indicated that this should not be a concern because all the electric will be underground and water and sewer will be accessed from the front of each lot.

The plan calls for two entrances, one off Kenneth Hamilton Way and the other off North Wright Street. Two access points are required by State law, which Deputy Fire Chief Powell explained during a staff review of DDC's preliminary plans.

In Planning Commission's motion for the preliminary plan, a modification to extend the buffer open space area to the southwestern corner of the property was approved with the understanding that two separate parkland areas are better able to preserve existing natural features. In the final plat, there are three identified open space areas; Parcel #91 is the buffer zone requested by Planning Commission during the preliminary plan review; Parcel #92 is located along the northern border that abuts the Glass Farm; Parcel #93 is the pond area and trail. Parcel #94 is the location of the park area shown in the preliminary plat review, which will be dedicated to the Village. Parcel #94 will include a dedicated playground area measuring 0.98 acres. The remaining acreage, including the detention pond and trail will be under the HOA's management. The residual acreage measuring .37 acres will be satisfied as a fee in lieu arrangement.

Swinger noted that because there are no significant changes, PC's purpose is primarily to hear from the engineer and Public Works Director regarding technical aspects of the plat.

Matt Hoying, P.E., President, Choice One Engineering, stated that he has conducted review of all technical aspects of the plat and these have met with his approval. He stated that the roadway design meets all standards, and stated that a traffic impact study was conducted to ensure no impact on the plat or on neighboring areas.

Swinger inquired as to whether the retention pond will mitigate water runoff issues that now occur in the area.

Hoying stated that the retention pond is designed to manage all runoff for that area, which means that it will reduce or eliminate runoff that now occurs.

Green noted that one of the wells tested, of the ten total, tested with a significantly higher groundwater, and asked whether this is a concern.

Hoying stated that it is not, since bedrock varies, as do soils, so that only one of the ten measuring high is not seen as problematic.

Swinger noted that parkland dedication is based upon the number of total lots. She stated that staff did not want to maintain any portion of the retention pond, and the required amount of land for dedication would have extended the park into the pond. Staff therefore negotiated with DDC to receive a donation of playground equipment in lieu of the 1/3 of an acre remaining. The value of the equipment is estimated at about \$75,000. She asked that the 0.98 acres be surveyed as a condition of plat approval.

Swinger stated that DDC has agreed to save trees wherever possible.

Hoying stated that the Village will own the storm sewer, sanitary sewer and electric, so the job of Choice One is to assure that all infrastructure is built to Village standards so that when the plat infrastructure is complete, the Village is taking over infrastructure that conforms.

Blankenship explained that a bond is required to cover the cost of improvements so that in the event that something were to occur to prevent DDC from completing the infrastructure, the Village would not have to foot those bills.

Swinger noted 1226.10, Variations, noting that DDC is requesting a variation to the side yard setback.

Clayton Sears, Director of Land Acquisition, DDC, addressed a question regarding street trees, stating that those would be planted as each lot is completed.

Green received clarification that Kenneth Hamilton Way (KHW) would need to be a fully accessible roadway.

Stiles asked whether the plat could be electric only.

Sears stated that DDC would not put in gas, that that would be done by Centre Point, and that he was not sure if gas could be prevented.

Blankenship stated that if that was the desire of PC, she could look into the legal issues of such a restriction.

DeVore Leonard asked whether "dark skies" standards would be met.

Sears stated that there will be no street lights, and that any outdoor lighting would conform to Village code, which requires downward facing lighting outdoors.

Zaremsky expressed a desire for connectivity to the Glass Farm, and suggested several paths that he thought would work for this.

Burns stated that he had spoken to the County Engineer, who confirmed that the plat will be required to have 2 entrance/exit roadways.

Stiles remarked on the HOA, and asked whether the final document could be developed with Village Staff so that it is more "village friendly".

Sears was agreeable to this, stating that he would want the HOA to appeal to those wishing to reside in the Village.

Sears stated that DDC will hold the HOA until there are homeowners in place to take it over. They would then be able to modify the document as they desired.

Sears responded to a question from DeVore Leonard, stating that the vegetative buffer will be maintained to the greatest extent possible.

DeVore Leonard asked whether Sears could speculate as to the cost of a home in the plat.

Stiles asked whether DDC would offer any lower-cost or free lots for construction of affordable homes.

Sears responded that they would not be in a position to do this, since they are funded by investors, but stated that he would be willing to take any reasonable offer to the investors.

Green asked whether multi-family homes could be constructed.

Blankenship stated that the area is being platted as single family.

Zaremsky asked whether lots could be purchased and then replatted as multi-family or as PND.

Blankenship declined to confirm that this would be feasible.

Swinger cautioned that a plat cannot be replatted for some period after it is filed.

DeVore Leonard asked about traffic calming.

Burns spoke to the wear and damage inflicted on heavy equipment by speed bumps.

Hoying pointed out the inherent traffic calming built in to the plat—curves in the streets, shorter, narrower streets, and no long straight stretches. He described it as a well-designed passive traffic calming design.

Zaremsky likened the plat to the Fair Acres development, and noted the lack of traffic issues in that plat, noting that he has lived just outside of it for 35 years. He suggested a traffic survey in Fair Acres as applicable to what the built-out plat would generate in terms of traffic.

DeVore Leonard asked for a cost projection for homes and was told that DDC does not have this figure as of yet.

In response to a question from Stiles, Sears stated that lots are generally sold in increments, but that one builder is generally used. He noted that full build out would likely take 3-4 years.

Stiles OPENED THE PUBLIC HEARING.

Blankenship SWORE IN ALL THOSE INTENDING TO SPEAK.

Emily Seibel stated that she was speaking for herself as well as a number of neighbors, and presented a list of items she wished to see addressed, including signage such as “Children at Play” for KHW, possibly slowing traffic on Dayton Street, and more traffic calming.

Seibel opined that the builder would be Ryan Homes, and asked that “a percentage” of the home building be offered to local contractors. She asked that “lots be donated for affordable housing”.

Seibel asked for bicycle accommodations.

Stiles received ideas from Seibel regarding the types of signage.

Green asked whether persons renting or buying homes in the Stancliff neighborhood were told that KHW would become a through street at some point.

Seibel demurred, opining that probably some were told and some were not.

Stiles CLOSED THE PUBLIC HEARING.

Regarding the request to change the speed limit on Dayton Street, Burns cautioned that no changes can be made to Dayton Street until the ODOT project is completed in about one year. He expressed agreement with the slower speed limit once the project is completed. Burns stated that he could place “Children at Play” signs at any point.

Zaremsky asked whether individuals could purchase lots.

Sears stated that any offer will be taken to the investors. He commented that the plat is likely about a year out from having lots for sale. He could not offer a ballpark price.

Zaremsky asked about the paving of the nature trail.

Swinger commented that this could not be a demand, but could be asked for by PC.

Zaremsky opined that there are ample sidewalks, and paving would detract from the natural aspect of the trail.

Sears added that he would have to clear a fair amount more vegetation in order to pave.

Stiles noted Swinger's request for a survey for the .98 acres and the variation to the side yard setback. She added the pedestrian access request.

Sears commented that he is not sure he can satisfy the latter.

Blankenship advised that PC is limited to technical aspects of the site plan rather than items like a path. She stated that she would look into the possibility.

Burns noted that if a walking trail is formally added, it will run into the solar field on the Glass Farm, and it might hamper connectivity of the utilities in future. He pointed out that those areas suggested as walking paths into the Glass Farm are utility easements.

That conversation was engaged in, with Sears, Burns and PC members providing input, for about 5 minutes, with the final comment from Sears that the path areas in question are right-of-ways located on lots, and would then be in a property owner's yard, essentially.

Blankenship concluded that changing the lot sizes to create a path would constitute a major change to the plat.

Sears stated that the survey is complete and does not need to be added as a condition.

PC generally agreed that they would like to request an all-electric plat.

DeVore Leonard asked that more information be gathered regarding feasibility and cost of the all-electric request, noting that electric may present with a higher up-front cost and that the best time to put the gas lines in would be at the outset.

Sears commented that he hesitates to deprive any home buyer of options, and any home buyer could request an all-electric home.

Green asked whether a request for all-electric for the plat would decrease the appeal of the homes.

Zaremsky commented that many residents have backup generators that are fueled by the gas line.

Green MOVED TO APPROVE THE FINAL PLAT WITH THE CONDITION THAT A VARIATION TO ALLOW A SIDE YARD SETBACK OF 5-FEET MINIMUM 13-FEET TOTAL IS PERMITTED. Osterholm 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**

Millworks PUD Preliminary Plan will be presented at the November meeting.

The Clerk requested that the December meeting take place on Monday, December 12, rather than Tuesday, December 13<sup>th</sup>. All present agreed to that change.

DeVore Leonard received confirmation that the "Neighbors for More Neighbors" group will contact staff when they are ready to present to PC.

**ADJOURNMENT**

At 8:35pm, Osterholm MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Susan Stiles, Acting Chair

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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.*