

**Planning Commission
Regular Meeting**

In Council Chambers @ 6:00pm

Tuesday, March 14, 2023

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Gary Zaremsky, and Scott Osterholm. Council Alternate Carmen Brown joined the meeting at 6:05. Also present were Denise Swinger, Zoning Administrator, and Amy Blankenship, Village Solicitor.

REVIEW OF AGENDA

New Business was moved in front of Public Hearings.

REVIEW OF MINUTES

Stiles MOVED TO APPROVE the minutes of the February 14, 2023 Regular Planning Commission meeting. Green SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

COMMUNICATIONS

The Clerk will receive and file the following:

- Yunus Brevik re: Support for Zoning Reform Proposals
- Diane Chiddister re: Support for Zoning Reform Proposals
- Harriet Dadras re: Support for Zoning Reform Proposals
- Artie and Eliza Isaac re: Support for Zoning Reform Proposals
- Celia Diamond re: Support for Zoning Reform Proposals
- Ellis Jacobs re: Support for Zoning Reform Proposals
- Kathy Adams re: Support for Zoning Reform Proposals
- Matt Kirk re: Support for Zoning Reform Proposals
- Sue Parker re: Support for Home, Inc. Final PUD Plan
- Steven Conn re: Opposition to Proposed Home, Inc. Final PUD Plan
- Matt Raska re: ADU Literature (2)
- Richard Zopf re: Zoning Reform Comments

COUNCIL AND COMMITTEE REPORTS

There was no Council report.

CITIZEN COMMENTS

There were no Citizen Comments.

NEW BUSINESS

R-A, Low Density Residential – Dirk Lackovich-van Gorp, on behalf of the Glen Helen Association Property Committee, has submitted an application seeking approval for a modified parking lot design at 1063 State Route 343 – Chapter 1264 Off-Street Parking and Loading; Chapter 1270 – Greenbelts and Parking Lot Landscaping; Chapter 1268 Site Plan Review **Greene County Parcel ID# F19000100140005300.**

Swinger reviewed the application as follows: Glen Helen Association owns 496.0710 acres on the eastern border of Yellow Springs. They have a parking lot located off Corry Street at their main entrance into the Glen. This new parking lot's location will be off the existing Glen Helen State Route 343 entrance, which also leads to the Outdoor Education Center.

Because it is located in Glen Helen with no residential or commercial properties abutting this area of the Glen, the setback requirements are not applicable. However, the parking lot is required to follow the design requirements outlined in 1264.03.

The proposed parking lot will be 120' by 220' or 26,400 sq. ft., containing 82 parking spaces, which includes three ADA-compliant spaces. The Planning Commission has approved their parking lot design under the provision of Chapter 1270.02 (c) and Chapter 1264 Off-Street Parking and Loading.

Swinger stated that the access road will be gravel, while the parking lot will be concrete. Swinger noted that the Fire Chief has asked that the parking booth have at least 12' of width on either side to accommodate emergency vehicles, and would like a method to guarantee emergency access.

Swinger stated that GHA is asking for a waiver to the curbing on the perimeter of the parking area to instead use the edges of the parking lot for a managed natural landscape plan to mitigate storm water. GHA has stated that "a curb would present a barrier to sheet drainage, and would make it harder for animals to move across the area when not in use by people. In addition, the lot is located directly under an existing power line right of way (between poles) and we have permission from AES to place the lot in this location, as the lot would not restrict their ability to work on the overhead lines if needed."

Swinger recommended a condition be provided that GHA work with the Public Works Director regarding any future utility service to the site.

Swinger confirmed that this will be a new parking area, and will require some cutting of trees.

Dirk Lackovich Van Gorp presented the case for GHA, as a volunteer with Glen Helen. He commented that Glen Helen has employed Choice One engineering to engineer the parking area, and emergency vehicle access has been accommodated, with over 12' on either side of the booth.

Van Gorp stated that AES is in agreement with the plan to position the parking lot as shown.

Stiles suggested using pavers, which are permeable.

Van Gorp stated that GHA will likely get pricing for permeable concrete as well as standard concrete.

Green asked about the gatehouse, and was informed that there will be a parking attendant.

Zaremsky recommended a specific bike rack for the bike parking area.

Zaremsky MOVED to APPROVE THE PLAN PER STAFF RECOMMENDATION, to allow for removal of curbing with the submittal of a storm water mitigation plan, an agreement to work with the Public Works Director regarding any future utility service to the site, and with a 12-foot clearance around the gatehouse as well as a means of ingress to allow for emergency vehicle access.

Green SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Stiles RECUSED prior to the PUD Preliminary Plan hearing, citing potential conflict of interest, given her position on the Home, Inc. Board as an Emeritus member.

PUBLIC HEARINGS:

Preliminary Plan Application For PUD – Planned Unit Development (PUD) District. Yellow Springs Home, Inc. has requested a preliminary plan review for a phased project totaling 32 units upon completion at their property located between East Herman and East Marshall Streets. **Greene County Parcel ID #:** F19000100080030300; F19000100080030200; F19000100080030100; F19000100080030000; F19000100080029900; F19000100080031500; F19000100080031600; F19000100080031700; F19000100080031800; F19000100080031900.

Green took over as Chair.

Swinger introduced the hearing, and read from her report as follows:

The property consists of ten parcels zoned PUD and totaling 1.808 acres per YS Home, Inc., of which, six parcels are owned by Yellow Springs Home, Inc. and four parcels are owned by the Morgan Foundation.

Yellow Springs Home, Inc. has submitted an application for a preliminary PUD review. They are proposing the construction of 32-units built out in four phases. Phase 1 - eight rental units, phase 2 - 6 rental units, phase 3 – 8 rental units and phase 4 – 10 homeownership units. The 22 rental flats will be for seniors of low-to-moderate income. Townhomes facing Marshall Street will be available with seniors in mind but will be available to a broader constituency, including families with children. The townhomes will be two and three bedroom units with a front and back porch. The townhomes will be 1,082 to 1,318 sq. ft. The rental units will be located in eight buildings: two single-story duplexes and six two-story triplexes with a mix of one and two bedroom units ranging in size from 690 to 936 sq. ft. All 32 dwelling units will have their own private covered entrances.

The total site area measures 1.808 acres or 78,756.48 sq. ft. per YS Home, Inc. The building footprint when the project is complete will occupy 12,351 sq. ft. or 15.7% of the site. The parking area and drive access will occupy 14,356 sq. ft. or 18.2% of the site. The remaining 66.1% of the site is reserved for walking paths, yards, landscaping, including pollinator gardens. Of that, 27,955 sq. ft. is completely free of sidewalks, paths or within any required yard/setback. This leaves 35.5% of the site area defined as open space per the zoning code, which meets the requirement for consideration of a density bonus. However, their calculation did not take into account the storm water retention pond shown on the site plan and they factored this land area into this percentage because they have not yet determined their method for storm water control. The Village of Yellow Springs accepts low impact designs and Home, Inc. intends to bring this to the final plan review after engineering drawings are completed.

Swinger stated that the applicant needs to meet a minimum of five recognizable benefits in order to qualify for PUD approval. She provided the analysis below and walked PC members through each of the conditions set forth in Chapter 1254.02.

(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;

YSHI: Did not apply for this criteria

(2) A complementary mix of land uses or housing types;

YSHI: *This development will feature a mix of senior-focused housing types, including rental and for-sale units, one-story flats and two-story townhomes.*

STAFF: *Agrees that there are a mix of housing types, including single-family attached (townhomes and triplex units) and two-family (duplex units).*

- (3) Extensive open space and recreational amenities;

YSHI: *The total site area measures 1.808 acres or 78,756.48 sq. ft. per YS Home, Inc. The building footprint when the project is complete will occupy 12,351 sq. ft. or 15.7% of the site. The parking area and drive access will occupy 14,356 sq. ft. or 18.2% of the site. The remaining 66.1% of the site is reserved for walking paths, yards, landscaping, including pollinator gardens. Of that, 27,955 sq. ft. is completely free of sidewalks, paths or within any required yard/setback. This leaves 35.5% of the site area defined as open space per the zoning code, which meets the requirement for consideration of a density bonus. However, their calculation did not take into account the storm water retention pond shown on the site plan and they factored this land area into this percentage because they have not yet determined their method for storm water control. The Village of Yellow Springs accepts low impact designs and Home, Inc. intends to bring this to the final plan review after engineering drawings are completed.*

Swinger commented that she is not concerned about the plan reaching the required 25% open space, even given the storm water retention issue.

STAFF: *This project meets the criteria of extensive open space.*

- (4) Connectivity of open space with new or existing adjacent greenway or trail corridors;

Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to Village standards.

YSHI: *Fully accessible pathways will interconnect parts of the development with existing walkways and sidewalks outside of the site, including Marshall Street and across East Herman Street to the Friends Care Community. The existing sidewalk in front of Friends Care Center connects to extensive walkways within the Friends Care Center's complex. Previously, Friends Care Center confirmed that this connectivity to their facility on private property is open for public use and was listed on their website as a community asset.*

STAFF: *Meets the criteria*

- (5) Preservation of small town appeal;

YSHI: *The architectural style of lower profile buildings with pitched roofs, finish colors, and exterior materials are designed to fit into the small-town appeal that is Yellow Springs' character.*

STAFF: *This is a significant reduction in size and height from the previous submittals. With a variety of housing types rather than one large three-story building, it is staff's opinion that this is a better fit for the neighborhood.*

- (6) Improvements to public streets or other public facilities that mitigate traffic and/or other development impacts;

YSHI: *Did not apply for this criteria*

- (7) Coordinated development of multiple small parcels; or

This project meets the criteria of (7) as there will be a coordinated development of ten vacant lots.

YSHI: *Applied for this criteria*

STAFF: Meets the criteria

- (8) Removal or renovation of blighted buildings, sites or contamination clean-up.

YSHI: Did not apply for this criteria

STAFF: Under the qualifying condition of 1254.02 (a) Recognizable Benefit, the applicant needs to meet three of the eight qualifying conditions. Staff agrees with the five qualifying conditions that Home, Inc. has applied for, which include:

- A complimentary mix of land uses or housing types
- Extensive open space and recreational amenities
- Connectivity of open space with new or existing adjacent greenway or trail corridors
- Preservation of small town appeal
- Coordinated development of multiple small parcels

Swinger then read through the conditions of the chapter related to size, as follows:

(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;

STAFF: The ordinance to rezone to PUD passed Council on January 22, 2019.

- (2) The proposed uses will complement the character of the surrounding area;

YSHI: The proposed development will complement the existing residential neighborhood and enhance access, support and resources for the senior community by connecting to Friends Care Center across the street.

- (3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and

YSHI: The spirit of the PUD can be achieved in a smaller footprint while simultaneously aligning with several of the goals outlined in the Vision: Yellow Springs and Miami Township plan and achieving the higher density residential use as is called for in the Sustainable Yellow Springs Comprehensive Land Use Plan.

- (4) The PUD is not being used as a means to circumvent conventional zoning requirements.

YSHI: When previously building the 54-unit apartment building, YSHI stated, "The choice to utilize the PUD zoning designation is a result of the compatibility of the PUD requirements to the type of project. While the PUD does offer some flexibility from underlying zoning requirements, we believe that this type of project offers tradeoffs that make the project worthwhile to the community."

STAFF: Council officially approved the rezoning of the property by Ordinance 2019-02 on January 22, 2019. Because this is a significant reduction in density and height from Home, Inc.'s previous plans for the site, staff does not have concerns with density, height, parking and traffic issues based on the size of the proposed development in relation to the size of the lot.

Regarding utilities:

- (c) Utilities. The PUD shall be served by public water and sanitary sewer.

YSHI: *This project will be served by public water, electric and sanitary sewer. The project team is working in full cooperation with Village staff to ensure that all pertinent information is hared in a timely manner to facilitate access and service. More information regarding utilities will be provided in the Final PUD Plan review.*

(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.

YSHI: *Six of the ten lots are owned by Home, Inc. The Morgan Family Foundation owns the remaining four lots with an Agreement to Donate in place. All of the lots constituting the project will be part of the Yellow Springs Home, Inc. Community Land Trust by the time of construction.*

STAFF: *The preliminary development plan application was submitted by one of the property owners, Yellow Springs Home, Inc. If Home, Inc. is able to move forward with the project, the Planning Commission will be securing more detailed documentation on how the property will be managed and maintained in the final plan review through a required PUD agreement with the Village of Yellow Springs, which will be in recordable form and will set forth the applicant's obligations with respect to the PUD.*

(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.

YSHI: *The spirit of the PUD can be achieved in a smaller footprint while simultaneously aligning with several of the goals outlined in the Vision: Yellow Springs and Miami Township plan and achieving the higher density residential use as is called for in the Sustainable Yellow Springs Comprehensive Land Use Plan.*

STAFF: *The proposed use for senior apartments and for sale units is consistent with the Housing Needs Assessment by Bowen National Research, which stated that 60% of all households in Yellow Springs are age 55 and older. One of the resulting housing priorities that came out of this assessment was to support affordable housing for seniors, low-income households and workforce households.*

The 2010 comprehensive plan states, "Make provisions for a range of housing opportunities, costs, and choices that provide safe, quality housing for current and potential residents of all income levels." The 2020 Comprehensive Land Use Plan further addresses the need for a range of housing types and provides strategies for meeting our housing goals as identified in the Bowen Housing Needs Assessment.

The Vision Plan states, "Stewardship of land resources that maintains scale and distinct character, puts a priority on intensification of infill development and redevelopment, identifies priority growth areas, and supports additional greenspace and farmland."

Swinger added, per the Comprehensive Land Use "Redevelopment and infill locations are favored over development of greenfield locations."

(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.

YSHI: *All pathways will be fully accessible for all users, whether on foot or wheel. They will connect all vital parts of the development, including parking, unit entrances, greenspaces, and public sidewalks on both Marshall and East Herman Streets. The on-site paths will extend to the greater network of the surrounding neighborhood. Residents who choose to bike will be able to bring their bicycles into their units for storage, and there will be bike racks installed in strategic locations around the development site to encourage tidy and secure storage outdoors for visitors and residents alike.*

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

YSHI: The project's buildings will consist of a series of duplexes, triplexes and townhomes between one and two stories tall. The buildings will be wood-framed construction. Each unit will be separated by a one-hour firewall assembly and every two units will be isolated from one another by a two-hour wall assembly. These will be located around a central greenspace that is open and accessible to all of the residents and will allow a natural sort of "eyes on the street" aspect as a result of this arrangement to increase safety and comfort. The style of the buildings themselves will be a clean, contemporary take on traditional housing forms, with pitched roof forms, overhanging eaves, usable front porches, and generous windows for views and daylighting.

(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.

YSHI: Vehicular traffic will be directed onto East Herman Street and have a single two-lane driveway that will meet all applicable planning, zoning, and fire codes for ingress/egress. The parking lot will have curbed bump outs that will be landscaped at strategic locations to aid in traffic calming as well as beautification. There is a possibility that these may also contribute to the overall management of stormwater runoff as we further develop this comprehensive approach in the upcoming design phases.

A traffic study was previously completed for the original 54-unit development. The results were well below the threshold for the width of the existing roadway. Given that this revision is proposing only 32 units at its full future build, there will be less traffic than was indicated in that study and therefore no concern that there will be any congestion of automotive traffic management issues.

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

STAFF: *The property is zoned PUD.*

Swinger then reviewed with PC members the qualifying conditions for a PUD, as follows:

There are 11 qualifying conditions with (a) Recognizable Benefit and (b) Size containing several subsections. In order to qualify for PUD approval, each of these criteria is or will be met by the proposed PUD. For recognizable benefit, three of eight requirements must be met and staff agrees with YSHI that four of the eight requirements are met. For (b) Size, staff agrees that all four requirements are met. For C through I, staff also agrees that these qualifying conditions are met.

Swinger continued, regarding conditions:

Lot Area and Lot Width - *The ten lots combined meets the minimum lot area and width requirements of the zoning code with a total area of 78,756.48 square feet.*

Lot Frontage - *The lot frontage width of the five lots on E. Marshall Street measures 50 feet each for a total lot frontage of 250 feet. This same calculation of 250 feet is the same frontage width for East Herman Street.*

Density – *The building exceeds the maximum density requirements of 16 dwelling units for 1.808 acres based on the type of housing. Home, Inc. is requesting a deviation to the maximum density with an additional 16 dwelling units for a total of 32 dwelling units.*

STAFF: *Although the proposal exceeds the maximum density requirement of 16 dwelling units with a request for 32 dwelling units, the Planning Commission previously agreed to a countervailing consideration that approves the density by considering "fixture units." This determination is based on 22 one-bedroom units and 5 two-bedroom units, all with one bathroom. According to the National Association of Home Builders, in 2016, 3.7 percent of new single-family homes being built had one bathroom with the majority having two or more. Because fewer people will be living in each unit, and with most of the unit's containing only one bathroom, there will be*

less of an impact on utilities. A dwelling unit in the zoning code is defined as “a permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.” This means that if a home is 700 sq. ft. with one bathroom or 2,000 sq. ft. with two bathrooms, both count as one dwelling unit.

Minimum Yard Setbacks (Ft.) – The property has two front yard lot lines (aka through lot) with a front yard lot line facing Marshall and a front yard lot line facing E. Herman Street. YS Home, Inc. is requesting **a variation of eleven feet on the East Herman Street side and fourteen feet variation on the Marshall Street side** from the zoning code’s minimum front yard setback of 20 feet. This variation will bring the furthest edge of the building within six feet on the Marshall Street side and nine feet on the East Herman Street side of the property.

The side yard setback for R-B is five feet with a total of 15 feet. Because the zoning code does not count driveways or parking areas in this measurement, the side yard setback is met with a distance of five feet from the parking lot edge to the property line. The zoning code requires a minimum of three feet for driveways to the edge of a property line. The eastern side has a setback of ten feet from the closest edge of a building to the property line. The side yard setbacks are met.

Maximum Building Height (Ft/Stories) - The buildings maximum height complies as the tallest structure does not exceed the maximum height of 35 feet, with a proposed height of 28 feet.

Maximum Lot Coverage (%) - The lot coverage maximum of 40 percent of the total property square footage of 78,756 sq. ft. equals 31,502 sq. ft. With a building footprint of 12,351 sq. ft., the development meets the maximum lot coverage percentage based on an underlying zoning of R-B, Moderate Density Residential District.

Lot coverage is defined as “the part of the lot occupied by buildings or structures, expressed as a percentage, including accessory buildings or structures, but not including parking lots” in Chapter 1284.06 Definitions: L-M-N

Eight ADA parking stalls are provided throughout the development, with a total of 32 on-site parking spaces. This is a deviation of eight spaces from the requirement of 40 spaces for 32 units. However, Home, Inc. is adding five on-street parking spaces at their East Herman Street side of the property. The five on-street parking spaces must meet Village of Yellow Springs street construction standards.

The Public Works Director requests consideration for the installation of flashing signs as people crossing East Herman Street to the FCC walking path may need additional time.

Landscaping - The preliminary plan shows more than thirty trees, including existing trees and trees within the parking lot area. Landscaping plans will be provided in more detail during the final plan review.

Within the parking lot, additional landscaping is required if the interior of the parking lot contains ten or more spaces. The zoning code requires one tree for every ten parking spaces, and are to be planted within the parking lot area. These parking lot landscape islands will need to be a minimum of ten feet wide and contain a minimum of two trees. **YS Home, Inc. is requesting 32 parking spaces.**

Landscaping – To be provided in the Final Plan review.

Lighting – To be provided in the Final Plan review.

(c) **Connectivity.** Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to Village standards.

YS Home, Inc.’s site plan shows a crosswalk on East Herman Street leading to Friends Care Center and their walking path. It also shows new sidewalks along the two street frontages (**Exhibit B**).

(d) Modification of Minimum Requirements. District regulations applicable to a land use in the PUD may be altered from the requirements specified in Table 1254.03, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. The applicant for a PUD shall identify, in writing, all intended deviations from the zoning requirements. Modifications may be approved by the Village Council during the preliminary development plan review stage, after Planning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality and more sustainable development consistent with the purposes of PUD expressed in Section 1254.01. The modifications shall also satisfy at least four of the following criteria:

- (1) Preserve the best natural features of the site;

STAFF: *This was the former location of Wright State University's family health clinic, which was closed and demolished a decade ago. All that is left is the remains of a parking lot.*

The criteria has been met as this new arrangement of the buildings seeks to preserve as much of the groves of trees in the center-eastern portion of the site as is feasible, and provided that the vegetation is verified to be healthy. This is the only natural features of this site. According to Home, Inc., by moving forward with developing this land to have a residential use, we will be removing a presently blighted site and enhancing this part of the neighborhood.

- (2) Create, improve or maintain open space for the residents, employees and visitors beyond the minimum required by subsection (f) of this section;

STAFF: *The criteria has been met as Home, Inc. has indicated they intend to create open space for residents and visitors that will exceed what is required. The site plan shows greenspace areas, pedestrian walking paths and pollinator gardens. The open space area exceeds the minimum requirement of 15 percent with 35.5% of the property completely unoccupied by any sort of sidewalk, pathway or within any required yard/setback area. However, as previously stated, their calculation did not take into account the storm water retention pond and this land area is factored into this percentage because they have not yet determined their method for storm water control. The Village of Yellow Springs accepts low impact designs and Home, Inc. intends to bring their plan to the final plan review after engineering drawings have been completed. Per the architect, "At this time, we do not know what that size will be, as it will depend on a number of factors, including how much we are able to treat using alternative methods. Since we are still early in the design work, we have not completed calculations to determine how much stormwater is anticipated and what sizes we will need. When we move into the Design Development phase of work, our civil engineer will make this determination."*

- (3) Commit that at least ten percent of all dwelling units in the PUD will be "permanently" affordable units or 20% affordable units, or commit to a payment in lieu of constructing such units, as agreed to with the Village Council;

STAFF: *The criteria has been met as YS Home, Inc. indicated that the 22 rental units will be "permanently" affordable senior dwellings. These rental units will be reserved for seniors of low-to-moderate income. The ten townhomes facing the Marshall Street residential corridor will be designed with the needs of seniors in mind but will be available to a broader constituency including families with children.*

- (4) Provide a mix of residential types such as single family, townhome and/or multiple family;

STAFF: *This criteria has been met as the site will provide a mix of residential types, including duplexes, triplexes and townhomes.*

- (5) Employ low impact design and/or other best practices to manage storm water and reduce the off-site impacts of runoff;

Did not apply. Staff cannot evaluate whether the criteria is met as the management of storm water runoff is unknown without storm water calculations. These calculations will be a requirement of the site plan review in the final plan submission.

- (6) Employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption;

Did not apply. Staff cannot evaluate whether the criteria is met.

- (7) Introduce new development concepts, such as co-housing: and/or

Did not apply.

- (8) Include a mix of residential and nonresidential uses.

Did not apply.

STAFF: Staff agrees that four modifications needed to meet the minimum requirements of 1254.03 (d) are met with #1, #2, #3 and #4. The open space of 15% should still be met if a storm water pond is added for the final plan because Home, Inc. is currently at 35.5% open space. It may be determined that the pond will not be utilized if they try other methods.

- (e) **Density Bonus.** In addition to the modification of minimum requirements permitted in Section 1254.03(d), the Village Council, after Planning Commission recommendation, may permit an increase in the total number of residential units allowed within a PUD where it is demonstrated that at least three of the following amenities will be included in the development:

- (1) More than 20% of the total units within the PUD will be committed as "permanently" affordable units;
The criteria has been met as Home, Inc. has indicated that the 22 rental units will be "permanently" affordable senior dwellings.

- (2) Cool roof technology will be employed on all buildings within the PUD
Did not apply.

- (3) Fresh food market will be incorporated into the PUD;
Did not apply.

- (4) Buildings will be designed and constructed to accommodate green roof gardens;
Did not apply.

- (5) One or more of the buildings within the PUD will be LEED certified building(s);
Did not apply.

- (6) Low-impact development (LID) design principles will be employed to minimize storm water runoff;
Home, Inc. intends to use LID methods, but this will not be determined until the engineering drawings are complete.

- (7) Solar panels will be installed on one or more of the buildings within the development and will yield a measurable reduction in energy usage;

Did not apply.

- (8) Additional accommodation beyond the required pathways will be made for bicycles and pedestrians;
and/or
The criteria has been met because of the addition of the pedestrian walkway on the east side of the building. There will also be locations for bicycle racks.

- (9) A minimum of 25% open space will be dedicated within the development.
The criteria at this time has been met. Open space is not calculated the same way that lot coverage is calculated. Open space does not allow parking areas, storm water detention ponds, required yards, public ROWs or private

street easements or required yards which is defined in the zoning code as “That portion of the yard lying between the lot line and the required building setback line.” Home, Inc. has indicated they intend to create open space for residents and visitors that will exceed what is required. The site plan shows greenspace areas, pedestrian walking paths and pollinator gardens. The open space area exceeds the minimum requirement of 25 percent with 35.5% of the property completely unoccupied by any sort of sidewalk, pathway or within any required yard/setback area. As previously stated, their calculation did not take into account the storm water retention pond shown on the site plan and this land area is factored into this percentage because they have not yet determined their method for storm water control. The Village of Yellow Springs accepts low impact designs and Home, Inc. intends to bring their plan to the final plan review after engineering drawings are completed. Per the architect, “At this time, we do not know what that size will be, as it will depend on a number of factors, including how much we are able to treat using alternative methods. Since we are still early in the design work, we have not completed calculations to determine how much stormwater is anticipated and what sizes we will need. When we move into the Design Development phase of work, our civil engineer will make this determination.” “We will explore the feasibility and impact of rain barrels and dripline infiltration trenches around the residences, as well as detention basins, rain gardens, and, as a last resort, underground detention tanks.”

Swinger noted that for the density bonus, at least three amenities are required. Staff agrees that #1, #8 and #9 meet the criteria if the storm water pond is not significant in size. It may be determined in the final plan review that #6 will also meet the requirements if LID elements are employed.

(f) **Open Space.** At least 15% of the area of a PUD site shall be preserved as open space, in accordance with the following requirements. For purposes of this requirement, "green roofs" shall be counted as open space.

(1) Areas not considered open space. The following land areas shall not be counted as required open space for the purposes of this section:

A. The area within any public street right-of-way or private street easement;

This area has not been included as open space.

B. Any easement for overhead utility lines, unless adjacent to qualified open space;

There will not be any overhead utility lines as the electric will be underground.

C. Storm water detention ponds; provided, rain gardens or ponds designed as water features that may also provide for storm water storage may be counted toward required open space;

The storm water detention basin is counted as open space because they do not know at this time how large it will be or if another method for removal of the stormwater will be employed.

D. Fifty percent of any flood plain, wetland, water body or steep slope (15% or greater) area and 50% of the area of any golf course;

The criteria does not apply to this property.

E. The area within a platted lot, unless the lot has been dedicated to open space on the plat via conservation easement or other means of ensuring that the lot is permanent open space; and

The criteria does not apply to this property.

F. Parking and loading areas.

The parking and loading areas are not counted as open space.

(2) Specifications for required open space. Required open space areas shall meet the following specifications:

- A. Shall be for use by all residents, employees and visitors of the PUD, subject to reasonable rules and regulations. In the case of a golf course, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees or assessments for use;

The open space areas, identified as the landscaped areas, pedestrian walkways and pollinator path, will be for the use of all residents and visitors to the site.

- B. If the site contains a river, stream or other body of water, the Village may require that a portion of the required open space abuts the body of water;

The site does not contain a river, stream or body of water.

- C. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public street rights-of-way;

Does not apply.

- D. Protects the roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly onto existing roadways;

The zoning code requires that parking lots be approved through the Site Plan Review process. Design standards for parking lots look at, "Traffic circulation". The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

The parking lot is configured based on the zoning code's parking lot design standards. A detailed drawing showing the size of the parking spaces should be added for the final plan rendering. Tree islands are located around the parking area, but staff cannot determine the size of the islands in this rendering.

- E. Shall be configured so the open space is reasonably usable by residents of the PUD;

The preliminary plan as configured shows how it can be easily accessed by residents.

- F. Shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of this chapter and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it;

The open space area was originally designed with input from the community. As a result of this input, the parking area will be located on the west side of the property next to the fire station, with the open space area abutting the residential side to the east.

- G. To the extent practical, open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths;

There will be a sidewalk and crosswalk on E. Herman that will link the apartments and townhome buildings to Friends Care Center for their network of walkways to greenspace areas.

H. Pedestrian access points to the required open space areas from the interior of the PUD shall be provided and clearly identified by signs or a visible improved path for safe and convenient access;

I. Grading shall be minimal, with the intent to preserve existing topography and landscaping where practical;

The property is covered with the remains of a former medical clinic's parking lot which will be removed to make way for the construction of the development.

J. May contain ball fields, tennis courts, swimming pools and related buildings, community buildings, golf courses, and similar recreational facilities. However, no more than 50% of the required open space may contain any of these uses.

There are no such plans for the proposed open space area to have any of the listed facilities.

(g) Existing PUDs.

The property is now zoned PUD, and the language assumes the final plan has been approved, which it has not. Modifications to these prior approved development plans that constitute a major change require a review of the final development plan requirements of Section 1254.05(d), the review standards of Section 1254.06(c) through (h) and the general provisions of Section 1254.04.

This is a submittal of a new preliminary plan.

(h) Center for Business and Education.

This is an existing commerce park that does not apply to this application.

1254.05 REVIEW PROCESS

The following procedures shall be followed in the establishment of any planned unit development:

- (a) Pre-Application Conference. Prior to filing a formal application for a Planned Unit Development, the applicant shall meet with the Zoning Administrator and/or other Village officials in order to review the general character of the proposed development, i.e., its scope, nature and location. At this time, the applicant shall be advised of the PUD review procedures and the various information, studies, etc., which may be required as part of the review process.

A pre-application conference was held with Village staff and Home, Inc. staff on February 14, 2023.

- (b) Preliminary PUD Application. An application for rezoning to PUD shall be submitted to the Zoning Administrator on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the Village Council. In addition, the application shall include the following:

The preliminary PUD application and fee was submitted to the zoning office on February 22, 2023.

- (1) Parallel plan. Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements specified in Table 1254.03. A concept layout shall be prepared to scale showing, as applicable, single family and two-family lots, townhome and multiple-family buildings, parking, setbacks and street rights-of-way. The number of units that could be accommodated under the requirements of Table 1254.03 shall

serve as maximum number permitted, unless a density bonus is approved in accordance with Section 1254.03(e). Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.

A parallel plan using R-C, High Density Residential is provided because the plan changes to a multi-family dwelling, plus the townhomes.

Swinger noted that she had gone through each of the criteria, and added that the developer is required to provide a timeline. She noted the timeline, given that the development is to be phased, as follows:

- (1) Phased projects. If the PUD is to be developed in phases, the final development plan may be submitted for one or more phases of the overall PUD. A tentative schedule for the completion of each phase and commencement of the next phase shall also be submitted for Planning Commission approval.

Phase I: 8 rental units (majority of construction planned for 2024)

Phase II: 6 rental units (construction likely in 2026)

Phase III: 8 rental units (construction likely in 2028)

Phase IV: 10 homeownership units (TBD)

Swinger made note of the Review Standards.

Blankenship advised that PC can make a motion regarding 1254.06.

Swinger reminded PC that no aspect of a PUD goes to the BZA, meaning that PC will be required to approve, disapprove or modify all requests for variation.

Staff requests that Planning Commission make it a condition of approval the following:

- Infrastructure projected load capacities and storm water calculations to be provided
- A recalculation of the open space requirement, which allows for a density bonus if 25% of the property is devoted to Open Space (requires engineering calculations for storm water first)
- East Herman Street improvements (five on-street parking spaces and safety lights at the crosswalk to FCC) at the expense of the developer
- All infrastructure improvements are at the expense of the developer

Swinger noted that the Public Works Director noticed on the site plan that there are two overhead utility lines to be relocated underground. The engineering and relocation costs are at the expense of the developer.

Green then asked Home, Inc. to present any relevant information regarding the project.

Krysta Pesarchick, Architect for the project, and Emily Seibel, Home, Inc. Executive Director, described the transition to a smaller-scale, re-conceptualized project.

Seibel noted market research, listening sessions, and a community forum as playing a role in the concept that has emerged.

Pesarchick commented on the project and the thinking behind the design of the smaller-scale project.

Green asked whether there would be an effort to select current Yellow Springs seniors for the housing.

Seibel stated that this would not be permissible, and that residents would be selected based on a randomized number lottery in addition to qualifying factors. She responded to a follow-up question, stating that it

would be incorrect to assume that the majority of residents would be vacating a family sized home in the Village to the extent that the project would open up the housing market in a significant way.

Regarding the two-story units, Seibel said that there are two first floor units to each one second floor unit, and the second story had been in response to community demand.

Green asked how Home, Inc. intends to provide the “permanently affordable” units into perpetuity.

Seibel responded that the organization has been in existence for 25 years, and hopes to continue well into the future.

Zaremsky asked whether Seibel can provide information on what percentage of Home, Inc. properties have been occupied by residents.

Seibel stated that while she cannot address this other than anecdotally, there seems to be a high level of occupancy from persons who were at the time of a move-in or were previously residents of the village.

Zaremsky suggested a specific bike rack be made available on the premises.

Pesarchick stated that these would be used.

Green OPENED THE PUBLIC HEARING.

Mitzie Miller opined that that 34 parking spots would not be sufficient, and stated a concern for safety regarding the retention pond.

Laura Curliss expressed concern regarding parking, stating that the number of spots is not sufficient. She took issue with the manner of calculation of open space. She added that 90 degree cutoff for lighting and no lights on the crosswalk are requested.

Patti Dallas spoke in favor of the project.

Matt Kirk noted the difficulty a project like this has in receiving funding in arguing against the parking concerns expressed by others. He commented on the need to get as many units into the space as feasible in order to reduce the cost factor, and stated that the parking issues for this development would be no different than those for other neighborhoods around town.

Chris Bongorno, Home, Inc. Board President and neighbor to the proposed project, stated that he and the staff have spent time engaging neighbors about the proposed project and commented his belief that the smaller scale is an improvement over the 54 unit proposal brought several years prior.

Bongorno stated that “similarly scaled projects show a low parking demand”. He agreed with Curliss that the flashing lights would not be ideal but that a safety alternative could be found.

Bongorno added that Home, Inc. “could not 100% commit to meeting all the infrastructure needs,” but that they are committed to working that out.

Matt Raska commented that housing security should not be taken for granted in expressing his support for the project.

Seibel addressed the parking concerns, stating that “based on what we have seen in our other rental communities” the parking should be sufficient.

Green CLOSED THE PUBLIC HEARING.

Pesarchick commented that there will be “more than the required number of ADA spaces” and reiterated that the number of parking spots should be adequate.

Pesarchick responded to the “dark skies” matter, stating that they have not completed a lighting plan, but that they are responsive to the dark skies movement and will ensure that light stays on the property.

Seibel commented on the need to be sensitive to varying forms of housing insecurity. She stated that increased density does create more supply and economy of scale.

Seibel pointed up the conditions of approval related to infrastructure costs and asked that these be moved to conditions of final, rather than preliminary, approval. She added that while Home, Inc. would be responsive to the request to pay for the sewer relining, they would need to go over the numbers with the Public Works Director prior to making a commitment. Seibel added that the sewer relining agreement had been “tied to tap fee waivers as a part of the approval for the 54-unit project.”

Green consulted with PC members as to how they wanted to proceed through the approval process.

Swinger noted the sections of the code that contain conditions for approval and her information provided on these sections.

Swinger reviewed that that the four criteria needed to meet the Modification of Minimum Requirements of Chapter 1254.03 (d) were met in numbers 1,2,3 and 4 of that section.

With regard to the density bonus being sought, Swinger reiterated that the three amenities required to achieve density bonus are met in numbers 1, 8 and, if the storm water pond is not significant in size 9. It may also be determined in the final plan review that number 6 will meet the requirements should LID elements be employed, she added.

Blankenship clarified that 1254.02 and 1254.06 were the two sections of code that need motions for approval from PC, stating that 1254.06 contains all the conditions related to PUD approval.

Green MOVED TO CONCUR WITH THE FINDINGS OF PLANNING AND ZONING ADMINISTRATION THAT FIVE OF THE THREE REQUIRED QUALIFYING CONDITIONS FOR PUD APPROVAL HAVE BEEN MET, THOSE BEING: A complementary mix of land uses or housing types; Extensive open space and recreational amenities; Connectivity of open space with new or existing adjacent greenway or trail corridors; Preservation of small town appeal, and coordinated development of multiple small parcels.

Brown SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Green MOVED TO APPROVE THE PRELIMINARY PLAN FOR PUD ON THE GROUNDS THAT IT MEETS THE STANDARDS OF CHAPTER 1254.06, SUBJECT TO THE FOLLOWING MODIFICATIONS AND CONDITIONS:

- Modification of the minimum parking requirement from 40 to 32 spaces
- Infrastructure projected load capacities and storm water calculations to be provided for final plan review
- A recalculation of the open space requirement, which allows for a density bonus if 25% of the property is devoted to Open Space (requires engineering calculations for storm water first)
- East Herman Street improvements (five on-street parking spaces and safety measures at the crosswalk to FCC) at the expense of the developer
- All infrastructure improvements are at the expense of the developer and will be determined following submission of final engineering plan
- Variation of setback requirements of eleven feet on the East Herman Street side and fourteen feet variation on the Marshall Street side
- Approval of density of 32 units on 1.8 acres

Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Stiles rejoined PC at the table and resumed her role as Chair.

Amend Chapter 1242 Annexation- change zoning density for any land annexation from R-A, Low Density Residential to R-B, Moderate Density Residential. Swinger introduced the amendment as follows:

Swinger stated that this simply changes the assigned zoning for any annexed land from R-A to R-B, which would then allow increased density without the need to rezone annexed land.

Stiles argued for R-C as the assigned zoning, stating that this would make multi-family permitted instead of conditional.

Swinger responded that conditional uses are permitted uses, and that the requirement of a meeting with the PC in which neighbors and others with concerns are heard and, if needed, conditions are attached.

Green expressed agreement with Swinger, stating that in his experience, PC has been highly responsive in both attaching needed conditions and in approving conditional uses.

Swinger noted that in her time with the Village, PC has never denied a conditional use.

Green expressed that citizens should be able to have a voice in processes.

Stiles again expressed her desire for R-C.

Blankenship carefully outlined the process for an annexation, noting that it is a Council process. Once land is annexed in, she stated, if a developer wanted to build multi-family units they would not come before PC if the land came in as R-C, but would do so if zoned in as R-B. She commented that any land might be annexed in, so that there can be unknowns in the process.

PC discussed the matter at some length, considering different scenarios.

Swinger noted that R-B does not exclude any type of housing.

Brown argued that there are unlikely to be dozens of requests for multi-family housing.

Swinger again argued for the public process, and noted that there are specific conditions that can lead to denial, and these are not capricious.

Osterholm stated that he is not inclined to eliminate public process.

Stiles OPENED THE PUBLIC HEARING

Laura Curliss pointed out that there was no motion at the previous meeting to bring the text amendment regarding annexation. She went on to argue that bringing land in at a higher density “gives away power” to negotiate with developers.

Mitzie Miller stated that she wants the ability to share input.

Matthew Kirk commented that there is a “decades long” problem that developers are put off by the process in Yellow Springs. He stated that bringing annexed land in at R-B is insufficient. “This is the place you come for your project to die.”

Alex Melamed argued against low density and argued that the streets and sidewalks brought in by a developer “are a burden on infrastructure.”

Village Manager Salmeron commented that having negotiation points with a developer is useful, but that a developer may choose to develop a low-density development.

In response to a question from Green, Salmeron stated that developers know their economy of scale, and like to work within what they know well and do well.

John Hempfling commented that the PC process is meant to prevent development.

Green objected, stating that the process is not about preventing anything, but is meant to assure that builders are following rules.

Hempfling argued that there is nothing that encourages people to build on empty lots, and that developers should not need to be encouraged to develop with greater density.

Matt Raska stated that the issue is not abstract but is about creating places for people to live.

Stiles CLOSED THE PUBLIC HEARING.

Stiles noted that R-B permits single family detached and two-family homes; only multi-family housing is conditional in R-B.

Stiles noted that R-B allows eight units per acre.

Blankenship addressed Curliss’ concern that there had been no motion made at PC to bring the text amendment.

Stiles MOVED TO BRING A TEXT AMENDMENT TO CHAPTER 1242: Annexation. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Green MOVED TO APPROVE A TEXT AMENDMENT TO CHANGE THE ZONING FOR CHAPTER 1242: ANNEXATION FROM R-A LOW DENSITY TO R-B MODERATE DENSITY RESIDENTIAL. Stiles SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Amend Chapter 1248 – Residential Districts – add two-family, single-family attached and multi-family as a conditional use in the R-A, Low Density Residential District.

Swinger introduced the hearing, stating that at the last PC meeting, it had been discussed that there are a number of platted areas in R-A, and the initial thought had been to amend the text for only non-platted R-A.

Blankenship explained that after much research, the better approach seems to be to apply the amendment to all of R-A, but to leave this as conditional so that if a request for the above conditional use comes before PC, the property owner has time to go through any process required of their HOA, and this requirement would be one of the conditions attached. This has the effect of avoiding PC interceding in a private contract.

Responding to a question from Brown, Blankenship stated that covenants and restrictions are not for the Village to amend.

Stiles OPENED THE PUBLIC HEARING.

Mitzie Miller read from a document, arguing against the amendments being permitted, that being effectively the negation of R-A zoning without input from residents.

John Hempfling presented a rebuttal to the Solicitor’s legal opinion on the matter. He argued that the Village has no obligation to uphold covenants and restrictions and argued for the amendment as permitted.

Blankenship noted that her role is in part to protect the Village from lawsuits. She added that she also sees a responsibility to the expectations of the property owners of neighboring lots who would be deprived of their opportunity to state objections. She added that she is not seeing anything on this topic in terms of current legal action, but that the proposed amendment is also a very new concept.

The best way to mitigate risk to the Village, she said, is to keep the uses conditional in an effort to protect everyone’s rights.

Blankenship noted that lack of zoning in Houston has led to the rise of powerful HOAs which have brought extensive restrictions.

Matthew Kirk argued for permitted use on the basis that “I would have to spend a lot of money to bring a conditional use”. He stated that the need to be heard “isn’t always a good thing” and we are trying to move the ball forward.

Alex Melamed argued that “we should look to our ancestry and why people like to come here.”

Laura Curliss stated that there are people who want to live in a single-family neighborhood. She asked why there cannot be a mix of zoning so that people can have the type of home they desire. She added that “density does not equal affordability: subsidy equals affordability.” She added that what the Village needs is apartments.

Matt Raska stated that the proposal in fact encourages apartments.

Stiles commented that the amendment does not stop single family or prevent multi family. It is a step in the right direction, she said.

Green commented that houses are people’s primary asset, and this is important to many.

Kirk asked what proof there is that “poor people moving next to me” will lower property values.

Stiles responded that property values in the village seem not to decrease regardless.

Brown stated that Fairborn is a “sundown town” and added that zoning does feel unwelcoming and restrictive to her and to many people.

Zaremsky stated that the zoning in Fairborn has been responsive to their role as a base community, and is set up for transience.

Stiles MOVED TO AMEND CHAPTER 1248 to add two-family, single-family attached and multi-family as a conditional use in the R-A, Low Density Residential District. Green SECONDED, and the MOTION PASSED 4-1 on a ROLL CALL VOTE, with Brown voting against.

Osterholm MOVED TO TABLE THE REMAINING TEXT AMENDMENTS. Stiles SECONDED, and the MOTION PASSED 4-1 ON A VOICE VOTE, with Zaremsky voting against.

OLD BUSINESS

There was no Old Business.

AGENDA PLANNING

Amend Chapter 1250 Business Districts – change from conditional to permitted use, dwelling units on the upper floors of buildings with nonresidential uses at street level in B-1, Central Business District and add as a permitted use dwelling units on the upper floors of building with nonresidential uses at street level in B-2, General Business District.

Amend Chapter 1252 Industrial Districts – Add a Residential section allowing as a permitted use dwelling units on the upper floors of building with nonresidential uses at street level in I-1 and I-2

Amend Chapter 1258 Schedule of District Uses – Changing the Schedule of District Uses to reflect proposed zoning district changes.

Amend Chapter 1284.02 Definitions: A-B – Add definition for Aid to Construction.

Amend Chapter 1284.09 Definitions: T-U – Add definition for Utilities Review.

ADJOURNMENT

At 8:32pm, Stiles MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Susan Stiles, 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.