

**Planning Commission  
Regular Meeting**

**In Council Chambers @ 6:00pm**

**Tuesday, September 10, 2024**

**CALL TO ORDER**

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

**ROLL CALL**

Planning Commission members present were Susan Stiles, Chair, Scott Osterholm, Council Liaison Gavin DeVore Leonard and Gary Zaremsky. Also present were Solicitor Amy Blankenship and Meg Leatherman, Zoning Administrator.

**REVIEW OF AGENDA**

There were no changes made.

**CONSENT AGENDA**

Terry Holden, on behalf of Yellow Springs Exempted School District, has submitted an application for a Minor Subdivision for property located at 420 East Enon Road, Greene County Parcel ID # [F19000100200000100](#).

Stiles MOVED and Osterholm SECONDED APPROVAL OF THE CONSENT AGENDA. The MOTION PASSED 4-0 ON A VOICE VOTE.

**REVIEW OF MINUTES**

Osterholm MOVED TO APPROVE the Minutes of the August 13, 2024 Regular Planning Commission meeting. Zaremsky SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**COMMUNICATIONS**

- Berkey/Shaw re: Opposition to Rezoning Request
- Eric Clark re: Complaints Regarding Spring Glen/Fischer Homes
- Matt Raska re: Support for Diverse Housing Stock
- Meg Leatherman re: Housing Update
- Lynn Hardman re: Comments on Rezoning Request

Stiles reviewed the letters received.

**COUNCIL AND COMMITTEE REPORTS**

**Active Transportation Committee:** No Report.

**Council:** No Report.

**Housing Updates:** PC agreed to discuss Leatherman's report at their October meeting.

**CITIZEN COMMENTS**

Chaya Lucas commented on personal matters.

## **PUBLIC HEARINGS**

**Final Plat** – DDC Management (Kirk Ridder), on behalf of Spring Meadows Project I LLC, has submitted an application for a Phase 2 Final Plat application at 402 N. Wright St. for thirty-four (34) lots on 7.5 acres – Chapter 1226.04 Subdivision Regulations, Submission of and Action on Final Plats – Medium Density Residential District (R-B), **Greene County Parcel #F19000100020001600**.

Phase 2 provides for a total of 0.53 acres of open space area on the north edge of the property. The open space area will be maintained by the Homeowner's Association. The dedicated park/playground and meandering path provided in Phase 1 and the additional 0.53 acres of open space satisfies the code required Parkland Dedication requirement.

The applicant requests a variation to the plans under Village Code Section 1226.10 to allow for a side yard setback of 5 feet minimum/total of 10 feet. Without this variation, the side overhangs would be eliminated, which would give the homes a less appealing look. In addition, the reduced setback allows for a wider variety of floor plans to fit on the lots, which will create more options for homebuyers. The Public Works Director indicated that this proposed variation should not be a concern because all electric will be underground and water/sewer will be accessed from the front of each lot. This variation was authorized for the Phase 1 Final Plat.

The design standards 1226.06 were reviewed and approved by the Village's civil engineer, Matt Hoying of Choice One Engineering. This subdivision will tie into Phase 1 and stormwater will be directed to the existing stormwater pond.

Based on the acreage and projected number of persons of Phase 2, the requirement for Park Land Dedication is 0.51 acres (34 dwelling units x 3 residents x .005). The Phase 2 final plat includes an open space lot that is 0.5259 acres in size that will be maintained by the Homeowner's Association. In addition, a playground area was incorporated into Phase 1, as well as a meandering path through the stormwater area. The required Park Land Dedication area is Lot #94.

The Village has entered into a subdivider's agreement which stipulates that all construction of public improvements must be inspected by the Village Engineer, Matt Hoying from Choice One Engineering, and installed prior to Village Council approval, or a performance bond must be submitted to the Village prior to Village Council approval of the Phase 2 Final Plat.

Leatherman then noted her recommended conditions of approval as follows:

- Variation to allow a side yard setback of 5-feet minimum/10-feet total, for eave encroachment only.
- Lot 59(sic)\* will be maintained by the Homeowner's Association.

\*This lot number was later determined to be incorrect: the correct lot number (#94) was provided to Council for their approval, and the error is hereby noted for Planning Commission.

DeVore Leonard referenced the letter of complaint received from Eric Clark and asked for a response.

Ross Renfro with Fischer Development addressed the letter, noting that such complaints are common at the inception of a development, and they are normally resolved readily. He suggested contacting the HOA management company—Omni Management—for all of the complaints. He did note that a water management company has been hired to address the detention pond.

Leatherman offered herself as a contact as well.

Zaremsky pointed out that it is lot #94 that is the open space option in Phase 2.

Stiles OPENED THE PUBLIC HEARING.

New resident Guy Glass offered a warning that “if you keep expanding, you will get different kinds of people here” who may be less kind or courteous and “you won’t be happy with how it turns out.”

Eric Clark, resident of the Spring Meadows development, made comments regarding lack of communication among entities and asked what the emergency plan would be in terms of whom to contact.

Laura Olsen commented that the homes are not affordable in that many items are “add-ons” and can’t be afforded by first time homeowners.

Stiles CLOSED THE PUBLIC HEARING.

Osterholm MOVED TO RECOMMEND APPROVAL TO COUNCIL WITH THE RECOMMENDED CONDITIONS. Zaremsky SECONDED. Stiles NOTED THE RECOMMENDED CONDITIONS OF APPROVAL AS FOLLOWS:

- Variation to allow a side yard setback of 5-feet minimum/10-feet total, for eave encroachment only.
- Lot 59(sic)\* will be maintained by the Homeowner’s Association.

The Clerk CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Conditional Use Application** – Ruetschle Architects, on behalf of the Yellow Springs Exempted Village School District, has submitted a Conditional Use/Site Plan application for renovation and expansion of the Middle/High School at 420 East Enon Road. Chapter 1248 Residential Districts, Chapter 1262.08(c)(1) Conditional Use Specific Requirements, Chapter 1268 Site Plan Review – Low Density Residential District (R-A), Green County Parcel #F19000100200000100.

After citing all provided notifications, Leatherman introduced the hearing as follows:

The property is located in the R-A Zone and Gateway Overlay District, which requires approval of a Conditional use for “Public/Quasi-Public, Schools (elementary, middle and high)”. The school has been located on the property since 1963 and is considered a Non-conforming Use (VC 1282). Section 1282.03 reads “A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of adopting or amendment of this zoning code.” (Ord. 2013-19. Passed 9-16-13).

Leatherman noted that “schools, churches and other structures are exempt from height restrictions per Village code.” This means that the height of the proposed gym will not require a condition of approval.

A landscape plan has been submitted as part of the Site Plan application. One of the review standards requires that the natural landscape be preserved as much as possible. All of the trees that could be preserved have been, and those being removed must be removed in order to expand the building. A survey of existing trees was conducted for the project area.

Pedestrian circulation is an integral component. The present site plan does not indicate improvement of the East Enon sidewalk, however, the school has indicated that they plan to improve the portion of the sidewalk

that extends from the southern boundary of the ESC building to the school's southern border. Since it is not reflected in the application material a condition of approval is suggested.

Modifications to vehicular and bicycle parking requirements are included as part of the review. The proposal shows two separate parking areas comprising a total of 164 vehicular parking spaces. Expansion of the existing northern parking lot will hold 143 spaces. A new parking area is proposed along the one-way driveway, near the building's main entrance, with 27 parking spaces.

Currently, a total of 162 parking spaces are provided. The number of required spaces is based on the number of teachers/employees, number of students, and gymnasium seating (VC 1264.02). The code requires a total of 288 vehicular parking spaces with the new expansion.

As part of this conditional use application the applicant requests a reduction in the required vehicular parking spaces. Per Code Section 1264.02(d) "The Planning Commission may reduce the parking space requirements based upon a finding that other forms of travel are available and likely to be used and in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections." Section 1264.04(d) requires satisfaction of one of four requirements, one being that "on-street parking spaces are located adjacent to the property". Since there is available on-street parking, the school plans to improve the sidewalk along East Enon Road, and 26 bicycle racks are incorporated into the plan. Staff supports this request for a reduction in the number of vehicular parking spaces since these standards are met. Leatherman noted that a significant factor in the parking requirement is the auditorium and stadium, and that parking requirements assume frequent full capacity of these structures, which would not be the case.

Leatherman stated that the proposal includes 26 bicycle parking racks. One bicycle rack can hold two bikes, which would accommodate 54 bicycles. The code authorizes the Planning Commission to waive the bicycle parking requirement. Staff supports installation of 26 bicycle racks for the same reasons mentioned for vehicular parking.

Leatherman noted that she has included the provision of screening to the east end of the outdoor recreation area as a condition, but asked for applicant response to the recommendation.

Leatherman then read through the conditions of approval as follows:

1. Prior to issuance of Certificate of Occupancy, improve the sidewalk along E. Enon Rd., to a minimum width of 5 ft, from south of the Greene County ESC property to the southern boundary of the school Property.
2. Prior to Building Permit approval, obtain final approval from Village Engineer (Choice One).
3. Provide 164 vehicular parking spaces.
4. Provide 26 bicycle parking racks.
5. Provide landscape screening to the east of the outdoor playfield.

Zaremsky asked what would happen if more parking was needed in the future, and asked whether bike parking near the proposed stadium would be considered as proposed early on in the process.

Terry Holden, YS Schools Superintendent, noted that the proposed renovations constitute a 42 million dollar improvement to the facility, and asked that PC approve the conditional use request.

Holden addressed the question of bike parking near the stadium, stating that that would be considered outside of the CU process. She stated that additional parking would not be contemplated, and that in fact as part of the LEAD application process, parking was required to be reduced.

Mike Reutschle offered to address questions. There were no questions.

Stiles OPENED THE PUBLIC HEARING.

Jackie Hempfling commented that they did not see any need for screening added along East Enon and that 26 bike parking racks would be more than sufficient. They also urged PC to agree to the lowered parking capacity.

Stiles CLOSED THE PUBLIC HEARING.

DeVore Leonard asked for comment regarding the condition related to screening.

Holden responded that if screening is required, it would be provided, but that the play area is designed for students to use during lunch times.

DeVore Leonard commented that he did not see the need for the screening requirement.

Stiles affirmed that PC members agree that condition 5, “provide landscape screening to the east of the outdoor playfield” be removed as a condition.

DeVore Leonard MOVED TO APPROVE THE CONDITIONAL USE WITH THE FOLLOWING CONDITIONS:

1. Prior to issuance of Certificate of Occupancy, improve the sidewalk along East Enon Road to a minimum width of 5 feet, from south of the Greene County ESC property to the southern boundary of the school property.
2. Prior to Building Permit approval, obtain final approval from Village Engineer (Choice One).
3. Provide 164 vehicular parking spaces.
4. Provide 26 bicycle parking racks.

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

**Zoning Map Amendment (Rezone)**– Yellow Springs Exempted School District has submitted a Zoning Map Amendment application to amend the Village of Yellow Springs Official Zoning District map to rezone 3.612 acres of property at 420 E. Enon Road from Low Density Residential (R-A) to High Density Residential (R-C). Chapter 1280 Amendments, Chapter 1248 Residential Districts, Greene County Parcel #F19000100200000100.

After providing information regarding noticing for the hearing, Leatherman introduced the hearing as follows:

Yellow Springs Exempted Village School District, property owner, submitted a zoning map amendment application (Exhibit A) to rezone 3.612 acres of property from the Low-Density Residential (R-A) to High-Density Residential (R-C). The property is also located in the Gateway Overlay District. The School Board has adopted a resolution authorizing the Superintendent, Treasurer and President to submit this application on behalf of the district.

Currently a development plan (concept plan, site plan) does not exist for the property. The rezone request is being sought to prepare the property for future residential applications, specifically, affordable housing satisfying the eligibility requirements for an Ohio Low Income Housing Tax Credit project. Should the Planning Commission/Village Council approve this rezone subsequent zoning applications are required to be submitted.

The intent of the rezone is to prepare the property for the Village to engage a developer to pursue a state tax credit to help fund multi-family housing for low-income residents.

Leatherman noted that the rezoning is in line with the Comprehensive Land Use Plan.

Judith Hempfling, School Board President, stated that the Board had been approached by Home, Inc. several months ago regarding use of the land for a housing project. She commented that a resolution will be coming to the Board this week affirming the Board's commitment to replacement of the recreational soccer fields if the land is in fact sold.

Terri Graves Streiter, Superintendent of Greene County Educational Service Center, stated that the ESC employs 200 persons, making it one of the top five employers in the village. She stated that the ESC had only recently been made aware that the 3.6 acres was being considered for sale.

Graves Streiter commented that the ESC is interested in purchasing that land for potential expansion of their facility. She stressed that the ESC is not interested in high-density housing in such proximity to the ESC for reasons of safety.

Bob Curley, former youth soccer commissioner, stated that the Youth Soccer Commission had gifted \$130,000 to improve the youth soccer fields in years past. He stated that replacement soccer fields are a viable option, but that the offer needs to be more concrete if it is to convince the organization which has invested in those fields.

Debbie Downey commented that the soccer fields are a community gathering place as well as a recreational resource in speaking against the rezoning.

Jeff Campbell asked that PC not recommend rezoning until "the loan is approved" and there is a firm plan for the property.

Jackie Hempfling commented that the rezoning is needed to send a signal to any potential CHDO that the Village supports affordable housing. The argument that that parcel is one that would score high for funding was made.

Sam Senzick stated that she moved to the village to attend Antioch and saw the village as hostile to working class people. The proposed project would make the village more accessible to working class people, she stated.

Breanne Valor spoke in favor of the project, stating that she is a recipient of affordable housing, which is the only way she can afford to live in the village.

Matt Raska urged PC to support the rezoning.

Dino Pallotta encouraged PC to find out more about the ESC and their needs. He asked that PC not proceed with the rezone until more information is available regarding cost, needs of the ESC, and whether a future rezone to PUD might be needed.

April Welford, resident, spoke in favor of the rezone, citing need for the LIHTC project.

Molly Finch, local business owner, spoke in favor of the project as needed for service-industry employees.

Stiles CLOSED THE PUBLIC HEARING.

Stiles MOVED TO RECOMMEND TO COUNCIL THAT APPROVAL BE GIVEN FOR THE REZONING. Zaremsky SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

#### **OLD BUSINESS**

There was no Old Business.

#### **NEW BUSINESS**

There was no New Business.

#### **AGENDA PLANNING**

Minor subdivision and two conditional uses.

Osterholm asked that food trucks be discussed when time permits.

Leatherman noted that PC will need to hold a work session for the Windsor Group project in the next several weeks.

#### **ADJOURNMENT**

At 7:26pm, Stiles MOVED and Osterholm SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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Susan Stiles, 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.*