

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, November 12, 2018

CALL TO ORDER

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

ROLL CALL

Planning Commission members present were Frank Doden, Chair, Council Representative Marianne MacQueen, Alternate AJ Williams and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, Public Works Director Johnnie Burns and Solicitor Chris Conard. Susan Stiles was absent due to having recused herself from the public hearing for potential conflict of interest.

REVIEW OF AGENDA

Doden reviewed the agenda. There were no changes made.

REVIEW OF MINUTES

Minutes of October 8, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 4-0 on a voice vote.

Minutes of October 18, 2018. Donnell MOVED and MacQueen SECONDED a MOTION TO APPROVE the Minutes as written. The MOTION PASSED 4-0 on a voice vote.

COMMUNICATIONS

Conard reviewed the PUD process for all present, noting the complexity of the process.

Conard swore in all members of the audience who intended to speak.

Conard disclosed an ex parte meeting between Home, Inc and Doden and Pelzl, in which the idea for the PUD was discussed with them.

Doden noted letters from Linda Chernick and Steven Conn opposing aspects of the PUD proposal.

COUNCIL REPORT

MacQueen talked about Home, Inc. requests for funds and where that discussion stands currently with regard to the ongoing budget discussion. She noted that Council had approved its housing goals, and read those goals. MacQueen reviewed the information gathering process used in development of the goals.

The Clerk noted that Council had passed all seven of the text amendments recommended to them by Planning Commission.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS:

Site Plan for Home, Inc. PUD/Senior Housing. Swinger introduced the application, noting PUD purpose, and noting that she had applied RC zoning as the underlying default zoning, as permitted by the zoning code. Swinger read through the PUD requirements as noted here:

PUD Requirements

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 80,750 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. This **meets** the zoning code requirement.

Density – The building **exceeds** the maximum density requirements of 28 dwelling units for 1.853 acres. Home, Inc. is requesting a deviation to the maximum density with an additional 26 dwelling units for a total of 54 dwelling units, a 93% increase over the zoning code's maximum density allowed.

Maximum Building Height (Ft/Stories) - The building **exceeds** the maximum height of 35 feet with a proposed height of 55 feet. Home, Inc. is requesting a deviation of 20 feet, a 58% increase over the zoning code's maximum height allowance.

Minimum Yard Setbacks (Ft.) - With the ten lots combined, the building as shown in the Exhibit B1 site plan – page A-001, **meets** the front yard setback requirements with a setback of 30 feet on the E. Marshall Street side and 37 feet on the E. Herman Street side. A covered porch on E. Herman was not measured in the site plan. Staff estimated an additional 8 feet and adjusted the 45 foot measurement to 37 feet.

The side yard setback measures 57 feet on the west and 42 feet on the east. This **meets** the zoning code requirement.

There is **no rear yard setback** as the ten lots combined have frontage on two parallel streets and is considered a through lot with two front lot lines per the zoning code.

Maximum Lot Coverage (%) - The lot coverage maximum of 50 percent of the total property square footage of 80,750 equals 40,375 sq. ft. With a building footprint of 18,901 sq. ft., the structure **meets** the maximum lot coverage percentage.

The building also **exceeds** the maximum height of three stories with a proposed four-story structure.

The property will have ingress/egress on both the north and south sides enabling residents to access the parking lot area from either direction. This vehicular traffic will then park on the western side of the property, leaving the eastern side free of vehicles. Swinger noted that the parking requirement in the Zoning Code for 54 units of senior apartments is 1.25 spaces per unit for a total of 68 parking spaces. Home, Inc. plans for 54 spaces, 14 spaces **less than the requirement**. Staff's count of the parking spaces shows 53 stalls.

Three ADA parking stalls next to the main entrance are shown. This requirement is typical for any parking lot, but Swinger questioned whether this will be enough for a senior apartment building.

Swinger commented that with an age range starting at age 55, many residents would still be driving, particularly given the building's distance from the downtown area.

Swinger noted that she had been **unable to evaluate** the impact of the proposal upon E. Marshall or E. Herman streets without a traffic study. Given existing vehicular traffic from the Friends Care Center on E. Herman Street, in addition to the existing residential traffic and the proposed location of the new fire station's driveway, the addition of a 54-unit apartment building could require a widening of the street to allow for a turn lane or some other traffic safety or mitigation design, she stated.

Regarding connectivity, Swinger stated Home, Inc.'s site plan shows a bicycle/walking path connecting to new sidewalks along both E. Herman Street and E. Marshall. The plan shows the new sidewalk on E. Herman Street connecting via a cross-walk (on a public street) to the existing sidewalk at Friends Care Center on the south side of E. Herman Street. This existing sidewalk in front of Friends Care Center connects to extensive walkways within the Friends Care Center's complex. This **meets** the zoning code requirement.

Modification of Minimum Requirements. Swinger went on to address the modification of minimum requirements, as follows, calling out the modifications for which Home, Inc. has applied and evaluating whether the requirement in question was met. Swinger noted that four of the criteria have to be met to qualify as a PUD:

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: ***Highlighted in bold are the criteria Home, Inc. are applying to their application.***

- (1) Preserve the best natural features of the site;
This criterion **does not apply** as there are not any "best natural features" on the site. 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 front part of the property formerly owned by Wright State University was purchased by the Miami Township trustees and will be home to their new fire station.
- (2) **Create, improve or maintain open space for the residents, employees and visitors beyond the minimum required by subsection (f) of this section;**

This criterion 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 landscaped areas on the north and south sides of the building, a pedestrian walkway and bicycle path, a pollinator path, and an area for resident gardens on the east side of the building. The open space area exceeds the minimum requirement of 15 percent with 34 percent open space.

- (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;**

This criterion has been **met** as Home, Inc. has indicated that 100 percent of the 54 units will be “permanently” affordable senior dwellings.

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

This criterion **has not been met** as this site will not provide a mix of residential types as there will be only one multi-family residential building with 54 residences for seniors.

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

Staff **cannot evaluate** whether this criterion 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.

Home, Inc. has indicated that they intend to have a “respectful environmental site impact through the use of open space, plantings and active storm water management design.” The site plan indicates a proposed storm water detention area at the southeast corner of the property, an area for resident gardens, three landscaped areas, and a pollinator path along the pedestrian sidewalk.

Staff requested additional information regarding the storm water detention basin and if it will serve as a water feature. The architect wrote, “The detention area will not be a permanent water feature (pond) that is wet at all times. It will function to collect the precipitation that hits the site including the paved areas, the building roofs, and some on the water that hits the grass (most will be absorbed during a normal rainfall). That water will be detained in the detention area for a short period of time and released slowly into the storm system. This will result in short periods of time (hours, or a day or two) when the detention will hold water. The amount of water and the length of time it is detained will of course be dependent on the intensity and duration of the rain/snow event. The detention area will be planted with plants chosen to be attractive and also for their ability to survive and thrive in the type of environment.”

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

Staff **cannot evaluate** whether this criterion is met. Home, Inc. has indicated the development will employ practices that lead to a reduction of energy consumption. In their document statement regarding energy efficiency they indicate specific design strategies to improve the energy efficiency of the building, which include: selecting high performing, properly-sized HVAC equipment for each unit; providing individualized HVAC controls in each unit; sealing cracks and entry/exit points for air; and using enhanced insulation materials, R-values and installation techniques.

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

This criterion **has not been met**.

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

This criterion **has not been met**.

(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: ***Highlighted in bold are the criteria Home, Inc. is applying to their application.***

- (1) **More than 20% of the total units within the PUD will be committed as "permanently" affordable units;**

This criterion has been met as Home, Inc. has indicated that all of the 54 units will be “permanently” affordable senior dwellings.

- (2) **Cool roof technology will be employed on all buildings within the PUD;**

Staff cannot evaluate whether this criterion is met as Home, Inc. indicated they will use roof coverings with a low “SRI,” but they did not indicate the SRI level they want to achieve, nor did they indicate the type of roofing material.

The Solar Reflectance Index (SRI) is a measure of the constructed surface's ability to reflect solar heat.

(3) Fresh food market will be incorporated into the PUD;

This criterion has not been met.

(4) Buildings will be designed and constructed to accommodate green roof gardens;

This criterion has not been met.

(5) One or more of the buildings within the PUD will be LEED certified building(s);

*Swinger stated that staff cannot evaluate whether this criterion has been met. As indicated, this building will not be LEED certified. However, Home, Inc. intends to submit the building and site for green construction compliance certification by a third-party green building program Enterprise Green Communities (**Exhibit E**), in lieu of LEED certification which they indicate is similar to or preferred. Staff requested information on LEED certification from Planning Commissioner member Ted Donnell, an architect, who wrote, "The LEED criteria was really the only choice for green sustainable and measurable criteria when the new code was written. The new green standards for residential multi-family development are really better than LEED in my opinion. I see no reason to not accept the green enterprise standard."*

(6) Low-impact development (LID) design principles will be employed to minimize storm water runoff;

Staff cannot evaluate whether this criterion has been met. Home, Inc. indicated, "the project is designed to detain and control storm water on impervious areas that will reduce the impact of storm water on the existing public system."

The site plan shows catch basin locations on both the north and south sides of the property that will flow into the storm water detention basin.

The zoning code's Site Plan Review Standards 1268.06 (2) states, "Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system. Low-impact design solutions, however, such as rain gardens and green roofs, are encouraged."

(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;

This criterion has not been met.

(8) Additional accommodation beyond the required pathways will be made for bicycles and pedestrians; and/or

This criterion has been met because of the addition of the pedestrian walkway and bicycle path on the east side of the building. There will also be a location for the storage of bicycles.

(9) A minimum of 25% open space will be dedicated within the development.

This criterion 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."

The architect calculated a building footprint of 18,901 including porches, a parking area of 16,422 (paved areas including drive lane), a storm water detention basin measuring 5,500 sq. ft., and required yards of 12,835 sq. ft. (front and side yards underlying R-C) = a total area of 53,657 sq. ft. This equates to an open space area of 27,093 sq. ft. or 34%, which meets the 15 percent open space requirement of the PUD, and the 25 percent open space requirement for modification of the minimum requirements of the PUD.

(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.

1254.02 QUALIFYING CONDITIONS

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

(a) **Recognizable Benefit.** A PUD shall achieve recognizable and substantial benefits that would not be possible under the existing zoning classification(s). At least three of the following benefits shall be accrued to the community as a result of the proposed PUD: **Highlighted in bold are the criteria Home, Inc. is applying to their application.**

(1) Preservation of significant natural features;

This project does not meet the criterion of (1) as there are no significant natural features to preserve at this site.

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

This project does not meet the criterion of (2) as there is not a complimentary mix of land uses or housing types in this development. It is classified as a multiple-family building.

(3) Extensive open space and recreational amenities;

This project does meet the criterion of (3) for extensive open space as the property measures 1.853 acres (80,750 sq. ft.) The architect calculated a building footprint of 18,901 including porches, a parking area of 16,422 (paved areas including drive lane), a storm water detention basin measuring 5,500 sq. ft., and required yards of 12,835 sq. ft., front and side yards underlying R-C equals a total area of 53,657 sq. ft. This equates to an open space area of 27,093 sq. ft. or 34%, which meets the 15 percent requirement of the PUD, and the 25 percent requirement for consideration of a density bonus.

This project does meet the criteria of (3) recreational activities as there are plans for a pedestrian walking circuit, on-site resident gardens and a fitness center.

(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.

Based upon the current information received from the applicant, this project does not meet the criterion of (4) as the PUD's open space does not connect to adjacent greenway or trail corridors. Home, Inc.'s site plan shows a bicycle/walking path connecting to new sidewalks along both E. Herman Street and E. Marshall. The plan shows the new sidewalk on E. Herman Street connecting via a cross-walk (on a public street) to the existing sidewalk at Friends Care Center on the south side of E. Herman Street. This existing sidewalk in front of Friends Care Center connects to extensive walkways within the Friends Care Center's complex. At best, this connectivity will be semi-public as the Friends Care Center walkways are not on public property.

(5) Preservation of small town appeal;

This project does not meet the criteria of (5). As currently proposed, this building will be the tallest non-exempt structure in the village, and will be located in a residential district. Height limits within the code do not apply to churches, schools, hospitals and public buildings.

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

Staff cannot determine if the qualifying conditions can be met without a traffic study.

(7) Coordinated development of multiple small parcels;

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

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

This project does not meet the criteria of (8) as there is no blight or contamination of the site. There was a family health clinic on the site which was demolished a decade ago. Concrete remaining from the former parking lot will be removed for the development of this property.

(b) Size. Each PUD shall contain a minimum of five acres; provided sites containing less than five acres may be considered for rezoning to PUD, if the Village Council determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the Village Council shall determine that:

- (1) Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent Village lands;
- (2) The proposed uses will complement the character of the surrounding area;
- (3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
- (4) The PUD is not being used as a means to circumvent conventional zoning requirements.

Council allowed Planning Commission to consider a preliminary site plan on this property. Staff has concerns with density, height, parking and traffic issues based on the size of the proposed development in relation to the size of the lot.

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

The Public Works Director provided the capacity for water/sewer/electric at this site based on the capacity requirements provided by the architect.

Although the site plan shows a gas line off of E. Marshall Street, St. Mary Development Corporation representatives explained at the work session that the building will use electric as it is a safer option for residents.

The Public Works Director does have concerns that this may increase the aid to construction for the electric transformer; but staff can only provide estimates based on the calculations provided by the developer.

The water line on the site plan is shown at East Marshall Street. The Public Works Director did let the architect know that the water must go to E. Herman Street and tap into the village's 10" water main.

(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.

The preliminary development plan application was submitted by the property owner 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. A PUD agreement with the Village of Yellow Springs will also be required, in recordable form, setting 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.

The 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 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." and, "Redevelopment and infill locations are favored over development of greenfield locations."

The proposed use as senior apartments is consistent with the recent housing needs assessment done 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.

(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.

A proposed bicycle and pedestrian walking path and a bicycle parking area are indicated. New sidewalks on E. Herman and E. Marshall are shown in the design. A crosswalk is proposed on E. Herman Street to tie to a sidewalk in front of Friends Care Center.

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

As proposed, this building will be the tallest non-exempt structure in the village. At the October 18th work session, the Planning Commission requested additional drawings of the building from street view, including the proposed fire station on the west property line and the two houses on the east property line, adding people and cars for a visual scale. Planning Commission also requested a scale of the building at street view comparing it to Antioch College's North Hall, Antioch University Midwest and Mills Park Hotel, and lastly, an overhead view of shadowing at certain times of the day for the proposed building and the two houses east of the building, at 135 E. Herman Street and 114 E. Marshall Street.

(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.

Staff cannot evaluate the impact on E. Marshall or E. Herman without a traffic study. With the existing vehicular traffic from the Friends Care Center on E. Herman Street, in addition to the existing residential traffic and the proposed location of the new fire station's driveway, the addition of a 54-unit apartment building could require a widening of the street to allow for a turn lane or some other traffic safety or mitigation design.

The property will have ingress/egress on both the north and south sides enabling residents to access the parking lot area from either direction. This vehicular traffic will then park on the western side of the property, leaving the eastern side free of vehicles.

Three ADA parking stalls next to the main entrance are shown. This requirement is typical for any parking lot, but staff questions whether this will be enough for a senior apartment building.

A crosswalk is proposed (on a public street) connecting a new sidewalk on the north side of E. Herman Street to the existing sidewalk on the south side.

Parking lot landscaping is referenced in 1254.03 of this report.

A storm water catch basin in the parking lot will flow to the south and then east to the storm water detention basin.

The zoning code requires 1.25 spaces for senior apartments or senior independent living. With 54 units, the zoning code requires 68 parking spaces for this project. Home, Inc. is requesting 54 parking spaces, 20% fewer than the minimum requirement.

- (i) Eligible Districts. Land within any zoning district may qualify for PUD zoning.
The land is located in the R-B, Moderate Density Residential District which allows multi-family dwellings as a conditional use. Using PUD zoning, the criteria for multi-family dwellings follows the R-C, High-Density Residential zoning requirements.

Swinger concluded her report and asked for PC input regarding the process from that point.

Donnell stated his belief that PC members need to go through the Qualifying Statements and to make a determination as to whether the applicant meets each standard.

Donnell cautioned that PC's role is to make that determination, not to weigh in on the project or the applicant's worth. PC is not given the role of entering into political decisions, he said—that is Council's role.

Conard clarified that PC is permitted to permit deviations from the zoning code requirements when granting a PUD.

Donnell asked that the applicant give an overview of their application.

Doden OPENED THE PUBLIC HEARING.

Emily Seibel, Executive Director, Home, Inc. introduced staff members and St. Mary Development personnel as well as the architect and project director.

Seibel outlined the process leading to the PUD presentation.

With regard to specifics contained in the PUD request, Seibel stated that "there are some reasons that the project is 54 units," and stated that, "we have to balance scoring competitively while not exceeding the maximum award amount available through the highly competitive non-urban pool of low income housing tax credits through the Ohio Housing Finance Agency."

"We have to have a perfect score going in and then meet the tie-breakers." The second reason it is 54 units is, Seibel stated, "we want to go big." She stated that this would be the only opportunity, if they receive the financing, to attain funding for this type of project.

Seibel stated that they had initially met the parking criterion but had revised their parking plan based upon input provided by Planning Commission members at the Work Session.

Swinger corrected this, stating that Home, Inc. had never met the minimum requirement of 68 spaces, that Home, Inc. had initially presented a plan for 54 parking spaces and had then reduced this number based upon the input.

Seibel stated her understanding that they had only failed to meet the Qualifying Conditions, and read a statement from Friends Care asserting that the walking path is "open to the public". She asked that this condition be approved.

Wes Young, Vice President for Development, St. Mary Development. Young compared the proposed PUD to an existing facility for Veterans in Dayton. He acknowledged that there is extensive public transportation available in Dayton and compared that directly to the services of Greene CATS.

Young stated that "we have more space for parking and can meet the requirement."

Young stated that they could "take a look at" a traffic study.

Doden asked for the total number of parking spaces the developer could provide.

Young stated, "We could provide the 54."

MacQueen received clarification that the applicant is still asking for a deviation on parking.

Doden received confirmation that St. Mary's has never provided a traffic study for any of their facilities.

Seibel spoke to the height, stating that there has been a sign off on fire safety with the four story plan. She argued that neighbors had expressed a preference for more height if they had more green space thereby.

Rob Humason of ATA Beilharz Architects spoke to the Green Communities certification, stating that it is more appropriate to a multi-family building than is LEEDS. It is a more stringent certification, he noted, and described some of the standards involved.

Regarding storm water, Humason described the process as one of detainment and slow release. He noted that the process would work “better than what is now there.”

Regarding “cool roof technology”, Humason stated that it has a specific SRI which is considered a “cool roof.”

Regarding “low impact”, Humason stated that building waste will be recycled to a large extent, and that recycled materials will be prioritized.

Citizens spoke regarding the proposal in the following order:

Antonia Dosik: In favor of the project. Referenced the proximity to Friends Care as a positive. Referenced trust in Home, Inc as the builder.

Suzanne Patterson: In favor of the project, stated that she would like to live in a facility like this one.

Karen Wolford: Commented that ADA spaces are not needed in any large number in her opinion. Offered transportation services. Stated social options and proximity for seniors as a positive.

Kineta Sanford: Read letter from her parents stating their desire to reside in the Village as older residents.

Chris Bongorno: Home, Inc. Board of Directors, President and adjacent homeowner. Expressed confidence in the partnership of Home, Inc and SMDC and in the design presented.

Cindy Coffman: Spoke in favor of the project.

Joan Horn: Spoke in favor of the project as addressing a need for affordable housing.

Mark Crockett: Miami Township Trustee, spoke in favor of the project.

Katheryn Hitchcock: Spoke in favor of the project. Stated that if she or others like her were to opt for this type of housing, it would make a single family home in the Village available.

Dorothy Smith: Agreed with Hitchcock.

Catherine Roma: Spoke in favor of the project.

Lauren Miller: Spoke against the project. Stated a concern for fire safety because of the four stories. Stated that the community rating for fire response might be reduced for this reason, which could increase insurance rates for all in the Village. Stated a potential for increased cost or for mutual aid in the event of an emergency. Stated that there is far too little available parking and stated concern that it will increase on-street parking and area traffic. Stated her calculation that the development might house up to 231 persons and opined that this is too large a number for the acreage and the neighborhood.

Laura Curliss: Spoke against the project. Stated HUD funding as an issue, since this is driving the density. Expressed her agreement with Miller. Stated her objection to the statement made that there were no natural features to protect, arguing that the sky, sun and light are natural features which will be affected by the height of the project.

Joan Ackerman: Spoke against the project. Stated that the project “goes against the vision for this community.” Expressed that the project feels like ghettoization to her and that Village seniors deserve better. Asked that Home, Inc. seek out a better more responsive option. Made note of the size of the proposed structure as out of proportion to the neighborhood.

Sharon Mohler: Spoke in favor of the project. Stated that she would like to live in a structure like that proposed.

Andree Bogнар: Spoke in favor of the project. Asked that approval be given.

Linda Rudawski: Noted that she is familiar with HUD funded projects and is also a neighbor to the proposed project. Spoke of the value of living near seniors. Expressed that the safety issues should be addressed. Expressed that affordability is important in general and to her in particular. Rudawski noted that runoff is a major

concern in the area and asked that this be addressed. Asked that parking for golf carts be created. Noted the likelihood of home health and other regular visitors in the need for adequate parking. Stated that traffic will likely divert to Livermore Street and asked that this be studied, stated that the intersection of Herman and Xenia Avenue is currently difficult and likely to worsen. Encouraged integration of residents into the neighborhood.

Richard Lapedes: Spoke in favor of the project. Commented that forebears were unafraid to build out-sized structures with “pride, not fear”, and encouraged action rather than fear with regard to the project.

Amy Magnus: Spoke in favor of the project. Commented that rental properties will assist the dynamics in the Village.

Following a break, Doden read the PUD standards and then asked for a report from Public Works Director Johnnie Burns.

Burns stated that the traffic could be problematic, since it is a difficult corner—Herman Street at Xenia Avenue—presently. He noted that a traffic study would be useful.

Burns expressed that he had given an electric cost estimate based upon the “number they gave me”, which he stated is likely to be inadequate to serve the property. This will increase the aid to construction, he said.

Water will be a cost to the developer, and they will have to have “some kind of pumping ability” but noted that the Village has adequate water service to that location. He did note that the site plan show the water coming off of Marshall, and it will in fact come off of Herman.

The sewer line would need to be relined for the project, Burns stated, noting that Seibel had stated at an earlier Council meeting that Home, Inc. “might be able to share that cost.”

In response to inquiry from Doden, Burns stated that the relining is not on the Village’s short list, and would have to be moved up if the PUD is approved.

Burns stated that his greatest concern is the lack of storm sewer capacity. There is a lot of flooding in that area during large rainfalls. Whatever they produce, Burns said, it cannot become their neighbor’s problem.

MacQueen asked whether it is true that the stormwater mitigation will improve the situation as a whole.

Burns expressed skepticism, based on the fact that the area is not covered with impervious surface presently.

Burns affirmed that the proposed fire station will add to the issue.

Donnell noted that Xenia Avenue is a state highway, and would likely be involved in a traffic study.

Conard asked who would bear the cost for lights or road improvement.

Burns stated that “it is not in my budget,” and opined that the cost would go to the developer.

Doden moved PC through the Qualifying Conditions as follows:

(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;

PC agreed that this is not met.

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

There was agreement that this criterion does not apply, since the mix of uses or types are to be within the PUD.

- (3) Extensive open space and recreational amenities;

All agreed that this criterion is met.

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

PC agreed as a body that this criterion is met.

- (5) Preservation of small town appeal;

Donnell stated that the Visioning process the Village had engaged in several years ago, and that this process was key in developing the new zoning code. He stated that integration of seniors into neighborhoods, keeping them connected on a larger scale and “not in a large scale warehouse, institutional concept.” He stated that the density is antithetical to small town appeal.

PC agreed 3-1 that this criterion is not met, with Doden voting that the criterion was met.

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

PC agreed as a body that this criterion is not met.

- (7) Coordinated development of multiple small parcels;

PC agreed as a body that this criterion is met.

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

Doden stated that based upon the definition of “blighted”, the site is not eligible to receive this determination.

MacQueen disagreed, stating “it looks more blighted than the Vernay site.”

Conard referenced the legal definition as stated in the Ohio Revised Code of “blighted or contaminated”, and stated that the site does not comply with that definition. He further clarified that the Village code is silent on this definition, and the default is then the ORC.

PC agreed as a body that the criterion is not met.

(b) Size. Each PUD shall contain a minimum of five acres; provided sites containing less than five acres may be considered for rezoning to PUD, if the Village Council determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the Village Council shall determine that:

- (1) Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent Village lands;
- (2) The proposed uses will complement the character of the surrounding area;
- (3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area;
- (4) The PUD is not being used as a means to circumvent conventional zoning requirements.

PC discussed this matter, noting that Council had approved the project to move forward despite less than five acres.

Donnell commented that in his professional experience, he always tries to weigh his client’s needs against the zoning code to make a determination as to how far outside the parameters of the code the project will fall, and whether the client’s needs can be met without adverse effect to the community. Donnell stated that the height, density and massing of the structure here consists of a precedent that is detrimental to the zoning code. Donnell then concluded based on the aforementioned that he does consider the PUD an attempt to circumvent conventional zoning requirements.

MacQueen disagreed, noting that aside from the need for a traffic study she sees no potential detriment to adjacent lands. She characterized the location as an exceptional use for the land, given proximity to Friends Care and the future fire station.

MacQueen and Donnell exchanged differing views regarding the interpretation of (b) (3).

Donnell argued that a more conforming project could be put on the property that is senior housing and would fulfil the goals of the project.

MacQueen stated that this could not be done.

The Clerk noted that the proof that this can in fact be accomplished is the purpose of the parallel site plan.

Williams commented his understanding that a more conforming project could not be done if the applicant was to obtain the funding.

Seibel stated that a smaller project would only be eligible for funding “that goes up to a certain amount”. The cost of this land would not support a smaller project,” Seibel stated.

Wes Young responded to a question from Williams, stating that “since this is no longer a public meeting, I will explain further.” He continued, stating that the minimum number of units required for funding under the Ohio Housing Finance Agency (OFHA) is 45. “The public housing policy of the agency,” Young stated “wants as many units as you can build and keep the cost down.” Young stated that the need exists in the community.

Young stated his concern that the application will not be competitive with under 55 units. He stated that they were attempting to balance the maximum use of the land against the need and the competitiveness.

Young commented that “the cost of this land far exceeds what we typically see.”

Williams received confirmation that the applicants would have to receive funding before moving forward.

Donnell expressed understanding of the dilemma. He stated that his job as a PC member is to view the project from the perspective of the zoning code, and establish what deviations must be considered. In those considerations, funding sources do not count, Donnell stated. PC has to be able to justify the deviations based upon the zoning code, and will have no bearing on Council’s decision, since Council appropriately considers such things as funding and can make their determination based on more subjective guidelines. “We are trying to give a recommendation on how this deviates from our zoning code.”

Seibel stated her understanding that PUD is meant as a “one-time special projects achieving a special purpose that won’t be replicated.” She expressed that onus is on the developer to show how the project meets or exceeds community benefit to balance out approval of minimal modifications.

Seibel argued that one of the incentives in the zoning code is for provision of affordable housing, which this project does.

Donnell responded that the conversation has always been around provision of mixed income housing, and argued that because the PUD is proposed a solely low income it does not, therefore, necessarily fulfill the vision provided in the Comprehensive Plan or the zoning code.

Donnell argued that PC needs to assure that that particular demographic is not glutted with other developers down the road.

MacQueen stated that “it is a long shot that they will get funded,” and argued that achieving an ideal scenario is not possible, and that any comparable plan would be 10 years down the road. Given those realities, she stated, let’s not compare what is not possible with what is before us. If it’s funded here, it will not be funded again here, she opined.

Conard stated that PC is within its rights to address the deviation with regard to size.

Conard asked if there is language that PC wants address in its report to Council.

Doden stated that he did not object to the size of the project.

MacQueen stated the same.

Donnell stated that he does object to the size, stating that he believes it is too large.

Williams stated that he believes that (4) is “what it would appear to be”, and that the size is “too large”.

Two “no’s” and two “yesses” constitutes a “no” vote. This criterion—(b)-- is not met.

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

All agreed that this criterion is met.

(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.

The preliminary development plan application was submitted by the property owner Yellow Springs Home, Inc.

Swinger noted that this information has not yet been provided.

Young responded to a question from Swinger, stating that St. Mary's is entirely responsible "until that 30 year restrictive covenant expires". He stated further that "there could be an adjustment in ownership after year 15," but that there is a condition attached to the loan from the funding agency that the property remain affordable low income housing for a 30 year period. St. Mary's would be required to be involved in the project for 30 years.

Responding to a question from Conard, Young stated that he, as the Vice President for Development would be responsible for the day to day running of the facility. He clarified further that he would hire a management company—National Church Residences-- to run the facility. This is the company, as of 2013, hired to run "all of our Dayton area properties."

Young stated that the project is initially set up as a Community Housing Development Organization. SMDC, he stated, will be a 100% general partner with the limited partner being Ohio Capital Corporation for Housing, which is a private non-profit entity. Young stated that "no project has ever failed, for either entity."

Young stated that "there would be some plans for Home, Inc. to take on some form of ownership after year 15."

Both SMDC and OCC would provide oversight over the facility operations, he stated.

Young responded to a question that the management company, "would try to hire locally for grounds-keeping and that sort of thing." He stated that the construction firm would be Greater Dayton Construction.

Williams asked who holds the deed.

Seibel stated that Home, Inc. currently holds the deed.

Young stated that SMDC would form a separate for-profit entity which would handle the leases so that investors can invest in tax credits.

The housing agency grants the tax credits, Young said, to SMDC and SMDC then uses a bank or Ohio Capital to leverage the credits.

PC agreed that this criterion is met for the present.

(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.

Donnell argued that mixed income appears to be a priority in the Comprehensive Plan. He argued that PC needs to advocate for mixed income housing.

In response to a question from Doden, Donnell stated that he would like PC to be able to state to any future developer that they advocate for mixed income housing, that it provides them a better platform in future interaction with developers if this is their consistent stance.

PC agreed 3-1 that this criterion is met, with Donnell dissenting.

(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.

All members agreed that this criterion is met.

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

Donnell and Williams disagreed that the criterion was met, which constitutes a no to this criterion.

(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.

Donnell asked that PC recommend a traffic study.

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

All members agreed to this criterion.

Swinger suggested that PC members go through 1254.03; PUD criteria.

Donnell stated that the PUD request would seem to satisfy all of the requirements with the exception of “units per acre”.

Donnell returned to the utilities section, asking that PC revisit the cost to the Village of relining the sanitary sewer, for provision of the electrical capability, and affirming that gas will not be used as an energy source. He asked that a hired engineer look at the impact of the storm sewer with SMDC to assess capacity and any increased demand on the infrastructure.

MacQueen stated that the sanitary sewer relining would have been done anyway, and questioned the need to assess this cost further.

Donnell responded that another priority would be bumped in this case. He asked specifically that:

- Location of the power source to provide electric service to a 600 amp three-phase be determined, and provide a cost for this.
- Confirm that gas will not be available or needed to the site.
- Comprehensive study of the storm water which goes from on-site to the outflow at Corry Street, including an engineer.

MacQueen questioned whether there would be additional water flow following a rain even.

John Haws stated that “there is no permeability at the site.” He stated that the PUD would be required to contain all runoff, and would have to “hold a 50-year rain for one hour.” It should “drastically” reduce the runoff from the property.

Donnell stated that the Village needs to be able to demonstrate that runoff is dealt with all the way to the Glen.

Regarding the traffic study, Swinger asked that a notation be made that this is required.

Donnell asked that ODOT be informed of the proposed plan to receive their input on the matter. He stated that a counter could also be placed at the egress for the rear of the property, which would be at Livermore.

Regarding parking: Donnell stated that he is in favor of fewer parking spots and that perhaps an agreement could be arranged with Friends Care for overflow.

MacQueen asked SMDC what the makeup of the residents would be.

Young stated that the age is “55 and older”. Children would not be permitted to visit for more than a two week visit.

There is a guardianship rule covering grandparents who are caring for their grandchildren, said Young, but “we haven’t seen anything like that.” Young opined that there would likely be about 65 or 70 people, and that “about 40%” would have cars.

Swinger noted that lot area is all within the code, and that the only remaining discussion items for this section were density and height.

Donnell argued that RC density should be used, but that even the RC density, if doubled, is only 28 units.

Seibel argued that the infrastructure impact would be lower, given fewer people.

Donnell stated that “if you look at the density per unit, and you consider “fixture units”, the increase is manageable.”

Conard received confirmation from Donnell that he would like the countervailing consideration which approves of the density as defined above written into the recommendation to Council.

With regard to height, Donnell compared the requested deviation to a BZA standard, stating that BZA has never gone past a 20% variance. Fire safety is not the issue, he stated, explaining that his problem was solely with the degree of height variance for that area of town.

MacQueen asked for the negative impacts of that height.

Donnell stated that the size and scale of the proposal is simply out of proportion to any comparable structure in the Village. It reinforces the notion of warehousing seniors, he stated, and to have that represent our values with regard to senior housing is just not acceptable. It's out of context he stated.

MacQueen argued that many seniors had expressed a desire to live there. She argued that there are many structures that vary in terms of height and size in the Village, and stated her approval of the height.

Doden and MacQueen expressed approval for the height, while Williams and Donnell objected, and the standard was not met, given the 2-2 split.

MacQueen received confirmation that lot width, coverage and area and setbacks are all fine.

Parking was considered a non-issue in that this was vetted earlier.

Landscaping will be addressed during the final site plan review.

Lighting and connectivity were covered earlier in the evening.

Swinger asked PC to go through the **Modification of Minimum Requirements**, and to determine that four of the required criteria are met. PC agreed to review only those criteria that Home, Inc is attempting to attain.

(2) Create, improve or maintain open space for the residents, employees and visitors beyond the minimum required by subsection (f) of this section: This has been met, per PC agreement.

(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: PC agreed that this criterion is met.

(5) Employ low impact design and/or other best practices to manage storm water and reduce the off-site impacts of runoff; All Commission members agreed that this criterion is met.

(6) Employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption; Donnell stated that the criterion cannot be met because the RC district allows a smaller footprint. If you double the size of the structure, Donnell stated, you will use more materials and energy. The standard is based on consumption of natural resources, he stated.

MacQueen disagreed, stating that the question is whether the energy use of the proposed building will be lower than one for a standard building, "and the answer is yes."

Doden called the role, stating that the question can be read either way.

PC voted 3-1 that the criterion was met, with Donnell dissenting.

(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.

Conard stated that the staff report noted that the criteria for 1; 8 and 9 were met, with PC later agreeing to 2 and 5.

PC discussed the criteria, agreeing that numbers 1; 2; 5; 6; 8 and 9 have all been met for the density bonus.

Conard noted that traffic still needs to be considered.

The Clerk noted that PC needed to approve 1254.06.

Conard stated that PC needs to attach any conditions, per section 1254.04, before making a recommendation to Council.

Conard responded to a question from Donnell, stating that Council is likely to thoroughly review PC's recommendation and report.

Donnell asked that the record reflect the areas of disagreement regarding some of the requested deviations.

Conard noted that the zoning code allows PC 30 days to make a recommendation to Council, and that they may wish to use this period of consideration to craft their recommendation.

Swinger received confirmation that Council could hear the recommendation on December 17th.

The Clerk made note of Council's options in this regard. She noted that the request is a major development and that PC should be driven only by their need for due diligence in reviewing the matter and making a clear recommendation.

Young stated that SMDC needs a zoning approval letter prior to February 21st.

Young stated that SMDC needs as much time as possible.

MacQueen spoke in favor of the project, but stated that it is a big project for a small town, and it needs to be carefully considered.

Young stated that he would suggest that PC work backwards from SMDC's deadline in determining the path of the recommendation and Council process.

The Clerk stated that the process belongs to PC and to Council, noting that the clearer the recommendation to Council, the greater the chance of approval and little or no change at Council's end. She urged PC not to rush.

Swinger stated that she could provide a draft recommendation for the December 10th meeting, which could then be completed during that meeting.

The Clerk suggested that the Review Standards be run through as a legal process on December, but that this should not affect the draft that Swinger needs to work on.

Donnell MOVED to REQUEST that Staff prepare a report for the December meeting. Williams SECONDED, and the MOTION PASSED 4-0 on a voice vote.

OLD BUSINESS

There was no Old Business.

AGENDA PLANNING

Infrastructure Report: Public Works Director Johnnie Burns
Concept Site Plan from the owner of 314 Dayton Street for PC review
Conditional Use Hearing for a Home Occupation

ADJOURNMENT

At 10:31pm, Donnell MOVED and Donnell SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Frank Doden, Chair

Attest: Judy Kintner, Clerk

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