VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION
AGENDA

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, July 11, 2011 at 7:00 PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

7:00 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

7:05 REVIEW OF MINUTES –June 13, 2011

7:08 REPORTS
1. Council Update
2. Bike Enhancement Committee
3. Village Staff Report
4. Miami Township Zoning Commission Report

COMMUNICATIONS

7:20 CITIZENS' COMMENTS

7:25 OLD BUSINESS
Parks Master Plan—Tobey (History, Background and Past Planning sections)

7:40 NEW BUSINESS
PUD Discussion (Home, Inc.)

8:55 AGENDA PLANNING

9:00 ADJOURNMENT

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION MINUTES

In Village Council Chambers **June 13, 2011**

CALL TO ORDER

Planning Commission Senior Member John Struewing called the meeting to order at 7:04 p.m.

ROLL CALL

John Struewing, Bill Bebko, Alternate Member Chris Till and Lori Askeland were present. Village Manager Mark Cundiff was also present. Matt Reed and Tim Tobey were not in attendance.

REVIEW OF AGENDA

Due to time constraints, the group decided to skip Reports. The section on Parks Master Plan was also eliminated, due to Tobey's absence.

REVIEW OF MINUTES

Bebko MOVED and Askeland SECONDED a MOTION to APPROVE the minutes of May 9, 2011 AS AMENDED. The MOTION PASSED 4-0.

REPORTS

There were no reports made.

COMMUNICATIONS

The Village Solicitor's letter was moved to Old Business for inclusion in the Zoning Code Amendment discussion.

Cundiff's memo regarding Solar Farm Zoning was discussed. Cundiff reminded the group that they had raised the question as to whether the current zoning at the Glass Farm would accommodate a Solar Farm. Cundiff had thought that there was a clause in the Zoning Code that exempted "Essential Facilities" from the provisions of the Zoning Code (this is a common clause in most codes). While Yellow Springs' code defines what an Essential Facility is, there is no mention of them being exempt.

Cundiff stated that he had discovered that the area of the Glass Farm that will be the solar farm has never had Village zoning established. The property was annexed into the Village in 1998, and Residence B zoning was established for the eastern 15 acres in August of 2001. The remainder of the Glass Farm still has township zoning (industrial). Ed Amrhein has assured Cundiff that that the township zoning does allow the Solar Farm.

Cundiff suggested that one of the Planning Commission's goals should be to identify other areas of the Village that have not had Village zoning established and to recommend to Village Council an appropriate Village zoning district.

Struewing reminded the group that ten years ago, this item was on the agenda, and at that time, a sewer study was conducted to determine the urban service area. Because of politics at the time, Struewing

commented, there was hesitation to zone the Glass Farm, so Planning Commission backed off of zoning the issue entirely.

Cundiff commented that when zoning is not established for an area within the Village, Township zoning continues to be in force.

The group briefly discussed whether they should look at any areas of the Village which do not have established zoning, or should look only at zoning the Glass Farm.

Askeland asked Cundiff if failure to establish Village zoning for the Glass Farm would interfere with the solar farm in any way. Cundiff replied that it would not.

Cundiff clarified further that the area is currently zoned for industrial use, and that agriculture is permitted in every zone as a general rule, and these are conducive to the solar farm project.

Struewing suggested that Cundiff determine which, if any, other areas of town do not yet have Village zoning, and bring that list back to Planning Commission for a decision as to how the group wishes to proceed.

CITIZENS' COMMENTS

There were no Citizen Comments.

OLD BUSINESS

Internet Sweepstakes Café Proposed Legislation. Cundiff explained information he had received from John Chambers regarding zoning regulations for the Internet Cafes. According to Chambers, such establishments cannot be made conditional use, for the same reason that SOB's cannot be made conditional use. Courts have established the position that conditional use provides too convenient a manner for communities to say "no". Chambers asked the Planning Commission select a zone in which to permit the establishments as principally permitted businesses.

Cundiff noted that the group had agreed at their May meeting to permit the cafes in the general business district, and had drafted legislation based upon this earlier decision. Cundiff pointed out that the conditions the group had discussed imposing upon the cafes are in fact already established in chapter 850 of the zoning code.

Cundiff summarized that the legislation he had drafted—Ordinance 2011-18-- establishes Internet Sweepstakes Cafes as principally permitted businesses within the general business district under conditions already set forth in chapter 850 of the zoning code and of the business and taxation code previously passed by Council. This gives us as much protection against potential abuse from these establishments as we currently have against SOB's, Cundiff stated.

Till stated that he is in agreement with the legislation as drafted for two reasons. The first is that he has no issue with gambling as a pastime or a business, and the second is that he defers to John Chambers' experience on the matter. Till questioned Chambers' linking of SOB's with gambling, arguing that SOB's do legally enjoy protection under the first amendment, while to his knowledge, there is no such protection for gambling as a first amendment right.

Struewing noted that the issue is whether the sweepstakes cafes constitute gambling or not, which is the loophole under which they now operate.

Till noted that there is legislation working its way through the state legislature currently, but that "for now, it seems they are going to continue to allow these things."

Struewing commented that the Attorney General's office has assured him that they are working on the issue, but that certain areas of the code need to be rewritten, and until that is done, "they have their hands tied."

Askeland agreed with Till that she does not understand viewing internet cafes as any sort of first amendment issue.

Struewing agreed with Till that the legislation seems appropriate, and reminded the group that their role is merely to recommend to Council for or against the legislation.

Bebko and Askeland then clarified that the legislation will restrict any such businesses to the general business district, located south of Brookside.

There followed an exchange about the businesses in general.

Till shared information that Springfield has declared a six-month moratorium on the businesses.

Cundiff explained that a moratorium generally means that the municipality is developing legislation to regulate the businesses.

Bebko asked if there was a way to establish local fees for establishing these businesses.

Cundiff noted that there are fees set up in chapter 850, but that these are not local fees.

Bebko MOVED to RECOMMEND TO VILLAGE COUNCIL TO AMEND SECTION 1242.09 GENERAL PROVISIONS AND DEFINITIONS, AND SECTION 1258.02 PRINCIPALLY PERMITTED USES OF TITLE FOUR—ZONING OF PART TWELVE—PLANNING AND ZONING CODE OF THE ODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO. Askeland SECONDED the MOTION. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

NEW BUSINESS

Cundiff offered to give the group a quick update on the Technical Review Committee and the upcoming zoning code rewrite. Cundiff reported that the Village has received 16 RFQs, primarily from firms located in Ohio, but some from Texas, Maryland and Michigan. Cundiff noted that there seems to be a good mix of approaches, from the firm which essentially established New Urbanism and form-based zoning, to more traditional approaches.

Cundiff stated that the TRC will meet on Friday at 1pm to narrow the list from 16 to 5. Those five will then be asked to submit RFPs.

AGENDA PLANNING

Parks Master Plan—Tobey (History, Background and Past Planning sections).

Struewing offered to speak with Tobey to determine whether he will be ready to present on July 11th. If not, the group will forgo their July meeting, given that his is the only agenda item.

ADJOURNMENT

Having no further business, Bebko MOVED and Till SECONDED a MOTION to ADJOURN. The MOTION PASSED UNANIMOUSLY at 7:39p.m.

_____

John Struewing, Chairperson

_____

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.

YELLOW SPRINGS PLANNING COMMISSION – July 8, 2011
VILLAGE STAFF REPORT

There are several planning-related items that Staff wants to provide an update on to Planning Commission.

CBE Update – This project is slowly and surely moving forward. We expect the Phase II submittals within the next few weeks. Ed Amrhein continues to work on the selection of a firm to do the ROW Acquisition within the CBE and keep coordinating with the design engineer on the Phase II submittal. I am working on the annexation of the Dayton-Yellow Springs Road ROW. Staff continues to meet with representatives of Community Resources to keep everyone up-to-date on the project and we will continue to meet monthly until the project is completed.

Solar Farm - Melink was at the Glass Farm last week and Council has given them permission to remove a row of trees/scrub brush that bisected the site. This will allow for additional land to be unaffected and available for potential future development.

Vectren Gas Mains and Lines Replacement –Vectren's , Miller Pipeline, continues to work replacing gas mains and services in certain areas of the Village. It is my understanding that the work on the mains has been completed and they are now working on the services. This work will have the biggest impact on the cutting of streets, sidewalks, and lawns. It is anticipated that they will be working for a couple more weeks. For more information, please go to www.vectren.com and click on the Public Safety tab.

Annual Street Paving – We anticipate this project to begin later in July. We need to wait until Vectren's contractor has completed their work before our paving contractor can begin work.

MEMORANDUM

DATE: July 8, 2011

TO: Yellow Springs Planning Commission

FROM: Mark Cundiff, Village Manager

SUBJECT: Senior Apartments PUD

The Village has received an application for PUD-R (Planned Unit Development Residential) approval from Yellow Springs Home, Inc. and Buckeye Community Hope Foundation to develop 37 units of housing for independent seniors aged 55 and older at the property commonly known as the "Barr Property" (321 Xenia Ave.) which is located at the northeast corner of the Xenia Ave./Limestone St. intersection.

As the Commission is aware, the PUD approval process is a two-phase process in which the first phase is the submittal of a Concept Plan, then the submittal of Detailed Plans. This is somewhat misleading since the ordinance calls for a great deal of information to be submitted in the Concept Plan phase. The ordinance lists two types of standards to be used in reviewing a proposed PUD: Eligibility and Design Standards (Section 1264.04) and Specific Standards (Section 1264.05).

The majority of these standards appear to be designed to help review a PUD that involves the subdivision of land such as a housing development. Trying to apply them to a single lot-single structure PUD like this one is an exercise in frustration. However, there are still a few that do apply and the remainder of this memorandum uses them to review this proposals.

In our ordinance, the PUD shall be recognized as a "floating, permissive zoning classification" which implies that it is an overlay zoning district whose regulations are on top of the regular zoning district. This property is zoned Residence C. Surrounding zoning districts are Residence C to the east, south, and west, and Central Business to the north. Surrounding land uses include single-family residential to the east, southeast, and southwest; professional office to the south; and commercial to the north and west.

Eligibility and Design Standards (Section 1264.04(c)):

Land covered by impervious surfaces. Land covered by impervious surfaces (building footprints, driveways, sidewalks, parking areas, etc.) shall not exceed 75% of any individual lot within the PUD-R. The property is 1.6 acres which calculates into 69,696 square feet. Therefore, no more than 52,272 square feet (75%) can be an impervious surface. My calculations indicate that there is approximately 46,861 square feet of impervious surface. The developers will need to

provide a more accurate accounting since this amount of impervious surface also will be needed to calculate the storm drainage calculations.

Maximum residential density. The residential density for multi-family dwellings in a PUD-R shall not exceed 12 dwelling units per acre. This development proposes 37 units on 1.6 acres which is a density of 19.2 units per acre.

Maximum building height. The maximum height for buildings in the PUD-R shall be 35 feet. The buildings will be two stories in height, but the exact height in feet is not known at this time.

Common open space required. A minimum of 25% of the PUD-R shall be set aside as common open space. See division (c)(1)H. of this section and Section 1264.05 (h) for common open space requirements. This requirement clearly is for subdivision type PUDs. However, Section 1264.05(h) does allow the Planning Commission to waive this requirement for PUDs under two acres in size

Specific Standards (Section 1264.05):

Height. The height of any structure within a Planned Unit Development shall not exceed 35 feet. As mentioned earlier, the exact height is not known at this time.

Setback and Screening. The amount of setback and/or screening may be increased at the discretion of the Planning Commission based on the location, shape, size, topography or adjacent uses. Residential developments located adjacent to commercial or industrial zones shall be provided with screening comprised of landscaping, walls, fences, etc., which will provide suitable protection to the residential development as recommended by the Planning Commission and approved by Council.

Common Open Space. The Planning Commission shall approve the location, phasing, shape, topography and size of any common open space within the Planned Unit Development and shall approve the plans for its improvement and maintenance. Minimum open space requirements for each PUD are established in Section 1264.04, Eligibility and General Standards. However, the Planning Commission shall have the authority to waive common open space requirements if the PUD site is less than two acres in size and if exceptional design, significant landscaping elements or other amenities are provided for in the development and are identified as such by the Planning Commission.

Parking Requirements. See Chapter 1268. However, the Planning Commission, upon request of the applicant, may reduce the minimum number of on-site spaces if collective parking is available within the PUD. Chapter 1268, Off-Street Parking and Loading, provides standards on the number of off-street parking spaces required and on the design of off-street parking areas.

- Minimum number of spaces for multifamily housing for the elderly is 1.0 space per dwelling unit. This PUD proposes 37 dwelling units and provides 37 parking spaces (with four being handicapped spaces).
- Parking spaces shall encompass 162 net square feet and shall be dimensioned to be 9 x 18 feet. This PUD proposes 9 X 20 (180 s.f.) parking spaces.
- For lots with 90 degree parking angles like the one proposed in this PUD, the aisle width shall be a minimum of 24 feet. This PUD proposes a 20 foot aisle width. However, since the parking spaces are two feet longer than required, it effectively has a 24' aisle width.
- When an off-street parking area is located adjacent to a residential lot, there shall be a minimum of 10 feet between the parking area and abutting lot lines and this 10 foot separation shall be landscaped and screened. This PUD provides the separation and proposes the construction of a six-foot high fence to screen the abutting residential property to the east.

Signs. See Chapter 1276. This Chapter gives no guidance for signage for this type of development. Therefore, I would opine that this provides the Planning Commission the discretion to approve any signage they feel is in character with the surrounding neighborhood.

Other Review Comments:

While not specifically called out in the ordinance, the following are some items that will need to be submitted in order for staff to do a complete review:

1. Dumpster Detail: The plans show the location of a dumpster, but they give no details on what materials will be used to screen the dumpster.
2. Exterior Lighting: The plans do not show the location of any exterior lighting. This will need to be shown, including how they plan to ensure the lighting does not spill over onto abutting properties. A detail of the exterior lights showing the design also would be helpful.
3. Exterior Signage: The location of any exterior signage needs to be shown on the plan and a rendering of the signage needs to be submitted.
4. Storm Drainage: The plan shows the location of two rain gardens, so in addition to the submittal of storm water detention calculations, some specifications on the rain gardens would also be helpful.
5. Bike Rack: The plan shows the location of a bike rake. A detail of the bike rack needs to be submitted.
6. Benches: The plan shows the location of benches. A detail of the bench will need to be submitted.
7. Exterior Materials and Paint: Information on what type of materials will be used on the exterior of the building as well as the exterior colors needs to be submitted.
8. Landscaping: The plan shows the location of new trees, however it does not identify the species of tree. Additionally, the identification of the trees that will be removed needs to be provided.

9. Renderings: A colored rendering of the building from all four angles would helpful in determining how the proposed PUD will fit the character of the neighborhood.

There may be other items that the Commission would like to see submitted at the next submittal phase, particularly in light of reviewing a somewhat similar proposed PUD roughly three years ago. As I arrived in Yellow Springs at the end of that process, I will defer to the Commission to bring those items to the attention of the developers.

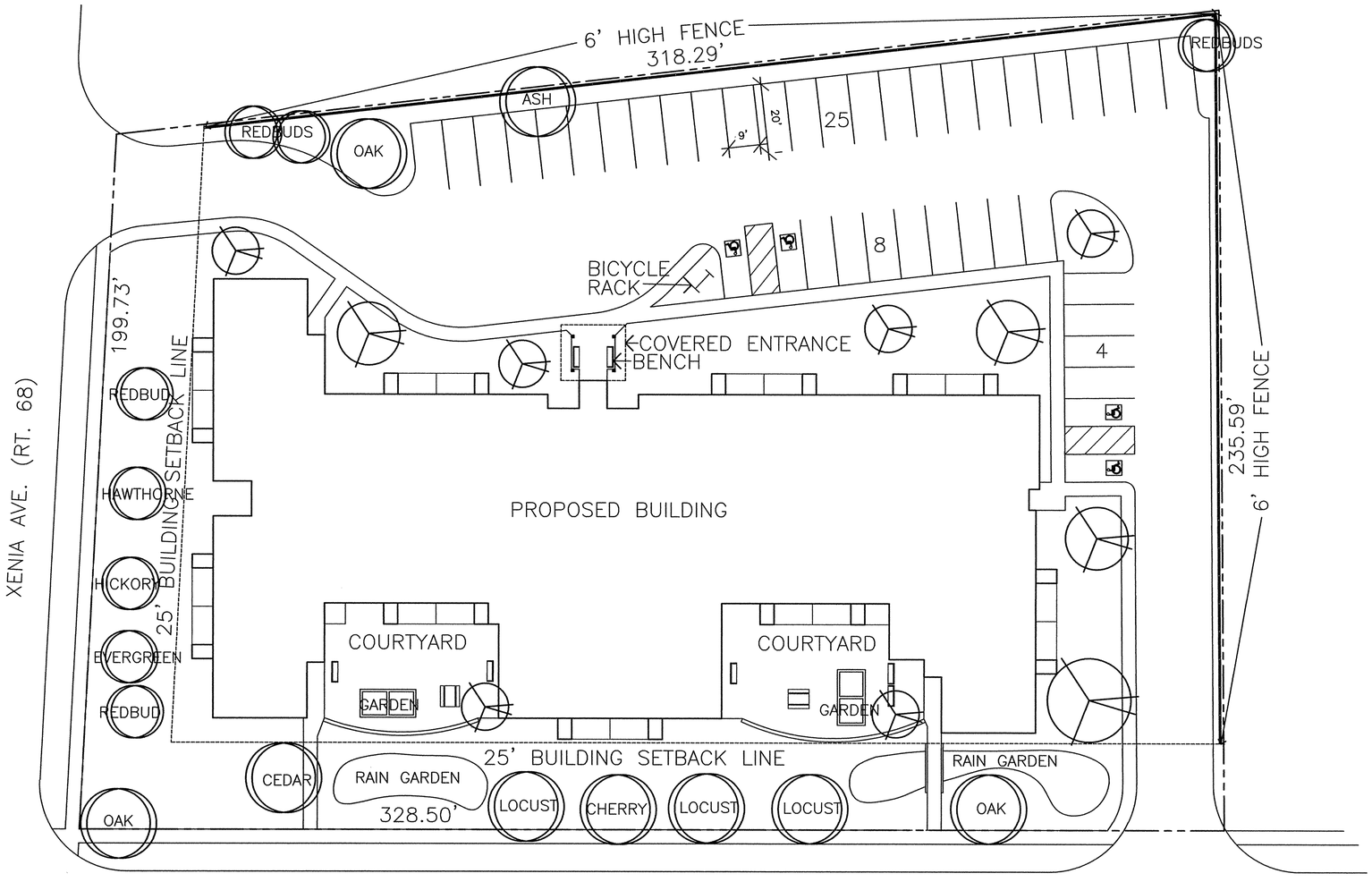
One final note, the ordinance, in Section 1264.02, does provide the Planning Commission and Village Council the authority to approve a PUD that varies from the provisions of the Zoning Code. Therefore, although this proposed development does not appear to meet some of the required standards outlined in the Zoning Code, it could still be approved if the Commission and Council resolve to do that.

Development Synopsis **Yellow Springs Barr Property Senior Apartments**

Yellow Springs Home, Inc. ("Home, Inc.") and **Buckeye Community Hope Foundation ("Buckeye")** propose to develop 37 units of high quality, energy efficient housing for independent seniors aged fifty-five (55) and older in Yellow Springs. Leveraging the strong amenities and services in close proximity to the project site, the senior housing will offer a two-story elevator building that is architecturally and functionally harmonious, with large multi-use community spaces, private patios or balconies, green space, and up to 1:1 parking. The units will meet the Enterprise Foundation's Green Communities standards. Featuring Hardie-plank and brick, courtyard cutouts, and hip roofing, the building design attempts to integrate into an eclectic neighborhood while reducing the visual scale of the structure.

This $6.25 million development would be financed primarily with equity from the syndication of 9% affordable housing tax credits secured from the Ohio Housing Finance Agency (OHFA). It is designed to serve individuals with incomes at or below 60% of the area median income for Greene County ($30,000 for a household of two). It is anticipated that initial rents would range between about $560 and $660 for the one- and two-bedroom apartments, respectively, *including all utility costs except phone and cable*. 2-3 market rate units with higher rents will also included in the project, depending on local funding availability. We wish to apply to OHFA in the next round (November, 2011?) and begin construction by the end of 2012. In order for our project to be competitive, evidenced local support is critical. We hope to have preliminary approval of this PUD by October, 2011.

- **Location:** The Barr property is the proposed infill site, located on a highly visible and accessible 1.6-acre parcel along Xenia Avenue, at the intersection of E. Limestone Street. As it is adjacent to the Village's central business district, numerous shopping and entertainment options are within walking distance, including a grocery and a drug store, the community library, movie theatre, senior center, two banks, restaurants and several boutique shops. The development plan itself will include on-site green spaces including: landscaping, both saved and new trees, rain gardens, covered bike racks, permeable parking areas, and two means of roadway ingress/egress.
- **Unit Amenities**: Apartments are fully accessible or adaptable and include a private balcony or patio, central HVAC, carpeting and energy efficient appliances including range, refrigerator, dishwasher and microwave. Each unit includes washer and dryer hook-ups. The 676 square foot one-bedroom units and 879 square foot two-bedroom units will also meet the Enterprise Foundation's Green Communities standards in order to provide a healthier living environment for the independent senior and to reduce operating costs due to energy efficiency. The apartments will also be digitally accessible. Floor plan designs, such as congregating apartment doorways in each corridor, were given careful consideration by the development team to promote interaction among neighbors, eliminate the social isolation that many seniors endure, and facilitate awareness and security among the residents.
- **Community Amenities**: The 1st floor includes a lobby and management and maintenance offices, as well as a large, furnished community room with kitchenette, with flexibility to accommodate larger community gatherings. Additional social spaces are on the second floor, which might include a computer room and craft room, depending on the needs of local seniors. Each floor includes a laundry room for residents lacking their own appliances. These spaces are designed to accommodate resident needs over time, with quality-of-life activities like educational speakers, local nonprofit organizational meetings, community celebratory gatherings, tenant association meetings, and myriad other activities tailored to the specific resident population. Intimate outdoor courtyards take advantage of the beautiful setting and expand opportunities for social interaction.
- **Market:** Senior household growth rates in the market are increasing. In a preliminary market analysis conducted by Novogradoc in October 2009, senior household formation was projected to increase approximately 8.2 percent between 2009 and 2014. Overall, senior household growth is outpacing general household growth – an indication of future demand for senior housing in the broader market area. Novogradoc concluded that over half of seniors in our market earned less than $30,000 in 2009. The development team will also conduct a more current and detailed market analysis to prove appropriate capture and absorption rates for the 37 proposed apartments, including any market rate units.
- **Sponsors:** The proposal combines the experiences and track records of a locally rooted community land trust with a respected regional non-profit, which has a history of delivering high quality senior housing. Buckeye has extensive experience with the development, construction, ownership and management of tax credit-financed housing in several states, including Ohio. They have successfully worked in partnership on multiple affordable properties. The participation of Yellow Springs Home, Inc. helps to ensure that local needs are being addressed and incorporated into the process throughout the development and operational phase. To ensure local input and control over the long term, Home, Inc. will also be granted the right of first refusal to purchase the building following the 15-year tax credit compliance period.



SITE PLAN

SITE AREA–1.6 AC.

UNITS MIX INFORMATION	ONE BEDROOM	TWO BEDROOM
FIRST FLOOR	7	11
SECOND FLOOR	7	12
TOTAL PER UNIT TYPE	14	23

TOTAL NUMBER OF UNITS = 37

37 PARKING SPACES + 4 HC SPACES = 41 SPACES

EXISTING TREES TO REMAIN

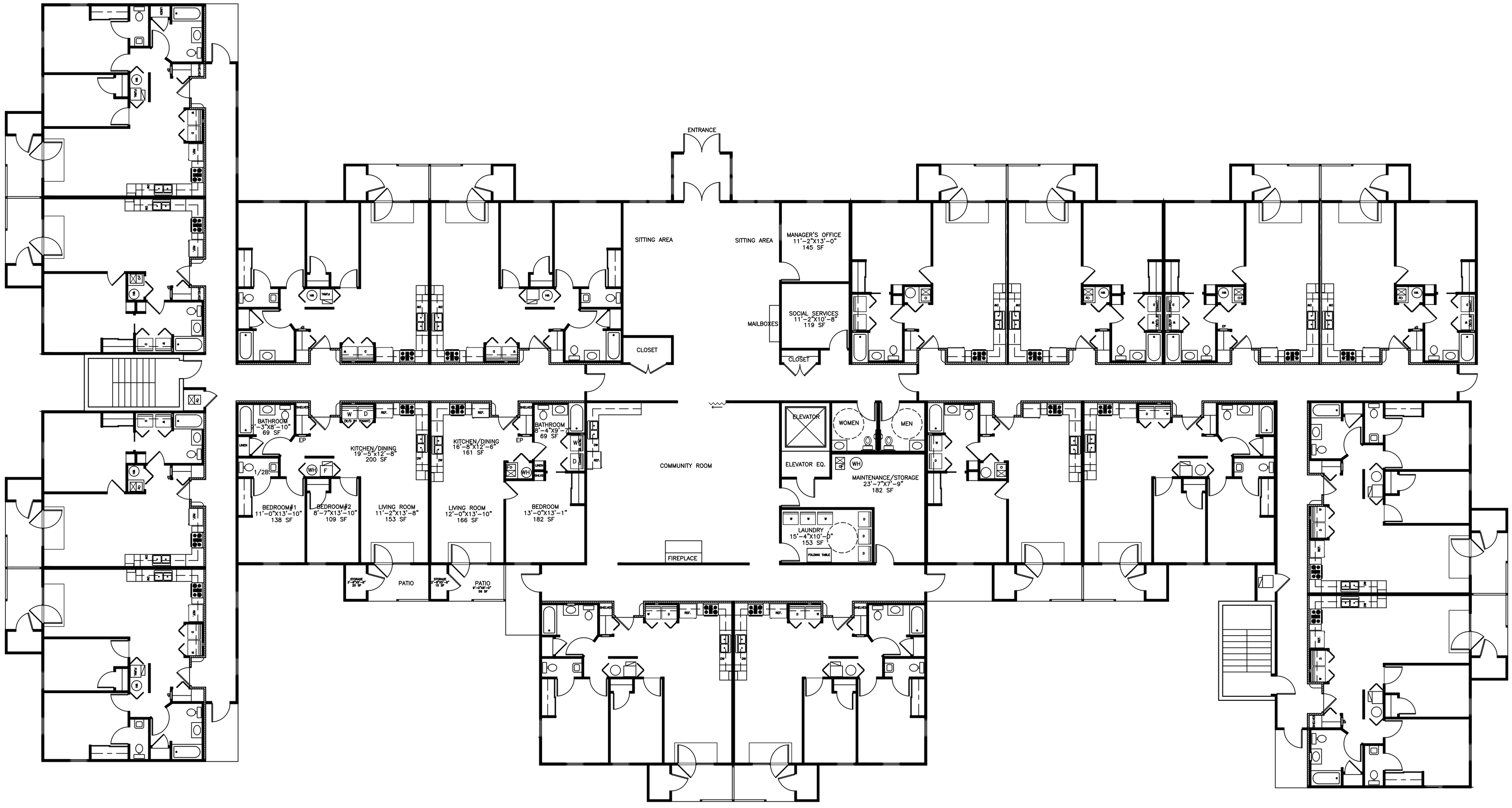
NEW TREES

N

YELLOW SPRINGS SENIOR

JOHN HAYTAS ARCHITECTS SCALE: 1"=20' JUNE 28, 2011

BUCKEYE COMMUNITY HOPE FOUNDATION



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

YELLOW SPRINGS SENIOR

PRINTED JUNE 28, '11 JMH
PRINTED JULY 6, '11 SAM

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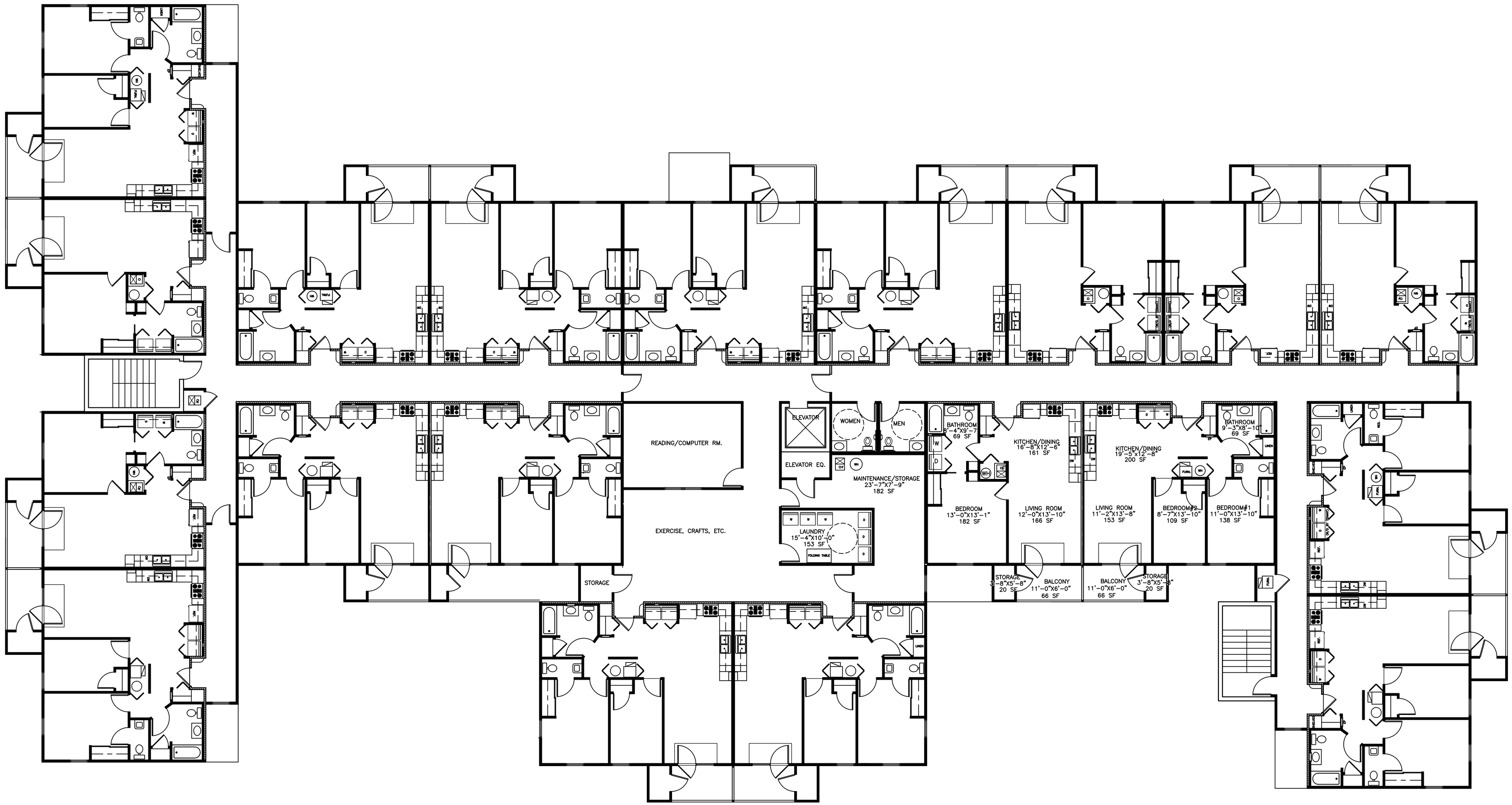
YELLOW SPRINGS SENIOR
XENIA AVE. & E. LIMESTONE ST. YELLOW SPRINGS, OH

COMM. NO. 11-009

SHEET

A1

OF -



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

YELLOW SPRINGS SENIOR

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YELLOW SPRINGS SENIOR
XENIA AVE. & E. LIMESTONE ST. YELLOW SPRINGS, OH

COMM. NO. 11-009

SHEET
A2

OF -

WEST ELEVATION

YELLOW SPRINGS SENIOR

SOUTH ELEVATION

YELLOW SPRINGS SENIOR

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YELLOW SPRINGS SENIOR
XENIA AVE. & E. LIMESTONE ST. YELLOW SPRINGS, OH

COMM. NO. 11-009

SHEET

A3

OF -