

**VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, December 10, 2018 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

**CALL TO ORDER**

**ROLL CALL**

**REVIEW OF AGENDA**

**REVIEW OF MINUTES**

Minutes of November 12, 2018 Regular Meeting

**COMMUNICATIONS**

Ted Donnell re: E-mail

Susan Stiles re: PUD Hearing

Sue Pfeiffer re: Senior Housing

**COUNCIL REPORT**

**CITIZEN COMMENTS**

**PUBLIC HEARINGS:**

Conditional Use Application ó R-C, High Density Residential District ó Jess Holihan has submitted a conditional use application for a home occupation permit to receive clients for medical massage therapy at 127 ½ Glen Street. Parcel ID #F19000100100017700

**OLD BUSINESS**

Preliminary Plan for PUD Rezoning (Completion of Preliminary PUD Plan Review and Recommendation to Council re: St. Mary/Home, Inc. Request for Rezoning)

**NEW BUSINESS**

**AGENDA PLANNING**

Infrastructure Report: Public Works Director Johnnie Burns

**ADJOURNMENT**

**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.

**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 18<sup>th</sup> 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 not 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 17<sup>th</sup>.

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 21<sup>st</sup>.

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 10<sup>th</sup> 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.

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Frank Doden, 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.*

## Judy Kintner, YSO Village Clerk

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**From:** Susan Stiles <sastiles@att.net>  
**Sent:** Tuesday, November 27, 2018 6:39 PM  
**To:** Frank Doden; Marianne Macqueen, Village Council; Ted Donnell; Andrew Williams; Denise Swinger; Judy Kintner, YSO Village Clerk  
**Subject:** Senior Housing and PUD Process

November 27, 2018

Dear Village Council and Planning Commission:

I am writing my comments to you as a private citizen due to recusing myself from Planning Commission's review of Yellow Springs Home, Inc.'s application for PUD approval.

I am relying on my expertise from my 25 years of work at Greene Metropolitan Housing Authority (GMHA), first as Assistant Director and the last 17 years as Executive Director. I have also participated on the Senior Housing Working Group.

I very much object to Ted Donnell's referencing the proposed senior housing project as warehousing seniors. Warehousing is a subjective value judgment of how residents are treated and doesn't belong in a professional and objective discussion of senior housing in a PUD.

**Why it makes sense to have seniors only affordable housing** – Senior housing from almost all economic levels are grouped together for safety concerns, lifestyle similarities, prevention of isolation, and providing services and activities specific to senior citizens. To make housing affordable, one site for senior housing is even more important because it reduces the construction cost. Joan Ackerman was correct in her comment at Planning Commission's Public Hearing about GMHA scattering housing through out communities. However, it was done for family housing, but it was not done for senior housing. All GMHA's senior housing is concentrated. GMHA's most popular senior housing site is Maggie McKnight in Xenia, which is an apartment building similar to what Home, Inc. is proposing.

During one of the meetings Home, Inc. had with the Senior Housing Working Group, mixed age housing was discussed. The seniors were very clear that they wanted senior housing only.

**Realities of Funding for Senior Affordable Housing** – There are very few funding sources to build affordable senior housing. Housing Tax Credits are the primary funding source. The competition to be funded is extremely competitive. One or two points less on an application can make the difference. This is why the number of units is critical. If an application has fewer units than established by the Ohio Housing Finance Agency, then it is unlikely to be funded. Land in Yellow Springs is scarce and expensive, so increasing density is prudent.

**Does the design fit Yellow Springs** – Yellow Springs is an eclectic community, which should make it open to various designs and sizes. It has been decades since any new apartments have been built in the village. Building costs have increased, which makes it desirable to build up to help keep costs down. If Yellow Springs really wants to increase the number of affordable housing units, (which residents have repeatedly said they do) then the Village government needs to be open to change. The neighborhood where the senior housing apartment is proposed will be fronted by a large, tall fire department, on one side is the Friends nursing home

complex, and it is near several tall college buildings. A four story senior housing apartment doesn't seem out-of-place in that neighborhood.

**Implications of not approving this project for zoning**– Not giving the go ahead to the senior project will send a clear message to residents of the Village and the outside development community that the Village government may like to talk about the need for affordable housing more than it is willing to be open to it. St. Mary's Development Corp. is one of the very best non-profit developers in Ohio. They are a thoughtful and ethical group. A rejection of St. Mary's Development Corp. will likely reinforce the idea among for-profit developers that Yellow Springs is still not development friendly. Yellow Springs has had an anti-development (both housing and economic development) reputation for some years now.

For Yellow Springs to increase housing and meet its ambitious housing goal, it has to be able to attract developers. It has been quite a while since a developer came to Yellow Springs to build anything that included affordable housing. We have to welcome developers and this is not the way to do it.

I understand that the Yellow Springs Home, Inc. and St. Mary's Development staff felt positive after their working session with the Planning Commission.

The Planning Commission meeting on November 12<sup>th</sup> felt like a complete turnaround to them. Is this really the way the process should work? It takes significant resources to undergo pre-development planning, and the development team was surprised at the reversal on the deviation requests. To attract developers and be open for business, Planning Commission should attempt to provide consistency in its decision-making and communications from start to finish so that developers are comfortable assuming the financial risk to present projects for consideration.

The Planning Commission and Village Council need to be bold and forward thinking in order to increase affordable housing units in the village. Senior housing doesn't just provide good, accessible, safe housing for seniors, but will also open up units of housing in the community for others when the seniors move into the apartments. The local need and demand are here today to warrant this much-needed project. We should welcome this development. I am grateful to have Yellow Springs Home, Inc. in the Village providing much-needed affordable housing and increasing the Village's capacity to carry out its housing goals. This is a worthy project that deserves your support.

Sincerely,

Susan Stiles

## **Judy Kintner, YSO Village Clerk**

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**From:** Ted Donnell <tdonnell@tdonnell.com>  
**Sent:** Monday, December 03, 2018 3:09 PM  
**To:** Judy Kintner, YSO Village Clerk  
**Subject:** Fwd: Re: Fwd: Affordable Senior Housing Letter for Council

Judy - this is an email I wrongly sent to Richard - please make include in the communications. - Ted

Thank you Richard for sharing your comments with regards to the St. Mary's affordable housing project. I think every opportunity to share opinions is of benefit to all. I would like to share my position as a Planning Commission member and as a design professional that has been heavily involved in redrafting our Zoning Code to be one of the most adaptive codes I have ever seen.

The PUD Process is legislative. The purpose of the PUD is to offer applicants an opportunity to submit projects that they feel are innovative and have needs beyond the strict letter of the Code. This is a two step process and the two step process allows for the adaptability that you are advocating. Planning Commissions role and responsibility in the process is to evaluate the criteria proposed by the applicant and judge it based on it's merit. The role of Council is to evaluate the application and recommendations from Planning Commission. They have the authority to consider additional criteria that is present because of current trends/needs of the Village. This is how I have evaluated the criteria. Understand this is my interpretation and I am one vote on the Commission.

Re:  
Planning Commission Recommendation – St. Mary Affordable Housing Project – Herman Street – Yellow Springs, Ohio

Based on the Application submitted to the Planning Commission November 12, 2018 the following is a recommendation from Ted Donnell, Member Planning Commission as follows:

### **Recommendation**

PC role is to recommend to Village Council a report on how the proposed PUD complies with the Yellow Springs Zoning Code and make record of any deviations. If there are deviations PC shall recommend conditions or approval/denials for these deviations based on affects PC determine the deviations will have on the neighborhood/Village.

General comment – this project is recognized for it's effort to satisfy the affordable housing need based on data from the Bowen Housing Needs Assessment. I commend Home Inc. on the efforts that they have given our community and I support their work. My comments are strictly code interpreted and only related to the criteria of the Zoning Code. Issues of financing, funding and criteria associated with the finding source are not criteria considered by PC these are only things that Village Council may consider.

### **Summary conditions:**

1. The site plan design is fully in compliance with the Zoning Code intent. The green space, parking, storm water management connectivity and general orientations are good compliant solutions.
2. The existing property is zoned RB medium density residential. The PUD is using RC District Zoning criteria for the basis of the review. I agree that the underlaying zoning should be RC high density residential. This RC District Zoning change is a concession from the PC for higher density for the applicant.
3. The RC District Zoning increases the density of the site from 8 units per acre to 14 units per acre for a 28 unit development. My years on BZA have given me a perspective as to what concessions are practical in allow Variances for applicants who want a change in the rules of the law. We usually consider a 20% deviation as an

absolute maximum for the deviation speaking in general terms. A 20% increase to the increase of 28 units is 6 units or 34 units. I think this is a good size project for this site. Permitting a 100% deviation of the density (28 units to 54 units) is beyond what I consider acceptable.

4. The allowable building height in any zoning district is 35'. This standard was set based on a fire fighting standard for ladder egress to a third floor building and for water suppression of a roof. Today we have better water pressures and fire fighter apparatus along with fire safety building codes that make the 35' standard obsolete. However this standard was also created to help keep a small town feel or sense of place. This is a very important criteria and this height restriction has contributed to the small town sense of place that is Yellow Springs. The exceptions to the 35' height are monumental structures for the Government Buildings, Educational Buildings and Churches. These buildings are considered identifiable to for their monumental character. Commercially developed properties are not permitted to be the tallest buildings. This is a social standard. I again take the approach that 20% deviation is acceptable to this rule. 35' x 20% is a 42' tall building on this site. I think that is an acceptable range for this site location. Permitting a 60% deviation of the height (35' to 55") is beyond what I consider acceptable.

5. The Bowen Report identifies three categories of need for rentals. Subsidized Rental Housing for seniors & families, Low-income rental housing and Affordable workforce rental housing. Needs estimates of 100 units, 80 units and 70 units respectfully. 250 units total. The proposed project is targeting a portion of each of these categories. The 55 year and older and of those qualifying seniors with an 80% AMI. The Village vision plan, zoning code and general attitude of citizens to promote diverse mixed income neighborhood/developments. Developers typically do not want to offer mixed income diversity. This project is one of those projects and but for the funding source this criteria would be a high priority. I think it is a high priority no matter who the developer is and recommend that this project include a range of incomes options/qualifications. To do otherwise is setting a precedence that can result in unwanted consequences.

6. The utility demand for this density of a project will require up-grades or extensions to some Village utilities. Sewer lines, electric service and considerations for water demand. I support only that the developer pay for these necessary up-grades. OR if the Village wants to up-grade a system as part of the project that would not be on a high priority list determining what project is being pushed down the list and the affected citizens of that project be notified of the change in schedule.

7. The project Ownership is as I understand is that St. Mary's is the sole responsible party for the project. This includes construction financing, closeout and maintenance for a period of 15 years at which point the building will transfer to Home Inc. Home Inc. has not provided a plans for how they will maintain the site and building systems are reaching their life cycle limit. Home Inc. should submit a plan for how this transaction shall occur.

8. Parking is being proposed as a demand ratio from other similar use developments. I agree with these assumptions. The developer has shown how additional spaces can be added if parking becomes an issue.

### **Recommendations:**

Not approve the deviations for building density and height.

Approve change from RB to RC Zoning.

Approve increase in density from 28 units to 34 units.

Approve height deviation from 35' to 42' height.

### **Conditions:**

That this development be a mixed income development and demonstrate what portions of the Bowen Study are being satisfied by this project.

Include an Ownership matrix and how funding transitions of Ownerships are secured.

Determine the cost of utility extensions/up-grades that are necessary and assess the developer accordingly.

Notify the PC/Village Counsel of what projects are being postponed due to up-grades prioritized by this project.

The second part of the PUD Process will fall on Village Council. They will add to the criteria and apply what current issues override the Planning Commission recommendations. It is my sense that Village Council will approve the project based on the current demand for affordable rental housing. I have alot to say regarding the

project from a professional point of view and these opinions are absent in my my Planning Commission role. I would be more than happy to share those with you and anyone else for that matter as this is a critical issue for our Village.

Respectfully,

Ted Donnell

On 11/16/2018 9:39 AM, Richard Lapedes wrote:

**From:** Richard Lapedes <[richardlapedes@me.com](mailto:richardlapedes@me.com)>

**Date:** November 15, 2018 at 10:28:10 PM EST

**To:** "Kintner , Judy" <[clerk@yso.com](mailto:clerk@yso.com)>

**Subject:** Affordable Senior Housing Letter for Council

Hello, YS Council,

This e-letter to the Village Council results from what I heard at the recent Zoning Commission meeting and then post-meeting cross-talk.

I understand that the zoning commission is uneasy about the Home Inc plan for Senior Housing. Such hesitation is an example of YS's general hesitation to actually become adaptive. Contemporary reality includes rapid decision making skills that adapt to grasp those always imperfect opportunities.

I also understand that Council has an opportunity to help Home Inc. leverage the outside finance for 12 affordable family homes.

As I listened at the Zoning Meeting I learned under that bringing this investment capital to Yellow Springs involves a complex competition with many other communities who want those dollars. Home Inc. needs a nearly perfect score in that competition to get the money. Thus, they need to show that the Village itself has skin in the game.

Finally, I heard (and then read in the YSN) that despite years of expert planning, what Home Inc and St. Mary's have come up with is not good enough. Well, yes, it's not perfect and projects of any size never are. I've been taught to regard perfection as the bane of progress.

My perspective is that affordable housing for Seniors is an excellent way to open up private homes for young families. Those 12 affordable family homes along with homes sold by Seniors moving into affordable apartments will result in attracting the young families we sorely need. We all know our demographics are unhealthy. From

our schools perspective the matter is becoming critical. We are too dependent on open enrollment to sustainably populate our schools.

The affordable housing for young and old that Home Inc is bringing us, including smart financing, is a rare opportunity. Furthermore, Home Inc, to say nothing of St. Mary's, are both proven, trusted and deeply experienced housing specialists. They understand how all the complex dots must be connected. Surely any quibbles about interpreting those dots can be dealt with. Home Inc and St Mary's are adaptable and reasonable entities. We should be too.

What can't be fussed over is the State's timetable. That timetable may not perfectly fit our traditional processes, but hesitating about such deviations from process perfection is the equivalent of tossing out the baby with the bathwater.

Regarding concerns about the Senior Apartments building itself, it is hard not to notice that the Village we love was built around the large, bulky tall buildings that became Antioch College. Those buildings were built with pride and for future generations. And those investments solved the existential problems faced in those times - albeit not by a smooth straight road.

The proposed Affordable Senior building is also a keeper. A pretty darn good solution to our needs both financially and aesthetically. And it is impossible for me to think of a better site.

The idea that we might get stuck in the weeds of detail or that we'd be hesitant out of fear of change seems unthinkable to me.

Perhaps, we have become so fearful of change that our inability to adapt will undermine the entire Village's future.

Please do not use details or fearfulness as a way to, yet again, put us back to zero progress in these matters.

Thank You  
Richard Lapedes  
130 W. Limestone St.

PS Those of us who are investing years of time and lots of money are being ground down by these hesitations. They are an incentive for the youngest and most talented to just move on.

I have lived in the village for over 30 years, almost half my life. I now live in a small home that I own. I have worked outside of town most of my life and am now retired. I live on Social Security, supplemented monthly by money from an IRA. I feel fortunate. I can afford to support myself and stay in this town. Some of the ways I show my appreciation is by giving back. I volunteer at the Riding Centre, Dayton Food Bank delivery day in town, and in the past, I was a driver for the Senior Center.

I don't feel like a senior and I imagine many seniors in town also feel young. There is so much intergenerational contact here and so many things to participate in. It's a great town for seniors. Our Senior Center is a very active place! There are so many great offerings here, many from the seniors themselves! Their faces are familiar, and many are actively involved in this town. Many, many of them have lived here most of their lives too.

When I deplete my IRA, because of a large medical expense, a new roof, or just 10 years more of life, I will probably need to sell my home. At that point, I hope I will be able to stay in town. The senior housing that is being proposed by Home Inc., will allow me to stay, provided there are any open units.

I see this housing as something that is very important. There are many seniors who are already in need of affordable housing now in order to stay in town. They are in their own homes, some are in higher priced rentals that they struggle to afford. These are some of the folks you see in town, you just never know what their finances are. Most of us shy away from sharing this information. So when you think "old" and "low income" do not equate it with a lack of intelligence or trashy living. Every life is important. Often we don't remember all that a person has given until they are gone. Let's honor the seniors who live here now and want to continue to live here. Please support the senior housing development. Don't turn your head, say no, and just let life go on. Seniors here need your support.

Sue Pfeiffer



# Staff Report

**APPLICATION NUMBER:** PC18-34  
**APPLICANT:** Jessica B. Holihan  
**TYPE OF REQUEST:** Conditional Use – Home Occupation Permit – 127 ½ Glen Street  
**ZONING DISTRICT:** R-C, High-Density Residential  
**PARCEL ID #:** F19000100100017700

**BACKGROUND:**

Jessica Holihan is applying for a home occupation permit to receive clients for medical massage therapy appointments in her home. She rents the dwelling unit at the rear of the property (Exhibit A), which is managed by Dunphy Real Estate. Home occupations are a conditional use when the use generates clients or customers.

"R-C," High Density Residential District. The R-C District is intended to promote a high quality mix of residential units, including multiple-family dwellings, at a density of up to 14 units per acre. Other compatible, nonresidential uses may also be permitted. Public sanitary sewer and water facilities are required.

<i>Use</i>	<b>R-C</b>
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	<b>C</b>

*The dwelling is located in the R-C, High-Density Residential District. Glen Street abuts the central business district and is largely single family dwellings, with a few homes converted to multi-family apartments and several properties with accessory dwelling units. A building owned by Ohio Bell and a long standing business, Gailz Tattoo is also located on this street. In the R-C High Density Residential District, which extends along Xenia Avenue to the south and Dayton Street to the west, there is a mix of services ranging from medical/scientific research, primary health care services, counseling/therapy, health and wellness, as well as offices/headquarters for various nonprofit agencies.*

**GENERAL STANDARDS:**

Section 1262.03 of the Zoning Code highlights the standards for Conditional Uses.

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the *Yellow Springs Comprehensive Plan and Vision: Yellow Springs and Miami Township.*

*The Yellow Springs Comprehensive Plan states, “The Village’s commercial land use policies should support a diversity of successful commercial activities, encourage assistance to existing local commercial activities and local entrepreneurial efforts, and enable and encourage commercial activities to relocate here.”*

*The Vision: Yellow Springs and Miami Township documents states, “Update zoning to permit home-based businesses and allow office uses in accessory structures within residential areas. Ensure that home-based business activities that meet certain criteria are permitted within all residential areas in the village as a way to promote more small, diverse businesses.”*

- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

*The proposed use complies with all applicable requirements of this code, except with respect to dimensional requirements, however the structure is grandfathered in and there will be no alteration or modification to the existing structure that will increase its non-conformity (see also Section 1262.08 (e) (5) E. on page 4).*

- (c) The proposed use will be compatible with the character of the general vicinity.

*The proposed use is compatible with the character of the general vicinity as other businesses exist on Glen Street and there will not be any alterations to the exterior of the existing dwelling (Exhibit B).*

- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required.

*The area and proposed use is adequately served by essential public facilities and essential services.*

- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

*The applicant will see clients between the hours of 11:00AM and 5:00PM, seven days a week. Clients will be received by appointment only and the applicants expects one to three clients a day.*

- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*The proposed use for medical massage therapy by appointment only should not impede on surrounding properties.*

- (g) The proposed use will not block sight lines from the right of way to existing signs or windows on the front or side of a building.

*There will be no changes to the building as a result of this use.*

## CONDITIONS OF APPROVAL:

Section 1262.04 of the Zoning Code highlights reasonable conditions which may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (b) Ensure that the use is compatible with adjacent conforming land uses and activities.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

## SPECIFIC REQUIREMENTS: Section 1262.08 (e) (5)

### Home occupation.

A. Permit. Application for a home occupation permit shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. The requirement for a permit shall be waived if all of the following conditions apply to the home occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

*The home occupation does not meet the criteria for a waiver of a conditional use hearing with the Planning Commission as it will generate clients. A sign identifying the home occupation may also be requested.*

B. If the Zoning Administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the Zoning Administrator may refer the matter to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.

C. The use shall be conducted entirely within the dwelling, with the following exception(s):

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned R-A, or R-B or R-C as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

*The use will be conducted in a dwelling at the rear of the property. This dwelling is grandfathered in with a 127 ½ address and separate metering for utilities as it was built in 1900.*

2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Village ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.

*The proposed use complies with all applicable requirements of this code, except with respect to dimensional requirements, however the structure is grandfathered in and there will be no alteration or*

*modification to the existing structure that will increase its non-conformity (see also Section 1262.08 (e) (5) E. on page 4).*

D. The use shall be carried on only by the residents of the dwelling and not more than one other person.

*Only the applicant, who is a resident of the dwelling, will provide medical massage therapy to clients.*

E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20% of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

*The bungalow at the rear of the property is grandfathered in with the structure built in 1900, the same year as the primary dwelling. With a square foot living area (SFLA) of 1,317, it meets the 20% or 250 sq. ft. maximum, whichever is less, with a room measurement of 229.50 sq. ft. (Exhibit C and Exhibit D). If using the dwelling at the front of the property which measures 1,146 in SFLA, 20% is 229.2 sq. ft.*

F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

*The dwelling will not be altered nor the occupation conducted in a manner that causes noise or lighting concerns for neighbors.*

G. No outdoor storage, activities or displays shall be permitted.

*There will be no outdoor storage, activities or displays as a result of this use.*

H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all Federal, State and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

*There will be no toxic or hazardous materials stored as a result of this use.*

I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.

*There will be no transmission interference as a result of this use.*

J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e, pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.

*There will be no additional traffic generated for this use.*

K. The home occupation shall not entail more than eight client visits per day or 40 per week. The operator of the home occupation is responsible for maintaining a log of such visits.

*The application expects one to three client visits per day.*

L. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in [Chapter 1264](#). Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

*The required parking on a property with an accessory dwelling unit is three, two for the primary dwelling and one for the ADU. As two dwelling units that are grandfathered in with separate utilities and addresses, the applicant has indicated that there is room for a third or fourth car to park along the driveway of this property.*

M. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in Section [1262.06](#) shall take place.

### **PLANNING COMMISSION DUTIES**

Section 1262 gives the Planning Commission the power to hear and decide applications for conditional use permits to allow proper integration into the community.

The Planning Commission may approve, modify, or deny any application. If the Commission approves the permit, it may impose time limitations and/or require that one or more things are done before the request is initiated.

### **FINDINGS**

*The proposed use as a home occupation for the practice of medical massage therapy is in conformance with the requirements of Section 1262 of the Zoning Code, with the exception of 1262.08 (e) (5) C. 2. Staff requested a letter from the landlord giving approval for the home occupation (Exhibit E).*

### **RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the Conditional Use with the following findings of fact:

- The Conditional Use is in conformance with goals of the Village's 2010 Comprehensive Plan and the Vision: Yellow Springs and Miami Township visioning plan.
- The Conditional Use will not be detrimental to the health, safety and welfare of the village's residents.
- The Conditional Use is adequately served by essential public facilities.
- The Conditional Use is compatible with the surrounding character of the general vicinity.
- The Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- The Conditional Use will not block sight lines.
- The proposal as presented significantly complies with the requirements of the Village's Zoning Code.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-1702 or [dswinger@vil.yellowsprings.oh.us](mailto:dswinger@vil.yellowsprings.oh.us).

# EXHIBIT A

# Customized Property Map



## Greene County Legend

- Interstate Highway
- US Highway
- State Route
- Local Roads
- Schools
- Parks
- Buildings
- Hydrography
- Parcel Number  
Lot Number
- Parcel Boundary
- Corporation Boundary
- Topography

This map was prepared as the tax map for Greene County as prepared by the Greene County Engineer in accordance with Section 5713.09 of the Ohio Revised Code. Greene County assumes no legal responsibility for the information contained on this map. Users noting errors or omissions are encouraged to contact the Greene County GIS Department.

Created On: 11/15/2018

1 inch = 60 feet

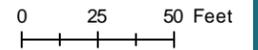


EXHIBIT B

127 1/2



Parcel ID: F19-0001-0010-0-0177-00

Tax Year: 2017

Card: 1 of 2

Owner: DUNPHY JOSEPHINE J  
 Mailing Name/Address:  
 DUNPHY JOSEPHINE J  
 4801 OLD MILL RD  
 SPRINGFIELD OH 45502  
 Tax District: F19 - YELLOW SPRINGS VILLAGE

Description: DEAN PT  
 LOT 7  
 127 GLEN ST  
 Property Address: 127 GLEN ST  
 Class: R - SINGLE FAMILY DWELLING, PLATTED LOT  
 Map/Routing: 0010.00 182.00  
 Neighborhood: 00126.000  
 Parcel Tieback:



F19000100100017700 04/18/2018

LAND DATA	Effective	Square				
Desc	Type	Frontage	Depth	Footage	Acres	Value
Regular Lot	FRONT FOOT	60	157			\$52,830.00

SALES DATA			
Sale Date	Type	Amount	Source
11/28/2017	LAND & BUILDING	\$0.00	AGENT
06/04/2009	LAND & BUILDING	\$0.00	SELLER
03/12/2008	LAND & BUILDING	\$0.00	AGENT
10/09/1992	LAND & BUILDING	\$0.00	AGENT

DWELLING DATA			
Style	BUNGALOW	Total Rooms	5
Story Hgt	1.00	Bedrooms	2
Construct	ASBESTOS	Family Rms	0
Year Blt	1900 Remod	Full Baths	1
SFLA	1146	Half Baths	1
GFLA	906	Add'l Fixt	2
Basement	PART	Total Fixt	7
Heating	CENTRAL	Bath Remod	NO
Heat Fuel	GAS	Kitch Remod	NO
Attic	NONE		
Int vs Ext	2		

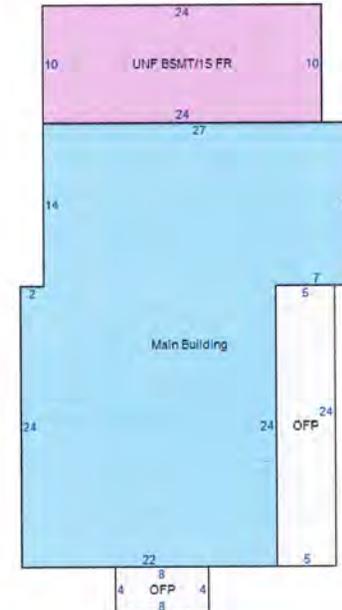
VALUES	Land Value	Bldg Value	Total Value	Value Date
Appraised	\$52,830.00	\$136,040.00	\$188,870.00	8/18/2017
Assessed (35%)	\$18,490.00	\$47,610.00	\$66,100.00	

TAXES	Delinquent	1st Half	2nd Half	Total
Real:	\$0.00	\$2,077.23	\$2,077.23	\$4,154.46
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$2,077.23	\$2,077.23	\$4,154.46
Total Tax:				\$4,154.46
Amount Due:				\$0.00

PROPERTY FACTORS			
Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	LIGHT

ADDITION DATA					
#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			906
A1	50	FRAME			240
A2		OPEN FRAME PORCH			120
A3		OPEN FRAME PORCH			32

OTHER BUILDING & YARD ITEMS					
Description	Yr Blt	Area	Rate	Units	Value



Parcel ID: F19-0001-0010-0-0177-00 Tax Year: 2017 Card: 2 of 2

Owner: DUNPHY JOSEPHINE J	Description: DEAN PT LOT 7 127 GLEN ST
Mailing Name/Address: DUNPHY JOSEPHINE J	Property Address: 127 GLEN ST
4801 OLD MILL RD SPRINGFIELD OH 45502	Class: R - SINGLE FAMILY DWELLING, PLATTED LOT
Tax District: F19 - YELLOW SPRINGS VILLAGE	Map/Routing: 0010.00 182.00
	Neighborhood: 00126.000
	Parcel Tieback:

LAND DATA						
Desc	Type	Effective Frontage	Depth	Square Footage	Acres	Value

SALES DATA			
Sale Date	Type	Amount	Source

DWELLING DATA					
Style	BUNGALOW	Total Rooms	5	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	3	Unfin Area	
Construct	FRAME	Family Rms	0	Rec Room Area	
Year Blt	1900 Remod	Full Baths	1	Fln Bsmt Area	
SFLA	1317	Half Baths	1	WBFP Stacks	Open
GFLA	320	Add'l Fixt	3	Bsmt Garage # Cars	1
Basement	FULL	Total Fixt	8	Misc Desc	
Heating	CENTRAL	Bath Remod	NO	Misc Desc	
Heat Fuel	GAS	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

VALUES				
	Land Value	Bldg Value	Total Value	Value Date
Appraised				
Assessed (35%)				

TAXES				
	Delinquent	1st Half	2nd Half	Total

PROPERTY FACTORS			
Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	LIGHT

ADDITION DATA					
#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			320
A1		FRAME	FRAME		320
A2		FRAME			277
A3		FRAME	WOOD DECKS		80
A4		OPEN FRAME PORCH			40
A5		WOOD DECKS			84

OTHER BUILDING & YARD ITEMS					
Description	Yr Blt	Area	Rate	Units	Value

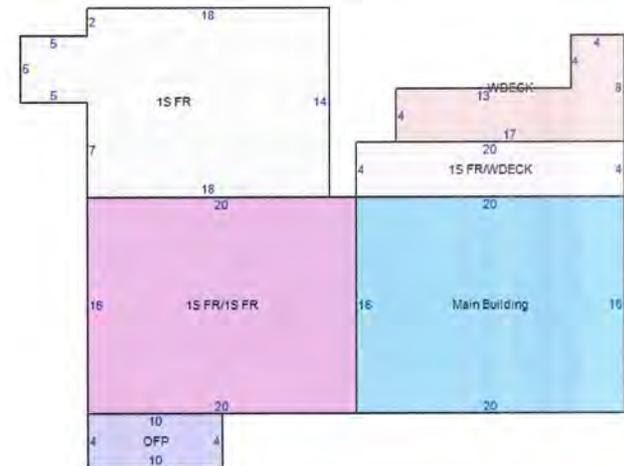


EXHIBIT D



EXHIBIT E



SINCE 1960

**DUNPHY**  
REAL ESTATE INC.

FRESH LISTINGS. SAVVY AGENTS.

11/16/18

Dear Denise,

Jessica Holihan is approved to operate a massage therapy business at the address 127 ½ Glen St. Yellow Springs, OH 45387. Feel free to call me if you have any questions.

Sincerely,

Teresa Dunphy  
937-776-2829



**TO:** PLANNING COMMISSION  
**FROM:** Denise Swinger, Zoning Administrator  
**MEETING DATE:** Monday, December 10, 2018  
**RE:** Yellow Springs Home, Inc. PUD Application

At Planning Commission's meeting held Monday, November 12, 2018, members reviewed the application for rezoning to PUD submitted by Yellow Springs Home, Inc. In this report is an overview of the qualifying conditions and PUD requirements currently under review. Staff would like the Planning Commission to complete the review process and craft a recommendation at the meeting. Staff will forward the recommendation to Council for consideration at their December 17th meeting.

Included in this report is an additional document provided by Home, Inc., St. Mary Development, and ATA Beilharz Architects (**Exhibit 1**) as a result of Planning Commission's meeting November 12, 2018.

Included in this document is:

- Clarification on PUD deviation requests
- How this project serves a mixed-income population and supports a mixed-income village
- Ownership, management and replacement/repair reserves
- Why the design is a mix of two, three and four stories
- Height comparison for reference
- Why the project must be 54 units
- Professional evaluation of traffic impact
- Explanation for number of ADA parking spaces
- Infrastructure costs
- Fire safety
- How this projects meets local needs
- Overview of available funding

#### **1254.01 PURPOSE**

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning

requirements in furtherance of the vision and goals of the adopted Comprehensive Plan and Vision: Yellow Springs and Miami Township.

## 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;

*YSHI/SMDC: Did not apply for this criteria*

*STAFF: Project doesn't meet the criteria*

*PC: Agreed that this is not met*

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

*YSHI/SMDC: Defined the land uses/housing types surrounding the property.*

*STAFF: Pertains to within the PUD where there is not a mix of housing types, but a single multi-family building. Does not meet the criteria.*

*PC: Agreed that this criteria is not met*

- (3) **Extensive open space and recreational amenities;**

*YSHI/SMDC: Applied for this criteria*

*STAFF: Meets the criteria*

*PC: Agreed that this project meets the criteria*

- (4) **Connectivity of open space with new or existing adjacent greenway or trail corridors; Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to Village standards.**

*YSHI/SMDC: Applied for this criteria*

*STAFF: Did not meet the criteria, but Home, Inc. has additional information that PC may consider.*

*PC: With the additional information that Friends Care Center has it listed on their website as a community asset which is open to the public, the Planning Commission agreed that it meets the criteria.*

- (5) Preservation of small town appeal;

*YSHI/SMDC: Did not apply for this criteria*

*STAFF: The proposal doesn't meet the criteria*

*PC: Agreed that this criteria is not met*

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

*YSHI/SMDC: Did not apply for this criteria*

*STAFF: Did not determine*

*PC: Agreed that this criteria is not met*

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

*YSHI/SMDC: Applied for this criteria*

*STAFF: Meets the criteria*

*PC: Agreed that this criteria is met*

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

*YSHI/SMDC: Applied for this criteria*

*STAFF: Did not meet this criteria*

*PC: Members discussed the criteria and after some disagreement regarding the definition of “blighted,” PC’s legal representative referenced the Ohio Revised Code section 1.08 which defines a blighted property and because the Village’s zoning code is silent on the definition, the default is the ORC. The Planning Commission agreed that this criteria is not met.*

***Staff Summary - Under the qualifying condition of 1254.02 (a) Recognizable Benefit, the applicant needed to meet three of the eight qualifying conditions. The Planning Commission agreed that they met:***

- **Extensive open space and recreational amenities**
- **Connectivity of open space with new or existing adjacent greenway or trail corridors**
- **Coordinated development of multiple small parcels**

(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;

*YSHI/SMDC: The proposed development will sit between diverse uses and is compatible with all.*

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

*YSHI/SMDC: The neighborhood comprises a very diverse mix of building styles. The new building will utilize multiple heights and roof lines as well as traditional detailing, porches and overhangs to break up the massing.*

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

**YSHI/SMDC:** *While this site is smaller than the minimum required 5 acres, the qualifying conditions of the PUD can be achieved.*

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

**YSHI/SMDC:** *The choice to utilize the PUD zoning designation is a result of the compatibility of the PUD requirements to the type of project. While the PUD does offer some flexibility from underlying zoning requirements, we believe that this type of project offers tradeoffs that make the project worthwhile to the community.*

**STAFF:** *Council 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.*

**PC:** *The Planning Commission deliberated over the height, density and size of the structure. Differing views were represented regarding whether it is a detriment to adjacent lands. Planning Commission understood from the applicant that a smaller project only provides a certain amount of funding which would not be enough to cover the cost of the land. With the funding under the Ohio Housing Finance Agency, anything less than 54 units will not make the funding competitive. The role of the Planning Commission in PUD zoning was discussed with the PC's legal representative stating that they are within their rights to address the deviation with regard to size. Each member expressed their view on the section (b) size, with Doden and MacQueen not objecting to the size and Donnell and Williams objecting.*

**The Planning Commission voted 2 – 2 which constitutes a no to meeting this criteria.**

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

**PC: All agreed that this criteria 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.

**STAFF:** *The documentation of ownership or control was not provided and staff requested further explanation on the relationship between YSHI and SMDC.*

**YSHI/SMDC:** *St. Mary's will have responsibility for the development through completion of construction and beyond as they will be responsible for the project until a 30-year restrictive covenant expires. An adjustment in ownership may be allowed after year 15, but the property must remain affordable low income housing and St. Mary's is required to be involved for thirty years. SMDC expects to hire National Church Residences to run the facility. The project will be set up as a Community Housing Development Organization with SMDC as the 100 percent general partner with the limited partner being Ohio Capital Corporation for Housing, a private non-profit. SMDC expects some form of ownership for Home, Inc. after 15 years. Home, Inc. is presently the landowner.*

**PC: All agreed that the ownership criteria is met for now.**

(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.

*PC: A discussion regarding the comprehensive plan and the desire for a mix of income levels in any future developments ensued. **Planning Commission agreed 3 to 1 that the proposed development meets the criteria.***

(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.

*PC: All agreed that this criteria is met*

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

*PC: The Planning Commission voted 2 to 2 which constitutes a no to meeting this criteria.*

(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.

*PC: A traffic study was requested and concern expressed regarding existing traffic issues at E. Herman and U.S. 68. **Exhibit 1** contains a traffic study provided by Home, Inc.'s engineering firm. The Public Works Director intends to have a traffic study done before the final plan hearing. **No agreement on this criteria was made by the Planning Commission.***

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

*PC: All agreed that this criteria is met.*

*Staff Summary of Qualifying Conditions - There are 11 qualifying conditions with (a) Recognizable Benefit and (b) Size containing several subsections. In order to qualify for PUD approval, each of these criteria is to be or will be met by the proposed PUD. Of eleven qualifying conditions, A, C, D, E, F and I were met, B and G were split constituting a no, and H was not determined.*

### **1254.03 PUD REQUIREMENTS**

(a) Permitted Uses. Any use permitted by right or conditional approval in any zoning district may be permitted within a PUD, subject to the provisions of Section 1254.02, Qualifying Conditions, and the requirements of this section.

*Multi-family dwellings are a permitted use by conditional approval in R-B. Table 1254.03 of the PUD zoning requires the R-C, High Density Residential District's minimum zoning requirements for multi-family buildings be used when considering rezoning to PUD. Staff used the R-C minimum requirements in the November 12, 2018 report to Planning Commission.*

(b) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in Table 1254.03, shall be applicable for all such uses within a PUD, unless modified in accordance with Section 1254.03(d). In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

*Lot Area and Lot Width – The Planning Commission agreed that the minimum lot area and width requirements were met in this proposal.*

**Lot Frontage** - The Planning Commission agreed that the minimum lot frontage requirements were met in this proposal.

**Density** – The Planning Commission acknowledged that the proposal exceeds the maximum density requirement of 28 dwelling units for 1.853 acres with a request for 54 dwelling units. However, **the Planning Commission agreed to a countervailing consideration that approves the density by considering “fixture units.”** The rationale behind this determination is based on 39 one-bedroom units and 15 two-bedroom units, all with one bathroom. The units range in size from 700 to 900 sq. ft. According to the National Association of Home Builders, in 2016, 3.7 percent of new single-family homes being built had 1 bathroom with the majority having two or more. Because fewer people will be living in each unit, and with each unit containing only one bathroom, there will be less of an impact on utilities. A dwelling unit in the zoning code is defined as “a permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.” This means that if a home is 700 sq. ft. with one bathroom or 2,000 sq. ft. with two bathrooms, both count as one dwelling unit.

**Maximum Building Height (Ft/Stories)** - The building exceeds the maximum height of 35 feet with a proposed height of 55 feet. The building also exceeds the maximum height of three stories with a proposed four-story structure. **The Planning Commission was divided on a deviation to the maximum height with a 2-2 vote and this criteria was not met.**

**Minimum Yard Setbacks (Ft.)** - The Planning Commission agreed that the minimum yard setbacks were met in this proposal.

**Maximum Lot Coverage (%)** - The Planning Commission agreed that the maximum lot coverage requirements were met in this proposal.

**Parking** – The site plan (Exhibit B-1 in the 11/12/2018 staff report) shows 54 spaces for 54 units. The code requirement is 68 spaces for 54 units. Additionally, within Exhibit I of the 11/12/2018 staff report, an alternative design showing 42 spaces was provided. Although the Planning Commission vetted the number of parking spaces with SMDC during the public hearing, no final agreement on the total number of spaces (42, 54 or 68) was made. **The Planning Commission did not make a final determination.**

**Landscaping** - The Planning Commission agreed that this will be addressed during the final site plan review.

**Lighting** – This detailed information will be a requirement in the site plan review process during final plan review and the Planning Commission did not express any concern with this.

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

**The Planning Commission determined that this was vetted earlier under 1254.02(a) (4) of the Qualifying Conditions, where the members agreed that this criteria was met.**

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

expressed in Section 1254.01. **The modifications shall also satisfy at least four of the following criteria:**

***The Planning Commission agreed to review only those criteria that Home, Inc. is attempting to obtain.***

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

***The Planning Commission agreed this criteria has been met.***

- (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;

***The Planning Commission agreed this criteria has been met.***

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

***The Planning Commission agreed this criteria has been met.***

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

***The Planning Commission voted 3-1 that this criteria was met.***

***The Planning Commission agreed that the four modifications needed to meet the minimum requirements of 1254.04 (d) that Home, Inc. applied for were 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:

- (1) More than 20% of the total units within the PUD will be committed as "permanently" affordable units;
- (2) Cool roof technology will be employed on all buildings within the PUD;
- (5) One or more of the buildings within the PUD will be LEED certified building(s);
- (6) Low-impact development (LID) design principles will be employed to minimize storm water runoff;
- (8) Additional accommodation beyond the required pathways will be made for bicycles and pedestrians; and/or
- (9) A minimum of 25% open space will be dedicated within the development.

***For the density bonus, at least three amenities are required. The Planning Commission agreed that #1, 2, 5, 6, 8 and 9 were met for the density bonus. Amenities numbered 3, 4 and 7 do not apply.***

**(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.

***The Planning Commission did not further review this section as the 25% requirement for green space was approved by the Planning Commission under (e) (9) Density Bonus.***

**(g) Existing PUDs.**

*The proposal does not apply as this is an application for rezoning to a PUD.*

**(h) Center for Business and Education.**

*This is an existing commerce park zoned PUD and does not apply to this application.*

*Staff summary of PUD Requirements – There are eight sections to the PUD requirements. In 1254.03 (b) Minimum Requirements, the Planning Commission was divided on a deviation to the maximum height and with a 2 -2 vote, this criteria was not met. For parking, a decision was not made regarding 42, 54 or 68 spaces. All other requirements of 1254.03 (b) were met. PUD Requirements 1254.03 (a), (c), (d), (e) and (f) are also met. 1254.03 (g) and (h) do not apply to this proposal.*

**1254.04 GENERAL PROVISIONS**

(a) Conditions. Reasonable conditions may be imposed upon the PUD approval by the Planning Commission and/or Village Council. The conditions imposed shall be recorded in the minutes of the approval action, and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of Section 1254.07. Conditions may include, but are not limited to, those necessary to:

- (1) Ensure public services and facilities will be capable of accommodating increased loads;
- (2) Protect the natural environment and conserve natural resources and energy;
- (3) Ensure compatibility with adjacent uses of land;
- (4) Meet the intent and purpose of this code;
- (5) Be related to the standards established in the code for the proposed PUD;
- (6) Ensure compliance with the final development plan and the provisions of this code.

(b) Performance Guarantees. The Village Council or Planning Commission may require reasonable performance guarantees, in accordance with Section 1272.04 of this code to ensure completion of specified improvements within the PUD.

(c) Interior Streets. Public or private streets may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent parcels, so as to provide for secondary access, continuity of the circulation system and to reduce traffic on collector streets.

(d) Time Limits. Each PUD shall be under construction within 12 months after the date of approval of the final development plan. If this requirement is not met, the Village Council may, in its discretion, grant extensions not exceeding 12 additional months for each such extension; provided that prior to the expiration of the initial 12-month period and any subsequent extension, the applicant submits reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the initial 12-month approval period, or within an authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect. At the expiration of the applicable period of time, the Planning Commission or Village Council may initiate proceedings for the rezoning of the property to some other zoning district.

## 1254.05 REVIEW PROCESS

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

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

***A pre-application conference was held with Village staff and a member of the Planning Commission on August 23, 2018.***

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

***The preliminary PUD application was submitted to the zoning office on September 20, 2018.***

- (1) Parallel plan. Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements specified in Table 1254.03. A concept layout shall be prepared to scale showing, as applicable, single family and two-family lots, townhome and multiple-family buildings, parking, setbacks and street rights-of-way. The number of units that could be accommodated under the requirements of Table 1254.03 shall serve as maximum number permitted, unless a density bonus is approved in accordance with Section 1254.03(e). Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.

***The parallel plan was given to the Planning Commission for their November 12, 2018 meeting.***

(2) Preliminary development plan. A preliminary development plan containing the following information shall be submitted:

- A. General location map;
- B. Legal description of the subject property;
- C. Title block, date, north arrow, scale, name and contact information of applicant and name and contact information of plan preparer;
- D. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two feet based on field survey or photogrammetric methods;
- E. Property boundary survey;
- F. Location of existing natural features, including woods, streams, ponds, wetlands and steep (15% or greater) slopes;
- G. Existing land uses within the development site and surrounding areas for a distance of 300 feet, including the approximate location of all buildings, structures, lots and streets (an aerial photo may suffice);
- H. Location and identification of existing and proposed public, semi-public, or community facilities such as schools, parks, trails, churches, public buildings and dedicated open space;

- I. Existing zoning on all abutting properties;
- J. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan;
- K. Uses proposed within the PUD;
- L. Number and type of dwelling units proposed, including the number and type of committed affordable units, if any;
- M. Conceptual layout;
- N. General location of proposed interior streets and access points to abutting streets;
- O. Number and general location of off-street parking facilities; and
- P. Perspective drawings or photographs of representative building types, indicating the proposed architectural style and appearance.

***A preliminary development plan was provided in the Planning Commission packet for the November 12, 2018 meeting.***

(3) Summary of intent. A written statement containing the following information shall be submitted with the preliminary development plan:

- A. Statement of how the proposed PUD meets each of the qualifying conditions of Section 1254.02;
- B. Statement of the present ownership of all land within the proposed development;
- C. Explanation of the character of the proposed development, including a summary of acres or square footage by type of use, number and type of dwelling units, gross density calculation for dwelling units, and minimum standards for floor area, lot size, and setbacks;
- D. Verification that the subject site is not located within an existing flood plain;
- E. A complete description of any requested variations from the applicable spatial or other requirements applying to the property, in accordance with Section 1254.03(d);
- F. General statement of the proposed development schedule and progression of each phase or stage;
- G. Intended agreements, provisions, and covenants to govern the use of the development, building materials or architectural styles and any common or open space areas, including the provisions which will organize, regulate and sustain a property or homeowners association, if applicable.

***A summary of intent was provided in the Planning Commission packet for the November 12, 2018 meeting. Additional information was requested about the governance of the development at this meeting and is provided in a supplemental report (Exhibit 1) for Planning Commission's December 10, 2018 meeting.***

(c) Preliminary PUD Plan and Rezoning.

- (1) Planning Commission review. Upon receipt of the PUD application and related materials, the Planning Commission shall conduct a work session with the applicant to review the development concept and determine the need for additional information, prior to conducting a public hearing.

***A work session was held with the developers on October 18, 2018. Additional information was requested and provided for at the November 12<sup>th</sup> meeting of the Planning Commission.***

- (2) Additional information. If required by the Planning Commission, the applicant shall submit additional information and/or studies to support the request such as, but not limited to: impact assessment, traffic analysis, storm water study, market feasibility study.

***Additional information was requested by the Planning Commission, including a traffic study and storm water calculations. The storm water will be reviewed by a Village contracted engineer in the final plan review process. A traffic study has been provided by Home, Inc. (Exhibit 1). The Public Works Director intends to meet with Greene County regarding an ODOT approved traffic study in order to determine if modifications to East Herman Street will need to be made for traffic flow as well as the need for a traffic light at the E. Herman Street and U.S. 68 intersection. This study will be conducted prior to the final development plan. The Planning Commission may want to consider a condition for this within their recommendation to Council.***

- (3) Public hearing. Upon completion of its initial review and following receipt of any additional materials, the Planning Commission shall conduct a public hearing, notice of which shall be in accordance with the requirements of Section 1280.03(e).

***The public hearing was held November 12, 2018. The remaining sections of 1254.05 will continue at the December 10, 2018 Planning Commission meeting.***

- (4) Recommendation. Following the public hearing, the Planning Commission shall review the PUD request and the preliminary development plan, based on conformance with the standards of Section 1254.06 and shall make a recommendation to the Village Council to approve, disapprove, or approve with modifications the request for PUD zoning and the preliminary development plan.

- (5) Village Council action. Upon receipt of the Planning Commission recommendation, the Village Council shall review the preliminary development plan, the record of the Planning Commission proceedings, the standards of Section 1254.06 and the recommendation of the Planning Commission, and shall approve, disapprove, or approve with modifications the preliminary development plan and rezoning request.

- (6) Zoning Map. If the PUD zoning is approved, the Zoning Administrator shall cause the Zoning Map to be changed to indicate the planned unit development. If the preliminary development plan is approved with modifications, the applicant shall file with the Zoning Administrator written notice of consent to the modifications and a properly revised preliminary development plan prior to the map being changed.

- (d) Final Development Plan. Within 12 months of the Village Council's approval of the preliminary development plan and PUD rezoning, the applicant shall submit a final development plan for the entire PUD or one or more phases to the Zoning Administrator, in accordance with the requirements for final site plan review as contained in Section 1268.05. If determined to be complete by the Zoning Administrator, copies of the plan shall be forwarded to the Planning Commission.

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

- (2) Extension of time limit. One extension of the time period for submitting the final development plan may be granted by the Village Council for up to an additional 12 months, if a request is submitted by the applicant, in writing, prior to the expiration of the original 12-month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original 12

months or an approved extension, the preliminary development plan shall be null and void. In addition, the Planning Commission or Village Council may initiate a rezoning of the property to another zoning district.

(3) Subdivision plat. For any PUD requiring subdivision plat approval, the subdivision plat shall be submitted simultaneously with the final development plan and reviewed concurrently as part of the PUD.

(4) Review and action. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions or modifications attached to the PUD rezoning by the Village Council. If it is determined that the final plan does not substantially conform with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with Section 1254.05(b). If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for site plan review, Section 1268.06 and the PUD standards of Section 1254.06. The Planning Commission shall prepare a record of its findings and shall approve, disapprove, or approve with modifications the final development plan.

(e) PUD Agreement.

(1) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Village, in recordable form, setting forth the applicant's obligations with respect to the PUD.

(2) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required modifications, other documents which comprise the approved PUD, and all conditions attached to the approval by the Village.

(3) A phasing plan shall also be submitted, if applicable, describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.

(4) The agreement shall also establish the remedies of the Village in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.

(5) All documents shall be executed and recorded in Greene County.

#### **1254.06 REVIEW STANDARDS**

In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:

(a) The PUD will comply with the standards, conditions, and requirements of this chapter.

(b) The PUD will promote the intent and purpose of this chapter.

(c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.

(d) The proposed project will be consistent with the public health, safety, and welfare needs of the Village.

(e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.

(f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.

(g) The PUD will be consistent with the Village's Comprehensive Plan and Vision: Yellow Springs and Miami Township. Specifically, the following planning principles shall be adhered to, as applicable:

- (1) Redevelopment and infill locations should be favored over greenfield development;
- (2) Natural features and resources should be preserved or at least conserved;
- (3) Future development/redevelopment shall strengthen the physical character of the Village;
- (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
- (5) Places are created with an integrated mix of uses that contribute to the Village's identity and vitality;
- (6) Diverse housing choices are found throughout the Village, including relatively high-density and affordable units;
- (7) Parks, open space and recreational areas are incorporated into future development; and
- (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.

(h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the Village where it is to be located.

#### **STAFF RECOMMENDATION**

Prior to the zoning code update of 2013, the PUD zoning had more specific standards. In the former zoning code for PUD - 1264.02 Eligibility and General Standards, section (b) states, *“The standards for residential planned unit developments shall be the same as those for the underlying zoning districts in which such PUDs are proposed. In cases where exceptional design has been demonstrated in providing open space, circulation and other amenities, and where it has been determined that surrounding neighborhoods will not be adversely affected, the Village may grant density increases and a waiver of otherwise applicable standards up to twenty-five percent or the standards for a Residence C zone, whichever standard offers the lesser deviation.”*

In the new zoning code, this language was removed. In the minutes of a special meeting with Planning Commission and Council on January 23, 2013, the planner at that time objected to the removal of this specific standard, but the village’s zoning code update consultant said, *“This is the one area of the zoning code where the language is broad and general because PUD is a negotiation process and the latitude is useful. If the language is made more specific, both Planning Commission and any developer are more restricted in their ability to negotiate.”* The application before Planning Commission has been presented as non-negotiable on both the height and density. As stated in **Exhibit 1**, *“To approve the project with conditions restricting height or density would result in no project at all.”*

At their November 12, 2018 meeting, the Planning Commission agreed to the density of 54 dwelling units, but were divided on the building’s height/size. The PUD zoning states that the Planning Commission is to make a recommendation based on its interpretation of the qualifying conditions and PUD requirements within the zoning code. This recommendation then goes to Council where they can accept, modify or deny it. This two-step process provides a distinction between the role of the Planning Commission and the role of Village Council. If a developer wants to use the PUD to deviate from the underlying zoning, the Planning Commission should be consistent in their interpretation of the PUD language, while understanding that this recommendation may be viewed differently by Council. The

Council is a political body, “of, involved in, or relating to government policy-making as distinguished from administration or law” (*dictionary.net*), whereas the Planning Commission is quasi-judicial, “which has powers and procedures resembling those of a court of law or judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action” (*Wikipedia.org*).

Because the Planning Commission was in general agreement regarding the Qualifying Conditions, but are not in agreement on the PUD Minimum Requirements for height/size, the Planning Commission could recommend the project with the condition that the size be three stories with a height equal to or less than the Mills Park Hotel with its 40 foot roof line. There may be a design opportunity that will allow Home, Inc. to maintain 54 units while keeping the open space area at or above 25 percent. The fourth floor has the least number of apartments with 8 one-bedroom and 2 two-bedroom units. Could there be a modification to the design allowing for co-housing principles? Could the detention basin have a water feature allowing that square footage to be calculated into the open space requirement? The PUD code states, “*Storm water detention ponds; provided, rain gardens or ponds designed as water features that may also provide for storm water storage may be counted toward required open space.*”

It is not Planning Commission’s role to design the project, but Planning Commission could make the reduced height a recommended condition to Council, in addition to any other conditions they may decide on. From staff’s analysis of the discussion surrounding the deviations reflected in the November 12, 2018 minutes, the height/size seems to be the biggest obstacle facing the Planning Commission’s final recommendation.

In making the recommendation to Council, the Planning Commission must consider the following in determining the preliminary plan for rezoning to PUD. Specifically, the Planning Commission will need to consider:

- The qualifying conditions (1254.02)
- The PUD requirements (1254.03)
- The general standards of 1254.06

In establishing any conditions to accompany this recommendation, the Planning Commission will need to consider:

- The General Provisions of 1254.04 (a) Conditions

*Please note that deviation decisions for PUDs are recommended by the Planning Commission and decided by Council. As stated in 1254.08 of the PUD zoning code, the Board of Zoning Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Board of Zoning Appeals have authority to grant deviations for or with respect to a PUD or any part thereof.*

Respectfully submitted,

Denise Swinger  
Planning & Zoning Administrator

# EXHIBIT 1

## Yellow Springs Senior Apartments Supplemental Documentation for Planning Commission

Respectfully submitted on November 30, 2018, for the December 10, 2018 regular Planning Commission meeting by:

- Emily Seibel, Yellow Springs Home, Inc.
- Tim Bete and Wes Young, St. Mary Development Corporation, and
- Rob Humason, ATA Beilharz Architects

We are submitting this documentation in response to questions raised at the Planning Commission Public Hearing. Our intent is that the contents of this documentation will help to provide clarity. We invite any additional questions or comments that Planning Commission and/or Council Members may have. We thank you for your consideration and look forward to partnering with the Village to help meet its senior housing needs and goals.



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# Clarification on Planned Unit Development Deviation Requests



ATA | BEILHARZ  
ARCHITECTS

## 1. Clarification on Planned Unit Development Deviation Requests

### Scope of Deviation Requests

As part of this Planned Unit Development request, the developers are asking for deviations from R-C zoning in height, parking, and density. Given the one-time special nature of this project, Yellow Springs Home, Inc. and St. Mary Development Corporation seek PUD zoning instead of asking the BZA for a traditional variance. The PUD zoning process is complex by nature and is designed to accommodate one-time, special requests that fall outside of the residential zoning jurisdictions and the traditional BZA variance thresholds.

As a result, it is the developer's responsibility to show that the deviations requested are off-set by community benefits as outlined in the PUD section and that impact on public infrastructure is off-set through the design. The development team understands that this request exceeds the traditional scope of BZA variance requests, which is why the project design is responsive to the incentives in the PUD section. The development team has attempted to meet or exceed all requirements for qualifying criteria, modification of minimum requirements, and density bonus sections while providing for the required public infrastructure improvements. The goal is to reasonably meet or exceed each PUD re-zoning criteria in order to offset the deviation requests in the areas of height, parking, and density alongside ensuring that the public infrastructure will not be adversely impacted by the project's development.

### Density and Height

Finally, it should be noted that this project, which is directly responsive to neighbor input, the Comprehensive Land Use Plan, and the Housing Needs Assessment, cannot be altered in the areas of height or density. The height, which steps from two to three to four stories through varied rooflines and massing, is a direct reflection of neighbor wishes to provide as much green and open space as possible with varied rooflines and heights. Furthermore, we responded to Mr. Donnell's call to "break up the box." Please see more detail in the following section "Why the Design is a Mix of Two, Three, and Four Stories" for implications of a shorter building on open space.

The density and number of units cannot be altered either—if the project is less than 54 units, it will not be competitive for funding and will not happen. **To approve the project with conditions restricting height or density would result in no project at all.** The development team further regards the scale, density, and height as a positive, given the senior housing crisis and pent-up demand for this type of dwelling option for seniors in Yellow Springs.

There will only be one senior LIHTC award made in Yellow Springs in the foreseeable future; therefore, the scale and density are warranted to meet the need, which is outlined extensively in the recently conducted Yellow Springs Housing Needs Assessment.

# How This Project Serves a Mixed-Income Population and Supports a Mixed-Income Village



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## **2. How This Project Serves a Mixed-Income Population and Supports a Mixed-Income Village**

### **Income Limits**

The Yellow Springs Senior Apartments project will serve a variety of incomes, including seniors aged 55 and older with a certain number of units reserved for each of the following income groups, making the following percentages of Area Median Income. Please note that income limits are based on 2018 Area Median Income percentages calculated by HUD.

These figures change annually:

### **Incomes served by this project:**

- 30% of Area Median Income (\$13,800 one person/\$15,780 two persons)
- 50% of Area Median Income (\$23,000 one person/\$26,300 two persons)
- 60% of Area Median Income (\$27,600 one person/\$31,560 two persons)
- 80% of Area Median Income (\$36,800 one person/\$42,080 two persons)

### **Assets and Qualification**

It is a common misconception that owning a home or having other assets disqualifies applicants. Only ongoing, regular income generated by and/or a small percentage of total assets is counted towards income eligibility in the program. Many local seniors, including some current homeowners in the Village, will qualify for this program. Income qualification is determined on a case-by-case basis at the time of application. The development team would be happy to provide examples of income qualification scenarios at the request of Planning Commission or Village Council.

### **A Mixed-Income Project for a Mixed-Income Village**

A goal of Yellow Springs is to be income diverse. This project has the potential to retain a mixed-income population in Yellow Springs, providing quality, accessible, affordable housing where the market cannot deliver. Yellow Springs Senior Apartments supports the public goal of having a mixed-income Village, both through the role it plays within the larger housing market and through the income populations served within the project.

# Ownership, Management, and Replacement/Repair Reserves



### 3. Ownership, Management, and Replacement/Repair Reserves

The ownership, management, and long-term control of a tax credit project is complex by nature. Please note that ownership for this project will be a for-profit LLC as indicated in the chart for an initial 15 years prior to re-syndication. Long-term control of the land will be maintained by Yellow Springs Home, Inc., the local community land trust. Yellow Springs Home, Inc. plans to lease the land to the project while maintaining long-term control and ownership.

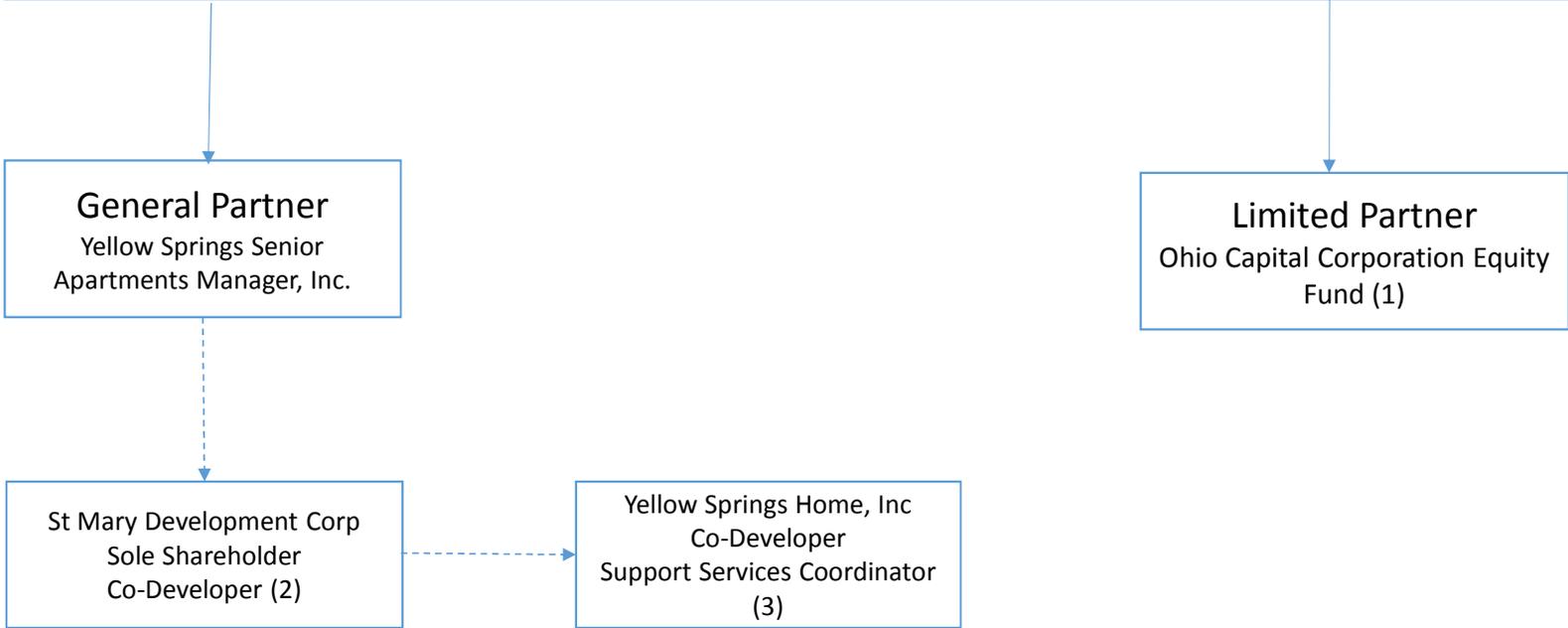
St. Mary Development Corporation and Yellow Springs Home, Inc. are co-developers, while St. Mary will be acting as the general partner for the first 20 years as required by the home funding rules. To ensure that the project is operating in the black, they will be responsible for repairs and compliance for operations. Yellow Springs Home, Inc. will provide service coordination through local and area partnerships with leadership from St. Mary Development Corporation.

The property will be managed by a third-party management company with expertise and capacity. It is the commitment of all parties involved that the local community land trust, Yellow Springs Home, Inc., will maintain long-term ownership of the project, likely in collaboration and partnership with St. Mary Development Corporation. The compliance period includes an initial requirement for the LLC for years one through 15, with additional restrictive covenants through the Ohio Housing Finance Agency for years 16 through 30.

Tax credits are utilized by investors in years one through 10, while tax losses are utilized by investors in years one through 15, plus additional time after year 15 until the limited partner will exit. **The reserves, required for replacement and repairs to maintain the property over time, will transfer with the ownership.** After 20 years, HOME rules allow for a change in ownership, at which time the project will be sold to Yellow Springs Home, Inc., potentially in partnership with St. Mary Development Corporation. A contract will be in place up front to ensure that Yellow Springs Home, Inc. has a long-term option, alongside retaining ownership of the land to ensure long-term community control. The term of the ground lease is expected to be 75 years.

Please see the following PDF of the initial 15-year project ownership matrix for further detail, keeping in mind that **Yellow Springs Home, Inc. will maintain local ownership of the land through the community land trust.**

**Yellow Springs Senior Apartments LLC  
Organization Chart – Years 1 - 15**



(1) Represents investor stream  
(2) Sole Shareholder for first 20 years to comply with HOME rules  
(3) Long term land and project owner

Note: Yellow Springs Home, Inc., the local community land trust will continue to own the land and lease it to the project. The project will be re-syndicated after 15 years, while YSHI will have an increased ownership interest after 20 years and long term control

# Why the Design is a Mix of Two, Three, and Four Stories



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#### 4. Why the Design is a Mix of Two, Three, and Four Stories

During the initial design phase of the project, we gathered a vast amount of information about the site, the neighborhood, the project goals, and project restrictions and funding sources. Into this mix we met with a diverse group of stakeholders in the community through 16 listening sessions, prioritizing the wishes of adjacent property neighbors. Utilizing this data, we explored several building types, building configurations, multiple buildings, and most important site configurations.

This resulted in several configuration concepts with differing lot coverage, building heights, and building styles. The evaluation of the differing concepts entailed evaluating the tradeoffs that are involved in each concept.

One of the large tradeoffs that occurs is the amount of site coverage of the project versus the building height. Lower building heights and large amounts of open space are both desirable to the neighbors. In general, a lower building height requires more of the site to be covered with buildings, paving and storm detention. A taller building requires less of the site to be covered, allowing for more open space for outdoor areas, gardens, paths etc.

When applied to this site, the current design allows for 33% open space\*. A similar design with a building limited to 3 stories, would result in 20% open space (below the required minimum threshold). Neighbors preferred a higher building with more green space, a larger setback, and varied rooflines stepping down to the residential corridor. Of the remaining listening sessions, while not all were in agreement about the number of stories, the majority of people that we talked to expressed a choice of more open space over lower building heights.

The net result is that a lower building on this site does not allow for the open space elements such as a walking trail, pollinator path, resident gardens and seating areas that create value for the project and the neighborhood. After evaluating the trade-offs involved in the conflict of a taller building versus more open space, and much discussion with stakeholders, we have designed a solution that uses a four-story section of building, but also incorporates 3-story and 2-story sections on the ends and incorporates a sloped roof form. Together this allows for enhanced open space and visually mitigates the extra height of the four-story portion of the building and the extra height from the sloped roof forms.

\*the open space calculation subtracts the (a) the building footprint; (b) the paved parking areas; (c) the stormwater detention areas; and (d) the required front yard setbacks and side yard setbacks from the total site area to create a percentage of open space.

# Height Comparison for Reference



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## 5. Height Comparison for Reference

\*Please note that this 2-D comparison of height with the Mills Park Hotel does not represent setbacks from the road. This proposed project will be set back considerably farther from the road than the Mills Park Hotel, which will help to reduce the feeling of scale. Please further note that while the building is a mix of two, three, and four stories, the roof edge of the highest story is approximately the same height as the highest part of the Mills Park Hotel, for comparison.



## ELEVATION COMPARISON

1/16"=1'-0"

# Why the Project Must be 54 Units



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## 6. Why the Project Must be 54 Units

### The project must be at least 54 units to be competitive

The development team, in partnership with the Ohio Capital Corporation for Housing, has assessed the 2019 tax credit competitive scoring criteria. While the minimum number of units (the floor) in our pool is 45 units, a thorough analysis of the scoring criteria results in the need to develop at least 54 units to gain a funding award. There are several reasons for this, including tiebreakers which prioritize larger projects and a competitive evaluation of the total cost per unit. In this extremely competitive funding program, the project must score perfectly and be competitive in the tiebreakers to have any chance of being funded.

The project must be a minimum of 54 units to be competitive for funding. There is not an option to reduce the scale through the highly competitive tax credit program and secure funding. There is no room in the competitive scoring and tie-breakers to reduce the scale by even one unit. If we submitted a smaller project, it would not receive funding. **To approve the PUD with the condition of a smaller number of units would mean that the project would not happen at all.**

Furthermore, the scale and density of the building is supported by the recently conducted Housing Needs Assessment and are needed in the community, as it is highly unlikely that another tax credit senior housing award will be issued in the foreseeable future. There is a senior housing crisis in Yellow Springs, and this project was designed to address the local pent-up demand. This is our one chance to do something significant as a community to meet the growing need for quality, accessible, affordable senior housing.

# Professional Evaluation of Traffic Impact



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## **7. Professional Evaluation of Traffic Impact**

Please see the attached professional evaluation of traffic impact, noting that a traffic impact study is not warranted given that this project is considered by industry best practices and standards a “low-impact” on existing traffic patterns.



CINCINNATI  
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6305 Centre Park Drive  
West Chester, OH 45069  
phone ▶ 513.779.7851  
fax ▶ 513.779.7852  
[www.kleingers.com](http://www.kleingers.com)

November 21, 2018

St. Mary Development Corporation  
2160 East Fifth Street  
Dayton, OH 45403

ATTN: Wesley R. Young  
Vice President and Chief Real Estate Officer

RE: Yellow Springs Senior Apartments – Marshall Street  
Vehicular Site Trip Generation

Dear Mr. Young:

As requested, this trip generation report has been prepared to estimate the vehicular site-generated trips and to determine whether further traffic study is needed for the proposed senior apartment development in Yellow Springs, Ohio. The proposed development is located between Marshall Street and Herman Street, east of Xenia Avenue (US 68) just east of the proposed township fire station. A medical office building was previously located on this site.

The proposed development is to consist of a single building housing 54 senior apartment units. The Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10<sup>th</sup> Edition was used to estimate the site-generated trips related to proposed land use. Senior Adult Housing – Attached (Land Use Code 252) is applicable to the proposed development. The trip generation for the proposed development is summarized in Table A.

	Entering	Exiting	Total
Weekday Peak Hour (7-9 AM)	4	7	11
Weekday Peak Hour (4-6 PM)	8	7	15
Weekday AM Peak Hour of Generator	8	10	18
Weekday PM Peak Hour of Generator	9	8	17
Saturday Peak Hour of Generator	11	7	18
Sunday Peak Hour of Generator	13	8	21

**Table A:** ITE Trip Generation - Senior Adult Housing - Attached (LUC 252)

According to the data, site-generated trips for the proposed development are anticipated to be relatively low and are expected to be relatively uniform over all of the peak hours. The highest number of site-generated trips is expected to occur on Sunday, with an estimated 21 peak hour trips, or an average of about 1 vehicle per 3 minutes.

Typically, traffic impact studies are not required for developments with site-generated trips that are as low as what is estimated for this development. A typical threshold above which traffic impact studies are typically required by many jurisdictions is 100 peak hour trips. Since this development is expected to generate 11 to 21 peak hour trips for the various peak hours, the impact to roadways in the area of the project site is expected to be very low and further study of traffic impacts is not expected to be needed.

November 21, 2018  
St. Mary Development Corporation  
Yellow Springs Senior Apartments – Marshall Street



I hope this report adequately addresses your needs for this project. If you have any questions or if there is any additional information you need, please don't hesitate to contact me.

Sincerely,  
THE KLEINGERS GROUP

A handwritten signature in blue ink, appearing to read "Mark W. Nolt".

Mark W. Nolt, PE, PTOE  
Project Manager

Enclosures: ITE Trip Generation Charts for Senior Adult Housing - Attached Land Use (LUC 560) – 6 pages

# Explanation for Number of ADA Parking Spaces



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## 8. Explanation for Number of ADA Parking Spaces

The Ohio Building Code contains requirements for the number of handicap accessible parking spaces (OBC Table 1106.1). The table generally requires 1 handicap space per 25 spaces for the first 100 spaces on a site, and then requires a lower ratio for bigger lots. On this site, we propose 54 parking spaces including 3 handicap accessible spaces, as required by the building code and by extension ADA. If we had up to 75 parking spaces, we would still only be required to have 3 ADA spaces.

While it is impossible to predict the number of residents who will have physical handicaps and also have a car; based on past experience of the developer and the architect, 3 spaces for this size project should be adequate for the needs of residents and guests. Setting aside too many spaces creates parking spaces that are underutilized and take up space better used on the site for open space and landscaping.

**We invite Planning Commission or Village Council to place a condition reducing the number of parking spaces from 54 to 42.** The Planning Commission work session provided this suggestion, and the development team would be happy to accommodate it, particularly given that there is room on the site to increase the number of parking spaces back to 54 if needed. We anticipate that 42 spaces would be sufficient to serve the needs of the residents. If Planning Commission were to reduce the number of parking spaces to 42, this would result in additional green space on site.

Regardless, three ADA parking spaces is the appropriate number in either situation based on the experience of the development team, Ohio Building Code, and industry best practices.

# Infrastructure Costs



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## 9. Infrastructure Costs

The development team is committed to collaborating with the Village to meet its housing goals and will absorb the following infrastructure costs:

- Required Aid to Construction: \$29,000 (\$10,000 for the water meter and \$19,000 for the transformer)
- Off-site infrastructure improvements: \$27,000 to re-line the sewer
- Total Commitment: \$56,000

The development team is committed to incurring the off-site infrastructure improvement cost for the project, which would normally be the responsibility of the Village. We understand the numerous infrastructure improvements the Village is trying to prioritize currently. The development team will budget for the \$56,000 estimate and can commit to covering all expenses, so long as total expenses do not exceed 15% of the original estimate once actual costs are determined.

# Fire Safety





# MIAMI TOWNSHIP FIRE-RESCUE

225 Corry Street, Yellow Springs, Ohio 45387-1812  
767-7842 • Fax: (937) 767-7811 • Web: [www.mtfr.org](http://www.mtfr.org)

## PLAN REVIEW NOTES

**Date:** August 22, 2018  
**Business Name:** Yellow Springs Apartments - Home Inc.  
**Address:** E. Herman Street  
Yellow Springs, OH 45387  
**Project:** Residential R-2  
**Plan Type:** Preliminary site & life safety  
**Contractor:** ATA Beilharz Architects  
**Reviewer:** Colin Altman, CFSI

Thank you for the opportunity to provide preliminary input regarding life safety for your proposed project. Upon review, I have no issues with the Life Safety Design Narrative as presented. As the project progresses, the following items will need to be addressed:

- Fire Department Connection (FDC) and Post Indicator Valve (PIV) locations will need to be identified by the fire protection contractor and approved by the fire department
  - A free-standing, post-mounted FDC with 30° down angle 5" storz fitting with approved locking cap is required.
  - The PIV is required to be located within 50' for the FDC.
- The narrative identifies a dedicated fire lane to the rear of the building. I assume that the bike/walking path indicated on the site plan is also the fire lane. The fire lane will need to be designed to the specifications contained within the Ohio Fire Code.
- A locking key box will need to be mounted in an approved location which contains appropriate building and system access keys. Elevator control and door keys will also need to be provided for fire department use.
- Any designated assembly areas will need to be permitted.

Please feel free to contact me at 767-7842 or via email at [caltman@mtfr.org](mailto:caltman@mtfr.org) if you have any questions or comments.

*Bureau of Fire Prevention & Safety  
Serving the residents of Miami Township, Clifton and Yellow Springs*

# How this Project Meets Local Needs



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## 11. How this Project Meets Local Needs

The recently conducted municipal Housing Needs Assessment illuminates the overwhelming need for affordable rentals, especially for seniors and those of low-income. According to the study, there are more than 1,000 senior heads of household in Yellow Springs (aged 55 and over). Of local senior heads of household, **more than 350 senior households currently residing in Yellow Springs make \$34,999 or less and would likely qualify** for the affordable housing units set aside at 80% of Area Median Income (80% of Area Median Income in 2018 for a two-person household is \$42,080).

Of the 350 senior households above, **240 senior households currently residing in Yellow Springs make \$24,999 or less and would likely qualify** for the units set aside at 60% of Area Median Income and under (60% of Area Median Income in 2018 for a two-person household is \$31,560).

In addition to those figures from the Housing Needs Assessment, there are dozens of seniors from Yellow Springs currently on waitlists and interest lists. Both lists were generated with minimal advertising and are an anecdotal representation of local interest. Between the rental interest list for the upcoming Yellow Springs Home, Inc. Forest Village Homes project and a waitlist provided by the Senior Housing Working Group, **more than 50 seniors currently living in the Village have expressed that they are looking for affordable, senior-oriented rental housing in Yellow Springs.** Please note that duplicates were already removed from the lists and are accounted for in the information presented here.

# Overview of Available Funding



## 12. Overview of Available Funding—What is Feasible for the Site

The 2019 qualified allocation plan aligns with the proposed project. The development team is confident that a perfect score can be reached alongside being competitive in the tie-breakers. This narrow window extends through February 21 of 2019 only, as the scoring will be re-structured in 2020 and it is unknown whether the site will qualify for a maximum score. The project requires more than \$8,000,000 in outside tax credit equity to move forward. The equity will reduce the cost of construction and permanent debt required, therefore making and keeping rents affordable to a mix of income levels from 30% to 80% of Area Median Income.

Moreover, it should be noted that Low Income Housing Tax Credits are responsible for 90% of housing development in the United States. Non-LIHTC funds are shrinking and difficult to come by. Yellow Springs Home, Inc. maxed out the non-LIHTC funds for the six-unit project on Dayton Street, which worked partly because the land was acquired below market pricing. **To do a smaller senior-focused rental project without tax credit equity on this site would be impossible** given the cost of the land and the non-LIHTC funds available.

Scaling the project back in size is simply not an option with the funding available. Given the local senior housing crisis and pent-up demand, the development team is confident that this project is appropriate in size, scale, and density to best meet the needs of local seniors.

### **Benefits to the Community**

The Yellow Springs Senior Apartments project will improve local infrastructure, strengthen and expand the tax base, free up existing housing in the Village, and further public goals while providing for approximately \$10,000,000 in local economic development. This project is a rare opportunity to attract \$10,000,000 in outside investment in the Yellow Springs economy, and it is highly unlikely that local funding would be able to make up the difference.

Furthermore, the project meets Village Council goals, housing goals, and values; needs defined in the Housing Needs Assessment; values in the Comprehensive Land Use Plan; and Planned Unit Development incentives for affordability, open space, pedestrian pathways and connectivity, energy efficient building, and infill development while providing for improved infrastructure.

Seniors and local organizations have been working to make this dream a reality in Yellow Springs for nearly two decades. Much has changed since the first waiting list of seniors was created. The need has grown, not diminished. Seniors are struggling and while this project may not be perfect, it is a thoughtfully designed, available solution. We ask that you recognize and support the value to our community of this worthy project and give it a chance to succeed.



# DESIGN AND ARCHITECTURAL STANDARDS

web [www.ohiohome.org](http://www.ohiohome.org) | tollfree 888.362.6432



The Ohio Housing Finance Agency is an Equal Opportunity Housing entity. Loans are available on a fair and equal basis regardless of race, color, religion, sex, familial status, national origin, military status, disability or ancestry. Please visit [www.ohiohome.org](http://www.ohiohome.org) for more information.

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## Introduction and Scope

The following design and architectural standards apply to all competitive Ohio Housing Finance Agency (OHFA) multifamily affordable housing developments, including, but not limited to, the Housing Tax Credit (HTC) and Housing Development Assistance Program (HDAP). The Multifamily Lending Program and bond transactions that do not utilize other OHFA financing tools are excluded from these requirements. All other program participants shall conform to these requirements unless waived by OHFA in writing.

The intent of these standards is to do the following:

- Enhance consistency in the design approval process;
- Promote using durable materials that reduce long-term maintenance costs;
- Create a healthy living environment for residents of all backgrounds and abilities;
- Enhance energy efficiency to reduce operating costs; and
- Appropriately balance high-quality materials with cost containment principals.

Unless otherwise stated, these standards embody only the minimum requirements necessary to receiving OHFA funding. Standards may be increased or modified by programmatic requirement or incentive; applicants shall consult the relevant program guidelines for further information. Development teams are encouraged to exceed these standards and implement creative solutions to best serve residents' needs.

Unless otherwise noted, these standards apply to all new construction, to all gut rehabilitation and to any element in a moderate or substantial rehabilitation that is being replaced or renovated as part of the scope of work. OHFA reserves the right to waive any requirement necessary for the effective administration of its programs. Exceptions requests will be accepted where noted. Historic preservation developments may seek an exception to all requirements as required or recommended by the Ohio Historic Preservation Office.

Rehabilitation and adaptive reuse projects must provide a compelling need to replace materials and/or features at 50 percent Expected Useful Life (EUL) or more. Items that have 75 percent EUL or more remaining are not eligible for replacement using OHFA funds as specified in the sources and uses section of the financing application. OHFA will review exceptions on a case-by-case basis for replacement of items with 75 percent EUL or more when required to obtain a green certification.

## Definitions

Unless otherwise noted, all definitions shall be the same as the building code applicable to the construction type.

Types of Space:

**Circulation Space** provides the minimum path inside a building for access to living units, storage areas, common areas, ingress and egress areas and other spaces designed for resident use. Circulation space is designed to optimize the flow of people through a building and commonly includes hallways, stairways and areas that lead to other rooms. Circulation space is also considered "common space" but is excluded from the common area restrictions described herein.

**Common Space** is a room or space outside the residential living unit designed for resident use that does not impose a usage fee or participation in an activity for free enjoyment of the space. Examples include, but are not limited to, a hallways, elevators, multipurpose room, library, fitness center, computer room, meeting room, laundry room, lobby, rental office, management office, waiting room space and owner/manager storage space.

**Dedicated Program Space** is a room or space outside the residential living unit designed exclusively for tenant use that has a fixed, program-driven purpose. Examples include, but are not limited to, counseling space for adults and children, wellness and health clinic areas and day care centers.

**Support Space** is a room or space outside the residential living unit that is not intended for resident use and includes, but is not limited to, mechanical areas, janitor closets, management office areas and supply and mechanical storage areas.

#### Other Definitions:

**Expected Useful Life (EUL)** is the average amount of time in years that an item, component or system is estimated to function when installed new and assuming routine maintenance is practiced. OHFA's EUL Tables are contained in the [Underwriting & Implementation Guidelines](#).

**Gut Rehabilitation** shares the same definition as in the Unified NSP 1 and NSP3 Notice issued October 19, 2010, and is general replacement of the interior of a building that may or may not include changes to structural elements such as flooring systems, columns or load bearing interior or exterior walls. Gut rehabilitation may or may not also be a "substantial rehabilitation" as defined by the Qualified Allocation Plan.

**Net Rentable Area** is the sum of the unit area, balcony area and tenant storage area as further described in the OHFA Construction Certification form.

**New Construction** is site preparation for, and construction of, entirely new structures and/or adaptive reuses of existing structures whether or not the site was previously occupied.

**Permanent Supportive Housing (PSH)** is a development that competes as and is funded under the permanent supportive housing sub-pool of the Qualified Allocation Plan or a comparable pool in another OHFA funding program.

**Service Enriched** is a development that competes as and is funded under the service enriched housing pool of the Qualified Allocation Plan or a comparable pool in another OHFA funding program.

**Senior Developments** are developments that meet the Housing for Older Persons exemption of the Fair Housing Act and, if applicable, competed under a senior pool in the relevant OHFA funding program.

## Code Compliance

### *Exceptions will not be considered.*

All developments with four or more units shall conform to the requirements set forth in the [Ohio Building Code](#), the [Ohio Mechanical Code](#), and the [Ohio Plumbing Code](#). A licensed architect shall certify compliance with these codes. Further compliance with local codes, zoning codes, and fire codes may be required by the jurisdiction.

All developments with three or fewer units shall conform to the requirements set forth in the [Residential Code of Ohio for One-, Two-, and Three-Family Dwellings](#). A licensed architect shall certify compliance with this code. In the HDGF program only, OHFA reserves the right to permit a non-architect who is an otherwise licensed design professional with experience in plan reviews to certify compliance with small-scope rehabs.

## Durability and Sustainability

The following requirements attempt to balance the need for long-lasting designs that will reduce maintenance requirements during the compliance period with the equal need for cost effective designs that promote an efficient use of resources in construction, as well as during occupancy.

### Durable Materials

#### *Exceptions will be considered.*

Where construction, replacement or renovation is required, the following elements shall be constructed with materials that have a 30-years EUL or longer; alternately, materials may be used that have a 30-year warranty that covers 75 percent or more of material replacement cost. Any "permissible material" described below will be deemed to meet these requirements.

Pre-approved materials are specified on the next page; developments may seek an OHFA exception to use materials not provided on this list. If a conflict between the below durability requirements and a green certification requirement exists, the highest durability standard that is compatible with certification shall prevail.

Element	Permissible Material
Exterior Walls	<ul style="list-style-type: none"> <li>• Wood Stud</li> <li>• Brick or block</li> <li>• Manufactured Stone</li> <li>• Metal Stud Framing</li> </ul>
Exterior Veneers	<ul style="list-style-type: none"> <li>• Vinyl Siding 0.042-0.055</li> <li>• Portland Cement Stucco, no EIFS</li> <li>• Fiber Cement Board</li> <li>• Brick</li> <li>• Thin Stone</li> <li>• Thin Brick Only If It Is Not Metal Lath</li> </ul>
Roofing	<ul style="list-style-type: none"> <li>• Preformed Metal</li> <li>• 30-Year Asphalt Shingles</li> <li>• 30-Year Membrane Roof (EPDM, PVC, TPO)</li> </ul>
Residential Living Unit Floors (Affordable Units)	<ul style="list-style-type: none"> <li>• Ceramic Tile</li> <li>• Wood</li> <li>• Resilient Flooring, Vinyl Plank, Vinyl Tile</li> <li>• Stained Concrete</li> <li>• Solution-Dyed Nylon with Anti-Microbial and Water Resistant Backing (Also See Floor Covering Limitations)</li> </ul>
Insulation	<ul style="list-style-type: none"> <li>• Roof insulation shall be R38 minimum for all buildings.</li> </ul>
Windows and Exterior Doors	<ul style="list-style-type: none"> <li>• New and replacement windows and exterior doors must be Energy Star rated for zone 5 and wind rated for 90 mph or DP-20 minimum. Exterior doors shall be insulated core.</li> </ul>
Moisture-Resistant Drywall	<ul style="list-style-type: none"> <li>• Moisture-resistant gypsum board ("paperless board") or equivalent must be used on all horizontal walls in the bathroom and within four feet of any other water sources, where the drywall can be splashed (such as kitchen sink), next to a water heater and/or clothes washer.</li> <li>• Water-resistant gypsum board or equivalent shall be provided behind any tub/shower unit located on an exterior wall. Water-resistant gypsum, when used on ceilings, must be rated for the span.</li> </ul>
Countertops (Affordable Units)	<ul style="list-style-type: none"> <li>• Plastic Laminate on Moisture Resistant, High-Density Fiberboard Substrates</li> </ul>
Cabinets and Drawers (Affordable Units)	<ul style="list-style-type: none"> <li>• Solid Wood Doors/Fronts</li> <li>• Wood Stile with Plywood Panel</li> <li>• Plywood Frame</li> </ul>
Water Heater	<ul style="list-style-type: none"> <li>• High Efficiency, Meeting Energy Star Requirements</li> <li>• Other High Efficiency element That Meets Green Certification Requirements</li> </ul>
HVAC	<ul style="list-style-type: none"> <li>• High Efficiency, Meeting Energy Star Requirements</li> <li>• Other High Efficiency Element That Meets Green Certification Requirements</li> </ul>
Electrical	<ul style="list-style-type: none"> <li>• All newly installed or replacement interior luminaries shall be Energy Star qualified. All light bulbs must have a 10,000-hour minimum life. Residential fixtures shall use common lamp base type fixtures such as A-19 or tube bi-pin. Bases such as GU-24 and similar specialty bases are prohibited in residential area and discouraged in multitenant buildings as well. LED lights are encouraged and required in all unheated areas.</li> <li>• Other High Efficiency Electrical That Meets Green Certification Requirements</li> </ul>
Appliances	Energy Star certified

The following materials and techniques are encouraged but not required:

- PEX-type tubing
- A manifold system with no cuts or fitting between manifold and fixture
- Tankless water heaters

## Energy Efficiency Certification

### *Exceptions will not be considered.*

All multifamily developments must obtain one of the following certifications:

- Energy Star Performance or Prescriptive Path applicable to development type;
- 2015 Enterprise Community Partners Green Communities;
- Ohio Enterprise Community Partners Green Limited Scope Rehabilitation Overlay (not applicable in the Competitive Housing Tax Credit program);
- Leadership in Energy & Environmental Design (LEED) Silver Certification by the U.S. Green Building Council; or
- ICC 700 National Green Building Standards (NGBS) by Home Innovation Research Labs Version 4.

All single-family homes shall obtain one of the above certifications or may substitute for Energy Star Certified New Home.

Evidence of final certification from a HERS rater, or otherwise qualified and licensed professional as approved by OHFA, is required upon construction completion.

The following materials and techniques are encouraged but not required: PHIUS+ Project Certification (Passive House), DOE Zero Energy Ready Home (with or without renewable energy system) and grey water systems.

Developments that use the Energy Star Portfolio Manager must allow OHFA full access to this data for a minimum of five years or the agreement period, whichever is shorter. To share a property with OHFA, users should send a connection request to "OHFAPPD16." Applicants who will use a comparable third-party system to measure and maintain energy consumption data must also share information with OHFA in a manner that allows the Agency access to key metrics and the ability to compare the energy performance of applicable buildings to other developments.

# General and Common Area Requirements

## OHFA Square Footage Calculation

All multifamily developments must use Building Owner Management Association (BOMA) Multifamily Standards using the “gross method.” Single family developments must use BOMA “Gross Area Measurement Standards.” All square footages must be calculated and certified in the AHFA/GFA by the Architect of Record. All buildings within the property boundary must be included in the gross area including all buildings with HUD BIN numbers, free standing community buildings, maintenance buildings and sheds, picnic shelters, garages, carports, porches, etc. The calculation does include commercial, market rate, manager unit, common space, dedicated program space and tenant storage. The calculation does not include trash enclosures, concrete patios without roofs and sidewalks.

## Community Integration

### ***Recommended best practices.***

Developments should coordinate with or complement the local architecture and promote resident integration with the broader neighborhood. They should be culturally appropriate for the population being served and the community in which they are situated. Design should promote community safety to the greatest extent practicable.

Street networks and sidewalks that are internal to the development site should connect to municipal or surrounding streets and sidewalks wherever feasible.

## Common Area Restrictions

### ***Exceptions will be considered.***

The maximum common area shall not exceed 10 percent of the total gross building square footage. Dedicated program space is excluded from this calculation. Circulation space is excluded from this calculation. Existing rental housing units are exempted from this criteria unless the footprint of the original building is expanded. Single family homes are exempted from this requirement for common area within the unit if those spaces are exclusively for use of that individual resident.

## Gutters and Downspouts

### ***Exceptions will not be considered.***

All downspouts shall empty onto concrete splash blocks with a positive slope away from the building or be piped to an appropriate location.

## Main Entry

### ***Exceptions will be considered.***

All main entries shall have a roof or awning over the entry area.

## Parking

### ***Exceptions will not be considered.***

Parking lots shall satisfy all local requirements. Nothing in this section shall be construed to modify or eliminate any legally imposed requirement, including those governing accessibility issues.

## Play Areas and Amenities

### ***Recommended best practice.***

All developments are encouraged to contain or be located in close proximity play space, walking paths or other recreational features and amenities appropriate to the population being served.

## In-Unit Requirements

### Minimum Residential Unit Sizes

*Exceptions will be considered.*

Unit sizes, also called “residential living spaces,” shall meet the following minimum square footage requirements; OHFA reserves the right to limit the size of units during the application review process:

- Zero Bedroom Affordable Units: 450 SQFT
  - **Assisted Living:** 350 SQFT
- One Bedroom Affordable Units: 650 SQFT
  - **Service Enriched:** 450 SQFT
  - **Assisted Living:** 450 SQFT; All HTC one-bedrooms average no more than 500 SQFT.
- Two Bedroom Affordable Units: 850 SQFT
- Three Bedroom Affordable Units: 1,000 SQFT
- Four or More Bedroom Affordable Units: 1,200 SQFT

Single room occupancy units are not permitted. Senior developments may not have any unit larger than two bedrooms. Single family homes must contain three or more bedrooms.

### Bedroom Requirements

*Exceptions will be considered.*

The following size requirements for bedrooms in affordable units shall apply:

- First Bedroom: Must be 120+ SQFT
- Second Bedroom: Must be 110+ SQFT
- Third+ Bedrooms: Must be 100+ SQFT

OHFA encourages bedrooms on accessible floors wherever practical.

### Double Occupancy

*Exceptions will not be considered.*

At a minimum, three- and four-bedroom affordable units shall support double occupancy in each bedroom under local zoning and building requirements.

### Bathrooms

*Exceptions will be considered.*

The following are both the minimum and maximum number of bathrooms permitted for each newly constructed affordable unit size. This section does not apply to rehabilitation.

- Zero Bedroom Units: One full bathroom
- One Bedroom Units: One full bathroom
- Two Bedroom Units: Either one full bathroom or 1.5 bathrooms
- Three Bedroom Units: Either 1.5 bathrooms or two full bathrooms
- Four and More Bedroom Units: Two full bathrooms

Multi-story townhomes must have an accessible bathroom or accessible half-bathroom on the accessible-floor. Any unit that is required to meet Section 504 accessibility requirements shall have at least one roll-in shower.

## General Unit Features

### ***Exceptions will not be considered.***

All units shall have the following:

- Be air-conditioned
- Have interior doors with a minimum 32" width (new construction only), including closet doors
- Have hallways with a minimum 42" width (new construction only)
- Use lever-handles for all plumbing fixtures and for all non-closet doors
- Contain adequate storage space for unit residents; adequacy will vary by population served and construction type.

## Kitchen and Appliances

### ***Exceptions will be considered.***

All residential affordable unit kitchens shall include either (1) a stand-alone range that is at least 30 inches wide or (2) a cooktop and wall oven. They shall also include a refrigerator; under-counter and compact refrigerators will not be accepted. All kitchen appliances that are replaced or installed, including, but not limited to, those listed above shall be new. All refrigerators, dishwashers, clothes washers and clothes dryers shall be Energy Star rated.

All assisted living units must be hardwired for a stove, and the stove must be installed and made available at owner expense if requested. Exceptions will not be considered.

Except in service enriched, assisted living or zero-bedroom units, affordable units must include washer and dryer hookup unless laundry facilities are provided on-site.

## Floor Coverings

### ***Exceptions will be considered.***

Floor coverings shall be non-glare and slip resistant. In affordable residential living units, carpet is only permitted in support space. In affordable residential living units, carpet is not permitted in kitchen or bathroom areas. If used, carpet shall be solution-dyed nylon with closed-cell. If a pad is required, high-density pad shall be used.

## Unit Configuration Changes

Unit configurations are locked in at final underwriting. The development shall not change, convert, modify, reconfigure or otherwise alter the number of bedrooms and the size of those bedrooms without prior written approval from OHFA. For example, the development may not convert efficiency units to one-bedroom units by adding a door unless approved by OHFA.

The development shall notify OHFA of any substantial changes in plans, scope or materials that are contemplated after submitting 80 percent plans.

## Accessibility

### Accessibility

***Exceptions will only be considered for rehabilitations where compliance is technically infeasible.***

In all OHFA funded projects, five percent of all units in each development shall meet Section 504 requirements. An additional two percent of all units shall be sensory compatible for persons with sight and hearing disorders. Site features and common areas shall be accessible including but not limited to dumpsters, outdoor grills, parking, play areas and community shelters. Accessible units should be provided in a variety of unit configurations.

Accessible kitchens, in both common and private areas, must have at least a 12" x 15" appliance-free counter-space adjacent to all appliances. Accessible unit stoves must be at the same height as adjacent counter tops. Developers must notify OHFA of the safe harbor or project accessibility standard used for all projects.

Nothing in these standards shall be construed to modify or eliminate any legally imposed requirement, including those governing accessibility issues. OHFA shall not, by the execution or performance of any architectural review function, assume liability or otherwise become responsible for any owner, developer, architect, construction contractor or other person's obligation; applicants and funding recipients are explicitly advised to see independent legal advice regarding design and construction requirements particularly as they relate to accessibility.

### Elevators

***Exceptions will not be considered.***

Senior developments and PSH buildings shall not exceed one story unless the building has an elevator accessible to all residents. All other development types shall not exceed three stories unless the building has an elevator accessible to all residents.

### Universal Design

***Exceptions will not be considered.***

OHFA endorses the Universal Design concept and all units utilizing OHFA resources must be designed to meet those principals to the greatest extent practicable. OHFA encourages developments to incorporate the [Principals of Universal Design](#) and the [Goals of Universal Design](#). Applicants must complete the Design and Construction Features Agreement identifying the usability features of the design. OHFA staff may work with each applicant to help achieve maximum application of these concepts.

# Operations and Enforcement

## Exception Requests

OHFA will consider exception requests for items specifically noted above. OHFA will also consider exceptions for service enriched developments that meet HUD minimum property standards.

All requests for exceptions must be on an OHFA-approved form and shall include reasonable justification for the exception and shall be submitted to OHFA on or before the date indicated in the program calendar. Exception requests must have a written description of specific features, quantities, location of the request and drawings that give context to the request. The OHFA staff architect will review requests and make a recommendation to the management team to accept, deny or modify the exception. The management team will make a final determination by the date indicated in the program calendars.

## Physical Capital Needs Assessment

Physical Capital Needs Assessments (PCNA) must meet the PCNA requirements set forth in the [Underwriting & Implementation Guide](#) and conform to [ASTM E2018-08](#) standards.

See program guidelines for PCNA due date; unless otherwise specified, the PCNA is due with competitive applications at proposal submission and is due with noncompetitive applications at final submission.

## Preliminary Architectural Submissions

Proposal applications must submit preliminary drawings that are 11x17 (“scale to fit”) and include:

1. A cover sheet with development title, development team, drawing index, building areas and code information;
2. A site plan;
3. A landscape plan;
4. A floor plan with dimension, room designations and proposed finishes;
5. Exterior elevations with material notations;
6. Typical wall sections; and
7. Drawings and specifications for HVAC, plumbing and electric or similar items in the scope of work.

Preliminary drawings must be submitted as paper and electronic (PDF required, DXF upon request). Proposed developments must also submit a Design and Construction Features Agreement. Existing rental unit developments must also submit an Existing Units History Narrative.

## Final Architectural Submissions

Applicants must submit 80 percent complete permit sets, which include final plans for all trades, at the time of final application. At minimum, this final architectural submission must include:

- Site plans;
- Elevations;
- Dimensioned floor plans;
- Wall sections (if applicable);
- Detached non-residential structures (if applicable);
- Detailed mechanical plans; and
- Finishes.

Unless waived by OHFA in writing, all sets must be produced or authored by an Ohio-licensed architect. Sets must show compliance with the preliminary submittal, including the Design and Construction Features Agreement. Eighty percent plans must be submitted in separate PDF files for drawings and specifications that include all site plans, dimensioned floor plans, elevations, wall sections, structure, finishes, details and mechanical plans. A copy of the final executed Design and Construction Features Agreement must be included in 80 percent plan sets. Additionally, each development must have dimensioned floor plans submitted in DXF or DWG AutoCAD R-14 format and an 11”x17” plan hard copy (dimensioned floor plans only). It is preferred that the projects architects polyline area lines be included. If drawings are externally referenced (xref), submissions must be bound (xbind) prior to creating files for OHFA.

Architectural drawings must have a dimensioned plumbing plan and control points located for rough-in site verification. All pipes-through-floor and the walls they are intended to be located within must be dimensioned. OHFA strongly encourages a surveyor to locate wall and through-slab pipe penetrations. Foundation over dig must be filled with insulation or forms and then back filled.

## OHFA Staff Architect Role

Applicants must receive design approval from OHFA before proceeding with any element of construction or rehabilitation. OHFA will review plans for conformity to the requirements contained herein which include but are not limited to appropriateness for occupancy served, life safety, durability, quality of life and scope of work.

Decisions made by the OHFA staff architect may be appealed to the PP&D Operations Manager in writing. Appeals must be specific and, where appropriate, cite to the governing regulation that conflicts with the staff architect decision.

## Inspections and Construction Monitoring

The PP&D Project Administration team ensures that the development progresses according to schedule and that the recipient fulfills all terms of the funding agreements and related policies. Staff will conduct periodic site visits during construction to provide technical assistance, to verify that the project is on schedule to meet required deadlines and to ensure requirements of the various funding sources are being met.

Projects shall notify OHFA when construction begins and should invite an OHFA representative to any pre-construction meetings. Regular communication with the Project Administration team ensures that projects meet all the necessary requirements and are completed on time.

Competitive and non-competitive Housing Tax Credit projects and HDAP projects are required to complete the OHFA Quarterly Construction Monitoring Report (the Report), available on the OHFA [Project Administration](#) webpage. The Report must be submitted quarterly beginning the first quarterly reporting period following either OHFA Board approval or actual construction start, whichever is earlier. Reports are due January 1, April 1, July 1 and October 1 of each year until the project is placed into service. OHFA reserves the right to suspend disbursement of funds if the Report is not submitted.

## HDAP Construction Changes and Change Orders

As part of the HDAP construction monitoring and/or draw process, OHFA reserves the right to request copies of change orders if additional information is needed to verify project costs. Additionally, copies of change orders may be requested in order to verify that commitments made by the recipient during the application process will still be met.

## Penalties

Violations of the requirements set forth in this Design & Architectural Standards, failure to honor commitments made in the application process or other instances of noncompliance with OHFA requirements may result in any or all the following non-exhaustive sanctions:

- Refusal to increase, amend or otherwise alter credit allocations;
- Removal from application consideration;
- Cancellation or reduction of the reservation of HTCs;
- Recapture of resources;
- Removal from a position of good partnership for a period of one year or more;
- A reduction in the developer fee in an amount to be determined by OHFA;
- Monetary fee, as set forth in the Fee Schedule section, as may be modified;
- Permanent or temporary prohibition from participation in OHFA funding programs;
- Reduction in the number of applications an entity may submit/receive in future cycles;
- Referral to the IRS for investigation or penalty;
- Referral to law enforcement for criminal and/or civil prosecution; and/or
- Other remedies as OHFA deems necessary.

## Fraud, Waste and Abuse

Documented instances of fraud, waste or abuse may result in any action listed in the above Penalties section. If you believe a person or entity is attempting to or has committed fraud using one of OHFA's multifamily financing tools, you may report the suspected activity on our [website](#). Be advised that OHFA will not discuss the results of any investigation that may come from your report. You will be contacted again only if it is necessary to complete the investigation.

## Notice and Disclaimer

All requirements enumerated herein are exclusive of federal, state and local law or regulation that may further dictate design requirements. Where applicable, developments shall conform to the requirements set forth in the Ohio Development Services Agency's Residential Rehabilitation Standards, Fair Housing Amendment Act of 1988, Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act of 1990. If an OHFA design requirement differs from a legal or regulatory requirement, the highest standard compatible with legal compliance, as determined by OHFA, shall be effective unless otherwise waived by OHFA.

Nothing in these Design & Architectural Standards shall be constructed to waive, override, modify or extinguish any legal or regulatory responsibility. OHFA will not certify project adherence to building code or other legal or design requirements.

## Resources

The following resources are frequently used by design professionals in the multifamily housing sector and may be informative for applicants to OHFA financing programs.

- [Accessibility \(Design and Construction\) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act](#)
- [Building Owners and Managers Association International Standards](#)
- [Fair Housing Act Design Manual](#)
- [Guidelines on Addressing Infestations in HUD-insured and Assisted Multifamily Housing](#)
- [Narrowing the Digital Divide Through Installation of Broadband Infrastructure in HUD-Funded New Construction and Substantial Rehabilitation of Multifamily Rental Housing](#)

[Print](#)

## Yellow Springs, OH Code of Ordinances

## CHAPTER 1254 Planned Unit Development

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- 1254.01 Purpose.
- 1254.02 Qualifying conditions.
- 1254.03 PUD requirements.
- 1254.04 General provisions.
- 1254.05 Review process.
- 1254.06 Review standards.
- 1254.07 Changes to PUD.
- 1254.08 Appeals.

### 1254.01 PURPOSE.

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the adopted Comprehensive Plan and Vision: Yellow Springs and Miami Township.

(Ord. 2013-19. Passed 9-16-13.)

### 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:

- (1) Preservation of significant natural features;
- (2) A complementary mix of land uses or housing types;
- (3) Extensive open space and recreational amenities;
- (4) Connectivity of open space with new or existing adjacent greenway or trail corridors;
- (5) Preservation of small town appeal;
- (6) Improvements to public streets or other public facilities that mitigate traffic and/or other development impacts;
- (7) Coordinated development of multiple small parcels; or
- (8) Removal or renovation of blighted buildings, sites or contamination clean-up.

(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.

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

(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.

(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.

(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.

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

(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.

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

(Ord. 2013-19. Passed 9-16-13.)

### **1254.03 PUD REQUIREMENTS.**

(a) Permitted Uses. Any use permitted by right or conditional approval in any zoning district may be permitted within a PUD, subject to the provisions of Section 1254.02, Qualifying Conditions, and the requirements of this section.

(b) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in Table 1254.03, shall be applicable for all such uses within a PUD, unless modified in accordance with Section 1254.03(d). In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

<i>Table 1254.03 Minimum Zoning Requirements</i>	
<i>Land Use</i>	<i>Applicable Zoning District</i>
Single-family	R-B
Two-family	R-B
Townhome	R-B
Multiple-family	R-C
Retail, office, service business	B-2
Industry	I-1
Institutional	E-I

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

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

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

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

(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;

- (4) Provide a mix of residential types such as single family, townhome and/or multiple family;
- (5) Employ low impact design and/or other best practices to manage storm water and reduce the off-site impacts of runoff;
- (6) Employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption;
- (7) Introduce new development concepts, such as co-housing: and/or
- (8) Include a mix of residential and nonresidential uses.

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

- (1) More than 20% of the total units within the PUD will be committed as "permanently" affordable units;
- (2) Cool roof technology will be employed on all buildings within the PUD;
- (3) Fresh food market will be incorporated into the PUD;
- (4) Buildings will be designed and constructed to accommodate green roof gardens;
- (5) One or more of the buildings within the PUD will be LEED certified building(s);
- (6) Low-impact development (LID) design principles will be employed to minimize storm water runoff;
- (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;
- (8) Additional accommodation beyond the required pathways will be made for bicycles and pedestrians; and/or
- (9) A minimum of 25% open space will be dedicated within the development.

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

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

- A. The area within any public street right-of-way or private street easement;
- B. Any easement for overhead utility lines, unless adjacent to qualified open space;
- C. Storm water detention ponds; provided, rain gardens or ponds designed as water features that may also provide for storm water storage may be counted toward required open space;
- D. Fifty percent of any flood plain, wetland, water body or steep slope (15% or greater) area and 50% of the area of any golf course;
- E. The area within a platted lot, unless the lot has been dedicated to open space on the plat via conservation easement or other means of ensuring that the lot is permanent open space; and

F. Parking and loading areas.

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

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

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

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

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

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

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

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

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

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

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

(g) Existing PUDs. Within the Village there are previously approved planned unit developments, identified on the zoning map as "PUD\*". These developments shall be exempt from the requirements of this chapter and shall conform to the prior approved development plans for each respective project. However, any expansion to or modification of the existing approved developments that constitutes a major change, as defined in Section 1254.07, shall be subject to the following procedural requirements of this chapter:

(1) Major changes shall be subject to the Final Development Plan requirements of Section 1254.05(d).

(2) The review standards of Section 1254.06(c) through (h) shall apply.

(3) The general provisions of Section 1254.04 shall apply.

(h) Center for Business and Education. Prior to the adoption of this code, the Center for Business and Education mixed commerce development was proposed, reviewed and approved. Having undergone that process and received Village Council approval, based on specific development parameters and conditions, the property formerly zoned "Mixed Commerce" is hereby zoned "PUD" and identified as

“PUD\*” on the zoning map. All prior representations, conditions, plans and requirements attached to the approval of the Center for Business and Education development shall supersede the requirements of this chapter and shall remain in force and become attached to the PUD designation of the subject property. However, any modification of the approved plans that constitute a change of use or major change, as defined in Section 1254.07, shall be subject to the following procedural requirements of this chapter:

(1) Major changes shall be subject to the final development plan requirements of Section 1254.05(d).

(2) The review standards of Section 1254.06(c) through (h) shall apply.

(3) The general provisions of Section 1254.04 shall apply.

(Ord. 2013-19. Passed 9-16-13.)

### **1254.04 GENERAL PROVISIONS.**

(a) Conditions. Reasonable conditions may be imposed upon the PUD approval by the Planning Commission and/or Village Council. The conditions imposed shall be recorded in the minutes of the approval action, and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of Section 1254.07. Conditions may include, but are not limited to, those necessary to:

(1) Ensure public services and facilities will be capable of accommodating increased loads;

(2) Protect the natural environment and conserve natural resources and energy;

(3) Ensure compatibility with adjacent uses of land;

(4) Meet the intent and purpose of this code;

(5) Be related to the standards established in the code for the proposed PUD;

(6) Ensure compliance with the final development plan and the provisions of this code.

(b) Performance Guarantees. The Village Council or Planning Commission may require reasonable performance guarantees, in accordance with Section 1272.04 of this code to ensure completion of specified improvements within the PUD.

(c) Interior Streets. Public or private streets may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent parcels, so as to provide for secondary access, continuity of the circulation system and to reduce traffic on collector streets.

(d) Time Limits. Each PUD shall be under construction within 12 months after the date of approval of the final development plan. If this requirement is not met, the Village Council may, in its discretion, grant extensions not exceeding 12 additional months for each such extension; provided that prior to the expiration of the initial 12-month period and any subsequent extension, the applicant submits reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the initial 12-month approval period, or within an authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect. At the expiration of the applicable period of time, the Planning Commission or Village Council may initiate proceedings for the rezoning of the property to some other zoning district.

(Ord. 2013-19. Passed 9-16-13.)

## 1254.05 REVIEW PROCESS.

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

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

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

(1) Parallel plan. Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements specified in Table 1254.03. A concept layout shall be prepared to scale showing, as applicable, single family and two-family lots, townhome and multiple-family buildings, parking, setbacks and street rights-of-way. The number of units that could be accommodated under the requirements of Table 1254.03 shall serve as maximum number permitted, unless a density bonus is approved in accordance with Section 1254.03(e). Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.

(2) Preliminary development plan. A preliminary development plan containing the following information shall be submitted:

- A. General location map;
- B. Legal description of the subject property;
- C. Title block, date, north arrow, scale, name and contact information of applicant and name and contact information of plan preparer;
- D. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two feet based on field survey or photogrammetric methods;
- E. Property boundary survey;
- F. Location of existing natural features, including woods, streams, ponds, wetlands and steep (15% or greater) slopes;
- G. Existing land uses within the development site and surrounding areas for a distance of 300 feet, including the approximate location of all buildings, structures, lots and streets (an aerial photo may suffice);
- H. Location and identification of existing and proposed public, semi-public, or community facilities such as schools, parks, trails, churches, public buildings and dedicated open space;
- I. Existing zoning on all abutting properties;
- J. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan;
- K. Uses proposed within the PUD;
- L. Number and type of dwelling units proposed, including the number and type of committed

affordable units, if any;

M. Conceptual layout;

N. General location of proposed interior streets and access points to abutting streets;

O. Number and general location of off-street parking facilities; and

P. Perspective drawings or photographs of representative building types, indicating the proposed architectural style and appearance.

(3) Summary of intent. A written statement containing the following information shall be submitted with the preliminary development plan:

A. Statement of how the proposed PUD meets each of the qualifying conditions of Section 1254.02;

B. Statement of the present ownership of all land within the proposed development;

C. Explanation of the character of the proposed development, including a summary of acres or square footage by type of use, number and type of dwelling units, gross density calculation for dwelling units, and minimum standards for floor area, lot size, and setbacks;

D. Verification that the subject site is not located within an existing flood plain;

E. A complete description of any requested variations from the applicable spatial or other requirements applying to the property, in accordance with Section 1254.03(d);

F. General statement of the proposed development schedule and progression of each phase or stage; and

G. Intended agreements, provisions, and covenants to govern the use of the development, building materials or architectural styles and any common or open space areas, including the provisions which will organize, regulate and sustain a property or homeowners association, if applicable.

(c) Preliminary PUD Plan and Rezoning.

(1) Planning Commission review. Upon receipt of the PUD application and related materials, the Planning Commission shall conduct a work session with the applicant to review the development concept and determine the need for additional information, prior to conducting a public hearing.

(2) Additional information. If required by the Planning Commission, the applicant shall submit additional information and/or studies to support the request such as, but not limited to: impact assessment, traffic analysis, storm water study, market feasibility study.

(3) Public hearing. Upon completion of its initial review and following receipt of any additional materials, the Planning Commission shall conduct a public hearing, notice of which shall be in accordance with the requirements of Section 1280.03(e).

(4) Recommendation. Following the public hearing, the Planning Commission shall review the PUD request and the preliminary development plan, based on conformance with the standards of Section 1254.06 and shall make a recommendation to the Village Council to approve, disapprove, or approve with modifications the request for PUD zoning and the preliminary development plan.

(5) Village Council action. Upon receipt of the Planning Commission recommendation, the Village Council shall review the preliminary development plan, the record of the Planning Commission proceedings, the standards of Section 1254.06 and the recommendation of the Planning Commission,

and shall approve, disapprove, or approve with modifications the preliminary development plan and rezoning request.

(6) Zoning Map. If the PUD zoning is approved, the Zoning Administrator shall cause the Zoning Map to be changed to indicate the planned unit development. If the preliminary development plan is approved with modifications, the applicant shall file with the Zoning Administrator written notice of consent to the modifications and a properly revised preliminary development plan prior to the map being changed.

(d) Final Development Plan. Within 12 months of the Village Council's approval of the preliminary development plan and PUD rezoning, the applicant shall submit a final development plan for the entire PUD or one or more phases to the Zoning Administrator, in accordance with the requirements for final site plan review as contained in Section 1268.05. If determined to be complete by the Zoning Administrator, copies of the plan shall be forwarded to the Planning Commission.

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

(2) Extension of time limit. One extension of the time period for submitting the final development plan may be granted by the Village Council for up to an additional 12 months, if a request is submitted by the applicant, in writing, prior to the expiration of the original 12-month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original 12 months or an approved extension, the preliminary development plan shall be null and void. In addition, the Planning Commission or Village Council may initiate a rezoning of the property to another zoning district.

(3) Subdivision plat. For any PUD requiring subdivision plat approval, the subdivision plat shall be submitted simultaneously with the final development plan and reviewed concurrently as part of the PUD.

(4) Review and action. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions or modifications attached to the PUD rezoning by the Village Council. If it is determined that the final plan does not substantially conform with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with Section 1254.05(b). If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for site plan review, Section 1268.06 and the PUD standards of Section 1254.06. The Planning Commission shall prepare a record of its findings and shall approve, disapprove, or approve with modifications the final development plan.

(e) PUD Agreement.

(1) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Village, in recordable form, setting forth the applicant's obligations with respect to the PUD.

(2) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required modifications, other documents which comprise the approved PUD, and all conditions attached to the approval by the Village.

(3) A phasing plan shall also be submitted, if applicable, describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.

(4) The agreement shall also establish the remedies of the Village in the event of default by the

applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.

(5) All documents shall be executed and recorded in Greene County.

(Ord. 2013-19. Passed 9-16-13.)

#### **1254.06 REVIEW STANDARDS.**

In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter.
- (b) The PUD will promote the intent and purpose of this chapter.
- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the Village.
- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.
- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (g) The PUD will be consistent with the Village's Comprehensive Plan and Vision: Yellow Springs and Miami Township. Specifically, the following planning principles shall be adhered to, as applicable:
  - (1) Redevelopment and infill locations should be favored over greenfield development;
  - (2) Natural features and resources should be preserved or at least conserved;
  - (3) Future development/redevelopment shall strengthen the physical character of the Village;
  - (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
  - (5) Places are created with an integrated mix of uses that contribute to the Village's identity and vitality;
  - (6) Diverse housing choices are found throughout the Village, including relatively high-density and affordable units;
  - (7) Parks, open space and recreational areas are incorporated into future development; and
  - (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.
- (h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the Village where it is to be located.

(Ord. 2013-19. Passed 9-16-13.)

### **1254.07 CHANGES TO PUD.**

Changes to an approved PUD shall be permitted only under the following circumstances:

(a) Notify Zoning Administrator. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.

(b) Minor Change Determination. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified modifications imposed as part of the original approval. Minor changes shall include the following:

(1) Reduction of the size of any building and/or sign;

(2) Movement of buildings and/or signs by no more than ten feet;

(3) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;

(4) Changes in floor plans which do not alter the character of the use or increase the amount of required parking;

(5) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design; or

(6) Changes required or requested by the Village or other county, state or federal regulatory agency in order to conform to other laws or regulations.

(c) Major Change Determination. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan. While not required, the Planning Commission may elect to hold a public hearing in which case the notification requirements of Section 1280.03(e) shall be followed.

(Ord. 2013-19. Passed 9-16-13.)

### **1254.08 APPEALS.**

The Board of Zoning Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Board of Zoning Appeals have authority to grant variances for or with respect to a PUD or any part thereof.

(Ord. 2013-19. Passed 9-16-13.)

**In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:**

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter.**
- (b) The PUD will promote the intent and purpose of this chapter.**
- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.**
- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the village.**
- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.**
- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.**