

Village of Shawnee Hills  
Planning and Zoning Commission Meeting  
February 16, 2015

Chair Kathy Isern called the meeting to order at 7:00 p.m.

Members Present: Pat Monahan, Dave Hatcher, Dave Probst, Dan Mathews and Kathy Isern

Kathy asked if everyone had reviewed the minutes from the last meeting. Pat said he sees no changes and moved that we adopt them as written. Dan seconded the motion. Following vote on the motion is recorded: yea, 4; Pat, Dave, Dan and Kathy. Nay, none. Abstain, one; Dave Probst. Chair declared the motion passed by a 5-0 vote.

Pat said he did ask Dan if he would mind leading us through these two PUD codes that we had for review. He said that you will find them very similar and if you didn't know that was Yellow Springs you would pick up it was Yellow Springs because of some of the green roofs and things like that.

Pat informed the Commission that the land at the end of Westview went up for sale and we are getting contacted by two different people about the corner down there at Cedarbrook and the Boat Shop. I think we are at a very pivotal point where we want to come out of here with a recommendation and then give to Brian to tune it up to take legislation to Council if we agree that this is the right way to go.

Kathy said when you say the property on the corner do you mean the actual Cedarbrook property and the Boat Shop property. Pat said and the Solove property. Dan said Larry listed with Casto and it was just a couple of emails back and forth and I got the feeling that they take the listing and they looked at it and thought whoa, we might have something here, because now he wants to talk about them actually developing it. Kathy said including the Solove property. Dan said all of it.

Pat said I think it's really good. We will now get the perspective of protecting the residents and doing the right thing so I think with all of you guys involved it's a neat way to go and I think what this does for us is it gives us the opportunity to and I'd like to take the opportunity that Bart presented to us with the access road and not trying to dump everything on Mohawk. Also I talked to Bob Grant the other day and really if we pass this he can come in with a full drawing.

Dan said to recap, we narrowed it down to Yellow Springs and New Albany as far as the contents that suited us. As I went through these I noticed that one modeled the other. One was done first, some of the verbiage is exactly the same and the purpose and why we are doing this is the flexibility and in our case, we are kind of viewing ourselves as a blank slate. If we can have a developer or an architect or a designer or whoever, we can say go ahead and be as creative as you want to be and here is kind of what we are looking for and if you fit our needs then I think that is kind of the idea behind this and we are looking to make this as easy as possible to attract a developer.

Dan said comparing the two; he put Yellow Springs on page two. New Albany's was kind of straight forward, here's what we are doing and then most of it was kind of legal jargon, you bring this, we'll do this and from there. Yellow Springs actually laid it out a little better and here is what they said: They want to keep the preservation of the small town appeal. Which obviously I think pertains to us. Mix of land use, removal or renovation of blighted sites. One thing that I didn't think was good was on page two of Yellow Springs was the size. They wanted to keep a minimum of five acres. Kathy said she looked at that and Pat said he put a question mark right next to that. Dan said that is part of the reason that we are doing this.

Pat said one thing I would like to add as I am reading through this, I always make this comment that you don't ever make rules for the people that are sitting in the seats now. It is very likely at some point in time that Lucy Depp will become part of the Village. Might be kicking and screaming. We've tried to make it, we've invited them but the end result is as soon as the EPA puts their thumb on them and says you can't put in any more septic systems. We ought to keep that in mind because some of the open space around, like the edge of twin lakes, and some of that stuff, just the southern edge of it. We may have, not the five acres so much, but when it comes to paths and green space it might be worth it. There is also one in here about views of the water that people have the access to.

Pat said so you are going to strike out 8B? Kathy said I don't think you have to strike it; you can just change the size. You can change five acres to one acre or two acres. They also had a provision that you could still do something smaller if it was to the benefit of the village. Dave Hatcher said at that point why do you have the size thing in there at all. Dan said except for, just a broad stroke general sense, if we are making it a PUD we can do whatever we want. Pat said that is why I brought up Lucy Depp because if you start adding up the land there it could be a developer coming in and saying I can do this on these fifteen acres. There is a lot of land over there. Dan said so do we actually strike it, we can't necessarily put a minimum in and then have Bob come put patio homes or do we need to list a minimum or do we just say this is a PUD bring us a plan. Kathy said so we don't care about the size at all. Dave Hatcher said I don't think you need to put anything in there in regards to size. We will kind of review that as the plan is presented. Pat said why don't we strike that and ask Brian for his opinion on it.

Kathy said at one right below that it says: rezoning of areas would not result in significant adverse effect upon nearby or adjacent Village lands. When it says capital V for village does that mean owned by the village or does that mean anything in the village. Pat said what if we just put residential, business and municipal land. Kathy said actually all you have to do is uncapitalize it. Pat said I think there is a definition in the next section. Kathy said just take the capital V off of it and then it is just property period.

Kathy said under utilities, is the only thing we care about is the water and sewer. Do we care about electricity or any other utility? Pat said it does get into buried utilities and I would think that anything we put in, if it is going to be a new street, Buckeye has buried utilities, so we didn't have all the worries we had during the storms that you have with a lot of the other stuff. Kathy said except you are connected to the old stuff. Dan said how detailed do we have to get on that? Kathy said this just says if you are served by it, you are not detailing whether exposed lines or underground. Pat said is the purpose of this to say you can't go put your own little power plant

in. Kathy said I guess or you can't put the septic system in. Let's leave it in and it will be tweaked again. Dan said maybe we should leave it in in relationship to Lucy Depp maybe. Dan said is it mentioning it because it is provided by the municipality. Kathy said Yellow Spring. Dan said New Albany's says services in a logical network of utilities and streets thereby lowering public and private development costs. Pat said I think that sounds wonderful. Kathy said logical. That's okay, whatever. Pat said, well no, to your point though, we don't want somebody thinking they can put septic in. So they must be served by the sewers. Any new development must be served by the sewers, the electric, and the water and do you really want to put gas. Kathy said no you don't have to, it's an option. Pat said would you want to though. Kathy said I don't know. Pat said because you have so many people that have a demand for putting gas in. Pat said must be served by all the public utilities. I think that would clean it up.

Kathy said and then the ownership thing right below it. Do you accept things where it says: it's got to show, I think probably in the review you can go over it, because sometimes the contracts have contingencies in them, you can only buy this or I am only going to buy it if this works, that kind of thing. I guess you could accomplish the elimination of contingencies by going through the review process when things are presented to the council. When it talks about contracts, it wants one person to be in charge of all parcels and able to commit and follow through on everything and I certainly understand that or one entity anyway. Kathy said she just thinks that it would be good to eliminate contingencies if possible. On the other hand you could probably do that through the review process and it just wouldn't fly if there were too many contingencies.

Dan said yes. Pat said so if you didn't own the whole parcel then someone else would have to come in with another application, right. Kathy said that would probably be part of the negotiation. If they came in with something like an option to buy something versus actual ownership and we would say well we would love to do this for you but you actually have to own it. Pat said we could very easily use the corner down there with the boat area and everything like that. When the one person talked to me I said would you consider the lot on the east side of Shawnee Trail making that part of your thing because I can see one of the problems we are going to run into with whatever they do there, that's a piece of land that would be very difficult to use, maybe it's a parking lot for twenty cars. Right now you can't buy a commercial parcel and just put a parking lot on it. Some point in time we are going to have to think about that. Pat asked Kathy if she thought we had that covered or how would we change it. Kathy said it does say the development won't be completed in its entirety as proposed so I guess its probably okay as is considering that the document review as part of that will have to have everyone assured that they have a single entity or person to deal with and if you have things like options I would hope that council insists on having that cleaned up. Pat said by the time it gets to council. Here's the order issue that we were talking about here. We want it to come to this group first, and then go to council. Where do the permits come in? Do the permits come in before it comes to this group, do the permits come in after it comes to our group. Kathy said how do you know what permits you need until the proposal is approved. Pat said so once we approve the plans then all the permits get issued or once council approves it then all the permits would be done, right. Kathy said I would expect. Pat said that is where a lot of the negotiations take place too and the only reason I ask that is somebody says you know you are going to exceed the limitation of the size of that so there is a little check and maybe it's a draft permit. It has to have a review from code enforcement that they go through and they say yes, everything they are doing here doesn't

violate anything we know, right. Dave Probst said that has to be part of it. Kathy said I think the permits have to be part of it. Pat said they would come first and get a preliminary review that says everything fits. It comes to us, we could tweak it and then we make a recommendation to council.

Dave Probst said I don't think you want to go through council and then go okay now I have to go through the whole permit process and then they come back. Kathy said I think a lot of the details would come out in the preliminary process. Pat said so you could do a preliminary that says does it fit between the lines. It comes through us and we look at and we tweak it and say why don't you do this. Question I had, when it comes to overall development of properties, when we talk about mixed use properties, would we want ABR in the loop when it comes to businesses. We want somebody to take a look at it and say yes that works but that could be after it goes to council. Kathy said are they going to feel left out if they don't have a role in this until after the fact basically. Pat said that was the question, the question really is, so preliminary code reviewed to make sure it doesn't mess anything up. It comes to us and this is the concept, this is it, can we put it back to back ABR. Our their drawings true enough yet then that before they go to council to say hey, look, how about if you make it shaker shingle, how about if you make it tin roofs, whatever the thing is. Where do they fit between us and council, that's the question? Kathy said do we want a joint meeting. Dan said maybe a joint meeting because if you go on plan content, Yellow Springs is a little more like roof gardens and solar panels and fresh food markets. New Albany's is overall design, accurate boundary it's general up to a point but I think you would have at that point, if you are putting a plan together I think you are going to have at least a pretty decent idea of what the project would look like. Dave Hatcher said yes, at that point.

Pat said I would say it is somewhere after we get our hands on it. I don't know if you could do a joint one because if you ever sat through an ABR meeting there's a little bit of you have to bring colors of your siding, texture, things like that so I would contend its either somewhere between here and council or council approves it looking like this, now the color and the tweaks come in as long as the tweaks don't exceed five percent or ten percent or something. That might be a good question for Brian where do other people do this because I want ABR involved in it because otherwise you end up with Powell. Powell is a wonderful area, it does a lot of good things and there isn't a damn building that matches. If you ever go down the street everything is different. Dan said they have a lot matching now.

Dan said you made more detailed notes than I did actually because in reading through this I kind of looked at all the bullet points and thought well that's common sense, well that's fine, that's fine. Don't care about the size stuff. In our general idea like in the development plan in New Albany's on page five they have traffic and I think this would come in to play early in our village. Dan said I think we should just hand the process stuff over to Brian. I think we like the idea of it coming to committee first, and then going to council as opposed to New Albany's who goes to council first and then recommends it to planning and zoning. Pat said and at the bottom of page two for Yellow Springs, that's where I brought up the architecture thing. I looked at 4E and 4G and felt those were things that needed to have that involved. I got down to the section on page four and page four to me has very few things that fit us on Yellow Springs but the ones that I thought fit us and we have to keep in mind Lucy Depp are one, two, didn't know for sure about four. I thought five fit us, six and I didn't know about seven, eight and then once we got down below E all of a sudden it went a little bit tree huggy. Dan said good because those are the ones I was looking at. Pat said I eliminated below E, and then all the way down to nine, I thought one through eight looked a little bit freaky to me. Dan said yes, absolutely, with the solar panels, cool

roof. Dan said I would like to add done thing also. I had lunch with Steve Smith the other day and he said one thing that we kind of pigeon hole ourselves with is we don't have a minimum square footage requirement in the village. You could end up with, by default because our lots are cheaper here than somewhere else and they could build an eighteen hundred square foot house and they end up with a price point that's only 225. Pat said you do when you have deed restrictions like Shawnee Woods has. Dan said is that something we look at and add to this. Pat said I don't that that there is anything wrong with that but how big do you want to make minimum. Dan said I don't know because it is kind of a double edged sword because we are talking about multi-units here. Kathy said that would affect all the residential areas not just this. Pat said when he got down to nine he thought of the Westview area and also a buffer associated with Eileen. When you read number nine on page four there, a minimum of twenty five percent open space will be dedicated within the development. Pat said I don't know if we can do twenty five percent but I like the buffer that Bart, and I don't want to throw Bart out of this, I think Bart's concept is great. I remember Bob talking about a buffer across the back so I think we ought to consider something.

Kathy said she wanted to comment on number three. She said it does say you only have to have three of those things in that big list on the bottom of page four. They want the plan to show that there are at least three of these and we can take out the things that we think would never make sense here but I don't know if it will cut ourselves short by eliminating some technology like solar roof panels because that might still be coming. She said she does not know what a LEEDS certified building is. Dave Probst said it is energy efficiency. Pat said I think that would be up to the builder that comes in. Kathy said up at the top of the page in three it says commit that least ten percent of all dwelling units be permanently affordable, what does that mean. Dave Probst said that is subjective. Pat said I think we want a free market; we don't want to do that. It might be saying that you are going to have X percent of HUD housing and that is not what we are here to do. Kathy said so we strike that. Pat said I think so because I think the diversity in our village gives the affordable housing with some of the older homes here. Dan said yes I think we fulfill that.

Kathy said back on page three, one of the requirements is connectivity which means all these bicycle paths, pedestrian paths and so on. Is that going to fit everywhere? Pat said no. Kathy said so if you have a PUD they absolutely have to do this so maybe it's just a positive thing or you get extra credit versus a requirement. Pat said we could make it a recommendation, if there was a way to make a connection it should be done.

Dan said he did not get into anything in regards to flood plains or water runoff or anything like that and I was thinking that the developers would be covering that in their plan but I do not know if I should just assume that.

Pat said when I went down to page five on Yellow Springs I took one all the way down to two and put a question mark to see if that fit us at all and that was the flood plain items that you are talking about. I did see when you got down to B and saw that some of these could easily apply to our future growth. I don't see too much on the bottom part from B on page five that doesn't look halfway useful to us. Kathy and Dan said no. Pat said on page six they have general provisions. That's where we have opt put the procedure in, correct. Do we agree that a preliminary review by Code Enforcement has to be done with a recommendation to us? We take it, we do it and then I don't know where ABR comes in. Then we make a recommendation to Council. Somewhere either before or after ABR comes in and tunes up the outside of it. Pat said I can't see where it

would be reasonable to have someone do excessive drawings and spend a lot of money to bring it to a certain point and then say now we are going to change it.

Dan said New Albany's is pretty basic and it kind of says all of these things. What if we just adopt New Albany's and add these things that we have cited in Yellow Springs and then obviously compare if there is overlap because they are a little more specific in their actual contents for the PUD. New Albany's is pretty generic.

Pat said when he went through New Albany's there were very few things that I found that didn't fit. If I went on page two it was C that did not fit for me and that was the bike path. When I went on page three I looked at B and C and didn't know if that fit us. Kathy said one hundred contiguous acres. I don't think we are ever going to have anything that consists of one hundred acres. Dan said everything else too, on both really, it says that we can say it is a PUD but then it still falls back on the general zoning requirements that are in place already. We still would not get a big box store in here or the maximum height requirements. Kathy said what about the multi-unit housing; we don't have that at all. Do we have to amend the general zoning code to permit a residential area like that. Dan said that is a mixed use property and I think these say you can allow for mixed use. Kathy said but do you have to have the basic permitted use to start with. Do you have to have an underlying authority to permit a multi-unit residential thing? Dan said the way I am taking it, this allows us to do whatever we want. Kathy said but then it says it still goes back to the original zoning requirement. How does that factor in? Dan said I don't know, that is a Brian question.

Kathy said under time limits it says each project should be under construction within twelve months after the date of approval of the final plan. Is that reasonable? Dave Hatcher said I think so. If you are the developer you are going to jump on it as soon as possible.

Kathy said is there any time limit, of course depending on the project, within which we impose a deadline for it to be finished. Dan said that is kind of tough. Dave Hatcher said a developer is not making any money until it is finished so they are going to want to get finished as soon as possible.

Kathy said under preliminary application, it goes to the zoning administrator. Who would that go to here, the Village Administrator? Dan said either Ed or Mark. Kathy said I wouldn't say it would be Mark. Dan said I think that is what he is talking about, maybe Code. I think it would be Mark actually. Kathy said he is enforcement but he is not really an administrator. I don't know, I assume he would pass it up the line anyways. It would be a very complex thing. Dan said I think our engineer would be reviewing it at some point also. Dan said we would just allow them to run their normal course when it comes to that. Have there been any commercial development here. Kathy said the Vet office was the last one. Dan said I'm sure there was engineering review there and he does review for residential also.

Kathy said it calls for a public hearing too. Dan said I would assume kind of like the hearing that we had with Larry for any adjacent property owners. Kathy said this is a zoning variation so it should require the usual notice, provisions and meetings that are required.

Dan asked if anyone saw anything on any of this that you would say this is a bad idea and we should not go this route. Kathy, Dave and Dave said no. Dan said I think it makes sense. Kathy said I think it is good and it allows for flexibility and hopefully some creative planning.

Kathy said we want to make sure that we have a full engineering review for the plans. Pat said he would like to strike the word apartments. Kathy said if you have businesses and living area above them do you want to say they can only be owner occupied, not apartments. Pat said if there was any way to make it that way, yes I would like to. The unfortunate part is you know so what end of the spectrum are you dealing with, are you dealing with young professionals? What are you dealing with that is going to want to buy the property? We are not in Germany where somebody would naturally live above a store. I would like to see us avoid the word apartment if we could. Maybe there isn't a way but if they were condos. Kathy said obviously people could buy a condo and rent it out. Pat said I ran into that when I first started this conversation a year and a half ago because I was told you can't guarantee owner occupied.

Kathy said she does not have any more comments and suggested they recap what they want Brian to do for them. Dave Hatcher said he agrees with what Dan said earlier. He thinks the process from New Albany seems a lot simpler and easier. The wording is a little more vague, a little easier to go by but what I really liked about Yellow Springs was that it was not just for development. There had to be some advantages for the community to go through it. He said we looked at both of these for a reason, I don't think we can just go off one and say let's go right here but if we want to look at the processes from New Albany and then some of the pros from Yellow Springs and merge them together somehow.

Pat said we have a timing concern because of this activity here. Can we make a recommendation that with what Dan has taken in that we recommend forwarding to Council basically what you just said so when Dan meshes that with Brian that we recommend moving this forward to Council. I would like to be able to do that I don't think we can talk about it for another three months. I think we are going to circle some of the same paths if we do that. That is one of the concerns that he has. He asked Dan if he had enough to get with Brian on this. Kathy said that Council will be discussing this also when they get it.

It was moved by Pat that we move forward with recommending the Shawnee Hills PUD to Council with Brian's legal review and our recommended changes. Kathy said using New Albany's as a basis and input from Yellow Springs version. Pat said I accept that as an amendment to my motion. Dave Hatcher said I don't know how we can approve something that hasn't really been created yet. It needs to be meshed together and then take a look at it. Kathy said it can be done via email or something versus another meeting. Pat said we can't vote on it, the motion would be recommend it. But what we would ask is that Dan sends that to Brian, Brian does the legal tweaking. If at that time we have a problem with it we can either recommend the modifications to Council or we can have a special meeting to go through it.

Kathy said how do we frame that.

It was moved by Pat that we recommend to Council the Shawnee Hills PUD using New Albany as the basis with the Yellow Springs input and Brian's review with the understanding that it will be sent back to us to make sure that we are in accord with any changes that Brian will make. Pat said this will be an amendment to his first motion. So effectively prior to it getting to Council we

would have the opportunity to review this and if there were any objections we would have a special meeting to tweak it. Seconded by Dave Hatcher. Following vote on the motion is recorded: yea, 5; Kathy, Pat, Dave, Dan and Dave. Nay, None. Chair declared the motion passed by a 4-0 vote.

Pat said we would like to tell Brian that we would like to have this in time for us to review, we can't do a vote, but if we have an objection let Kathy know and we can call a special meeting.

It was moved by Dave Probst, seconded by Kathy to adjourn. Following vote on the motion is recorded: yea, 5; Kathy, Pat, Dave, Dan and Dave. Nay, none. Chair declared the meeting adjourned at 8:03 p.m.