



October 13, 2021

Updated January 5, 2022

Denise Swinger
Planning and Zoning Administrator
Village of Yellow Springs, Ohio
100 Dayton Street
Yellow Springs, OH 45387

RE: Application of Zoning Map Amendment and Preliminary PUD Plan

Dear Denise,

Oberer Land Developers, LTD is pleased to present our application for a Zoning Map Amendment accompanied by a Preliminary Development PUD Development Plan for our property in Yellow Springs. The included applications and information follow our preliminary submission made on September 23rd and discussed in workshop session with the Plan Commission on October 6th. This letter is intended to summarize the information provided to the Commission at that workshop session and to provide additional information that may have been requested at that time.

We have also prepared a response to comments received at the November 9, 2021 Plan Commission Meeting and the December 6, 2021 City Council Meeting. The additional information provided does not constitute a change in the proposed PUD submission, but rather additional information to provide answers to questions or responses to concerns received at these two public meetings.

Development Team

Oberer Land Developers is a part of the Oberer Companies, a multi-faceted real-estate company located in Miamisburg, Ohio. The Oberer Companies provides a wide range of real-estate services including land development, new home construction, commercial real estate sales and development, residential and commercial property management and affordable housing development. Our sister company, the Oberer Thompson Company, located in Beavercreek,

Ohio provides commercial construction, multi-family construction, residential and commercial rehabilitation and restoration services. The Oberer Companies were founded in 1949 by George R. Oberer, Sr. and his father George F. Oberer, and continues to be a family owned company currently managed by George R. Oberer, Jr., CEO and Michael F. Oberer, Vice President of Development and Residential Construction.

In addition to George and Mike Oberer, other members of the Oberer Companies who will be working on the Yellow Springs Development Team include Robert M. McCann "Bob", our CFO. In addition to his CFO duties, Bob assists with the financial projections and financing of developments within the Oberer Companies and is especially involved in our affordable housing development efforts.

Developer, Gregory Smith, will serve as the primary point for the development. Greg is educated as a Planner with degrees in Urban and Regional Planning and Environmental Design from Ball State University. He is a member of the American Institute of Certified Planners and has worked in the planning and development field for over 25 years, including almost 20 with the Oberer Companies.

Oberer has retained Choice One Engineering to provide subdivision design, engineering and landscaping design services for the neighborhood. Choice One was founded in 1994 with the goal of creating a consulting engineering company that had fun, was uber-responsive, provided stability, and did great work. Over 25 years later, Choice One has two offices with over 50 employees and has become a well-respected civil engineering firm not only used by dozens of developers (to include many Oberer communities) but also representing and providing services to dozens of municipalities and governmental bodies throughout Ohio. Choice One employees currently involved include Project Manager Jeff Puthoff, Civil Engineer Brian Goubeaux, Traffic Engineer Michael Gottemoeller, Surveyors Allen Bertke and Matt Lefeld, and Landscape Architect Jacqueline Huelskamp.

Project Overview

Oberer is proposing construction of a residential neighborhood offering a diverse range of housing opportunities. Our proposed development plan would provide housing products for a wide range of households. We are proposing five different housing types providing for a diverse neighborhood that fits with the values of the Village of Yellow Springs.

The Preliminary PUD plan that was shared with the Plan Commission at the September Workshop Session includes the following basic housing types; single family homes, three bedroom duplex homes, two bedroom duplex homes, three story town homes and an area for cottage home development. This wide variety of housing was encouraged by the Village's

Comprehensive Plan and through our meetings with staff and elected officials. We are excited to be a part of such a diverse proposed neighborhood. Please note that the southern 33.39 acres of the project, which was annexed into Yellow Springs from Miami Township in July, 2021 is currently zoned R-A, Low Density Residential, as that is the zoning classification that most closely matched the zoning within the Township. The remaining 19.26 acres which was already within the Village boundaries is currently zoned: 18.311 acres is Planned Unit Development and 0.949 acres is R-C High Density Residential.

The existing R-A zoning does not permit the development of a diverse neighborhood with multiple housing types as being proposed by the development, but rather would limit the neighborhood to single family housing. As such, Oberer is requesting a rezoning of the 33.39 acres that was zoned R-A in the July 2021 annexation to a base R-C High-Density Residential zoning with a Preliminary PUD Plan Overlay and incorporating the same R-C High-Density Residential as the base zoning for the 18.311 acres currently zoned PUD. The proposed PUD plan will also incorporate the 0.949 acre area already zoned R-C hence creating a unified cohesive neighborhood offering a variety of housing opportunities.

Many of the questions that arose in the public meetings focused on the density of the proposed development. In response to those comments Choice One has prepared a single family plan that would conform to the Village's R-A Single Family Zoning (the lowest density available under the Village's Zoning Ordinance). This plan resulted in 143 single family units.

As the proposed PUD plan shows 140 units (plus the Village's Affordable Component), an increase in permitted density is not being requested under this PUD, in fact Oberer is requesting 3 units less than which we could have achieved under straight R-A zoning.

We estimate that the proposed PUD will take +/- five years to develop (depending on market demand for housing). As such the proposed plan will result in an average of 28 new housing units per year, representing a 1.4% annual growth in units in the village (estimated at 1,961 total homes per 2019 U.S. Census) as a result in the development. While this may be more growth than the Village has seen in some time, it is well within the capacity of the Village's existing infrastructure and services to accommodate.

Existing Conditions

As shared with the Plan Commission in the workshop session is 52.65 acres is uniquely appropriate for development, but like all property has unique environmental and physical features that were recognized in the creation of this proposed neighborhood development plan.

The property is well served by utilities. A Village of Yellow Springs sanitary sewer trunk line runs directly through the center of the property, extending south from the terminus of Southgate Avenue and then turning east to Spillan Road. Village water and electrical service are both available at both the northern edge of the property at the end of Southgate Avenue and along eastern edge of the property along Spillan.

There is an unnamed creek along the western edge of the property which is a tributary to the Jacoby Creek. The area around this creek is fairly heavily wooded, creating a natural buffer between the property and the neighboring properties to the west. There is an area of organic fill on the northern part of the property and an area of high rock located on the southwestern part of the property. Finally there is an area of steep topography along the northeastern part of the property. The proposed neighborhood PUD plan has made accommodations to respect all of existing natural features, as well as to accommodate the existing sanitary line that runs through the community.

Oberer has provided two additional sources of information to support the existing conditions analysis of the property including an Environmental Phase 1 Report and a copy of the US Corps of Engineer's Stream Impact Permit for the extension of Southgate Avenue.

The Plan

Single Family Housing

There will be three areas of the neighborhood developed as single family housing containing a total of 64 new homes. Oberer Homes offers a semi-custom home product with over 30 existing floor plans and over 120 different elevations. Character drawings and pictures of many of these elevations have been included with the submission. Oberer uses a variety of exterior materials to include stone, brick, wood, wood fiber, Cementitious and vinyl siding depending on the elevation and the material section of the customer. While price ranges have not yet been finalized for the community these homes sell for \$330,000 to \$565,000 in other Oberer communities. These homes range in size from smaller patio homes with square footages as small as 1,450 square feet to larger family oriented homes up to 3,700 square feet, with many options in-between. Our in-house design staff allows for personalized customizations to be available for all of our single family customers to incorporate into their home designs. These modifications are available to both the interior and exterior of the homes that when combined with the variety of home plans, elevations, material and color options result in unique neighborhoods with a diverse, but coherent appearance and feel. Any requested ADA modifications or accommodations to the homes can be incorporated at this stage. Oberer typically builds a couple of accessible homes in each community upon customer request, but has often made more minor accessibility customizations when complete accessibility isn't required. Oberer currently offers

all of these home plans in our Washington Trace Development, located in Montgomery County, near Centerville and our nearly completed Woodland Ridge Development, located in Greene County, near Bellbrook.

All of the Single Family houses will be built on lots of at least 70 feet in width and 130 feet in depth, with 25 feet front and rear yard setbacks and 7.5 feet side yard setbacks. The first area of single family homes will be along the western edge of Spillan. These homes will face Spillan Road which will be widened to the west by the developer and include sidewalks, curbs and street trees along the western edge.

Two new streets located just west of Spillan will include 37 additional single family lots that will run along the east/west extension of the existing sanitary sewer line. The final area of single family lots will be along the western edge of the Southgate extension, the area that was previously noted as containing organic fill. All homes in this area will include basements.

Three Bedroom Duplexes

Oberer will offer 30 duplex units being built off the Hudson model currently being offered in our Cornerstone Development in Centerville. While price ranges have not yet been determined for the Yellow Springs community these homes sell for \$389,900 to \$500,000 in our currently ongoing developments. These homes offer a standard floor plan with opportunities for an enclosed four season room, and or rear patio area. Square footages of the floor plans will range from 1,653 square feet, to 1,790 square feet. While the number of customizations of the floorplan and layouts of the duplex units is more limited than our single family homes, we still offer a large range of selections and customizations in this product. Any requested ADA modifications or accommodations to the homes can be incorporated at this stage.

All of the duplex houses will be built on lots with a lot line down the center of the duplex unit providing for ownership of each unit without requiring a condominium arrangement. Each lot will be 47.5 feet in width (total of 95 feet for two units) and 130 feet in depth, with 25 feet front and rear yard setbacks and 7.5 feet side yard setbacks. As these units will not have basements they are being located in the southwestern part of the neighborhood which has the high rock.

Two Bedroom Duplexes

Oberer will offer 22 two bedroom duplex units which are new product to the Oberer product line. Originally designed for a senior housing concept, Oberer is adapting these designs for Yellow Springs to provide a lower price point home option within this neighborhood. Price ranges have not yet been determined for this product, but we are working towards a much lower price point than the three bedroom duplex. These homes offer a standard 1,012 square foot floor plan similar to the three bedroom duplex, but with smaller rooms and a one-car garage. In order to keep costs affordable the number of customizations of the floorplan and layouts of this duplex

will be very limited but we will still offer a large range of selections in this product. Any requested ADA modifications or accommodations to the homes can be incorporated at this stage. It is the Oberer's intent to continue to work on this product and making more detailed information available at the final development plan stage for this phase.

These duplex houses will be built on the same size lots as the three bedroom duplexes also located in the southwestern part of the neighborhood which has the high rock.

Town Homes

The area two the northeastern part of the community which adjoins the neighborhood to Randall Road is restricted by a steep topography that would limit the desirability of single family houses in this area as they would have steep sloping rear yards. To address these topography concerns Oberer is proposing two and three story town home products be built in this area which would have garages on the first level and primary living areas on the second and third level. Rear decks would be built off of the second level living areas, lessening the impact of the rear yard topography on the usability of the home. Our conceptual plan calls for seven townhome buildings anticipated to contain 24 units of housing. While Oberer has built several townhome products in our history, we have determined that those preexisting plans were a little dated and needed to be refreshed to meet current new housing requirements and customer expectations.

The current townhome concepts include two basic home floor plans, a two bedroom, one car garage unit, and a three bedroom, two car garage unit. Many details of this product are still being worked out, and we do not currently anticipate offering it in the first phase of the development giving us time to perfect the product before offering it for new home owners. As this product, is not anticipated to be offered to customers for at least a couple more years, identifying a sale price at this point is very difficult, but we anticipate them to be similar in price range as the two and three bedroom duplex units. It is the Oberer's intent to continue to work on this product and making more detailed information available at the final development plan stage for this phase.

Cottages

The cottage area is a result of discussions and negotiations with village staff and officials on the need to incorporate an affordable component into the development plan. Many different ideas regarding the incorporation of affordability were discussed and debated. The resulting proposal is for Oberer to donate a 1.75 acre area of land in the northeastern part of the community to the Village of Yellow Springs. The Village in turn would seek a Request for Proposals (RFP) for the development of an affordable housing product. Oberer would reserve the right to respond to, and or partner in a response to the RFP, but would not necessarily be the developer or contractor in this area. The design and the layout of the site and home design will be left to the village and their identified developer, but for the purposes of getting concept plan approval Oberer is

requesting a maximum density of 20 units in this area. Final development plan approval of this area is anticipated to be pursued at a later date once a development team has been selected by the Village. Oberer will bring sewer, water and other utilities to the boundary of the site, but will not provide for storm water retention. This area will not be included in the Home Owners Association (HOA).

The Village has asked for an estimated Value of this land donation. As of today we estimate that once the extension of Southgate is complete and utilities are extended to this location, this 1.75 acre area donation results in a loss of what would be 5 lots under R-A zoning and will have a land only value of \$150,000.

Open Space, Storm Water Retention and Village Park

The proposed neighborhood will provide 11.82 acres (23.2% of the overall) for dedicated open space to be used for storm water retention/detention purposes, tree and/or stream preservation, entry area features, pedestrian pathways and to include a 0.9 acre neighborhood park area that is being proposed to be donated to the Village. As previously mentioned there is an existing unnamed tributary of the Jacoby Creek running along the western edge of the property. This area currently has a significant number of trees that run along the common path of the creek. The developer is being respectful to the natural sensitivity of this creek feature by placing it within the designated open space.

Storm water control and water quality features will be built between the development and the creek to treat water runoff from the neighborhood homes and streets. A third such feature will be built at the southeastern corner of the community. Two of these features are anticipated to be traditional retention ponds of approximately 6' in depth and including small fountains. These ponds will be designed to incorporate water quality features common in current subdivision design to include outfall structures with controlled release designs that mitigate the impact of water runoff. The third feature will be located along the creek in an area of high rock. Due to the high rock a traditional pond is not an ideal storm water solution. Hence Oberer is proposing a constructed wetland detention area to treat storm water in this area. This constructed wetland will be designed by Choice One engineers and landscape architects and is expected to contain a variety of native Ohio wetland plants that will not only filter storm water from undesired contaminants, but also provide for habitat and visual beauty within the neighborhood.

In addition, Oberer has committed to retain and treat storm water from the existing drains in Randall Road which currently dead end into the property. As this water is a preexisting condition such retainage and treatment is not required under traditional storm water retention requirements for new development. This additional storm water treatment will require an

increase in one of the ponds by 40%. This increase results in an estimated \$10,000 in additional storm water treatment.

At the Spillan entrance to the neighborhood there will be a small area for placement of neighborhood monument signage as well as landscaping and a small flower bed area. A couple areas have been identified for multi-purpose paths. The multi-purpose paths are intended to create pedestrian and bicycle connections from one area of the neighborhood to the other, or from the neighborhood to adjacent areas. These paths are anticipated to be of concrete 6' in width so that they can serve both walking and bicycling. Additional information on the paths will be provided in the pedestrian traffic discussion section. The storm water, entry features and multi-purpose path areas are proposed to be owned managed by the HOA. A more detailed summary of the functions and purpose of the Home Owner's Association has been submitted as a supplement to this document.

The Plan also has identified a 0.9 acre area at the northwestern corner of the community for the creation of a Village owned park that will be donated by Oberer. This area is a good location for a neighborhood park as part of the unnamed creek runs through it. It not only adjacent to the proposed development, but is also in proximity to the planned area reserved for affordable housing and the existing neighborhood to the north. By donating the park to the Village this area will be available for enjoyment of the entire community. It is Oberer's intent to construct a playground and swing set feature within this park as well as add landscaping prior to completing the donation to the Village. A concept of what those features could look like, and do look like in other Oberer communities, have been included in the submission, but the final design of these features will incorporate comments and suggestions of Village staff and officials before being finalized.

The Village has asked us to provide an estimate to the value of this park donation. We estimate the 0.9 acres to be worth \$60,000 (equivalent to the land only value of two lots), the proposed equipment to be worth \$32,000 (installed price) and sidewalks, grading seeding and other site development work to be worth \$10,000, bringing the total estimated value of the donated park to \$102,000.

The U.S. Post Office currently requires new developments to provide cluster mail boxes to ease and reduce costs associated with mail delivery. Oberer has proposed several locations within the neighborhood for placement of these cluster boxes on the submitted landscape plan. These boxes will be the responsibility of the HOA to maintain, but are often assisted by the post office for lock replacement, etc. for a small fee.

Each new home will include a landscape package to include at least one street/front lawn tree, shrubs and perennial flowers. Oberer will offer more extensive landscape packages with each

home as alternatives, but most of our customers choose to add to and to personalize their homes landscaping after they move into the home.

A community wide landscaping plan has been created as part of the preliminary plan submission. This landscaping plan includes native Ohio plants to be installed as buffers and visual character building features throughout the neighborhood. This landscaping is in addition to the tree lines along the western and southern edge of the neighborhood which are being preserved as previously mentioned.

Circulation

One of the primary requirements of any new community is to provide for the efficient and safe movement of residents not only to and from the neighborhood, but also within it. The Plan proposes a street pattern that is sensitive to the existing neighborhood to the north. The Plan proposes two connections to the existing street pattern. One to the current terminus of Southgate Avenue and the other onto Spillan Road, just north of the E. Hyde Road intersection. Oberer hired Choice One to complete a traffic impact study to quantify what impact our development would have on the neighborhood and to recommend any warranted intersection improvements that may result from that impact. That study, which has been submitted to the Village, found that they studied intersections currently function very well and that the proposed development would have minimal impact on that functionality. The intersections studied were rated as an A in quality prior to the completion of the development, and are anticipated to remain as A's in quality after the development is completed. No warranted street improvements were recommended by the study as a result of the proposed neighborhood. That being the case, Oberer is proposing a half street widening of Spillan Road as previously mentioned in this letter.

The Village asked that the traffic study be expanded to include the intersection of E. Hyde Road and State Route 68. As this is the second intersection away from the development, this request is beyond traditional traffic study impact analysis practices. The expanded study found no significant impact and no warranted improvements to this intersection resulting from the proposed development. These results were provided to the developer on January 5, 2022 and are being included in the expanded report to the Village to be provided soon.

The neighborhood will contain several proposed neighborhood streets. The primary street will be an extension of Southgate that will turn eastward and connect into Spillan. This street will provide for all of the vehicle traffic coming from and two the neighborhood. Residents headed south (or southwest, southeast) are anticipated to use the Spillan entrance and those headed north (or northwest, northeast) are anticipated to use Southgate. The Study did not anticipate much traffic from the proposed development to use the existing neighborhood streets to the north, but

rather turn west from Southgate onto Kahoe Lane, to State Route 68 when heading north and turning west for Spillan Road onto E. Hyde Road, to State Route 68 when heading south.

Oberer is proposing a 50 foot wide right-of-way for all neighborhood streets. This right-of-way will contain a 28 feet wide street with curb and gutter on both sides. The gutters will drain into a storm water system that will be managed and treated by the storm water retention features previously mentioned. 28 feet is a bit narrower than many street sections. Oberer is proposing a narrower street section to reduce traffic speed traveling throughout the neighborhood and to reduce the amount of impervious surface within the community. Oberer currently has 28 foot wide streets within our Nathaniel's Grove community, also located within Greene County, and find that they work well for parking along the street, while still allowing for the slow movement of traffic throughout the neighborhood. Five foot tree lawns will be built on each side of the street providing sufficient room for street trees and for snow to be piled up during the winter months. Four foot wide concrete sidewalks will be built on each side of the neighborhood streets providing for pedestrian circulation within the entire neighborhood. These sidewalks will connect to the multiple Multi-Purpose trails to provide access through and in and out of the neighborhood. The sidewalks will include handicap ramps at each intersection providing for handicap accessibility throughout the neighborhood. The neighborhoods proximity to the pedestrian path along State Route 68 is an excellent amenity providing for walking the one mile into downtown Yellow Springs and all of the amenities and features within the Village.

Lighting

Oberer is sensitive to the impact of exterior lighting on the environment. We are proposing enough exterior lighting to provide for a secure safe environment in the evening hours, but not so much to create light spilling onto neighboring areas, or creating light pollution. No large street lights are being proposed as part of the development. Instead Oberer is proposing each home is equipped with a small 4 feet high front yard light to be lit with a single 840 lumens LED bulb which is roughly equal to that of a traditional 60 watt incandescent bulb. This light will be controlled by a light sensor and located within proximity of the sidewalk in order to provide sufficient lighting for pedestrians using the sidewalk in the evening and for visitors coming and going in the evening hours. In addition to the yard light, each home will be equipped with porch and garage lights which will be controlled from switches from within the homes and also equipped with the aforementioned 840 lumens LED bulbs. A picture of these lights on a typical home at night has been included with this submission.

Oberer will abide by the exterior lighting condition in the Plan Commission's approval requiring exterior lights to be night sky sensitive and include a cover to restrict upward light pollution.

Project Time Line

Oberer's goal is to be approved by the Plan Commission at your November meeting, in order to be heard by the Village Council in December of 2021. Work on civil engineering drawings and details will begin in early 2022 with the intent for approval and start of construction in the spring of 2022. Home construction on the first section could start in the late summer of 2022 with the first occupants moving into their homes in 2023. We anticipate the neighborhood to be developed in a number of phases over five or more years depending on local demand.

We hope that the additional information submitted will allow approval by the Village Council in late January, early February 2022.

Planned Unit Development Recognizable Benefit

Section 1254.02 of the Village's zoning ordinance requires identification of multiple recognizable benefits for pursuit of a Planned Unit Development Designation. Requiring at least three of the benefits be accrued to the community as a result of the PUD. The proposed Plan meets a number of these recognizable benefits.

1). Preservation of significant natural features: The Plan will preserve the unnamed tributary of Jacoby Creek which runs along the western edge of the neighborhood, as well as the tree lines along that creek and the southern edge of the neighborhood. It also respects the soil conditions in regards the existing organic fill and high rock areas, through identifying appropriate housing types for each area.

2). A complementary mix of lands uses or housing types: The Plan provides for a diverse mix of housing types that would not be permitted under traditional single family zoning including two styles of duplex units, town homes and the cottage homes. This mix provides housing for a larger segment of the village population than if only single family homes were proposed.

3). Extensive open space and recreational amenities: The Plan provides 11.82 acres (23.2%) of dedicated open space. This area includes the multi-purpose paths and donated village park which provide recreational amenities to the entire community under traditional zoning.

4). Connectivity of open space with new or existing adjacent greenway or trail corridors: The Plan contains several pedestrian connections which link new greenspaces being created, or preserved, as part of the neighborhood.

Please note that the Plan also meets the other requirements of Section 1254.02 including exceeding 5 acres in size, being served by public water and sewer, being substantially consistent with the Village's adopted Comprehensive Plan, providing for pedestrian accommodation, a variety of harmonious and visually integrated architecture and providing for safe and efficient vehicular movement within, into and out of the neighborhood, including the use of traffic calming techniques, storm water management, pedestrian safety and aesthetic appeal.

Conclusion

The Oberer Companies appreciates the Village's review and consideration of our rezoning and PUD Preliminary Plan application. The proposed Plan is the result of over a year of due diligence, internal planning and responding to comments received. We are pleased and proud to present this proposal to the Village and are looking forward to a long and successful partnership as we become part of the Village of Yellow Springs community.

Oberer remains committed to Village and the PUD Plan as submitted in October and recommended by the Village Plan Commission to the Village Council after their November public hearings. Most of the opposition to our proposal is opposition heard during that time was traditional anti-development and/or "Not in My Back Yard" based comments, as opposed to constructive input on the virtues of the existing zoning over the proposed PUD.

It should be noted that Oberer intends to develop the property starting in the Spring of 2022 under either an approved PUD plan in cooperation with the Village, or under the existing permitted R-A Zoning. As such the discussion should be focused on the merits of the proposed PUD plan vs. the existing R-A Zoning. Not on development vs. non-development.

Oberer prefers the submitted PUD plan as it offers a large number of benefits.

- Overall density between straight zoning and the PUD are similar with Oberer showing 140 units (plus the affordable component) under the proposed PUD plan and demonstrating that a 143 units could be built under traditional zoning.*
- The PUD plan provides for a variety of housing types and price points within the community that would not be achievable under a straight zoned single family plan.*
- The PUD plan provides significantly more open spaces and pedestrian connections well beyond that which would be required under a straight zoned single family plan.*
- The Developer has committed to an Affordable Housing land donation, developed park donation and storm water fix as part of the PUD development representing an estimated value of \$262,000 in Village benefit, which would not be achieved under traditional zoning.*

Oberer will participate in another City Council Workshop Session on January 10, 2022 and in a Village Town Hall Meeting on January 12, 2022 to continue to answer questions and provide information on the proposed PUD. We appreciate the Village Councils' review of the additional information submitted and the merits of the proposed PUD submission vs. traditional/existing zoning.

Thanks again for your continued consideration.

Sincerely,

Oberer Land Developers, LTD

A handwritten signature in dark ink, appearing to read 'Gregory A. Smith', is written over the printed name.

Gregory A. Smith, AICP
Developer

Cc: Jeff Puthoff, Choice One Engineering