



TO: Village Council & Community Members
FROM: Brian Housh, Council President
DATE: February 4, 2022
RE: PUD – Less Drama, More Facts/Reality

While a variety of development options might be possible with the land currently being considered for a PUD if there were different owners, the current property owner has indicated that the only alternative to the PUD for them is using current zoning to build 143 single-family homes, which was Oberer’s plan before the Village Team injected community values into the negotiations. Let’s compare the 2 options:

	PUD	Current Zoning (R-A)
# of Market-Rate Homes	140	143
Types of Housing Units	Single-Family = 64, Duplexes (2- & 3-Bedroom) = 52, Townhomes = 24	Single-Family Only
Home Price Points	Starting at mid-\$200K	Starting at mid-\$300K
Donated Land for Affordable Housing	Yes – 1.75 acres for 20-30 Units with Infrastructure & Village Control	No
Bowen Housing Goals Addressed	3 – high- & moderate-income for sale + affordable types	1 – high-income for sale
Greenspace	More Preserved b/c Density – 3.1 acres (playground & wooded area)	Less Preserved b/c Density
Walkability & Connectivity	Yes – paths connecting to constructed wetland, wooded areas, playground & throughout neighborhood	Limited – traditional sidewalks in front of properties
Public Playground/Park	Yes – 0.9 acres at Southgate with easy access to rest of neighborhood	No – zoning regulations allow for a payment in lieu of playground
HOA	Yes	Yes
Constructed Wetland	Yes	No
Cost/Quality of Life Benefits (e.g. Taxes, Utilities, Levies)	Yes	Yes
Est. Value of Development	\$39M (not including affordable)	\$40M
Utility Capacity to Serve Water, Sewer, Electricity & Solid Waste	Yes	Yes
Utility Revenue – Est. Readiness Charges	\$54.7K annually (not including affordable)	\$55.9K annually
Storm Water Mitigation	Resolves issues with existing Southgate & Margaret St development; addresses water displacement for affordable housing site; constructed wetland; 2 detention ponds	Designed to meet the zoning and storm water regulations for the development



Key Issues

1. Council has prioritized Affordability as a Village Goal, and the PUD is superior to the alternative.
2. Township residents do not pay Village income or property taxes, which is why we annexed.
3. Referendum costs = approx. \$4000 for election + continued time to accurately educate voters.
4. Transparency has been emphasized throughout this process, including citizen working group.
5. No one has been blocked from stating opinions at public meetings – all voices should be heard.
6. Council/Commission must follow zoning code and balance all concerns given legal parameters.
7. Council cannot legally force any property owner to do something else with their property if they meet the zoning requirements. However, we should explore improvements in our zoning code in anticipation of future projects. “We Have Done Better” in this current situation given limitations.
8. Commercial/residential development involves private negotiations prior to discussion at public meetings; this is not a lack of transparency, but rather an expectation from all investors in our Village. The Village Team should treat all property owners equitably, providing our best service.
9. A Phase 2 Environmental Site Assessment is triggered by the results of the Phase 1 Environmental Site Assessment. The independent firm that conducted the Phase 1 in the current situation found nothing to require a Phase 2. A Phase 1 ESA is an investigation to identify environmental issues such as historic environmental conditions that may affect compliance with environmental regulations.

Additional Details

1. Early in the 1.5-year process that has brought us to this point, the Development Agreement Advisory Working Group first met on November 11, 2020 and included citizens - Lisa Abel, Sheila Dunphy, Brittany Keller, Matthew Kirk, Joshua Miller and Alex Scott – and Village Team members – Johnnie Burns, Brian Housh, Marianne MacQueen, Josue Salmeron and Denise Swinger. This Working Group is not typical for most projects, but Village Council felt it was important to be as transparent as possible and engage the public early in the process.
2. The Village Team has never stated that the PUD is a “solution” to affordability challenges in Yellow Springs, but adding affordable (20-30 units) and market-rate housing to our local stock mitigates gentrification; I do not believe that any community has figured out an affordability “solution”, but every action we take makes an incremental difference. One need only look at the stories of those who have been able to stay in or return to the Village with the 12 affordable rental and owned homes created by YS Home, Inc.’s Glen Cottages pocket neighborhood to understand the significant impact for our small town, and there are many other examples, such as the Village’s recent purchase of Lawson Place to maintain these below market-rate rentals, which highlight that all these actions are at least part of the solution; we welcome other local investors to support these efforts to make our community more affordable a.k.a. mitigate gentrification.
3. The Planning Commission carefully applied our zoning code and justified its determination after significant public input. Certainly, there are opportunities to improve our zoning code, which Village Council has committed to doing in its 2022 Goals, but this is not something that can legally be applied retroactively to a pending PUD application.
4. We are a diverse community with a variety of perspectives, and it is important that Council listens to all citizens and does its best to make decisions that balance the varying concerns and needs. One issue that almost everyone seems to agree on is that we need more housing of all types, which was confirmed by the 2018 Bowen Housing Assessment.



Affordability (a.k.a. Mitigating Gentrification)

1. More housing stock, at a minimum, helps to mitigate increasing costs of homes and, ultimately, lower housing prices.
2. There is high potential for seniors to “downsize” and open up homes for families with students who want to attend our local schools of excellence.
3. No Village Team member has said that these new homes are affordable, and the Bowen Housing Assessment confirms that we need all types of housing in Yellow Springs.
4. 20-30 affordable houses, which can be built in the way that the Village deems best, is significant and does make an impact. The Glen Cottages pocket neighborhood and other initiatives are examples of supporting our community members in renting & owning affordable housing.
5. We need land for affordable housing, and YS Home, Inc. has told us that donated land is the best for scoring points to secure financial support from OHFA and other affordable housing granting entities. And, the contributed land if the PUD moves forward will also have the necessary infrastructure, allowing for additional cost savings with development.
6. Per the 2018 Bowen Study, we need the following types of housing and number of units:
 - a. Subsidized Housing (Senior & Family) 100 units
 - b. Low-Income Rental Housing 80 units
 - c. Affordable Workforce Rental Housing 70 units
 - d. Market-Rate Rental Housing 60 units
 - e. Senior Care Housing 15 beds
 - f. Entry-Level For-Sale Homes 40 units
 - g. Moderate-Income For-Sale Homes 30 units
 - h. High-Income For-Sale Homes 120 units

Not Approving PUD

1. Guarantees more sprawl and homogeneity. This land has been planned for residential development for decades, and references to historical agricultural use are misleading.
2. HOA concerns apply whether developing under PUD or Residential-A, and Oberer has publicly stated that the template guidelines can be adjusted to fit our community culture. Ultimately, the HOA will be controlled by the residents, and guidelines can be continually modified.
3. References to the “current PUD” are misleading because there is no underlying plan; in other words, any developer wanting a PUD would have to go through the same process as Oberer is currently doing. And, suggesting that the existing Residential-C is somehow superior is untrue as this zoning does not require the highest density, so one house could be built as we often see in townships. Our Village Solicitor has confirmed that the land can be legally developed as R-A.
4. There are less planning & zoning hurdles with the existing zoning, which could accelerate the development of the property; the suggestion that each house has to be separately approved by Planning Commission is untrue – the developer can bring the entire plat to the Commission for approval, i.e. current zoning does not equate to more careful consideration of each parcel.
5. The involvement of citizens, Council and Village staff early in the process (within days after the land was purchased) has led to keeping more Villagers in mind; developing under current zoning is worse vis a vis Village Values. Under our code, any applicant who requests a rezoning must demonstrate a legal ownership interest in the property; to rezone at the behest of others who do



not own the property, without the owner's consent, would likely result in litigation. The Village annexed this property, in part, due to prior litigation requiring providing utility services.

6. Suggestions that there could be no HOA, more variety in housing types, etc. require another owner of the property; there were opportunities for others to buy the land that were not taken advantage of. The Village does not have the capacity to manage this residential development.
7. The land in question is not a greenfield; arguably this project is infill, albeit on a larger scale.
8. Dumping trash in a certain area does not make it a garbage dump, for which there is no record of, and there is no indication of toxic waste from the independent firm that conducted the Phase 1 Environmental; otherwise, a Phase 2 Environmental would have been required.
9. The physical character of our Village is to be diverse, which the PUD (vs. current zoning) does the best job of aligning with. The proposed PUD responds to several Village needs.
10. The Oberer development clearly meets the PUD standards and is a higher quality of development given the one alternative under current ownership. Specifically, there are several recognizable benefits that would not be possible under the existing zoning classifications:
 - a. Preservation of significant natural features
 - b. A complementary mix of land uses or housing types
 - c. Extensive open space and recreational amenities
 - d. Connectivity of open space with new or existing adjacent greenway or trail corridors
 - e. Coordinated development of multiple small parcels