

Minutes of the City of Vandalia Planning Commission
January 14th, 2025

Members Present:	Mr. Ron Atkins, Ms. Kristin Cox, Mr. Dave Arnold, Mr. Lucious Plant
Members Absent:	Mr. Kevin Keeley Jr.
Staff Present:	Michael Hammes, City Planner Ben Graham, Zoning & Planning Coordinator Ben Borton, Director of Public Service Rob Cron, Assistant City Manager
Others Present:	Jason Friedman, Addison Properties Eddie Hunt, Addison Properties Phyllis White, Tom & Bridget Johnson, R. Fleischman, James Breisch, Barbara Breisch, Robert Shanahan, Russell Muntz, Chris & Amy Vanderhorst, Keith & Sharon Hamby, Mike & Mary Blakesly, Shari Cooper, Alex Gonter-Dray, Tammy Weatherhead, Kim & Mike Bish, Leon Mable, Bud & Tanya Brown, Gloria Shanahan, Barbara Spurgeon, Tim & Mary Rathburn

Call to Order

Mr. Atkins called the meeting to order at 6:01 p.m.

Attendance

Mr. Atkins noted that Mr. Keeley, Jr., was absent. Ms. Cox made a motion to excuse Mr. Keeley, Jr.'s absence. Mr. Plant seconded the motion. The motion carried 4-0.

Approval of Minutes of the Planning Commission

Mr. Plant made a motion to approve the December 10th, 2024, minutes. Mr. Arnold seconded the motion. The motion carried 4-0.

Swearing in of Attendees Wishing to Speak at Meeting

The attendees were sworn in.

Old Business

Mr. Hammes confirmed that there was no Old Business on the agenda.

New Business – PC 25-0001 – Planned Unit Development – 7848 S. Brown School Road

Mr. Hammes introduced Case PC 25-0001. Eddie Hunt, of Addison Properties, requests the establishment of a Planned Unit Development on three parcels totaling 84.7577 acres +/-, located along the east side of South Brown School Road immediately south of Poplar Creek Road in the

City of Vandalia. As proposed, the subject properties would be rezoned from the A – Agriculture district to a Residential Planned Unit Development. The applicant also requests the approval of a preliminary plan for the proposed development.

Mr. Hammes explained that the applicant, Addison Properties, had previously submitted a rezoning application for this property, seeking an RSF-4 zoning district for the site. Having received feedback on that proposal from the Planning Commission, staff, and residents, the applicant chose to withdraw that application (PC 24-11) and resubmit with a revised application. The revised application is a better fit for a Planned Unit Development, as was suggested in September 2024.

Mr. Hammes described the property in question, explaining that the site is currently zoned A – Agriculture. He reported that the bulk of the property is currently vacant, with one single-family residential structure on the lot at 7848 S Brown School Road. That lot would be absorbed into the development, and is included in this application.

Mr. Hammes described the surrounding area as primarily residential in character, with the Foxfire subdivision and various single-family residential lots to the west. Several additional residential lots are located to the north, between this site and Interstate 70, and to the south along Little York Road. Several industrial parcels are located to the east, though most are vacant apart from an indoor shooting range.

Mr. Hammes noted that the applicant was in attendance and would be available to answer questions from the Commission.

Mr. Hammes described the proposed preliminary plan for the development. He noted that lot placement and design, roadway design, and open space had all been adjusted since the previous proposal.

Mr. Hammes described the phasing plan for the development. Construction is intended to begin in December 2025, and each of the proposed four phases would take approximately 15 months to complete. The goal at this time is to complete the development in the 1st quarter of 2030.

Mr. Hammes discussed Land Use Density, a requirement of the Planned Unit Development district. He explained that the code requires that residential planned unit developments shall have no more than 6 dwelling units per acre. In this case, the gross density (encompassing the entire site) would be 1.96 dwelling units per acre. The net density, which counts only land being developed as roads, building lots, and designed open space, would be 2.75 dwelling units per acre. By either measurement, the proposed development meets the land use density requirements of the zoning code.

Mr. Hammes reported that there would be four new internal roads installed as part of the proposed development. All roads would be designed and built to City standards. Mr. Hammes added that additional upgrades would be required along South Brown School Road.

Mr. Hammes reported that the development would be served by a homeowner's association, taking responsibility for the maintenance of common areas, open space, and other amenities.

Mr. Hammes explained that the proposed development meets the criteria for a Low-Density Residential development as described by the 2020 Comprehensive Plan.

Mr. Plant asked about the design of the previous proposal. Mr. Hammes replied that a copy of the previous proposal was available. Referring to the current proposal, Mr. Hammes explained that the lots along South Brown School Road had been increased to 80 feet of frontage, allowing for larger homes and larger lots to create a transition between the Foxfire neighborhood and the interior of this development, among other changes.

Hearing no further questions, Mr. Atkins invited the applicant to address the Commission.

Mr. Jason Friedman, of Addison Properties, addressed the Commission. He thanked staff for their assistance in preparing the proposal, noting that it was intended to be an impactful and meaningful development for Vandalia.

Mr. Friedman explained that his firm had listened to the comments from Council, the Commission, Staff, and members of the public in developing this revised proposal for the newly-named Riverdale subdivision.

Mr. Friedman discussed the implementation of the 2020 Comprehensive Plan and the Zoning Code, noting that both documents provide guidance on how new Planned Unit Developments should be considered. He also highlighted that consideration was given to the surrounding areas.

Mr. Friedman explained that the Planned Unit Development was intended to provide for a flexible development that would not be feasible under a base zoning district. The development would go through multiple phases of review, including the preliminary plan review, an engineering review, and then final plan approval. At multiple points, Council and Staff have the responsibility to review and approve aspects of the development.

Mr. Friedman added that, once approved, the design of the development would be locked in. There could be no amendments to the design of the development, the lot layout or home designs, or any other standard without Council approval.

Mr. Friedman discussed the Preliminary Plan review criteria in detail, beginning with Criteria A which requires compliance with the Comprehensive Plan, Thoroughfare Plan, and other adopted plans and policies. He noted that the proposed roadway improvements to South Brown School Road would result in increased pavement area on that arterial street. Additional improvements include landscaping and a sidewalk along South Brown School Road.

Mr. Friedman highlighted several passages from the Comprehensive Plan that support the development of this site. He noted that "The development of new housing with more options for people to live in the town."¹

people to live in the town.”¹ was one of the most critical issues facing the future of Vandalia, according to those surveyed as part of the Comprehensive Plan.

Mr. Friedman noted that the Comprehensive Plan was ahead of its time in pointing out national trends toward smaller lots requiring less maintenance. These types of lots were considered particularly attractive to multiple demographics.

Mr. Friedman discussed the Future Land Use Map, noting that the project site is listed as Low Density Residential. He added that the proposed development meets the definition of low density as described by the Comprehensive Plan.

Mr. Friedman discussed the proposed homebuilder for the site, Arbor Homes. He stated that the company has multiple products in a variety of designs that fit well with this development.

Mr. Friedman discussed the proposed open space for the development. 39.7 acres, or 46.7% of the site, would be designated and preserved as open space, far in excess of the 15% minimum found in the code.

Mr. Friedman discussed Criteria B, covering the phasing plan for the development. He explained that the four-phase plan was based on anticipated sales.

Mr. Friedman discussed Criteria C, covering access to public roads. He noted the development would comply with all regulations set forth by the City, as determined by the City’s engineering staff. He added that the proposed improvements would satisfy all known traffic concerns within the development.

Mr. Friedman discussed Criteria D, covering the development’s burden on public utilities and services. He highlighted letters from Montgomery County, the Vandalia Fire Division, and the Vandalia Police Division.

Mr. Friedman quoted from a letter authored by Rob O’Leary, Vandalia-Butler City School Superintendent. The letter acknowledges that the development would create some challenges for the district, but that the benefits outweigh those challenges.

Mr. Friedman discussed Criteria E, covering proposed covenants and restrictions. He reiterated that there would be a homeowners’ association to manage common areas and open space, ensure compliance with architectural guidelines, and otherwise manage the site.

Mr. Friedman discussed Criteria F and H, covering the preservation of open spaces and natural areas. He noted that trees on the site were part of the visual appeal of the area, and the development was designed so as to preserve many of the trees already located at the site.

Mr. Friedman discussed Criteria G, relating to signage, street lighting, and other amenities on the site. One primary and two secondary entrance signs will be placed along South Brown School

¹ Vandalia 2020 Comprehensive Plan, Page 82

Road, as shown on the plan. Internal roadways are designed with a 50' right-of-way width, as determined by the City's standard construction drawings. Streetlights would be installed as required.

Mr. Friedman discussed Criteria I, relating to the design of the site. He noted that the site was designed to work with the natural contours of the area to create appropriate building lots.

Mr. Friedman discussed Criteria J, relating to the creation of additional costs and burdens to public services. He reported that all improvements relating to this development would be paid for by the developer, with no excess costs incurred by the City.

Mr. Friedman discussed Criteria K, relating to the impact of the proposed uses on nearby uses. He explained that this would be a residential neighborhood built across the road from a residential neighborhood, and thus the impact would be minimal.

Mr. Friedman discussed Criteria L, relating to the variety of home designs required by the development. He showcased some of the home options available and noted that the development would have sufficient variety in home design. He added that the development standards proposed for this PUD would require different home designs across the development to provide visual appeal.

Mr. Friedman discussed Criteria M, which covers paved areas in the development. He reiterated the design of interior roads and added that each home would have a driveway suitable for parking.

Mr. Friedman compared the design criteria for the proposed development with the criteria of the existing Foxfire subdivision. He highlighted the lower density in this development (1.96 units per acre) versus the aggregate density in Foxfire (2.3 units per acre) and the increased open space of the Riverdale development.

Mr. Friedman compared setback requirements, noting that the front, side, and rear yard setbacks are comparable between Foxfire and Riverdale.

Mr. Friedman discussed potential home prices. He noted that the median home price in Vandalia was \$135,800 at the time of the 2020 Comprehensive Plan. The average sales price in Foxfire was \$354,041 during the 2022-2023 period. Home prices in the Riverdale subdivision are expected to fall into the \$300,000 to \$500,000 range.

In summary, Mr. Friedman expressed the hope that his presentation had clarified any misunderstood facts regarding the proposed development. He noted that he does not attend many of these meetings with residents who support his company's proposals. He added that his company's goal was to make a difference in the community, which was why his company had chosen to do business in Vandalia.

Mr. Atkins thanked the applicant for listening to suggestions and concerns raised in the previous meeting. He asked if the utilities and roadways would be constructed in four phases, or if they would be constructed all at once.

Mr. Friedman replied that public utilities would generally be constructed according to the phasing plan, with some minor adjustments to make everything come together properly.

Mr. Atkins asked for more details about the proposed right-of-way improvements along South Brown School Road. Mr. Friedman explained that the east side of the road would be expanded and upgraded to match the west side. Those would include landscaping, sidewalk, curb, and additional pavement.

Ms. Cox asked if an additional turn lane would be added. Mr. Friedman replied that engineering had not yet been completed for the exact design of the road. He added that the road would be built to City requirements. Ms. Cox noted that concerns had been raised about the road widening, and that anything the developer could do to mitigate those concerns would be welcome.

Mr. Atkins asked about the new Riverdale name for the development. Mr. Friedman replied that the name was not yet final, and that it had been proposed by the company's marketing team.

Mr. Plant asked about the width of the interior roads within the development and whether those roads would accommodate two lanes of travel with cars parked on the street. Mr. Friedman replied that the road would be built to the standard 50' right-of-way width.

Mr. Plant raised concerns about the nearby railroad, asking if there were plans for a noise barrier of some sort. Mr. Friedman replied that there were no plans for a noise barrier at this time. He added that visual screening may be included, but that homeowners would be aware of the railroad tracks before building their homes.

Mr. Plant asked about lots set aside for patio homes. Mr. Friedman replied that no lots were set aside for specific floorplans. The intent was to allow buyers to select the home they want – which may result in more of one elevation than others. The development standards would require different styles of home even if the elevations were similar.

Mr. Hammes added that he would address the development standards for the Planned Unit Development district.

Mr. Arnold asked about parking on the street, noting that longer driveways would allow for less street parking. He added that increased front yard setbacks would facilitate this adjustment. Mr. Arnold also highlighted a discrepancy between the 30' front yard setback and a listed 35' setback on cul-de-sac lots.

Mr. Hammes explained that the lots on curves are being designed with additional front yard setbacks to account for the design of the home (and the shape of the lots). This does not conflict with the smaller minimum setback which applies to all lots (curved and otherwise). Reversing

the approach, with some lots having setbacks smaller than the minimum requirement, would be a concern; however, that is not the case in this instance.

Mr. Arnold acknowledged that a resident at the previous meeting had suggested larger lots along South Brown School Road, which the developer had added to this proposal. He added that he would have liked to see more than just one row of larger lots.

Mr. Arnold raised a concern about the streetlights proposed for the development, noting that the “cobra head” fixtures were not appealing. Mr. Friedman concurred. Mr. Arnold remarked that some developers had chosen to install nicer fixtures in their neighborhoods, with their respective homeowners’ association covering the increased cost. Mr. Friedman replied that he would be open to discussing options along those lines.

Mr. Cron stepped forward to address the Commission. Mr. Cron discussed the improvements to South Brown School Road, noting that the intent was to mirror the improvements on the Foxfire side of the road. This would result in a widening of South Brown School for the entire length of this development. Sidewalk would be included. Some design work would be required at the north end to determine how to extend a culvert, which in turn might result in adjustments to the existing guard rail.

Mr. Cron noted that the improvements would be installed at the expense of the developer, with no cost paid by the City. He provided examples of similar developments where the developer covered those costs.

Mr. Plant asked if the improvements would alleviate the problems caused by increased traffic from this development. Mr. Cron replied that the most recent traffic counts show that this development would likely result in an approximately 5% increase in traffic, and that that traffic would be sporadic.

Mr. Cron added that the 50’ roadway is the standard width for residential streets in Vandalia. He pointed out that the entrance roads would be 60’ wide to accommodate the entrance to the subdivision.

Development Standards

Mr. Hammes reviewed the proposed development standards for the planned unit development. He explained that some standards fit the RSF-2 district, while others would fit a development in the RSF-4 district. Under the planned unit development, standards specific to this development (and *only* this development) may be approved.

Mr. Hammes explained that the standards of this planned unit development would apply even if the applicant was not the developer for some or all phases of the project. In a base zoning district, anyone who buys the property could build whatever they like, so long as that use fits the base district. Here, future developers would be forced to comply with these standards.

Mr. Hammes discussed Item 1 of the Development Standards dealing with permitted uses.

1. Permitted Uses

Permitted Uses shall be limited to the following:

- a. Single-Family Residential Housing (Lots 1-167 only)
- b. Passive Parks, Open Space, and Natural Areas
- c. Accessory Uses as permitted in the RSF-1 District

Mr. Hammes explained that single-family homes would be the only type of residential structures permitted in the development. This would prevent any sort of multi-family dwellings or apartments. He added that homes would only be permitted on the numbered lots and not the reserve areas set aside for open space or entrance signs. Passive parks would be permitted on all lots, as would the usual set of accessory uses such as sheds, home occupations, and so forth.

Mr. Hammes discussed Item 2 of the Development Standards dealing with site development standards.

2. Site Development Standards

SITE DEVELOPMENT STANDARDS – PC 25-0001							
Lots	Minimum Lot Area (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Minimum Setbacks (Feet)			Maximum Building Height (Feet)
				Front Yard	Side Yard (Each Side)	Rear Yard	
31-35, 119-126	10,800	80	40%	30	7.5	35	35
1-30, 36-118, 127-167	7,425	55	50%	30	7.5	35	35
Reserve Lots A-C (Open Space)	43,560	100	N/A	N/A	N/A	N/A	N/A
Reserve Lot D (Entrance Sign)	2,700	N/A	N/A	N/A	N/A	N/A	N/A

Mr. Hammes noted that all building lots shared the same setbacks. The front yard setback of 30' results in lots that are slightly smaller than similar lots in base zoning districts, but that the width of those lots would be comparable to the base districts.

Mr. Hammes explained that the reserve lots have no standards for buildings because there are no permitted uses on those lots for which buildings would be permitted.

Mr. Hammes discussed Item 3 of the development standards relating to architectural standards.

3. Architectural Standards

The following architectural standards shall apply to all residential dwellings constructed on Lots 1 through 167, inclusive, except as otherwise noted herein.

- (a) Dimensional shingles on the roofs of all Dwelling Units.
- (b) Minimum of 6/12 roof pitch.
- (c) Minimum of brick wainscot on the front elevations.
- (d) Siding Materials will be fiber cement, wood and vinyl siding, provided that any vinyl siding shall be upgraded 0.044 thick siding.
- (e) Photocell controlled coach lights at each garage.
- (f) Sodded front yards.
- (g) Landscaping shall include a tree in each front yard, bushes and shrubs in each front yard and an additional tree on the corner lots.
- (h) Those lots located along South Brown School Road (Lots 31 through 35 and 119 through 126, inclusive) will be limited to Dwelling Units of 1,400 square feet and larger.
- (i) No two Dwelling Units with the same elevation and exterior color package shall be permitted on either side of each other and directly across the street for each other.
- (j) In all other instances, and for all other aspects relating to architectural standards, the requirements of the RSF-2 district shall apply.

Relating to item (j), Mr. Hammes noted that the RSF-2 standards would apply to any standard not otherwise amended here. He explained that the RSF-2 standards are the standards that apply to the bulk of the Foxfire development.

Mr. Hammes discussed Item 4 of the development standards relating to miscellaneous standards.

4. Other Standards

- a. Lots 31, 44, 45, 56, 79, 119, 126, 127, 137, and 167 shall have no usable frontage or vehicular access from Proposed Roads A or C, and all front and rear yards shall be oriented East/West for these lots.
- b. Lots 14-18, 34-40, 49-54, 64-69, 89-103, 109-112, 138-142, and 158-161, being located along curves, knuckles, and/or cul-de-sacs, shall have frontage measured at a setback of 35' due to the curvature of the front property line.
- c. Standards not otherwise listed as part of the Development Standards for this Planned Unit Development shall conform to the standards of the RSF-2 Residential Single-Family district.

Again, Mr. Hammes noted that standards not otherwise mentioned in the planned unit development would be governed by the standards of the RSF-2 district.

Mr. Atkins asked if there were any questions for Mr. Hammes.

Mr. Arnold asked about the measurement for the 1400 square foot homes along South Brown School Road. Mr. Hammes replied that the measurement relates to livable space within the home, not including garages or other similar spaces. He added that he had seen PUD requirements that discuss the home footprint or other criteria, but this requirement would apply here.

Hearing no further questions, Mr. Atkins opened the public portion of the meeting.

Public Meeting

Mr. Robert Shanahan, of 7733 South Brown School Road, addressed the Commission and read a previously submitted letter into the record. Mr. Shanahan characterized the revisions to the proposed development as trivial and suggested that they do not adequately address the concerns of the public.

Mr. Shanahan suggested that the letter from the school district supporting the development should not be considered until the district addresses the need for additional staff and classroom space caused by this development.

Mr. Shanahan suggested that the property includes protected wetlands which would preclude the development.

Mr. Shanahan suggested that the Fire Marshal does not have the legal authority to approve a development that does not conform to the standards of base zoning districts.

Mr. Shanahan referred to the letter from Montgomery County Environmental Services, suggesting that the letter does not in fact agree to serve the development and does not confirm adequate capacity.

Ms. Tammy Weatherhead, of 4555 Poplar Creek Road, addressed the Commission. She suggested that the scenic view of the wooded property would be destroyed by the construction of vinyl-clad homes. She urged the Commission to consider denying the application.

Mr. Alex Gonter-Dray, of 751 Foxfire Trail, addressed the Commission. He asked what materials would be used for the driveways. Mr. Atkins replied that they would ask the applicant to address that question. Mr. Gonter-Dray asked if there would be a sidewalk between Phases 1-3 and Phase 4. Mr. Atkins replied that there would be a sidewalk between those areas.

Mr. Gonter-Dray referred to the applicant's comparison between Foxfire and Riverdale. While the applicant is correct that some lots in Foxfire do have 55' frontage, the majority have 75' – 80' of frontage. He suggested that the open space at Riverdale is there because the land would be too costly to develop.

Mr. Gonter-Dray suggested that the letter from the school district should be invalidated due to a potential conflict of interest regarding the Board president.

Mr. Gonter-Dray expressed concern over the increased traffic. He noted that expansion would be needed for both South Brown School and Little York Road, which is complicated by the railroad. He requested that independent traffic studies would be required before any development is approved.

Mr. Gonter-Dray acknowledged that the site would likely be developed at some point. The concerns he and others have raised should be addressed before that development is approved.

Ms. Tanya Brown, of 4428 Poplar Creek Road, addressed the Commission. She referred to a letter she had submitted to the Commission and expressed concern over the state of Brown School and Little York Roads. She noted that Foxfire has not yet been completed, and the homes planned for that neighborhood would only add to the growth here that would need to be taken into consideration.

Ms. Brown suggested that the proposed development standards would not be effective at preventing look-alike houses in this development, which she characterized as a "monstrosity". She accused the applicant of manipulating the facts in his references to the minimum standards at Foxfire.

Mr. Alex Gonter-Dray returned to the podium to discuss the potential home prices from Arbor Homes. He highlighted discrepancies between prices in different jurisdictions. Mr. Gonter-Dray asked what options the City would have to control home prices in the event of market fluctuations.

Mr. Russell Muntz, of 825 Deerhurst Drive, addressed the Commission. He suggested that the proposed development offered no connectivity between Phased 1,2,3 and Phase 4. He requested a traffic study, noting that the widening of South Brown School will not be an improvement without a widening of Little York Road.

Mr. Muntz suggested that this development, combined with the expansion of Foxfire, would create significant problems regarding traffic. He stated that the 50' right-of-way width would not be adequate.

Ms. Sharon Hanby, of 4410 Poplar Creek Road, asked where she should send documentation. She also asked who exactly "City Staff" referred to.

Mr. Hammes replied that any emails sent in to permits@vandaliaohio.org had been forwarded to the Commission and would later be sent to Council with the Commission's recommendation.

Ms. Hamby asked who among the staff had approved the project, noting that the applicant had stated that they had the support of staff. Mr. Hammes replied that the applicants had worked with different staff members for different elements of the development.

Mr. Keith Hamby, of 4410 Poplar Creek Road, addressed the Commission. He asked if anyone had gone into the new Redwood development on Webster Street and suggested that it would be hard to find your home with all the units looking the same. He suggested that that development was supposed to be \$350,000 homes under a previous City Manager.

Mr. Hamby criticized the school district for replacing three trailers with new trailers as opposed to expanding their building.

Mr. Hamby pointed out that the grade on South Brown School had been worse in the past.

Chris and Gloria Vanderhorst, of 4393 Little York Road, addressed the Commission. They pointed out that they had not received a notice and thus had nothing prepared. Mr. Hammes replied that their notice had been returned as undeliverable and apologized for the error.

Mr. Vanderhorst expressed concern that the development did not adequately address the property rights of surrounding property owners. He suggested that the development would damage his property regarding runoff, removal of trees, and other issues.

Mr. Vanderhorst referred to comments made in the September 2024 meeting and suggested that the current proposal was "lipstick on a pig" and did not adequately address the concerns of the residents.

Ms. Vanderhorst referred to a letter she had submitted for the previous rezoning. Mr. Hammes confirmed that he could include that letter with the materials for this application.

Mr. Vanderhorst characterized the applicant's remarks as an insult to the residents who attended the meeting.

Ms. Vanderhorst stated that she did not want to look at vinyl-sided houses.

Ms. Gloria Shanahan, of 7733 South Brown School Road, addressed the Commission. She argued that the City should be focusing on the development of the downtown area rather than development at this site. She questioned whether anyone would want to spend \$500,000 to live in what amounts to a movie set with the same home throughout the neighborhood.

Ms. Shanahan characterized the traffic problems on South Brown School as terrible, noting that she has had to wait 3-5 minutes to turn out of her driveway.

Ms. Shanahan suggested that street parking would be more problematic in the evening.

Ms. Shanahan argued that the developer should be held to higher standards.

Ms. Barbara Breisch, of 898 Deerhurst Drive, addressed the Commission. She argued that this development would impact her property greatly. She recommended that the street across from Deerhurst Drive be offset from the existing street. She suggested that the new development should mimic Foxfire. She argued that homes of 1400 square feet are too small compared to her 3400 square foot home.

Ms. Breisch suggested that homes built near the railroad would be problematic.

Hearing no further comments, Mr. Atkins closed the public portion of the meeting.

Further Discussion

In response to the question regarding driveway materials, Mr. Friedman confirmed that driveways would be concrete in compliance with City code requirements.

Ms. Cox asked about the proximity of the railroad and whether homes needed to be set back a certain distance from the railroad. Mr. Hammes replied that homes would need to be an adequate distance from the railroad, but that there were not specific distances required.

Mr. Friedman added that the lots would need to abide by existing easements and other considerations.

Ms. Cox referred to her notes from a 2022 PUD application, pointing out that many of the comments from the Comprehensive Plan cited by Mr. Friedman had been cited in the previous case, suggesting that the concerns raised in the Comprehensive Plan regarding housing are valid. The Commission and Council use the City's Code and the Comprehensive Plan to evaluate each application.

Mr. Friedman concurred, explaining that his company follows the standards of the cities in which they operate. The company complies with all relevant regulations, whether state or local, and including Federal regulations such as those enforced by the EPA.

Mr. Arnold referred to the 2024 Downtown Market Study, noting that the study had recommended additional housing to create a market for new and desirable businesses in the downtown corridor. He suggested that the demographics of the City, including median household income and population, would benefit from increased development.

Mr. Arnold complimented the applicant for keeping as many trees as possible.

Mr. Arnold agreed with several of the residents, noting that this site will be developed at some point. He suggested that the next proposal might not be as beneficial as the current one, if this one is denied.

Planned Unit Development District Review Criteria

Mr. Hammes explained that the applicant was requesting approval of both the Planned Unit Development itself and the Preliminary Plan. On the advice of the Law Director, Mr. Hammes requested that the Commission review the criteria for both approvals. He added that there were 8 review criteria for the district and 13 criteria for the preliminary plan.

Mr. Plant commented that the City has the opportunity to benefit from a development that offers adequate housing. He noted that the front lots were good, but that the remaining lots were much too small. He suggested that the housing proposed here would not offer diverse enough products to attract residents in managerial roles or similar professionals. He agreed that the PUD would be a good option for the site, but that this proposal did not offer enough to attract residents.

Mr. Plant argued that the developer should do more to provide wider lots with better homes.

Mr. Atkins read the review criteria and staff comments into the record. Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

Planned Unit Development District Review Criteria (Cont'd)

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies, including the density standards of the Zoning Code and the Comprehensive Plan.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to set development standards and establish more restrictive architectural controls for the site than would be possible in a standard zoning district.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services, given the proposed right-of-way improvements to South Brown School Road.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the expected home values in this development, the lack of businesses adjacent to the site that would be harmed by the establishment of this development, and the lack of vacant land which would be rendered unusable by this development, Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

Planned Unit Development District Review Criteria (Cont'd)

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

Recommendation – Planned Unit Development District

Mr. Atkins noted that Staff recommended approval of the proposed Planned Unit Development district, including and incorporating the Development Standards as set forth in the Staff Memorandum.

Ms. Cox characterized the PUD as a much more palatable way to approach the project that includes much more detail than the previous proposal.

With that comment, Ms. Cox made a motion to recommend approval of the Planned Unit Development district. Mr. Arnold seconded the motion.

Mr. Atkins, Ms. Cox, and Mr. Arnold voted Aye. Mr. Plant voted Nay. By a vote of 3-1, the Planning Commission recommended **Approval** of the proposed Planned Unit Development District.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed development is consistent with the letter and spirit of the Comprehensive Plan.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Based on statements provided by Montgomery County Environmental Services, Vandalia-Butler City School District, the Vandalia Fire Division, and the Vandalia Police Division, Staff feels that the proposed development meets this criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

Preliminary Plan Review Criteria (cont'd)

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural features in those areas, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

Preliminary Plan Review Criteria (cont'd)

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the Staff Comment by a vote of 4-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

Preliminary Plan Review Criteria (cont'd)

M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking areas are proposed, Staff feels that this review criterion does not apply.

Mr. Plant disagreed with the Staff Comment. Mr. Atkins, Ms. Cox, and Mr. Arnold agreed. The Planning Commission agreed with the Staff Comment by a vote of 3-1.

Recommendation – Preliminary Plan

Mr. Atkins noted that Staff recommended approval of the proposed Preliminary Plan. He asked for any further comments or questions.

Ms. Cox thanked the members of the public for expressing their concerns and encouraged them to express those concerns to Council. She noted that she did not see a reason to deny the proposed plan at this time.

Ms. Cox made a motion to recommend approval of the Preliminary Plan for the Riverdale Subdivision. Mr. Arnold seconded the motion.

Mr. Atkins, Ms. Cox, and Mr. Arnold voted Aye. Mr. Plant voted Nay. By a vote of 3-1, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Mr. Hammes reported that the recommendations of the Commission would be forwarded to the January 21st, 2025, Study Session. He added that the meeting would be held on Tuesday due to the Martin Luther King Day holiday.

In response to a question, Mr. Graham confirmed that members of the public would have the opportunity to address Council during the regularly scheduled meeting following the January 21st Study Session. No votes would be held on this application during the Study Session.

Mr. Atkins thanked the members of the public who attended the meeting and offered their comments.

Communications

Mr. Hammes reported that all cases from 2024 had been resolved or withdrawn, and as such the calendar was clear for 2025.

Mr. Hammes reported that some case numbers would be assigned to subdivisions that do not make it to the Planning Commission agenda. If it appears that case numbers are skipped, that is why. The change is due to new software being implemented for online applications and record-keeping.

Adjournment

Mr. Atkins asked for a motion to adjourn. Ms. Cox made the motion. Mr. Arnold seconded the motion. The vote passed 4-0.

Mr. Atkins adjourned the meeting at 9:06 p.m.

Chairman