

Village of Cedarville Zoning Committee Public Hearing Minutes
Tuesday January 9, 2024
Cedarville Community Library

The Village of Cedarville Zoning Commissions Committee held an open meeting on Tuesday January 9, 2024 with Vice Mayor James Combs presiding. Committee members present were: Mr. Czerniak, Mr. Crawford, Mr. Howdyshell, Mr. Miller, and Mr. Phipps. Interim Administrator Kannedy recorded the minutes.

Call to order: 6:00 p.m., Mr. Combs

Mr. Combs stated he was sitting in place for Mayor Cody as he had a previous engagement. Mr. Combs stated there would be two zoning items discussed during the meeting, the first of which would be a zoning overlay for the area at St. Rt. 72 and Kyle Dr.

Eric Morris from CT consultants provided a plan map for those interested.

Mr. Combs read a list of questions and concerns previously addressed at a public meeting held by Cedarville University and a regularly scheduled Village of Cedarville Council meeting held on Monday, November 27, 2023. Those read:

- Will this affect the cross-country track-Some stretches may need to be re-routed but there is no intention or desire for the track to go away. The changes could open the door for beneficial changes in helping with the parking and traffic for these events.
- Concern for cluster mailbox for the residents of Kyle Dr. and College Hill and the possibility of added traffic-This is something that can be looked into with assistance from the post office.
- Possibility of a tree line to make the development less visible to residents of Kyle Dr. and College Hill
- Will there be speed limit changes in the area-Unsure, we will work with ODOT on this.
- Safety of people crossing the streets-Exploring all options to make this as safe as possible. Stop light, roundabout, crosswalks, etc.
- Will CPD or University security patrol the area-Both
- Staffing of the Wendy's-concern of who this development will bring to town.
- Parking for these residents and businesses-All built into the development plan.
- Concern of what type of businesses might go into the store fronts-Village already has ordinances in place to regulate these concerns.
- Effects on established local businesses-This will keep the students in the village as opposed to them going home to Beavercreek and other communities and spending their money there.

Mr. Combs invited residents to speak.

A resident expressed concern for the sewage plan for this development. Mr. Morris stated that they have been communicating with the county about this and explained where the current lines are currently located and how they connect. He stated again they are working with the county to ensure everything is well prepared and that the current lines have enough capacity for phase one of the plan.

A resident asked for updates on timing of the plan. Mr. Johnson stated it is still a phased approach with Wendy's and the first round of apartments being in phase one. He stated it is all still being discussed and that it is not one project and will be completed in multiple phases.

A resident spoke of concern over the water supply stating that the water has run low before and confirmed the placement of the wells on the map with Mr. Morris. Mr. Morris stated this project would not run from those wells. The resident asked if any of the wells might be removed during this project. Mr. Johnson stated the possibility of one well being removed but that those wells only serve the university. The resident stated their knowledge that there are rules that buildings be 300 feet away from wells. Mr. Johnson stated they are aware and are planning accordingly with the sanitary lines. The resident asked if the Wendy's would be ready in two to three years. Mr. Johnson responded that Wendy's would like to be open this fall but that nothing has been prepared to begin that plan. The resident asked about access to the Wendy's. Mr. Johnson stated that there would be a curb cut on St. Rt. 72. The resident asked how the apartment traffic would affect Kyle Dr. Mr. Johnson stated the first phase of apartments would not have a connection to Kyle Dr. Mr. Morris and Mr. Johnson both stated the later phases may have a connection to Kyle Dr. and indicated where on the map. The resident asked about buildings on the map that Mr. Johnson stated could possibly be for retail or restaurants, but nothing was determined yet.

A resident asked if when it was time to connect the development to Kyle Dr., would they consider putting the access somewhere other than where it is currently shown on the map. Mr. Johnson said it is possible, but the intention would be to separate the retail area from the residential area of the development. Mr. Morris stated that the possibilities are open. The resident asked about parking for the development and increased traffic to Kyle Dr. Mr. Miller stated it would most likely vary on the time of day and have peak hours. The resident asked what the parking count of the development would be. Mr. Morris stated he did not have that number on the map but showed where the parking spaces were represented on the map.

A resident asked if the entrance could be closer to the doctor's office on Kyle. Mr. Morris stated it could be looked into.

A resident asked if the location of the pond area and apartment parking lot could be swapped. That resident stated that Dr. White said the apartments would mostly be for grad students, but the resident asked if there was a chance undergrad students would rent there as well. Mr. Johnson stated it is a possibility. Mr. Johnson stated that currently with the new dorm there are enough beds for incoming undergrad students and the goal for the apartments is for grad students but could be undergrad if there is overflow.

A resident asked about occupancy and growth before there is need. Mr. Johnson responded the goal is 90% which would be 200 empty beds. The resident asked how long for that growth to happen. Mr. Johnson stated roughly 25 to 30 additional students per year.

A resident asked about the retail and Wendy's when there are already open storefronts in Cedarville and the concern of those new businesses taking away from Mom and Dad's and Lola's. Mr. Johnson stated as Dr. White previously said there is no expectation on the retail possibilities and they will not build unless the need is established. Mr. Johnson stated that in general more businesses could help grow other businesses by keeping people in town but that he could not say for sure. The resident asked what if the

Wendy's closes after a year and stated it would not be worth that risk. Another resident asked if the university had looked at using the already available storefronts in the village. Mr. Johnson's stated in response to both questions the university will not own the Wendy's they are leasing the land, and it will not be part of the student's meal plan. Another resident asked for a definition of long-term lease and a concern over studies showing that fast food and Urban Development show it is bound to end up empty and the infrastructure is not re-deployable because of the shape and specific use as well as the underground infrastructure and liability. Mr. Johnson stated he believes it is up to a 10-year renewable lease. The resident asked is it commercial and taxable Mr. Johnson stated yes and income tax for employees as well. A resident asked if it's not a Wendy's what will the university do Mr. Johnson replied they would go back to the drawing board and begin again with meetings such as these. Mr. Johnson stated the school did not approach Wendy's, Wendy's came to them they want raw ground and did not see available existing space in the village that they wanted and that they want to be visible for traffic coming into town. The resident said if Wendy's had not approached the university would this even be happening. Mr. Johnson responded yes because of the need for the housing for the students.

The Cedar Cliff schools Superintendent identified himself and asked about hotel and retail also not being university owned Mr. Johnson replied retail would be the same as stated for Wendy's and that the hotel was not even close enough in the planning stages to even say. The school Superintendent described the layout of families and enrollment in his schools and the possibility of those people living in the apartments Mr. Johnson stated there would be one-, two-, and three-bedroom apartments that could possibly accommodate families.

A resident asked about sewage and asking the county. Mr. Morris stated they would use the numbers on the plan and use a two-bedroom apartment as the average. The resident stated this is a lot of work and asked who is paying for the upgrade. Mr. Morris stated he was not sure if it could take the full development without upgrades so needs to be modeled as it goes to be able to approach the county and ultimately it is the responsibility of the county to work with them to determine adequate function. The resident stated that residents pay taxes. Mr. Morris stated residents pay for their own sewage use. The resident stated that did not include the electric cost of new systems Mr. Morris stated it could pay for itself because it will be profit. Another resident asked what the capacity of the sewage line is Mr. Morris stated that the Wendy's and first phase of apartments would be adequately serviced but they may need to split eventually and have worked with more than one consultant on this part of the plan.

A resident asked how this development would affect other utilities in the area like the Internet and how Internet strength can already be an issue in the village. Mr. Morris stated there is no anticipated concern with the electric or gas supply. Ms. Kannedy let the resident know that Internet companies had been in contact with the village to improve the quality of service in the area in general.

A resident asked where this development stood environmentally stating there would be less green space, it is an eyesore, what about water retention, and would any solar power be used. Mr. Morris stated there had not been much discussion on those things and agrees that there will be an impact an insured they will be working with the EPA, stated the clean water act and stated that Cedarville has very high regulations in place that they will be following. The residents stated concern over mud and

mosquitoes if a water feature is put in. Mr. Morris asked the residents if they preferred a dry basin or a pond and stated possible cons and pros for each one. He stated A downside to lakes are droppings from geese, and erosion but they are visually appealing. He stated the maintenance needed for either dry or wet features as well as possible liabilities.

A resident asked about the soccer fields and stated the kids use those for intramurals and asked if there was an alternate location or Plan B. Mr. Johnson stated there is no Plan B for that in discussion and that the first phase will be minimal impact on those fields. Mr. Johnson stated the university owns another 400 acres on the backside so there's plenty of area to work with.

A resident asked about the increase of traffic crossing the street and concerns of the heavy truck traffic. Mr. Morris stated there's a large parking field which is already being used so this development won't really bring more traffic. Mr. Morris discussed lights, the possibilities of roundabouts, and other ways to make this as safe as possible. Another resident said Dr. White said there was no way to do a cross under or over the road and that even if there were one the students would still just take the quick route of going across the road. The resident asked if a traffic light would be put in. Mr. Morris responded traffic lights are tricky there are warrants and traffic counts and what would be ideal could be a roundabout so that people slow down and that creates smaller crossing areas for the pedestrians as well. A resident asked if they could get clarity from ODOT on these concerns Mr. Morris stated from his understanding the village is in control according to ODOT and could submit traffic study to the village which the village would present to engineers. A resident asked about the increase in traffic projection. Mr. Morris stated it will increase but no numbers have been run. The resident asked who would pay for these measures Mr. Morris responded the developer would cover those costs. The resident asked who would maintain any new traffic control features Mr. Morris stated the village would. Another resident asked if there would be sidewalks Mr. Johnson replied yes, the plan is to have them along the east side and that the university had submitted for grants for pedestrian safety and the village had written their support of that proposal. Mr. Johnson stated it shows 500 spots the students will walk across not drive across because there will not be parking for them on campus.

A resident asked about the possibility of a bike lane Mr. Johnson stated this had not been discussed but he knows the village has been discussing the possibility of bike lanes and that they could possibly work together on this idea.

Mr. Combs asked if there were more questions.

A resident asked about green space retail, long term the effect and getting people down to the businesses in the village it's already hard and that the last known study showed that less than 1/3 of the students made it to the businesses downtown. Mr. Johnson stated the retail part of this development is unknown and they are not aggressively pushing that. Mr. Johnson stated when there are more options it benefits all businesses. Another resident asked if the university has done anything to help get the students downtown Mr. Johnson stated there was nothing definite in place. The previous resident stated that bike lanes would help with this, and Mr. Johnson agreed.

A resident stated he gets the sense that the university is trying to keep their students away from the downtown businesses. Mr. Johnson stated it's somewhat of a catch 22 they want to attract students and an attractive village makes that easier to do. He stated there is no concentrated effort to keep the students away from downtown businesses. Mr. Johnson stated they want to be good neighbors and they want the village to succeed. Ms. Kannedy stated that at previous meetings Dr. White had mentioned a lot of the grad students are living in places like Beavercreek and therefore since they have to drive home to an area where there are countless businesses when their day is over they just go home and that if they were living in the village the businesses they would be visiting would be the village businesses. A resident stated Xenia has been moving further and further West away from their downtown businesses so would we even want those students living outside of the village to live in the village.

A resident stated they had previously heard not having a restaurant at the corner was discussed and wondered why it is now on the plan. That resident stated that with Amazon what retail space could even survive there and expressed concerns for keeping traffic farther away from Kyle drive. Mr. Howdyshell stated that the zoning committee would not be approving anything today and that each new build on this development would require a new and separate vote. Mr. Morris stated this is a PUD and that there will be a final development plan. Ms. Kannedy asked that for the benefit of everyone could they spell out PUD. Mr. Johnson stated it is a planned unit development Mr. Morris stated the developer and the village agree on a plan for resident and commercial mixed-use which gives flexibility in the plans that are possible. He stated this is the preliminary plan and that they will come back for each lot and discuss things like sewage traffic and other concerns. And that all changes must be submitted.

A resident stated that what could help is a best understanding of the phases, could it be 10 years, the only thing in stone is the Wendy's and the university housing, this is big picture, and that this is scary if you live next door. Mr. Morris stated Wendy's and the three apartment buildings are the closest to being developed. Mr. Combs reiterated that the only vote tonight is zoning voting whether or not to move this discussion to council for discussion.

A resident asked about the current Wendy's franchises owned by the ones bringing this Wendy's. Mr. Johnson stated they have a reputable background. Mr. Howdyshell stated they owned 50 Wendy's and some Buffalo Wild Wings as well. Mr. Johnson said they are committed and rebuilt their store in Xenia.

A resident asked about part of the map. Mr. Johnson described where on the drawing the Wendy's and apartments would be.

A resident asked where the construction entrance would be Mr. Johnson stated not Kyle drive it would be Alumni drive as it currently is for other projects.

A resident stated the Wendy's would take away from local businesses and what would Starbucks or Dunkin do to getting students downtown. A resident stated Wendy's will not help drive people downtown.

A resident asked how many people this first phase would bring in. Mr. Morris stated about 50.

A resident asked if these would be one or two-story buildings. Mr. Johnson responded they would be three stories with 12 units each. The resident asked about moss as a result of having ponds. Mr. Morris responded there has been discussion on possibilities and solutions. The resident asked if there would be a fence to keep kids out and mentioned the possibility of drowning. Mr. Morris said there is liability and that could lead to the decision of dry basins instead. The resident asked what they would do when the wells go in. Mr. Morris stated the wells he mentioned are already in place. The resident asked about water access to the new dorms at the university. Mr. Johnson responded they are university wells not tied to the county line and that the development in discussion is on the county and they are currently testing wells. Mr. Johnson stated they do not have a plan of building and hoping they come.

A resident asked why does this benefit villagers. Mr. Johnson replied that the immediate benefit would be more jobs and people paying taxes to the village and as it grows with name brands that would attract more business as well. The resident asked aren't they low wage jobs. Mr. Johnson replied probably somewhere around 15 or \$16.00 an hour with managers making 50 to \$60,000 per year.

A resident stated that Cedarville is not unique and there should be studies showing effects of how this has worked in other places and have we looked into that. Mr. Johnson stated no. Mr. Johnson stated that Xenia is different they are trying to attract nearby Beavercreek whereas Cedarville is not trying to attract nearby Springfield. The resident asked that the benefit to the village be proven. Another resident said that is a question for the village not the university and that they enjoy the surrounding countryside. Ms. Kennedy asked what the effect on the university would be if this development did not happen. Mr. Johnson stated that was not for him to answer.

Mr. Howdyshell stated that he identified with the challenges that so many in the room work for the university, but that the continued growth of the university had brought most of us here. Mr. Howdyshell articulated his long love of the small community and desire to see healthy growth in the community, as well as his love for those supporting local establishments. Mr. Howdyshell acknowledged that one of the challenges to the community is that so many rely on healthy expansion of the university, and that without that growth some of the reasons that attracted our positions and students to the university may be hindered down the road. Mr. Howdyshell also stated that he felt discretionary income was leaving the community to shop elsewhere, and that allowing for discussions on additional eating and dwelling locations with this PUD change could allow for healthy growth of both local businesses and the university.

Mr. Howdyshell gave an example of when the university purchased the hardware, that many were upset that the hardware was selling to the university and all the comments he received during that time. Mr. Howdyshell felt that the community could have done a better job supporting the local hardware if community members really wanted one to stay. The same will be for local businesses like Mom and Dad's and Beans and Cream. If we want it them, we can support them, just as I, and we, do now.

Mr. Crawford stated the senior lofts are going in down along East and Main and that will bring more people to downtown. He stated he was not particularly excited about it as it would change the view from their home but there is a proposal on the table, and we take what we can get.

A resident asked what population would cause the village to become a city. Mr. Combs stated we are very close and that changes a lot of things like grants, taxes, civil service boards and more. He stated Beavercreek and Xenia are running out of land. He stated the new commercial plants being built nearby and how Cedarville will be impacted. The resident asked how close we are to becoming that city. Mr. Johnson stated without COVID we would already be there. There was discussion on how long a student would need to be resident of the village to be considered permanent a resident and asked what our current population was. Mr. Kennedy stated 4300. The resident asked when the next count would be Mr. Combs said 2030.

A resident stated change is coming developments are happening and Strong Towns is a good resource for studies. That resident asked what are the implications of the zoning committee and for the council to do research. The resident said the growth is not always good and we need wise growth and questioned our level of wisdom. Mr. Combs encouraged residents to come to council meetings so the council can hear from the residents. Mr. Morris stated his support of how the council interacts with and takes the village statements into concern and that he does not see that in other areas.

A resident stated when the students are gone the business hours change so maybe this new development could help. A resident responded eventually if Wendy's comes before housing. Mr. Combs again encouraged attendance at council meetings and reminded everyone this was a zoning meeting. Mr. Combs stated the unique culture of the village and where the residents like to gather and that will not change with the build of a Wendy's.

A resident stated she works with the grad students and most of them are commuting from as far as Cincinnati and that getting them into town will most definitely help. The resident stated they are going into high paying fields which could benefit the village. The residents stated that those that have to commute suffer with their grades.

A resident asked what the time frame is for the development. Mr. Johnson answered there is currently no lease with Wendy's but Wendy's stated if they get the go ahead they can have a store built within 90 days. Mr. Johnson stated there is no timeline for phase one apartments yet and stated it is not a cheap project and there's more work to be done on the infrastructure.

A resident asked if there would be another zoning meeting. Mr. Johnson stated not zoning but there will be a council meeting to present the plan and the zoning committee is for allowance. Mr. Howdysell stated the decision being made tonight is if the zoning committee wants to recommend this be presented to council. Mr. Combs stated Ms. Kennedy will provide notes from this meeting to the council.

An architect for a different project said a zoning committee recommendation does not permit a Wendy's it says what could be proposed for that land is food and drink to be permitted for example once approved it's hard to restrict what comes and you can't discriminate, it is dependent on how the zoning code is written.

A resident asked what the current zoning is. Mr. Morris responded public institution. The architect stated the PUD gives mixed-use and with the PUD it's a give and take with the landowner and the village, commercial out front residential and back straight zoning would be more of a risk.

A resident asked ultimately where do we end up. Mr. Morris stated the actual zoning is PUD in perpetuity. The resident asked what happens when Wendy's leaves. Mr. Morris responded the next business has to also present their plan meaning if Wendy's closing and another business came in they would also have to present themselves for approval.

A resident asked what happens next. Mr. Combs replied the zoning committee votes on whether or not they want to make a recommendation to take this to council.

A resident asked for any members of the zoning committee who are employed by the university to identify themselves. Three members of the zoning committee acknowledged they worked for the university.

Mr. Combs asked for a motion to take this zoning request to council. Mr. Howdyshell made a motion, Mr. Czerniak gave a second. All members motioned individually that the recommendation be taken to council. Mr. Combs said this recommendation will be taken to council.

7:35 pm, Mr. Combs stated we will be moving on to discussion for the second item. Most residents in attendance left the meeting at this time.

Mr. Shoop provided a drawing stating he added the rail as the mayor had requested along with a surface making it hard to ride skateboards on the ramp.

Ms. Kannedy stated that at the close of the previous meeting where Mr. Shoop presented the plans, members of the zoning committee went out to measure the sidewalk and mark off in chalk the plans that Mr. Shoop had presented and in doing so, were seeing much different measurements than provided. Because of this the mayor asked Ms. Kannedy to work with NIC to check the measurements and help determine a better plan for the ramp. Ms. Kannedy stated that when she contacted NIC for assistance they had informed her they had spoken to people presenting this project on multiple occasions and had explained to them this project simply does not work with the plans provided.

Mr. Shoop said he was not familiar with any discussions had with NIC.

Mr. Howdyshell stated some of the committee had measured and it does not work with the plans presented. Mr. Howdyshell stated the curb was included in the measurements and should not be and they could see this in drawing out the measurements with chalk.

Mr. Czerniak stated no one could walk through the area if a car door was open.

Mr. Shoop again stated he was not at all aware.

Mr. Combs discussed incorporating a landing and a grade that could work instead.

Mr. Howdyshell stated he is good with some sort of ramp and maybe it needed to be a single and not a switch back.

Mr. Czerniak suggested using the inset of the door and that would eliminate the need for a switch back.

Mr. Shoop stated that they do in fact need the switch back and he just needs basic approval.

Ms. Kannedy reiterated the process for the village and NIC.

Mr. Phipps stated the plans presented created too many pinch points and an inaccessibility to the sidewalk especially when events are held in the village.

Ms. Kannedy stated NIC cannot approve plans that the village has not signed off on but that NIC can assist in questions with projects.

Mr. Czerniak also pointed out the pinch points and the appearance of the ramp because 3/4 of the sidewalk would be gone.

Mr. Combs inquired if there was a timeline for this project Mr. Shoop stated yes and not being approved would kill the project.

Mr. Howdyshell again stated he was not opposed to the ramp but as submitted it does not work.

Mr. Howdyshell made a motion to vote Mr. Phipps gave a second

Mr. Miller stated he does not deny the project just the plans as presented

Mr. Combs called for a vote and each committee member individually voted against the project moving forward as presented.

Ms. Kannedy made this suggestion for Mr. Shoop to connect with NIC to find out what could work for this project.

Mr. Czerniak stated he has had to have multiple conversations with NIC concerning his own projects and they are good company to work with and that he himself did have to redo his plans five times but ultimately NIC was very helpful and got him through.

Mr. Shoop stated that if NIC cannot articulate measurements, it's only an opinion.

It was again encouraged that Mr. Shoop connect with NIC for assistance on possible ways this project could be accomplished.

The meeting was adjourned at 7:53 p.m.