

**CITY OF DELAWARE
CITY COUNCIL
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M.**

AGENDA

REGULAR MEETING

AUGUST 8, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. MOTION TO EXCUSE Vice-Mayor Kent Shafer
5. APPROVAL of the Motion Summary of the regular meeting of Council held July 25, 2016, as recorded and transcribed.
6. CONSENT AGENDA
 - A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held June 28, 2016.
 - B. Acceptance of the Motion Summary for the Planning Commission meeting held July 6, 2016.
 - C. Establish September 12, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-72, an ordinance approving a Rezoning for Delaware Housing Corporation from B-3 (Community Business District) to R-6 (Multi-Family Residential District for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street and of Ordinance No. 16-73, an ordinance approving an Amendment of the Comprehensive Plan for Delaware Housing Corporation on property designated as commercial on the future land use map to moderate density for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
7. COMMITTEE REPORTS
8. THIRD READING of Ordinance No. 16-57, an ordinance approving a **Rezoning Amendment** to the development text for Pulte Homes for **The Communities at Glenross Sections 11-22** consisting of 487 single

family lots on approximately 210.7 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located south of Cheshire Road.

9. THIRD READING of Ordinance No. 16-58, an ordinance approving an **amendment to the Preliminary Development Plan** for Pulte Homes for **The Communities at Glenross Sections 11-22** consisting of 487 single family lots on approximately 210.7 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located south of Cheshire Road.
10. THIRD READING of Ordinance No. 16-59, an ordinance approving an **amendment to the Preliminary Subdivision Plat** text for Pulte Homes for **The Communities at Glenross Sections 11-22** consisting of 487 single family lots on approximately 210.7 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located south of Cheshire Road.
11. CONSIDERATION of Ordinance No. 16-62, an ordinance approving a **Final Development Plan** for a **pool facility and recreation area** for Pulte Homes for The Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One-family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road.
12. CONSIDERATION of Ordinance No. 16-63, an ordinance approving a **Final Development Plan** for Pulte Homes for **The Communities at Glenross Section 8** consisting of 34 single-family lots on approximately 10.967 acres zoned R-2 PMU (One-family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.
13. CONSIDERATION of Ordinance No. 16-64, an ordinance approving a **Final Subdivision Plat** for Pulte Homes for **The Communities at Glenross Section 8** consisting of 34 single-family lots on approximately 10.967 acres zoned R-2 PMU (One-family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.
14. CONSIDERATION of Ordinance No. 16-65, an ordinance approving a **Final Development Plan** for Pulte Homes for **The Communities at Glenross Section 9** consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

15. CONSIDERATION of Ordinance No. 16-66, an ordinance approving a **Final Subdivision Plat** for **The Communities at Glenross Section 9** consisting of 29 Single Family lots on approximately 11.069 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.
16. CONSIDERATION of Ordinance No. 16-67, an ordinance approving a **Final Development Plan** for Pulte Homes for **The Communities at Glenross Section 10** consisting of 34 single-family lots on approximately 10.234 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.
17. CONSIDERATION of Ordinance No. 16-68, an ordinance approving a **Final Subdivision Plat** for Pulte Homes for **The Communities at Glenross Section 10** consisting of 34 single-family lots on approximately 10.234 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.
18. CONSIDERATION of Ordinance No. 16-69, an ordinance approving a Community Reinvestment Area Agreement and School Compensation Agreement with Symmetry II LLC, Delaware City Schools and Delaware Area Career Center for investment in real property improvements on parcel 41922002003006 (Symmetry II).
19. CONSIDERATION of Ordinance No. 16-70, an ordinance amending a 2015 Community Reinvestment Area Agreement and School Compensation Agreement with Precision Tower Products, LLC, Delaware City Schools and Delaware Area Career Center for investment in real property improvements on a parcel on Pittsburgh Drive, and declaring an emergency (Sky Climber).
20. CONSIDERATION of Ordinance No. 16-71, an ordinance authorizing the City Manager to enter into a renewal of the Law Enforcement Support Office (LESO) Program.
21. CONSIDERATION of Ordinance No. 16-72, an ordinance approving a Rezoning for Delaware Housing Corporation from B-3 (Community Business District) to R-6 (Multi-Family Residential District for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.

22. CONSIDERATION of Ordinance No. 16-73, an ordinance approving an Amendment of the Comprehensive Plan for Delaware Housing Corporation on property designated as commercial on the future land use map to moderate density for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
23. CONSIDERATION of Ordinance No. 16-74, an ordinance approving a Combined Preliminary and Final Development Plan for Delaware Housing Corporation for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
24. CONSIDERATION of Ordinance No. 16-75, an ordinance approving a Final Development Plan for Pulte Homes for Heatherton Phase 6 consisting of 32 single-family lots on approximately 9.020 acres zoned R-3 PRD (One-Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.
25. CONSIDERATION of Ordinance No. 16-76, an ordinance approving a Final Subdivision Plat for Pulte Homes for Heatherton Phase 6 consisting of 32 single-family lots on approximately 9.020 acres zoned R-3 PRD (One-Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.
26. **EXECUTIVE SESSION:** pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.
27. CITY MANAGER'S REPORT
28. COUNCIL COMMENTS
29. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

The regular meeting of Council held July 25, 2016 was called to order at 7:00 p.m., at the Ohio National Guard, located at 1121 S. Houk Rd, Delaware, Ohio. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer (arrived at 7:40 p.m.) and Mayor Carolyn Kay Riggle who presided. The invocation was given Police Chaplain Dan Maurer, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, , Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director, Lance Schultz, Zoning Administrator, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Brad Stanton, Public Utilities Director, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held July 11, 2016, as recorded and transcribed.

Motion: Mr. DiGenova moved to approve the Motion Summary for the regular meeting of Council held July 11, 2016 seconded by Mr. Jones. Motion approved by a 5-0-1 (Keller) vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Sister City Advisory Board meeting held April 12, 2016.
- B. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held April 19, 2016.
- C. Resolution No. 16-30, a resolution of no objection to the expansion of the Concord/Scioto Community Authority, a New Community Authority under Chapter 349 of the Ohio Revised Code (Price Farms).
- D. Resolution No. 16-31, a resolution of no objection to the expansion of the Concord/Scioto Community Authority, a New Community Authority under Chapter 349 of the Ohio Revised Code (Clark-Shaw Road 57.078).
- E. Resolution No. 16-32, a resolution of no objection to the expansion of the Concord/Scioto Community Authority, a New Community Authority under Chapter 349 of the Ohio Revised Code (Clark-Shaw Road 59.677).
- F. Resolution No. 16-33, a resolution of no objection to the expansion of the Concord/Scioto Community Authority, a New Community Authority under Chapter 349 of the Ohio Revised Code (River Bluff).
- G. Resolution No. 16-34, a resolution authorizing the City Manager to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) Local Transportation Improvements (LTIP) Grant Program (Round 31), and to execute contract as required for pavement resurfacing and rehabilitation of London Road.
- H. Resolution No. 16-35, a resolution authorizing the City Manager to enter into a Cooperation Agreement with Delaware County for an application to the Ohio Public Works Commission (OPWC) for the pavement resurfacing and rehabilitation of London Road (Round 31 application).
- I. Resolution No. 16-36, a resolution accepting the public improvements for the Estates at Braumiller, Section 6.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

Motion: Mr. DiGenova moved to approve the Consent Agenda, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

A. Request from Olentangy View Condominiums, Doug Price
(background information attached)

Doug Price
68 N. Sandusky St
Delaware, Ohio 43015

Mr. Price voiced a concern regarding the cost to refuse services for the properties ten dumpsters. Mr. Price provided information on quotes received from private contractors compared to the cost of disposal of refuse by the City of Delaware.

Council discussed the need for Finance Committee and the Public Works Committee to review the request to receive services from private contractors.

PUBLIC COMMENTS:

Don Mann
Recording Secretary
Teamsters Local 284
555 East Rich Street
Columbus, Ohio 43215

Mr. Mann provided an update on the strike at International Paper. Mr. Mann provided information on working conditions and hours for employees.

Shawn Murphy
54 Orchard Heights
Delaware, Ohio 43015

Mr. Murphy discussed the working conditions and hours at International Paper.

Emily Gallagher
494 S. Main
Marion, Ohio

Ms. Gallagher discussed the working conditions and hours at International Paper.

James Ames
149 E. Ottawa St.
Richmond, Ohio

Mr. Ames discussed the working conditions and hours at International Paper.

Joshua Spulock
80 Curtis St.
Delaware, Ohio 43015

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

Mr. Spulock discussed medical concerns regarding the working conditions and hours at International Paper.

Mr. Shafer arrived at 7:40 p.m.

ITEM 7: COMMITTEE REPORTS

Mr. Jones informed Council that there will be a Main Street meeting that he will be unable to attend.

Mr. Hellinger informed Council of an upcoming Shade Tree meeting.

Mayor Riggle provided an update from the Sister City Advisory Board meeting.

ITEM 8: PRESENTATION

A. Overview Central Ohio Greenways - Kerstin Carr, MORPC, Director, Planning and Environment and Ted Miller, Parks and Natural Resource Director

ITEM 9: ORDINANCE NO. 16-46 [Fourth Reading]

AN ORDINANCE TO AMEND SECTIONS 192.012, 192.013, 192.014, AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO IN ORDER TO INCREASE THE CITY INCOME TAX BY POINT ONE FIVE PERCENT (.15) FROM THE CURRENT RATE OF ONE POINT EIGHT FIVE PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING JANUARY 1, 2017, FOR THE PURPOSE OF PAY THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION AND PARKING SYSTEM IN THE CITY BY CONSTRUCTING AND RECONSTRUCTING MUNICIPAL ROADS, HIGHWAYS, STREETS, BRIDGES, SIDEWALKS, BIKEWAYS, AND PARKING FACILITIES, ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, AND PAYING THE DEBT SERVICE CHARGES AND RELATED COSTS OF SECURITIES ISSUED TO PAY THE COSTS OF THOSE PROJECTS.

The Clerk read the ordinance for the fourth time.

Mr. Shulman discussed need to amend ballot language as 192.02(B) and (D) will require an amendment to reference 2016-46, which is the ordinance number the legislation was assigned.

Motion: Mr. Hellinger moved to amend the ballot language to include the wording Ordinance 16-46 instead of Ordinance 16-XX, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Hellinger moved to adopt Ordinance No. 16-46, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 10: RESOLUTION NO. 16-37 [First Reading]

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE ORDINANCE PASSED TO AMEND SECTIONS 192.013, 192.014, AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY POINT ONE FIVE PERCENT (.15%) FROM THE CURRENT RATE OF ONE POINT EIGHT FIVE PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

JANUARY 1, 2017 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION SYSTEM IN THE CITY, BE PASSED WHICH ORDINANCE IS INCLUDED AS AN ATTACHMENT TO THIS RESOLUTION.

The Clerk read the resolution for the first time.

Mr. Shulman reviewed recommended changes to Resolution No. 16-37. Mr. Shulman recommended that the following changes be amended that after the 1st Whereas, insert July 25, and 16-46. Mr. Shulman recommended that Section 1, a change to remove an extra comma at the end, and to amend the ballot language at Section 2, and insert 16-46. Mr. Shulman also recommended removing the extra space before the comma in the last line of Section 2.

Motion: Mr. DiGenova moved to amend Resolution 16-37 with changes indicated and recommended by Mr. Shulman, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to adopt Resolution 16-37, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 16-57 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT TO THE DEVELOPMENT TEXT FOR PULTE HOMES, THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the second time.

There were no public comments.

Mr. Schultz reviewed the site plan, access sites, and park open spaces. Mrs. Keller discussed concerns voiced at Planning Commission regarding siding materials and also concerns voiced by surrounding homeowners.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

Mr. Peck informed Council that in reference to homeowners concerns, Pulte Homes plans to relocate bike path and the concern regarding the pond will be based on final engineering approval and plans. Mr. Peck informed Council that Pulte Homes plans to surround the pond with a fence and use landscaping. Mr. Peck reviewed the upgrading changes to the siding.

Mr. Jones voiced a concern regarding there only be one access location at this time. Discussion was held with Council of the possible extension of Peachblow Road to be used as a secondary access location. Mr. Ferrigno discussed the possible use of lot as a temporary access point for emergency vehicles.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

Mr. Peck voiced support in using a lot for temporary access until the county builds an overpass or extension of Peachblow Road.

Chief Donahue discussed the use of emergency access sites in other communities. Council requested more information regarding potential sites locations for temporary access sites.

ITEM 12: ORDINANCE NO. 16-58 [Second Reading] AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN FOR PULTE HOMES, THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the second time.

ITEM 13: ORDINANCE NO. 16-59 [Second Reading] AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY SUBDIVISION PLAT TEXT FOR PULTE HOMES, THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the second time.

ITEM 14: RESOLUTION NO. 16-38 [First Reading] A RESOLUTION DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION, AND GIVING NOTICE TO THE PROVIDER (WIDE OPEN WEST) OF THE PROVIDER FEE.

The Clerk read the resolution for the first time.

Motion: Mr. Rohrer moved to approve Resolution No. 16-38, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 16-60 [First Reading] AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT - ENGINEERING SERVICES.

The Clerk read the ordinance for the first time.

Mr. Ferrigno discussed the need for increased staffing for inspectors and for plan reviews.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-60, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 16-60, seconded by Mr. Jones. Motion approved by a 7-0 vote.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 25 20 16

ITEM 16: ORDINANCE NO. 16-61 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR GENERAL LIABILITY AND PROPERTY INSURANCE PREMIUMS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-61, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 16-61, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 16-61, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 17: CITY MANAGER'S REPORT

Mr. Homan provided an update on upcoming meetings for the Moving Delaware Forward Campaign.

Mr. Homan discussed plans to present to Council proposed changes to refuse ordinance for violations in the downtown area.

Mr. Homan discussed meeting with the H.O.A at Cheshire Crossing and Mr. Miller regarding their provision on street trees.

ITEM 18: COUNCIL COMMENTS

Mayor Riggle provided an update on the Blast from the Past car show event.

Mayor Riggle provided information on Howald Industries upcoming anniversary party.

ITEM 19: ADJOURNMENT

Motion: Mr. Jones moved to adjourn the meeting. The meeting adjourned at 8:52 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

SHADE TREE COMMISSION
June 28, 2016
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Olen called the meeting to order at 7:00 p.m.

Members Present: Jim Buck, Dave Carey, Tom Wolber, Councilmember George Hellinger, Vice-Chairwoman Susan Wright, and Chairman Paul Olen

Members Absent: Shannon Brewster and Tom Glissman

Staff Present: Ted Miller (Parks and Natural Resource Director), Doug Richmond (City Arborist) and Linda Mathews (Customer Service Liaison)

Motion to Excuse: Mr. Wolber moved to excuse Ms. Brewster and Mr. Glissman, seconded by Mr. Buck. Motion approved by a 6-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of May 24, 2016 as recorded and transcribed.

Motion: Vice-Chairwoman Wright moved to approve the Motion Summary for the May 24, 2016 meeting, seconded by Councilmember Hellinger. Motion approved with a 6-0 vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. ARBORIST REPORT

Mr. Richmond provided an update on activities completed in June 2016. Mr. Richmond informed the Commission that 3 tree was removed and that 10 stumps were ground out in June. Information was provided the current backlog of street trees. Discussion was held on tree pruning issues in the Lantern Chase subdivision. Mr. Richmond provided an update on the partnership with the Columbus Zoo to provide browse for the Zoo animals.

ITEM 5. PRESENTATION of Boardman Art Garden Concepts

Mr. Miller reviewed two different potential concept plans.

Vice-Chairwoman Wright voiced a concern over the potential completion of this park over other neighborhoods that are also in need of a pocket park.

Councilmember Hellinger voiced a concern over the cost to maintain the Delaware Run. Mr. Wolber discussed potential grants to help with the cost of the Delaware Run.

Mr. Olen discussed the net loss of caliber inches from construction projects for Delaware City Schools and the possible replacement of those trees on this property.

ITEM 6. REVIEW and RECOMMENDATION on Street Tree Replacement and Pruning Management

Mr. Miller reviewed the backlog of trees to be replaced and discussed plans to be on a five year management plan.

Mr. Miller plans to discuss with the Finance Director available funds for tree replacement.

Mr. Carey provided information to the Commission regarding discussion with the homeowner president of Cheshire Crossing in regards to compliance regulation for the homeowner association in replacing street trees. Mr. Miller to have staff reach out to the homeowner association.

ITEM 7. REVIEW of Commission Outreach Activities

Vice-Chairwoman Wright discussed Arbor Day activities, First Friday events, and the Watershed Festival. Discussion was held on what activities the Commission would like to continue or add. Chairman Olen voiced the need to have the Shade Tree Commission represent the city at organized events. Mr. Wolber discussed previous efforts to meet with schools for education and activities.

Vice-Chairwoman Wright requested that the Shade Tree Commission banner be returned to Ms. Mathews and all remaining flyers be returned to her. Mr. Wolber shared the new flyer for the Shade Tree Commission.

ITEM 8. STAFF COMMENTS

Mr. Miller reviewed educational material on street tree pruning for the public and requested input from the Commission at the next meeting.

Discussion held on public notification of street pruning. Mr. Miller discussed the use of lawn signs throughout the neighborhood instead of the use of door signs for notification.

ITEM 9. MEMBER COMMENTS

Mr. Carey discussed current status of the Tree Stewardship program. Chairman Olen recommended to try a different neighborhood and Vice-Chairwoman Wright discussed her recommendation to separate the pruning

from tree stewardship.

Mr. Wolber requested information on the demand and public involvement for Adopt a Park programs. Ms. Mathews discussed current group participation in the program.

Mr. Wolber informed the Commission that the Shade Tree Commission had only reviewed the informational concept for the Ohio Wesleyan Residential Living Units on Rowland Avenue, but did not provide a formal recommendation to Council.

ITEM 8. PLAN REVIEWS

ITEM 9. ADJOURNMENT

Motion: Mr. Wolber moved to adjourn the meeting, seconded by Mr. Buck. The Shade Tree Commission meeting adjourned at 8:14 p.m.


Chairman Olen


Clerk

**PLANNING COMMISSION
MOTION SUMMARY
July 6, 2016**

ITEM 1. Roll Call

Chairwoman Keller called the Planning Commission meeting to order at 7:00 p.m.

Members Present: Robert Badger, George Mantzoros, Dean Prall, Vice-Chairman Stacy Simpson, and Chairwoman Lisa Keller

Members Absent: Jim Halter

Staff Present: Jennifer Stachler, Assistant City Engineer, Lance Schultz, Zoning Administrator, and Dave Efland, Planning and Community Development Director

Motion to Excuse: Mr. Badger moved to excuse Mr. Halter, seconded by Vice-Chairman Simpson. Motion approved by a 5-0 vote.

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on June 1, 2016, as recorded and transcribed.

Motion: Mr. Prall moved to approve the Motion Summary for the June 1, 2016 meeting, seconded by Mr. Badger. Motion approved by a 4-0-1 (Mantzoros) vote.

ITEM 3. REGULAR BUSINESS

A. 2016-1351: A request by Fed One Dublin, LLC, for approval of a Combined Preliminary and Final Development Plan to construct a new building for Symmetry II at 105 Innovation Court on property zoned M-1 PMU (Light Manufacturing District with a Planned Mixed Use Overlay District) on 7.165 acres.

Anticipated Process

a. Staff Presentation

Mr. Schultz provided a presentation that included the proposed site plan and access locations. Mr. Schultz discussed the location of dumpster pads and retention ponds, and reviewed the landscape plans. Mr. Schultz discussed the building elevations and proposed colors and materials.

b. Applicant Presentation

APPLICANT:

Doug Shull
140 E. Town St. Suite 1150
Columbus, Ohio

John Lewis
1036 Hills Miller Rd
Delaware, Oh 43015

Mr. Lewis discussed the materials necessary for the dumpsters and requested the use of a metal gate for better durability. Mr. Efland discussed the use of Quick Brick materials on the outside of the dumpster. Discussion with the Commission to amend staff recommendation 3.

c. Public comment (not a public hearing)

d. Commission Action

Motion: Mr. Prall moved to amend 2016-1351 staff recommendation number 3 to reflect that the dumpster shall be enclosed by brick or quick brick along with a wood or metal door painted or stained to match, seconded Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-1351, along with all staff conditions and recommendations and revised staff condition three, seconded by Vice-Chairman Simpson. Motion approved by a 5-0 vote.

B. Communities at Glenross

- (1) 2016-1692: A request by Pulte Homes for approval of a Rezoning Amendment to the Development Text for the Communities at Glenross Sections 11-22 (Sub-Areas IA, IB and III) on approximately 210.7 acres containing 487 single family lots zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road.
- (2) 2016-1694: A request by Pulte Homes for approval of an Amendment to the Preliminary Development Plan for the Communities at Glenross Sections 11-22 (Sub-Areas IA, IB and III) on approximately 210.7 acres containing 487 single family lots zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road.
- (3) 2016-1696: A request by Pulte Homes for approval of an Amendment to the Preliminary Subdivision Plat for the Communities at Glenross Sections 11-22 (Sub-Areas IA, IB and III) on approximately 210.7 acres containing 487 single family lots zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the 2011 Approved Preliminary Plan and Plat and the revised site plan. Mr. Schultz discussed pedestrian connectivity plan and the landscape plan.

b. Applicant Presentation

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Columbus, Ohio

Joel West
4900 Tuttle Crossing Blvd.
Columbus, Ohio

Mr. Prall voiced a concern regarding the proposed vinyl material to be used in Sections 11 and 12, and that other homes residing on the golf course require natural materials. Mr. Peck and Mr. West discussed the location of the section and the desire for a low maintenance option. Mr. Peck discussed the use of a landscape buffer along this area.

Discussion was held with the Commission over the how detached condos affect the property values of surrounding homes. Mr. Peck reviewed the requirements for the detached homes with various options to upgrade.

Mr. Prall discussed a concern regarding the locations of various retention ponds. Ms. Stachler informed the Commission that the engineering department will review the location and size of the retention ponds.

c. Public comment (public hearing)

PUBLIC PARTICIPATION:

Robert and Cindy Wren
1670 Cheshire Road
Delaware, Ohio

Mr. & Mrs. Wren voiced concerns regarding the bike path loop in their back yard boundaries. Discussion was held on the use of landscape buffering.

Mr. Wren discussed concerns over the location of retention ponds in relation to the property lines and flooding during heavy rains.

Amy Leighty
1540 Cheshire Road
Delaware, Ohio

Ms. Leighty voiced a concern over the location of the retention pond next to her property and requested a fence to screen the pond.

Mr. Peck discussed the concerns voiced by Mr. & Mrs. Wren and Ms. Leighty. Mr. Peck discussed the use of landscape buffers for privacy, the possible removal of the bike loop, and possible placement of a fence.

Further discussion was held with the Commission over the use of vinyl materials and the discussion of moving the sections. Mr. West discussed the placement of the detached condominiums to allow a closer proximity to the recreation center.

d. Commission Action

Motion: Vice-Chairman Simpson moved to approve 2016-1692, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 4-1 (Prall) vote.

Motion: Vice-Chairman Simpson moved to approve 2016-1694, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 4-1 (Prall) vote.

Motion: Vice-Chairman Simpson moved to approve 2016-1696, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 4-1 (Prall) vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland discussed the Moving Delaware Forward Campaign.

Mr. Efland informed the Commission of a code enforcement concern voiced by Chairwoman Keller.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Mantzoros requested information regarding the Downtown Façade Program. Mr. Efland provided an update on available funds.

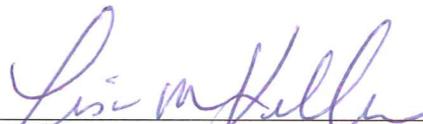
Vice-Chairman Simpson voiced a concern over unmaintained landscaping at the unoccupied retailer on S. Franklin and London Rd. Mr. Efland informed the Commission that staff is aware of the violation.

Chairwoman Keller provided an update to the Commission over the Spray and Play Park.

ITEM 6. NEXT REGULAR MEETING: August 3, 2016

ITEM 7. ADJOURNMENT:

Motion: Chairwoman Keller moved for the July 6, 2016 Planning Commission meeting to adjourn. The meeting adjourned at 9:01 p.m.



Lisa Keller, Chairwoman



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: 8

DATE: 8/8/16

ORDINANCE NO: 16-57

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES
July 25, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A REZONING AMENDMENT TO THE DEVELOPMENT TEXT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

BACKGROUND:

The developer is requesting a Zoning Amendment to the Development Text, Amended Preliminary Development Plan and Amended Preliminary Subdivision Plat for the portion of the development south of Cheshire Road (Section 11-22). The revised plan would yield 487 single family dwellings of which 381 would be single family homes and 106 would be single-family detached condominiums which is 99 units less than the previously approved plan south of Cheshire Road. The revised plan would eliminate the two attached condominium developments south of Cheshire Road. In total, the Communities of Glenross would yield 866 total single family units of which 666 units would be single family homes, 106 units would be single family detached condominiums in Sub-Area III and 94 units in Sub-Area IV on 405.2 acres for a density of 2.14 units per acre which in total is 244 units less than the last approval in 2011.

From a “macro” perspective, the access to development remains the same from Cheshire Road with a proposed roundabout accessing the properties to the south of Cheshire Road via Winterbourne Drive which is the main north/south connector road that stubs to the property to the south and would ultimately connect to Peachblow Road if the subject property is developed. From a “micro” perspective, the internal roadway network within the development has been redesigned to facilitate a more functional and aesthetically enhanced development while accounting for the change in unit types and engineering standards.

The subject amended sections (11-22) are divided into three distinct housing options. The intent of the revised design is to eliminate the two approved attached condominium units (previously located on the south side of the development) and replace it with one detached single family condominium option (located adjacent to Cheshire Road) and mirroring the two single family housing options in the Communities at Glenross north of Cheshire Road. Of the 487 single family lots, 106 lots would be dedicated to detached condominiums on lots with a minimum 50 feet of frontage, 88 single family lots would have a minimum 80 feet of frontage (typical Golf Club at Glenross lot size) and 293 single family lots would have a minimum 65 feet of frontage (typical Communities at Glenross lot size) which is consistent with the 2011 approved plans.

The design requirements for The Communities at Glenross south of Cheshire Road are revised based on the housing option in each Section and Sub-Area per the development text: The detached condominiums (Sections 11 and 12 – Sub-Area III) would require 25% natural materials, such as brick or stone, on the front elevations, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 80 feet wide lots (Sections 13 and 14 – Sub-Area IA) would require 100% natural material on all elevations, not less than 50% of the front elevation shall consist of a natural material other than stucco and engineered siding products, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 65 feet wide lots (Sections 15-22 – Sub-Area IB) would require at least 40% of the front elevation shall be natural material, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08.

The Communities at Glenross Sections 11-22 has approximately 61.5 acres of open space (approximately 29.2%) in 14 reserve areas (H-U) south of Cheshire Road. The detached condominium development (Section 11 and 12) has 17.7 acres of open space/parkland in five reserves (H-L). The minimum 80 feet lot width development (Sections 13 and 14) has approximately 8.5 acres of open space/parkland in three reserves (M-O). The minimum 65 feet lot width development (Sections 15-22) has approximately 35.5 acres of open space/parkland in six reserves (P-U). Reserve "R" is a proposed tot lot that shall be programmed with appropriate amenities prior to Final Development Plan and Plat approval.

A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The zoning code and development text would require street trees, mounding and landscaping along Cheshire Road (and roundabout) and Winterbourne Drive, mounding and landscaping adjacent to the railroad tracks along with appropriate landscaping within the parks and open spaces. The Cheshire Road along with the Winterbourne Drive buffering should match or be enhanced above the existing buffering in the The Glenross Golf Club and revised Communities at Glenross Sections east of this development. Also, the approved Development Text prescribes a minimum screening buffer to be required along the railroad which should be consistent with approved buffering in the Final Plats of Section 3 and 4 of the Communities of Glenross. In addition, staff would recommend a landscape buffer between the proposed condominium single family lots and the six existing county single family lots and the proposed retention pond should be buffered from the subject lots with trees at a minimum. Furthermore, landscaping adjacent to the Ohio Health property to the west would be required per the development text. All landscape plans would require review and approval by the Shade Tree Commission.

This subdivision is in the Delaware South New Community Authority and there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

Staff maintains the proposed plan is an improvement over the currently approved plan for the following reasons: 1). The overall density has been reduced on the south side of Cheshire Road by 99 units; 2). The two attached condominium unit developments have been eliminated and replaced with one detached condominium unit development better located within the context of the overall development; 3). Staff has had ongoing discussions with Pulte Homes regarding a number of the items as well which have been agreed to and captured in the conditions herein.

UPDATE

See memo from Dave Efland

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1130 Amendments of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on July 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report



MEMORANDUM

TO: City Council
FROM: David M. Efland, AICP Director of planning & Community Development
DATE: 8/2/2016
RE: Communities at Glenross south of Cheshire Rd. - UPDATE

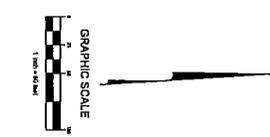
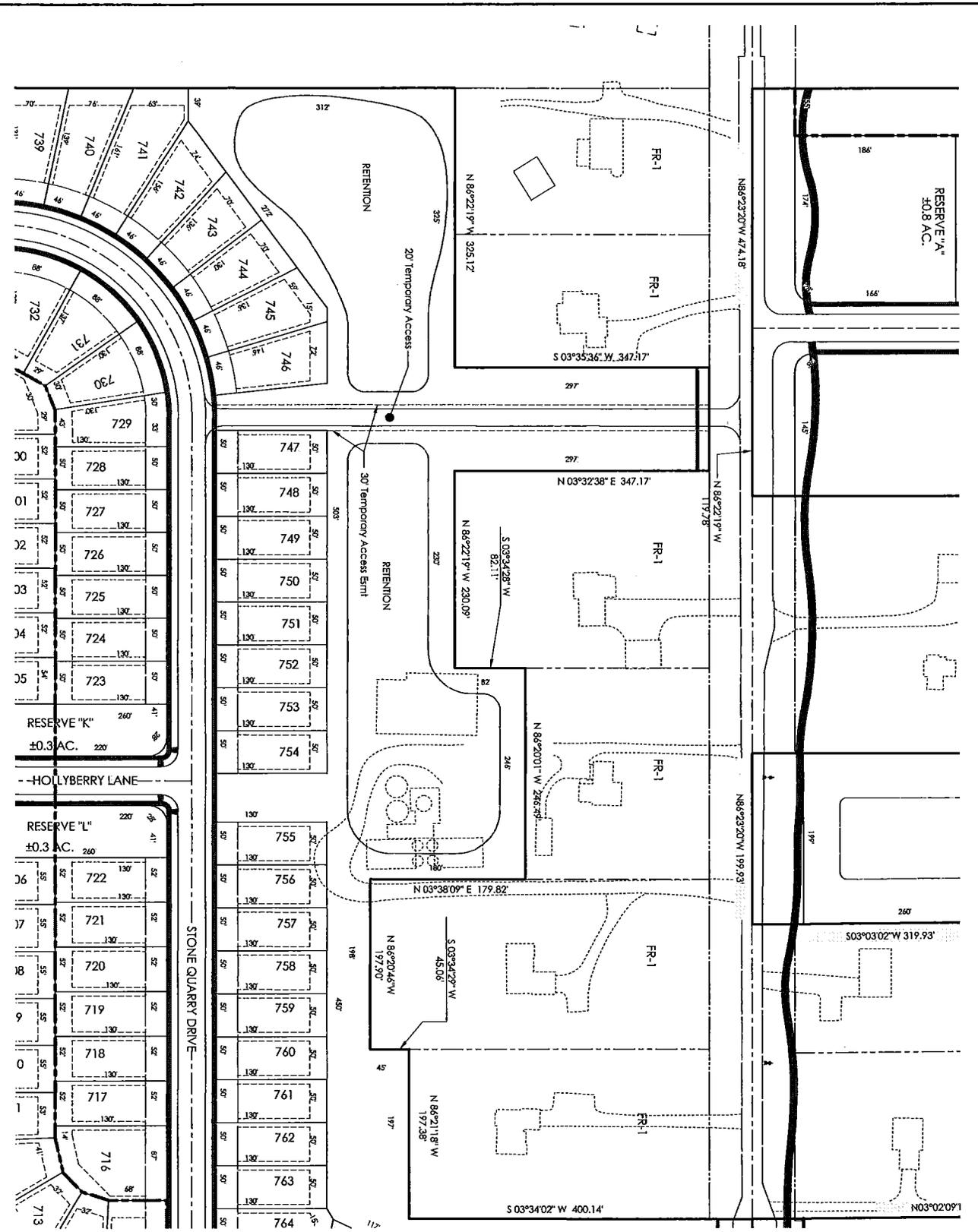


At the last Council meeting three primary questions emerged concerning the pending Zone Change, Amended Preliminary Plan and Plat for the area south of Cheshire Rd. for the Communities at Glenross.

The first item concerned the desire to have provision for an emergency only access off of Cheshire Rd. Staff has worked with the applicant to determine this access as requested. It is shown on the attached exhibit. During the first Final Development Plan and Plat for this area, the Applicant and Staff will need to work through the details of this proposal but for purposes of the actions pending before City Council currently, Staff is satisfied with the attached exhibit.

The second item concerns the exterior material selection for the proposed detached condominium section of the development (Sub-Area III). At the Planning Commission discussion ensued concerning the proposed vinyl siding for this area. While receiving a recommendation for approval as proposed by the Applicant at that time, the Applicant also pledged to work to find a higher quality material to better align with the concerns expressed. Staff and the Applicant have been discussing the matter since that time and concluded that having a 0.050 inch thick 4 and 5 inch wide vinyl siding material would be higher quality than originally requested, higher quality than required by base zoning code, and higher quality than that required for any other area of Communities at Glenross while maintaining the same design approach as the rest of the proposed development. Staff would recommend this approach and would utilize this memo to formalize this recommendation to City Council.

The third item concerns ensuring the Preliminary Plan include a provision discussed and agreed to by Staff and the Applicant previously but which was inadvertently not reflected on the plans. The plan should reflect a future potential Home Owner Association (HOA) owned and maintained (but open to the public) pocket park located on the west side of Winterbourne Dr. south of the proposed condominiums. Lots on this side of Winterbourne Dr. are large and with a large and well programmed centralized open space and recreation area in close proximity this pocket park may not be needed or desired in the future. However, the Preliminary Plan should reflect the potential future location for one should the HOA desire its installation in the future. This will ensure adequate area exists for this potential while not requiring its premature installation or its installation at all if the HOA does not desire it. This area is to be within reserve J between the proposed bikepaths and the backs of the proposed lots. With City Council passage, Staff will ensure this is reflected on the Amended Preliminary Plan that is of record in our files and when a Final Plan/Plat is brought forward for this area it will be documented in final form.



DATE	4/20/2011
SCALE	1" = 20'
PROJECT	COMMUNITIES AT GLENROSS
REVISIONS	

EMHT
 Engineering & Mapping, Inc.
 10000 W. Main Street, Suite 100
 Columbus, Ohio 43240
 Phone: 614.771.6600 Fax: 614.771.6601
 www.emht.com

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
 DEVELOPMENT PLAN
 FOR
COMMUNITIES AT GLENROSS
 TEMPORARY ACCESS EXHIBIT



REVISIONS		
MARK	DATE	DESCRIPTION



FACT SHEET

AGENDA ITEM NO: 9

DATE: 8/8/16

ORDINANCE NO: 16-58

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

BACKGROUND:

The developer is requesting a Zoning Amendment to the Development Text, Amended Preliminary Development Plan and Amended Preliminary Subdivision Plat for the portion of the development south of Cheshire Road (Section 11-22). The revised plan would yield 487 single family dwellings of which 381 would be single family homes and 106 would be single-family detached condominiums which is 99 units less than the previously approved plan south of Cheshire Road. The revised plan would eliminate the two attached condominium developments south of Cheshire Road. In total, the Communities of Glenross would yield 866 total single family units of which 666 units would be single family homes, 106 units would be single family detached condominiums in Sub-Area III and 94 units in Sub-Area IV on 405.2 acres for a density of 2.14 units per acre which in total is 244 units less than the last approval in 2011.

From a "macro" perspective, the access to development remains the same from Cheshire Road with a proposed roundabout accessing the properties to the

south of Cheshire Road via Winterbourne Drive which is the main north/south connector road that stubs to the property to the south and would ultimately connect to Peachblow Road if the subject property is developed. From a “micro” perspective, the internal roadway network within the development has been redesigned to facilitate a more functional and aesthetically enhanced development while accounting for the change in unit types and engineering standards.

The subject amended sections (11-22) are divided into three distinct housing options. The intent of the revised design is to eliminate the two approved attached condominium units (previously located on the south side of the development) and replace it with one detached single family condominium option (located adjacent to Cheshire Road) and mirroring the two single family housing options in the Communities at Glenross north of Cheshire Road. Of the 487 single family lots, 106 lots would be dedicated to detached condominiums on lots with a minimum 50 feet of frontage, 88 single family lots would have a minimum 80 feet of frontage (typical Golf Club at Glenross lot size) and 293 single family lots would have a minimum 65 feet of frontage (typical Communities at Glenross lot size) which is consistent with the 2011 approved plans.

The design requirements for The Communities at Glenross south of Cheshire Road are revised based on the housing option in each Section and Sub-Area per the development text: The detached condominiums (Sections 11 and 12 – Sub-Area III) would require 25% natural materials, such as brick or stone, on the front elevations, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 80 feet wide lots (Sections 13 and 14 – Sub-Area IA) would require 100% natural material on all elevations, not less than 50% of the front elevation shall consist of a natural material other than stucco and engineered siding products, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 65 feet wide lots (Sections 15-22 – Sub-Area IB) would require at least 40% of the front elevation shall be natural material, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08.

The Communities at Glenross Sections 11-22 has approximately 61.5 acres of open space (approximately 29.2%) in 14 reserve areas (H-U) south of Cheshire Road. The detached condominium development (Section 11 and 12) has 17.7 acres of open space/parkland in five reserves (H-L). The minimum 80 foot lot width development (Sections 13 and 14) has approximately 8.5 acres of open space/parkland in three reserves (M-O). The minimum 65 foot lot width development (Sections 15-22) has approximately 35.5 acres of open space/parkland in six reserves (P-U). Reserve "R" is a proposed tot lot that shall be programmed with appropriate amenities prior to Final Development Plan and Plat approval.

A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The zoning code and development text would require street trees, mounding and landscaping along Cheshire Road (and roundabout) and Winterbourne Drive, mounding and landscaping adjacent to the railroad tracks along with appropriate landscaping within the parks and open spaces. The Cheshire Road along with the Winterbourne Drive buffering should match or be enhanced above the existing buffering in the The Glenross Golf Club and revised Communities at Glenross Sections east of this development. Also, the approved Development Text prescribes a minimum screening buffer to be required along the railroad which should be consistent with approved buffering in the Final Plats of Section 3 and 4 of the Communities of Glenross. In addition, staff would recommend a landscape buffer between the proposed condominium single family lots and the six existing county single family lots and the proposed retention pond should be buffered from the subject lots with trees at a minimum. Furthermore, landscaping adjacent to the Ohio Health property to the west would be required per the development text. All landscape plans would require review and approval by the Shade Tree Commission.

This subdivision is the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

Staff maintains the proposed plan is an improvement over the currently approved plan for the following reasons: 1). The overall density has been reduced on the south side of Cheshire Road by 99 units; 2). The two attached condominium unit developments have been eliminated and replaced with one detached condominium unit development better located within the context of the overall development; 3). Staff has had ongoing discussions with Pulte Homes regarding a number of the items as well which have been agreed to and captured in the conditions herein.

UPDATE:

See memo from Dave Efland.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on July 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)



FACT SHEET

AGENDA ITEM NO: 10

DATE: 8/8/16

ORDINANCE NO: 16-59

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

BACKGROUND:

The developer is requesting a Zoning Amendment to the Development Text, Amended Preliminary Development Plan and Amended Preliminary Subdivision Plat for the portion of the development south of Cheshire Road (Section 11-22). The revised plan would yield 487 single family dwellings of which 381 would be single family homes and 106 would be single-family detached condominiums which is 99 units less than the previously approved plan south of Cheshire Road. The revised plan would eliminate the two attached condominium developments south of Cheshire Road. In total, the Communities of Glenross would yield 866 total single family units of which 666 units would be single family homes, 106 units would be single family detached condominiums in Sub-Area III and 94 units in Sub-Area IV on 405.2 acres for a density of 2.14 units per acre which in total is 244 units less than the last approval in 2011.

From a “macro” perspective, the access to development remains the same from Cheshire Road with a proposed roundabout accessing the properties to the

south of Cheshire Road via Winterbourne Drive which is the main north/south connector road that stubs to the property to the south and would ultimately connect to Peachblow Road if the subject property is developed. From a “micro” perspective, the internal roadway network within the development has been redesigned to facilitate a more functional and aesthetically enhanced development while accounting for the change in unit types and engineering standards.

The subject amended sections (11-22) are divided into three distinct housing options. The intent of the revised design is to eliminate the two approved attached condominium units (previously located on the south side of the development) and replace it with one detached single family condominium option (located adjacent to Cheshire Road) and mirroring the two single family housing options in the Communities at Glenross north of Cheshire Road. Of the 487 single family lots, 106 lots would be dedicated to detached condominiums on lots with a minimum 50 feet of frontage, 88 single family lots would have a minimum 80 feet of frontage (typical Golf Club at Glenross lot size) and 293 single family lots would have a minimum 65 feet of frontage (typical Communities at Glenross lot size) which is consistent with the 2011 approved plans.

The design requirements for The Communities at Glenross south of Cheshire Road are revised based on the housing option in each Section and Sub-Area per the development text: The detached condominiums (Sections 11 and 12 – Sub-Area III) would require 25% natural materials, such as brick or stone, on the front elevations, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 80 feet wide lots (Sections 13 and 14 – Sub-Area IA) would require 100% natural material on all elevations, not less than 50% of the front elevation shall consist of a natural material other than stucco and engineered siding products, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08. The minimum 65 feet wide lots (Sections 15-22 – Sub-Area IB) would require at least 40% of the front elevation shall be natural material, all vinyl siding shall have a minimum thickness of 0.044 inches, no concrete or split face block shall be permitted except for basement or foundation walls, the roofs of all homes shall have dimensional shingles along with all the homes shall also achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08.

The Communities at Glenross Sections 11-22 has approximately 61.5 acres of open space (approximately 29.2%) in 14 reserve areas (H-U) south of Cheshire Road. The detached condominium development (Section 11 and 12) has 17.7 acres of open space/parkland in five reserves (H-L). The minimum 80 feet lot width development (Sections 13 and 14) has approximately 8.5 acres of open space/parkland in three reserves (M-O). The minimum 65 feet lot width development (Sections 15-22) has approximately 35.5 acres of open space/parkland in six reserves (P-U). Reserve "R" is a proposed tot lot that shall be programmed with appropriate amenities prior to Final Development Plan and Plat approval.

A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The zoning code and development text would require street trees, mounding and landscaping along Cheshire Road (and roundabout) and Winterbourne Drive, mounding and landscaping adjacent to the railroad tracks along with appropriate landscaping within the parks and open spaces. The Cheshire Road along with the Winterbourne Drive buffering should match or be enhanced above the existing buffering in the The Glenross Golf Club and revised Communities at Glenross Sections east of this development. Also, the approved Development Text prescribes a minimum screening buffer to be required along the railroad which should be consistent with approved buffering in the Final Plats of Section 3 and 4 of the Communities of Glenross. In addition, staff would recommend a landscape buffer between the proposed condominium single family lots and the six existing county single family lots and the proposed retention pond should be buffered from the subject lots with trees at a minimum. Furthermore, landscaping adjacent to the Ohio Health property to the west would be required per the development text. All landscape plans would require review and approval by the Shade Tree Commission.

This subdivision is the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

Staff maintains the proposed plan is an improvement over the currently approved plan for the following reasons: 1). The overall density has been reduced on the south side of Cheshire Road by 99 units; 2). The two attached condominium unit developments have been eliminated and replaced with one detached condominium unit development better located within the context of the overall development; 3). Staff has had ongoing discussions with Pulte Homes regarding a number of the items as well which have been agreed to and captured in the conditions herein.

UPDATE:

See memo from Dave Efland

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on July 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

ORDINANCE NO. 16-59

AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

WHEREAS, the Planning Commission at its meeting of July 6, 2016 recommended approval of an Amendment to the Preliminary Subdivision Plat for The Communities at Glenross Sections 11-22 consisting of 487 single family lots on approximately 210.7 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located south of Cheshire Road (2016-1696), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Amendment to the Preliminary Subdivision Plat for The Communities at Glenross Sections 11-22 consisting of 487 single family lots on approximately 210.7 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located south of Cheshire Road, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
3. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
4. The single family houses shall comply with the minimum architectural standards and house size in the approved development text and per applicable sections of the current zoning code.
5. The Cheshire Road and Winterbourne Drive buffering shall match or be enhanced above the existing buffering in the The Glenross Golf Club and Communities at Glenross east of this development. The maintenance of the mound and associated landscaping shall be the responsibility of the Homeowner's Association. The subject plan shall be reviewed and

- approved by the Shade Tree Commission.
6. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3 and 4 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be placed within an easement recorded and described upon the final plat and all such improvements shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.
 7. A street tree plan shall be submitted and approved by the Shade Tree Commission.
 8. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and shall be required prior to final plat approvals for each section.
 9. The bike paths along Winterbourne Drive Road shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner's Association.
 10. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval of each phase.
 11. These sections of the Communities of Glenross Subdivision shall be placed in the Delaware South New Community Authority prior to issuance of building permits, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
 12. The street names in Sections 11-22 shall be vetted and approved by the appropriate agencies to ensure compliance and non-duplication prior to Final Subdivision Plat submission for each section.
 13. The subject development shall be constructed per the phase sequence in the Preliminary Subdivision Plat per the development text.
 14. A landscape buffer shall be submitted and approved with that sections Final Development Plan between the proposed condominium single family lots and the six existing county single family lots in Section 11.
 15. The proposed retention pond shall be buffered from the subject six existing county single family lots in Section 11.
 16. The tot lot in Reserve "R" in Section 16 shall be programmed with amenities as approved by staff concurrent with Final Development Plan and Plat approval for the subject section.
 17. The buffering adjacent to the Ohio Health property to west shall achieve compliance with the approved development text.



FACT SHEET

AGENDA ITEM NO: 11

DATE: 8/8/16

ORDINANCE NO: 16-62

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR A POOL FACILITY AND RECREATION AREA FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS ON APPROXIMATELY 22.7 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED NORTH OF CHESHIRE ROAD

BACKGROUND:

In March 2016 City Council approved the Final Development Plan and Final Subdivision Plat for Section 7 which includes these two parcels containing the proposed pool facility and recreation area. The pool facility is accessed from the proposed roundabout on Cheshire Road through Eagle Walk Road which extends north and splits the pool house and recreation area properties. The pool house curb cut is adjacent to White Fawn Run on the west side of Eagle Walk Road and accesses a 57 space parking lot while the curb cut to the parking area is off White Fawn Run and accesses a 20 space parking lot and an overflow grass parking area. As mentioned above, Eagle Walk Road separates the park amenities into two distinct areas. The pool facility is located on the west side of Eagle Walk Road on an approximate 5.58 acre property. The facility includes a pool with a large concrete deck, pool house and pool shelter located on the southeastern portion of the site. A 57 space parking lot is located along the northern portion of the site adjacent to Eagle Walk Road with a detention basin located west of the pool facility and parking lot. The recreation area is located east of Eagle Walk Road on approximately 17.12

acres which includes the following amenities: an approximate 2,400 square foot shelter house, a large tot lot, an approximate 15 foot high sledding hill, a full size basketball court, two volleyball courts and a large recreation field. A 20 space parking lot and an overflow grass parking area are located adjacent to White Fawn Run. The bike path is extended along Cheshire Road to the railroad tracks and there are sidewalks generally connecting the aforementioned amenities. All the buildings would be designed to be in character with the existing and future housing stock and sensitive to the surrounding environment. The landscaping and mounding along Cheshire Road should match the existing landscaping and mounding of the sections to the west. The Eagle Walk Road entrance would have rubble wall and signage to match the other entrance features in the subdivision.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-62

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR A POOL FACILITY AND RECREATION AREA FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS ON APPROXIMATELY 22.7 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED NORTH OF CHESHIRE ROAD.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for a Pool Facility and Recreation Area for the Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road (PC 2016-2057), and

NOW THEREFORE, BE IT ORDAINED: by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Development Plan for a Pool Facility and Recreation Area for the Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The dumpster located on the northwest portion of the parking lot shall be screened by a brick or stone wall to match the pool house and have wood or metal doors painted or stained to match.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. Any lighting plan shall be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
5. The pool facility shall be private and maintained by the Homeowners Association but can be limited to residents only.
6. The remaining open space and amenities shall be privately owned and maintained by the Homeowners Association but open to the public

7. The proposed aggregate path located on the west side of the pool shall be constructed of asphalt or concrete.
8. A continuous row of shrubs a minimum 3 feet high shall be installed along the northern portion of the both parking lots to screen any vehicular headlights into the future adjacent houses.
9. 6-8 pine trees a minimum 6 feet high shall be installed on the west side of the western most retention pond adjacent to the driveway of the existing house.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
 ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
 ABSTAIN ___

ATTEST: _____
 CITY CLERK

 MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2057

REQUEST: Final Development Plan

PROJECT: The Communities at Glenross Pool House and Recreation Area

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2057: A request by Pulte Homes for approval of a Final Development Plan for a Pool House and Recreation Area for the Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road.

PROPERTY LOCATION & DESCRIPTION

The subject site is located north of Cheshire Road, west of the railroad tracks and just east of the existing single family county lots fronting Cheshire Road. The zoning of the subject site is R-2 PMU (Single-Family Residential District with a Planned Mixed Use Overlay District) as are the properties to the north, south and west. The property to the east is zoned residential in Berlin Township.

BACKGROUND

The Communities at Glenross development was annexed and zoned in 2006 and received a Rezoning Amendment and Amended Preliminary Development Plan and Preliminary Subdivision Plat approval in July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling units. Compared to the Golf Club at Glenross development, the Communities at Glenross has a much more detailed sub-area plan and Development Text. The development is located in several zoning sub-areas on both sides of Cheshire Road and includes significant open space, park area, a club house, and buffering amenities.

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 6. In March 2016 City Council approved the Final Development Plan and Final Subdivision Plat for Section 7 which includes these two parcels containing the proposed pool house and recreation area.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that recommends a future land use of Mixed Use consistent with the PMU Overlay zoning and associated development text and preliminary plans. The proposed pool house and recreation area achieves compliance with the comprehensive plan.
- **ENGINEERING:** The Applicant has submitted final engineering drawings for review by the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department. All utilities shall be stubbed to the section line to facilitate future adjacent development.
- **ROADS, TRAFFIC & ACCESS:** Access is provided from the proposed roundabout on Cheshire Road through Eagle Walk Road which extends north and splits the pool house and recreation area properties. The pool house curb cut is adjacent to White Fawn Run on the west side of Eagle Walk Road and accesses a 57 space parking lot while the curb cut to the parking area is off White Fawn Run and accesses a 20 space parking lot and an overflow grass parking area.
- **SITE PLAN:** As mentioned above, Eagle Walk Road separates the park amenities into two distinct areas. The pool facility is located on the west side of Eagle Walk Road on an approximate 5.58 acre property. The facility includes a pool with a large concrete deck, pool house and pool shelter located on the southeastern portion of the site. A 57 space parking lot is located along the northern portion of the site adjacent to Eagle Walk Road with a detention basin located west of the pool facility and parking lot. A dumpster pad is located on the northwest portion of the parking lot and would need to be screened by a brick or stone wall to match the pool house and have wood doors painted or stained to match. A bike path extends along the frontage of Cheshire Road with a sidewalk along the frontage of Eagle Walk Road while a compacted aggregate path

would connect the bike path and parking lot just west of the pool facility. Staff recommends the aforementioned aggregate path be constructed of asphalt or concrete. The recreation area is located east of Eagle Walk Road on approximately 17.12 acres which includes the following amenities: an approximate 2,400 square foot shelter house, a large tot lot, an approximate 15 foot high sledding hill, a full size basketball court, two volleyball courts and a large recreation field. A 20 space parking lot and an overflow grass parking area are located adjacent to White Fawn Run. The bike path is extended along Cheshire Road to the railroad tracks and there are sidewalks generally connecting the aforementioned amenities. However, staff recommends an asphalt or concrete path connect directly to the basketball court, volleyball court, and etc. eliminating any potential dirt paths. A large detention basin is located adjacent to the railroad tracks on the eastern portion of the site.

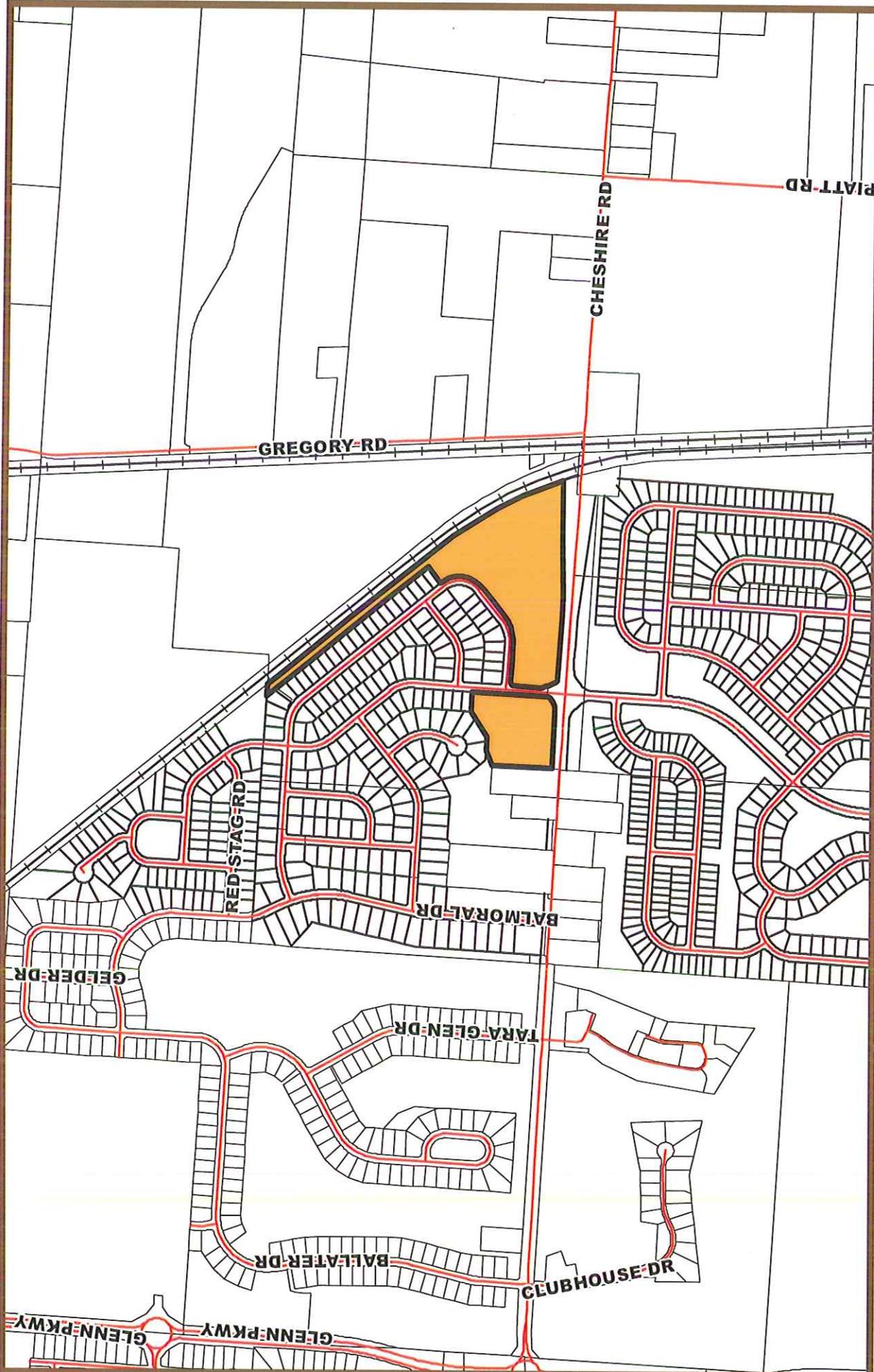
- **DESIGN:** All the buildings would be designed to be in character with the existing and future housing stock and sensitive to the surrounding environment. The new structures would include the following: 1.) The pool house would be constructed of cement board siding and stone with a standing seam metal pitched roof with a cupola to emulate a barn; 2.) The pool shelter would be constructed of wood timber with stone wrapped columns extending approximately three-quarters of the elevation with a flat hardy roof with cedar boards accentuating the elevation; and 3.) The shelter house would have timber columns with a metal pitched roof with a cupola. A partial high masonry wall be installed on two of the elevations and would also emulate a barn. The other side would be open to the play area.
- **LANDSCAPE PLAN:** The developer submitted a comprehensive landscape plan which includes street trees, park area trees and mounding along Cheshire Road and Eagle Walk Road. At a minimum, the landscaping and mounding along Cheshire Road should match the existing landscaping and mounding of the sections to the west. The Eagle Walk Road entrance would have rubble wall and signage to match the other entrance features in the subdivision. Furthermore, staff recommends a continuous row of shrubs a minimum 3 feet high shall be installed along the northern portion of the both parking lots to screen any vehicular headlights into the future adjacent houses. Finally, staff recommends 6-8 pine trees a minimum 6 feet high shall be installed on the west side of the westernmost retention pond adjacent to the driveway of the existing house at 1761 Cheshire Road. The landscape plans would need to be submitted, reviewed, and approved by the Shade Tree Commission. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
- **LIGHTING PLAN:** The developer does not identify any new light poles or ground lighting within the park area. However, any lighting would need to be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
- **MISCELLANEOUS:** Except for the pool facility, the remaining open space and amenities should be privately owned and maintained by the Homeowners Association but open to the public

STAFF RECOMMENDATION – (FINAL DEVELOPMENT PLAN - 2016-2057)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for a Pool House and Recreation Area for the Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road, with the following conditions that:

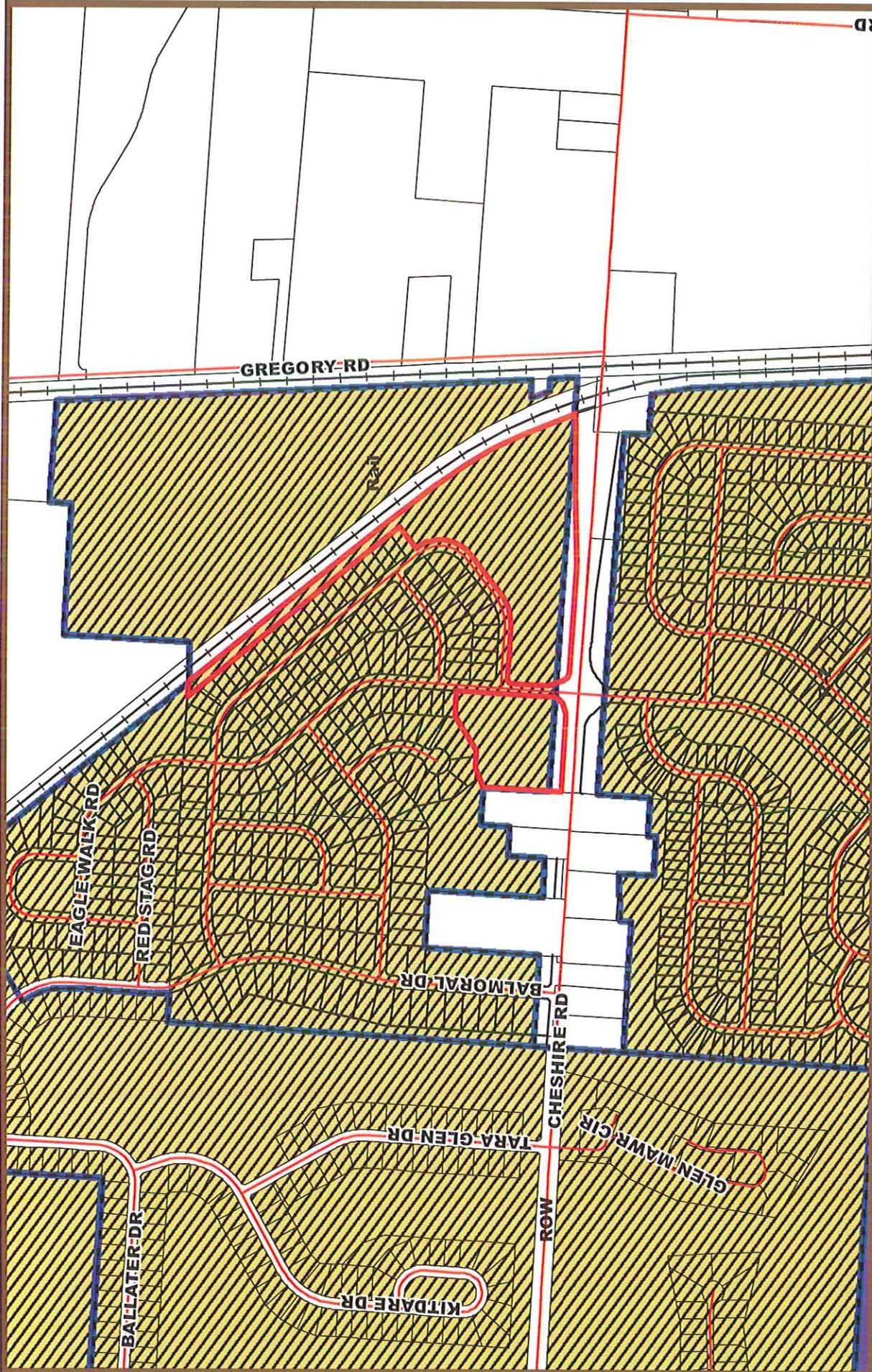
1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The dumpster located on the northwest portion of the parking lot shall be screened by a brick or stone wall to match the pool house and have wood or metal doors painted or stained to match.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. Any lighting plan shall be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.

5. Except for the pool facility, the remaining open space and amenities shall be privately owned and maintained by the Homeowners Association but open to the public.
6. The proposed aggregate path located on the west side of the pool shall be constructed of asphalt or concrete.
7. A continuous row of shrubs a minimum 3 feet high shall be installed along the northern portion of the both parking lots to screen any vehicular headlights into the future adjacent houses.
8. 6-8 pine trees a minimum 6 feet high shall be installed on the west side of the western most retention pond adjacent to the driveway of the existing house.



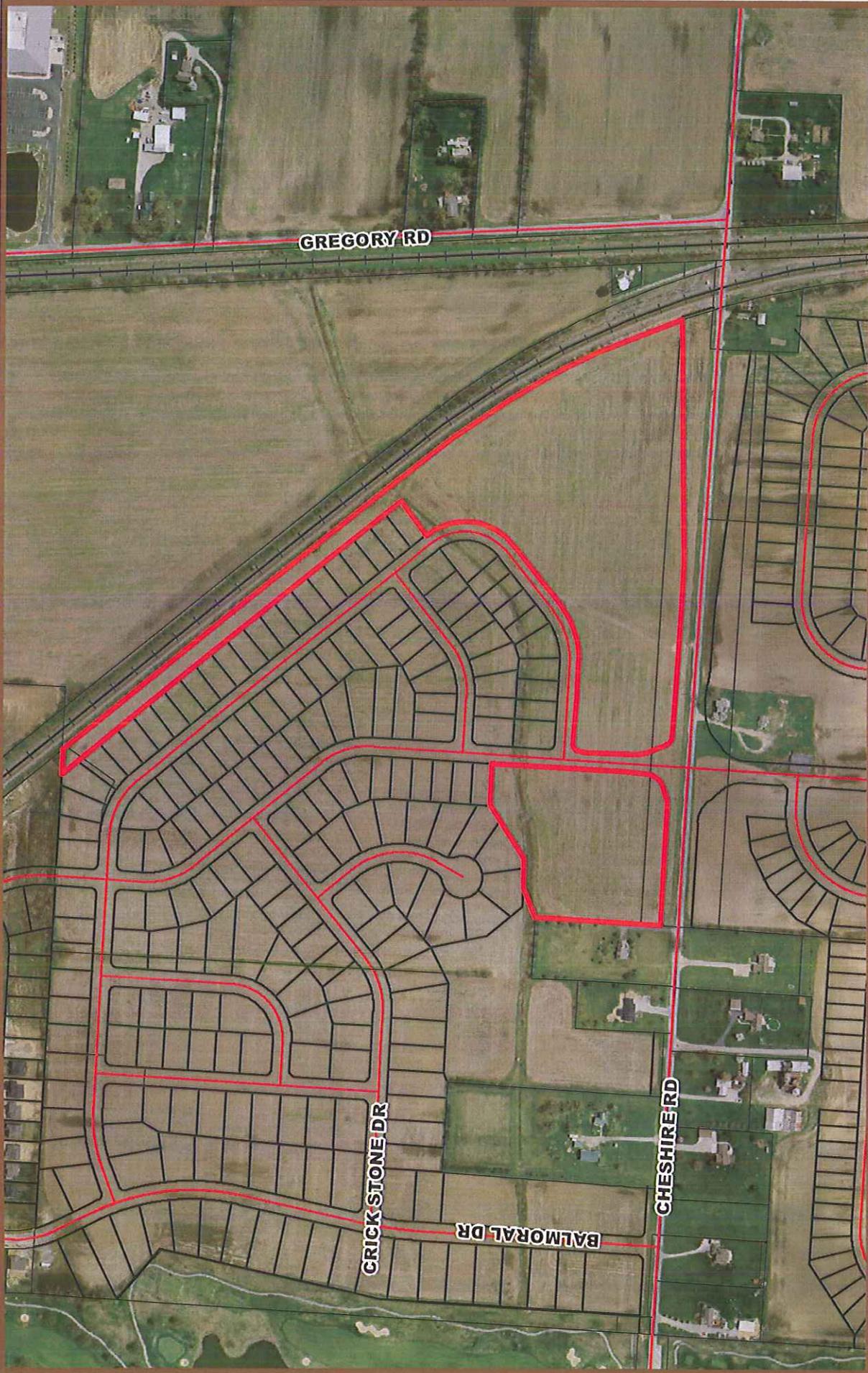
2016-2057
 Final Development Plan
 Communities at Glenross - Pool House & Recreation Area
 Location Map





2016-2057
 Final Development Plan
 Communities at Glenross - Pool House & Recreation Area
 Zoning Map





2016-2057
Final Development Plan
Communities at Glenross - Pool House & Recreation Area
Aerial (2013)



COMMUNITIES AT GLENROSS POOL HOUSE & REC. AREA

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
FINAL DEVELOPMENT PLAN

PREPARED FOR:



4900 TUTTLE CROSSING BOULEVARD
DUBLIN, OHIO, 43016
PH: (614) 356-5000

SUBMITTAL: JUNE 17, 2016

CIVIL ENGINEER



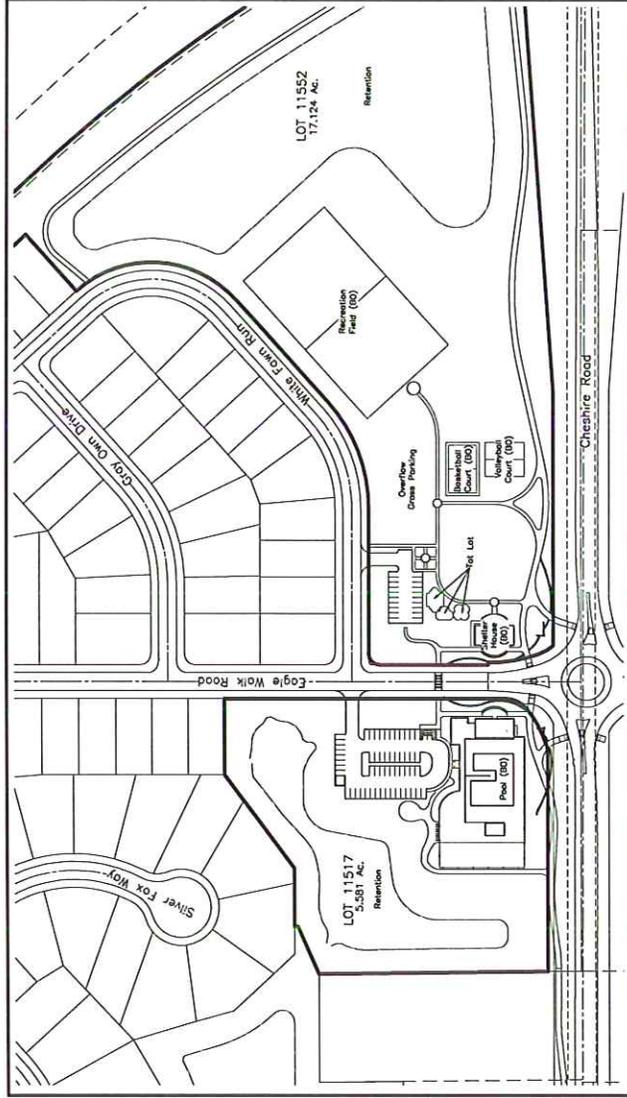
INDEX OF DRAWINGS

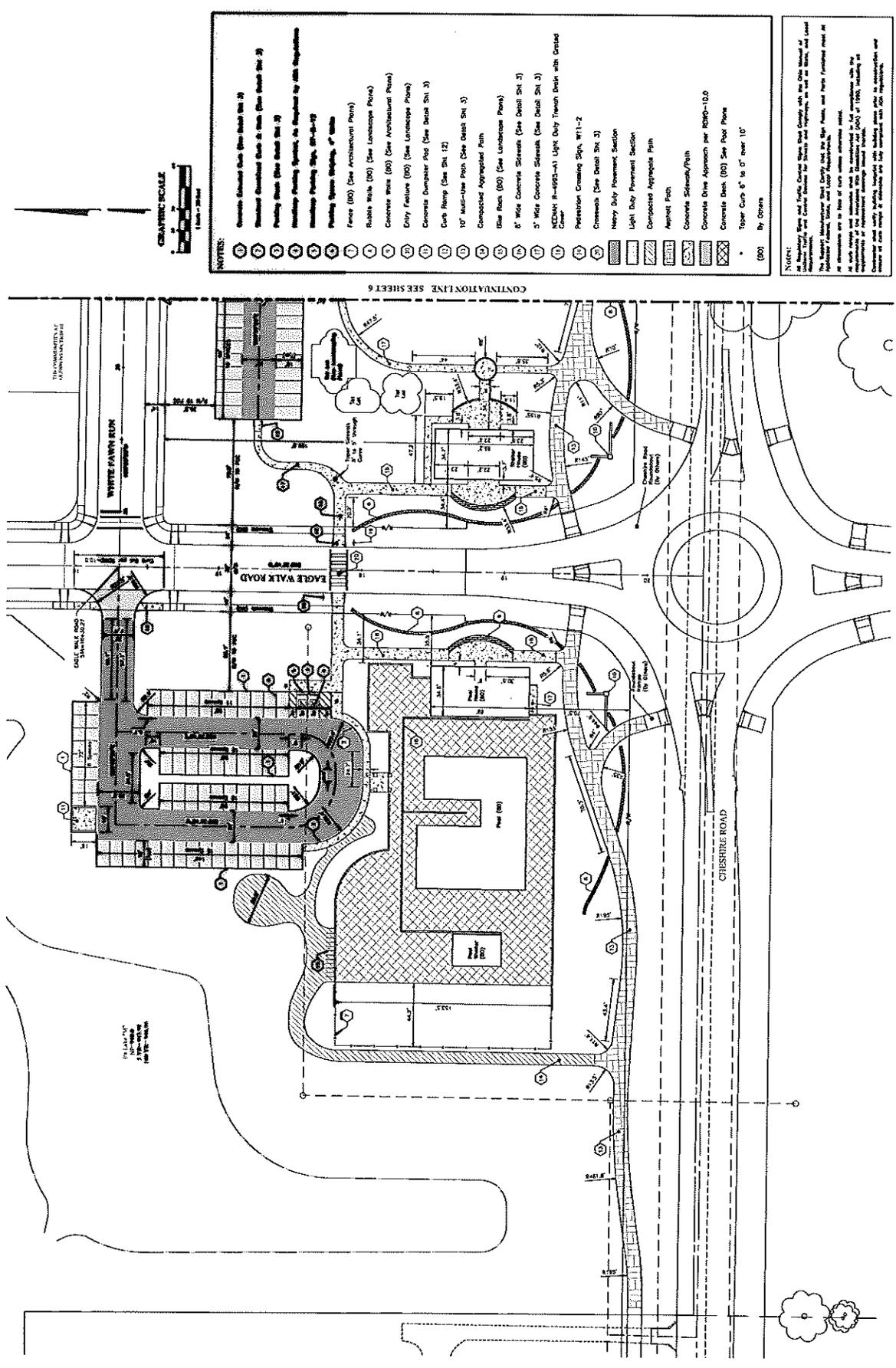
INDEX PLAN:	1 & 1A
SITE PLAN:	2 & 1A
SITE DIMENSION PLAN:	3 & 4 & 1A
MAKER UTILITY PLAN:	5 & 6 & 1A
GRADING EROSION CONTROL PLAN:	7 & 8 & 1A
PAVING PLAN:	9 & 10 & 1A
ILLUSTRATIVE SITE PLAN:	14 & 15 & 1A
LANDSCAPE PLAN:	SP1-SP4
LANDSCAPE DETAILS:	SD1-SD2



LOCATION MAP

1/8" = 1' SCALE





- NOTES:**
- 1 Concrete Slabbed Deck (See Detail SH 2)
 - 2 Reinforced Concrete Deck at Slope (See Detail SH 2)
 - 3 Parking Deck (See Detail SH 2)
 - 4 Walkway Parking Space, As Required by ADA Regulations
 - 5 Walkway Parking Spc. SH-10-12
 - 6 Parking Space, 8' x 12'
 - 7 Fence (60) (See Architecture Plans)
 - 8 Rubble Wall (60) (See Landscape Plans)
 - 9 Concrete Walk (60) (See Architecture Plans)
 - 10 Entry Feature (60) (See Landscape Plans)
 - 11 Concrete Dumpster Pad (See Detail SH 3)
 - 12 Deck Ramping (See SH 12)
 - 13 10' Multi-Use Path (See Detail SH 3)
 - 14 Compacted Aggregate Path
 - 15 Star Flank (60) (See Landscape Plans)
 - 16 6" Wide Concrete Slabwalk (See Detail SH 3)
 - 17 5" Wide Concrete Slabwalk (See Detail SH 3)
 - 18 HDX/AN R-6925-A1 Light Duty Trench Drain with Grated Cover
 - 19 Pedestrian Crossing Sign, W11-2
 - 20 Crosswalk (See Detail SH 3)
 - 21 Heavy Duty Pavement Section
 - 22 Light Duty Pavement Section
 - 23 Compacted Aggregate Path
 - 24 Asphalt Path
 - 25 Concrete Sidewalk/Path
 - 26 Concrete Drive Approach per R600-10.0
 - 27 Concrete Deck (60) See Pool Plans
 - 28 10' x 6' x 8" to 10' near 10'
 - 29 (60) By Others

NOTES:

All Necessary Signs and Traffic Control Signs Shall Comply with the City Manual of Traffic Signs and Traffic Control Signs and Specifications for Signs, Markings, and Traffic Control Devices for Streets and Highways, as well as State and Local Regulations, and the Manual of Uniform Traffic Control Devices for Streets and Highways, as well as State and Local Regulations.

The Owner's Manufacturer Shall Supply and Install All Sign Posts, and Posts Furnished shall be of the Same Material, Size, and Color as Specified.

All work shall be in accordance with the City Manual of Traffic Signs and Traffic Control Devices for Streets and Highways, as well as State and Local Regulations, and the Manual of Uniform Traffic Control Devices for Streets and Highways, as well as State and Local Regulations.

Contractor shall verify all utility lines and shall be responsible for any damage to utility lines and shall be responsible for any damage to utility lines.

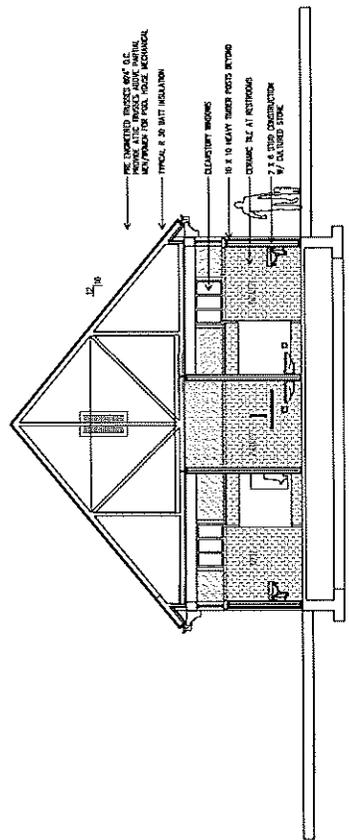
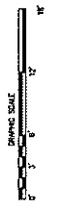
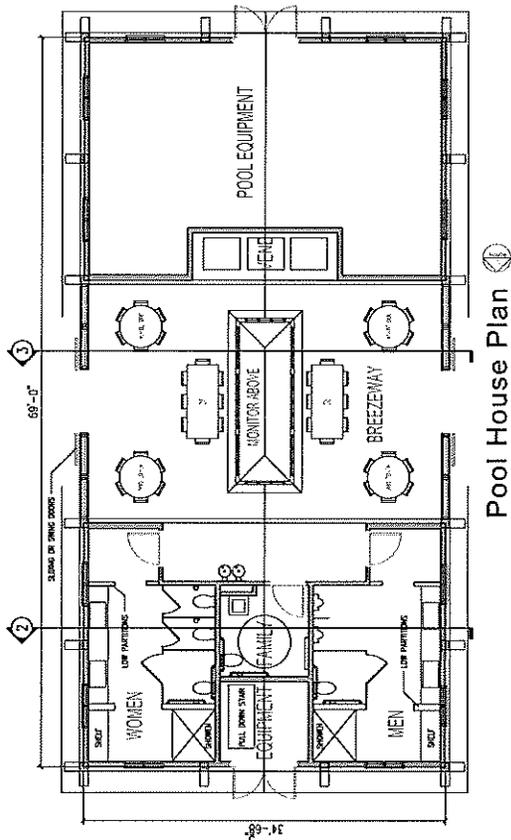
REVISIONS	DATE	BY	CHKD



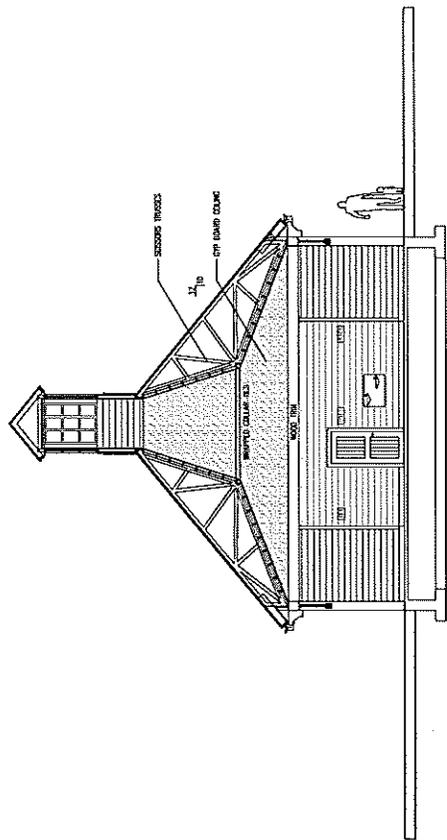
CITY OF DELAWARE
FINAL DEVELOPMENT PLAN
FOR
COMMUNITIES AT GLENROSS
POOL HOUSE & REC. AREA
POOL HOUSE SECTIONS



DATE: JUNE 17, 2014
SCALE: AS SHOWN
JOB NO.: 2014072
PROJECT: 10714

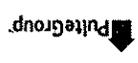


Pool House Section 2



Alternate Section 3
PRE ENGINEERED TRUSSES

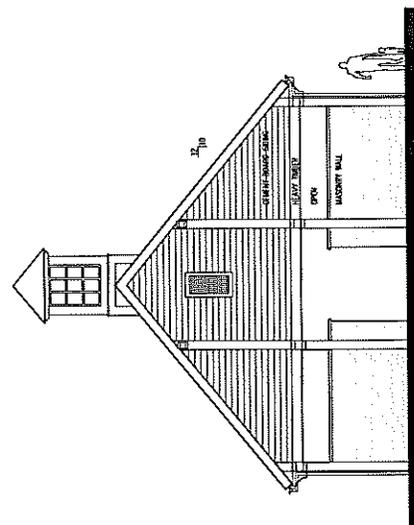
REVISIONS	DATE	BY	DESCRIPTION



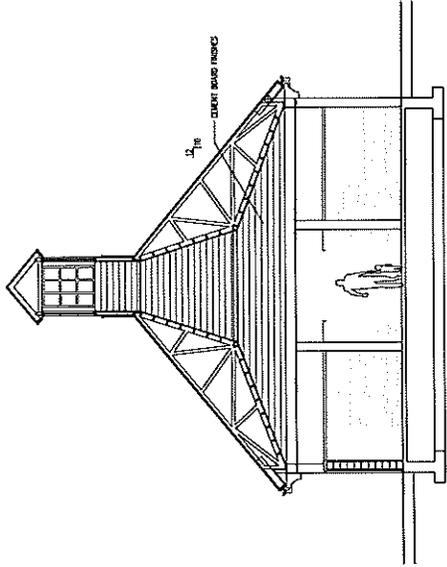
CITY OF DAYTON
FINAL DEVELOPMENT PLAN
FOR
COMMUNITIES AT GLENROSS
POOL HOUSE & REC. AREA
SHELTERHOUSE PLAN



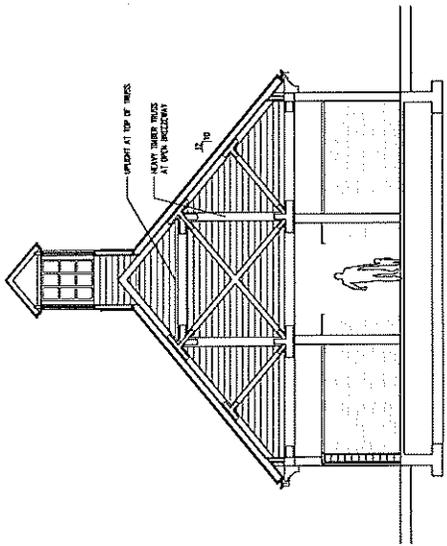
DATE: JUNE 11, 2014
SCALE: AS SHOWN
PROJECT NO: 20130078
SHEET NO: 12/14



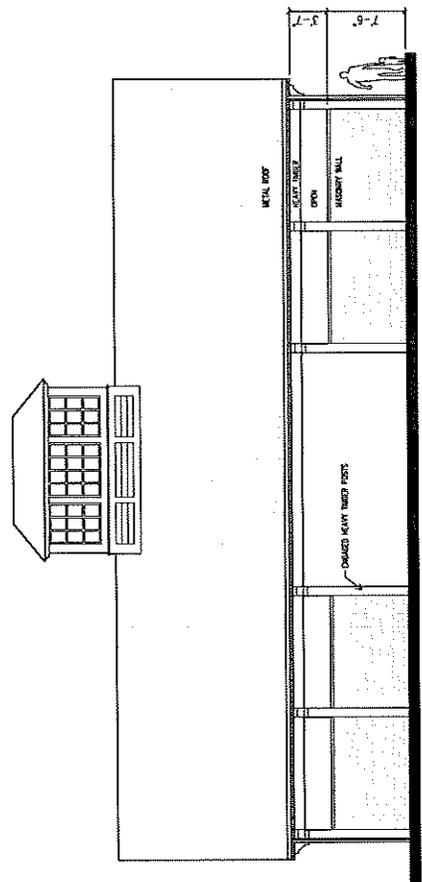
Shelter House Elevation South



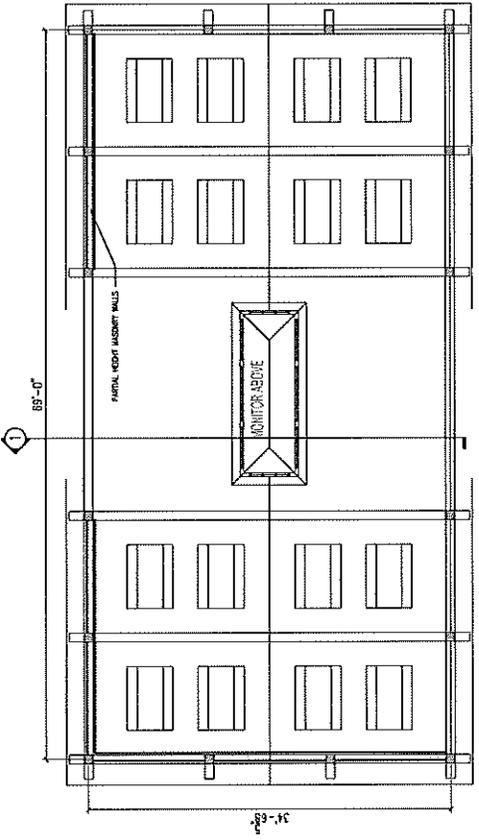
Alternate Section 1



Shelter House Section 1



Shelter House Elevation East



Shelter House Plan



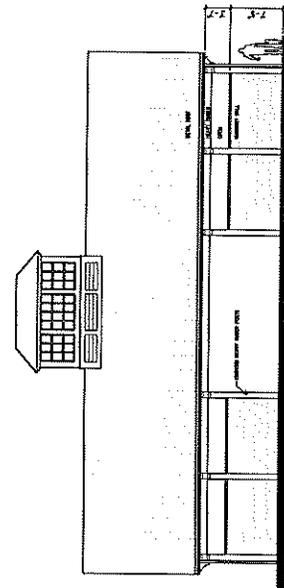
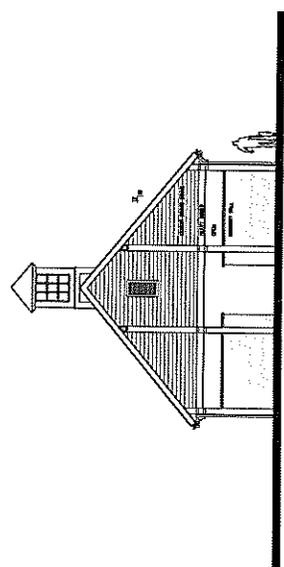
NO.	DATE	REVISIONS

PulteGroup

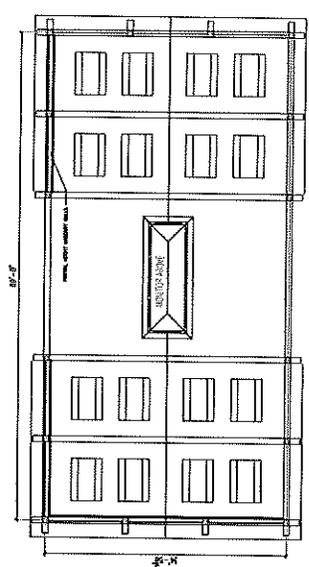
CITY OF DELAWARE, OHIO
FINAL DEVELOPMENT PLAN
FOR
COMMITTEES AT GLENROSS
POOL HOUSE & REC. AREA
PICNIC SHELTER

EMHT
Engineering, Mechanical, Heating, & Trenching
10000 W. 12th Street, Suite 100
Overland Park, KS 66211
Tel: 913.241.1100
Fax: 913.241.1101
www.emht.com

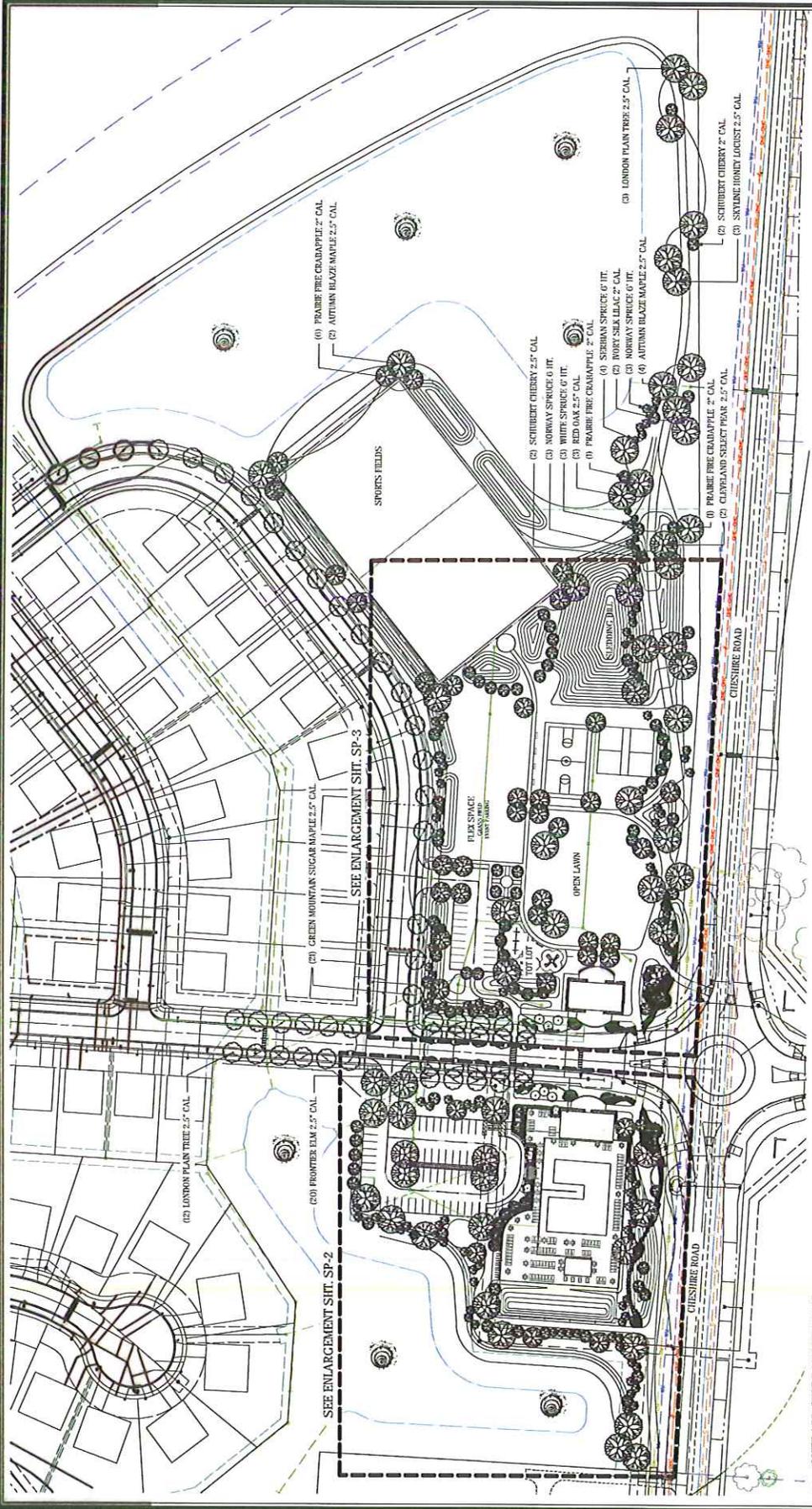
DATE: JUNE 17, 2014
SCALE: AS NOTED
PROJECT: 20140075
SHEET: 13/14



Picnic Shelter Elevation



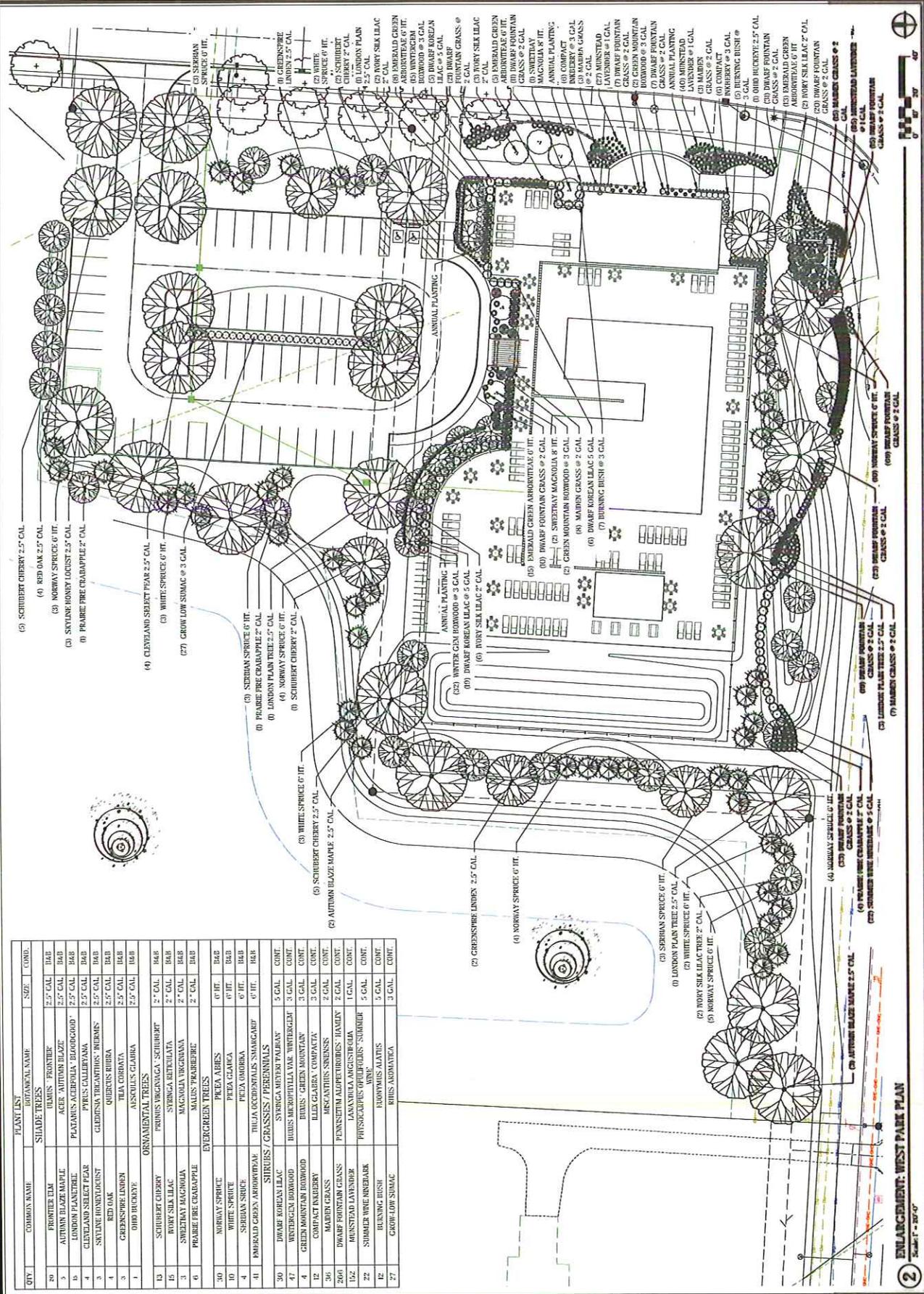
Picnic Shelter Plan



1 OVERALL SITE LAYOUT PLAN
 Scale: 1" = 60'-0"

CODE	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COND.
STREET TREE PLANT LIST					
SHADE TREES					
UL FR	20	FRONTIER ELM	ULMUS 'FRONTIER'	2.5' CAL	B&B
AS CM	21	GREEN MOUNTAIN SUGAR MAPLE	ACER SACCHARINUM 'GREEN MOUNTAIN'	2.5' CAL	B&B
PA LP	15	LONDON PLAIN TREE	PLATANUS AKBOTOLA 'LONDONGOOD'	2.5' CAL	B&B
PC CS	2	CLEVELAND SELECT PEAR	PYRUS CALLERYANA	2.5' CAL	B&B
CT SH	3	SKYLINE HONEY LOCUST	CLEDIPSA TRICANTIOS 'NEMENS'	2.5' CAL	B&B
QU BK	3	RED OAK	QUERCUS RUBRA	2.5' CAL	B&B

PI AB	6	NORWAY SPRUCE	PICEA ABIES	6' HT.	B&B
PI CL	3	WHITE SPRUCE <th>PICEA GLAUCA</th> <th>6' HT.</th> <th>B&B</th>	PICEA GLAUCA	6' HT.	B&B
PI OM	4	SERBIAN SPRUCE	PICEA OMORICA	6' HT.	B&B
ORNAMENTAL TREES					
PI SC	4	SCHUBERT CHERRY	PRUNUS VIBICINANA 'SCHUBERT'	2' CAL	B&B
MA PF	8	PEARLE FIRE CRABAPPLE	MAHUA 'PEARLE FIRE'	2' CAL	B&B
SY BE	2	BORNY SILK LEAF TREE	SYRINGA RETICULATA	2' CAL	B&B



QTY	COMMON NAME	PLANT LIST	SIZE	UNIT
20	FRONTIER ELM	SILVET BEES - FRONTIER	2.5' GAL	1648
3	AUTUMN BLAZE MAPLE	ACE AUTUMN BLAZE	2.5' GAL	1648
16	LONDON PLANTAIN	PLANTAIN'S ACEBERRY / BLOGGARD	2.5' GAL	1648
4	CLEVELAND SHEET PEAR	PEAR'S CALLERIANA	2.5' GAL	1648
3	SKYLINE HONEY LOCUST	GLEDITSIA TRILOBIATA'S 'HOLMAN'	2.5' GAL	1648
4	RED OAK	QUERCUS RUBRA	2.5' GAL	1648
3	GREENSPICE LINDEN	TELA CORONATA	2.5' GAL	1648
1	OHIO HICKORY	ASPICULUS GLABRA	2.5' GAL	1648
ORNAMENTAL TREES				
13	SCHUBERT CORYMB	FRUNIS VAGNAGA - SCHUBERT	2' - 0"	1648
15	PONY SILK LIAC	STYRGA RETICULATA	2' - 0"	1648
3	SWEETBAY MAGNOLIA	MAGNOLIA VIRGINIANA	2' - 0"	1648
6	PRAIRIE FIRE CRABAPPLE	MALES' PRABERRE	2' - 0"	1648
EVERGREEN TREES				
50	NORWAY SPRUCE	PECEA ABRES	0' IT.	1648
10	WHITE SPRUCE	PECEA GLAWGA	0' IT.	1648
4	SEBASTIAN SPRUCE	PECEA OMBRINA	0' IT.	1648
41	EMERALD GREEN ARBOVITAE	THILIA OCCIDENTALIS 'SMAUGARD'	0' IT.	1648
SHRUBS / GRASSES / PERENNIALS				
30	DWARF KOREAN LIAC	SYRIGGA MEYERI 'TALBARI'	3 GAL	COMT.
47	WESTERLY HEDER	HUBIS AKROPHILA VAK. WINTERGEM	3 GAL	COMT.
4	GREEN MOUNTAIN ROWOOD	HUBIS - GREEN MOUNTAIN	3 GAL	COMT.
12	CONTACT BURNING BUSH	ILEX GLABRA - COMPACTA	3 GAL	COMT.
306	MADRID GRASS	HEC-CATHUS-SMEXANS	2 GAL	COMT.
260	DWARF FOUNTAIN GRASS	PENNSETUM ALBERT-HUBER'S 'HARMEN'	2 GAL	COMT.
152	MINISTEAD LAVENDER	PHYSOCALYPSUS-ROBERTS 'SUMMUR WINE'	1 GAL	COMT.
22	SUMMER WINE ANEMONE	PHYSOCALYPSUS-ROBERTS 'SUMMUR WINE'	5 GAL	COMT.
12	BURNING BUSH	RUBUS ALAATIS	5 GAL	COMT.
27	GROW LOW SUNAC	RUBUS ARMATICA	3 GAL	COMT.

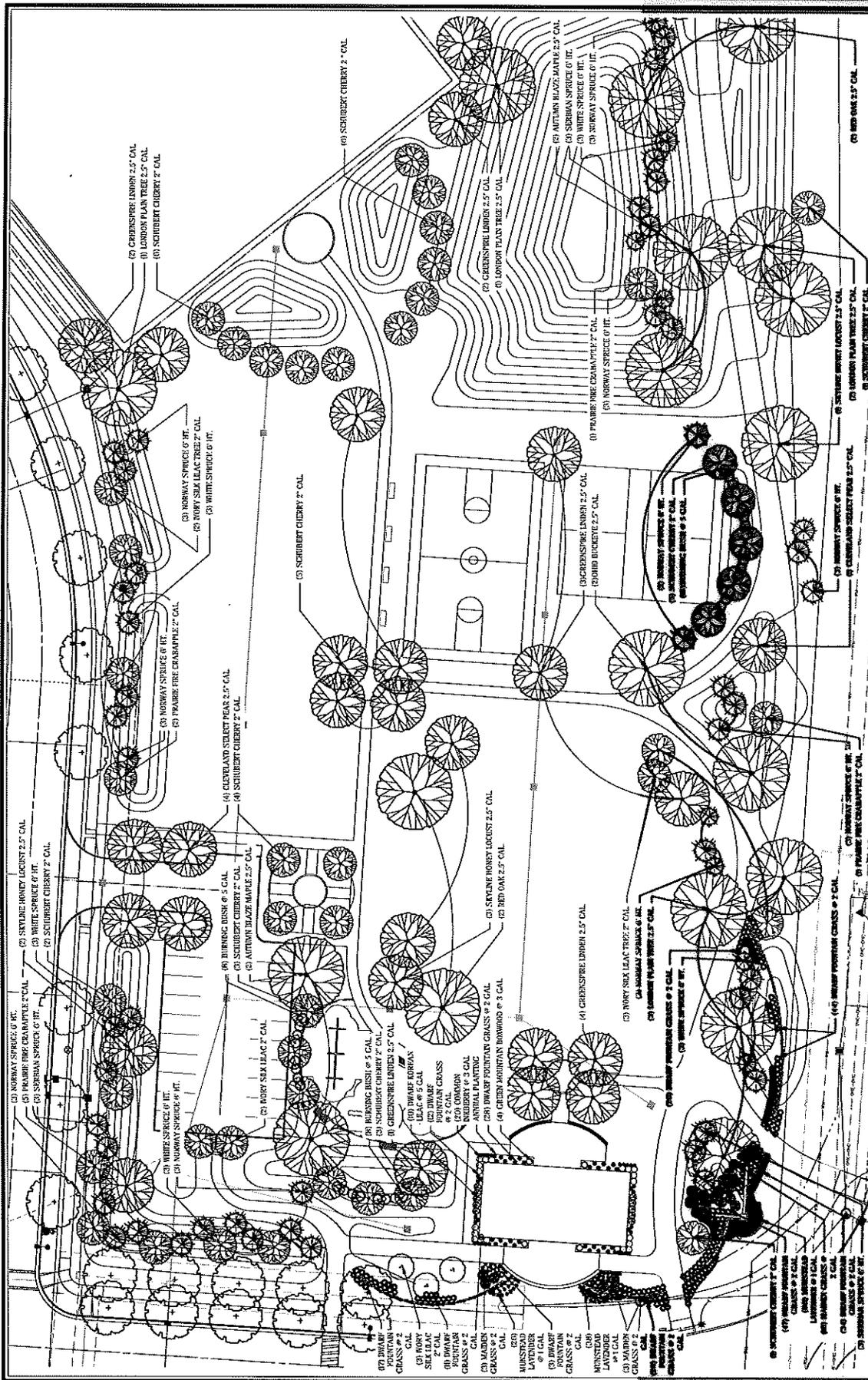
Blendon Gardens
 Landscaping... the investment that grows!

9590 SOUTH OLD STATE ROAD
 LEWIS CENTER, OHIO 43085
 614 882-0509 FAX 614 882-0824

GLENROSS POOL HOUSE & RECREATION FACILITY

DELAWARE COUNTY, OH

CHECKED BY: H. THOMPSON
 PROJECT NUMBER:
 SHEET:
 SP-3



3 ENLARGEMENT: EAST PARK PLAN
 Scale: 1" = 20'-0"

QTY	COMMON NAME	BOTANICAL NAME	SIZE	LEVEL
1	GREEN WAVE	ROBINIA PSEUDO-ACACIA	12' CAL.	100
2	SHADE TREEN	ACER FRAXINIFOLIA	12' CAL.	100
3	ACER	ACER FRAXINIFOLIA	12' CAL.	100
4	NORWAY SPRUCE	PICEA MARIA	6 FT.	100
5	SHURBUNT CHERRY	PRAIRIE DOGWOOD	2' CAL.	100
6	SHURBUNT CHERRY	SWITCHGRASS	2' CAL.	100
7	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
8	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
9	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
10	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100

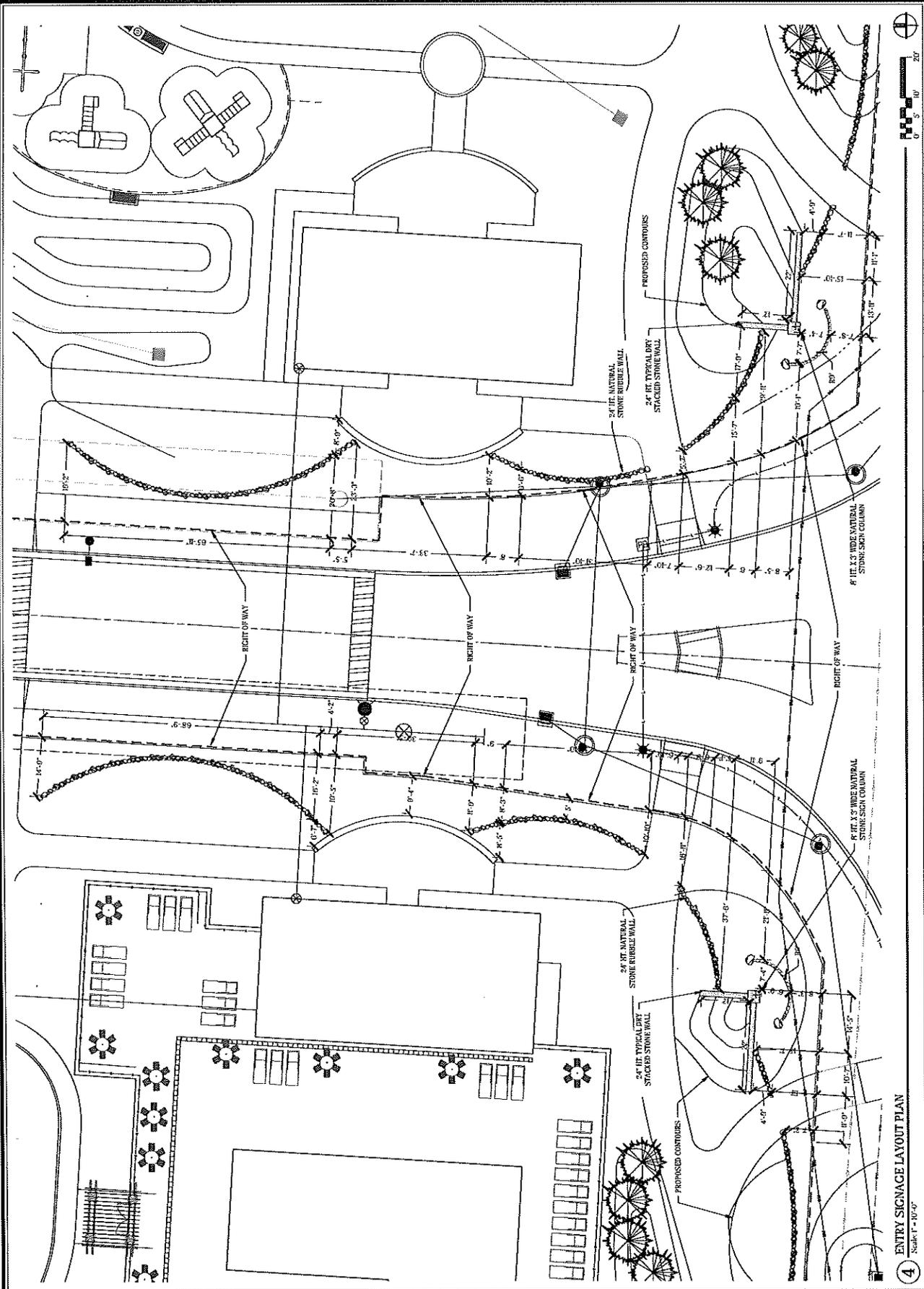
QTY	COMMON NAME	BOTANICAL NAME	SIZE	LEVEL
1	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
2	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
3	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
4	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
5	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
6	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
7	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
8	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
9	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100
10	SHURBUNT CHERRY	SHURBUNT CHERRY	2' CAL.	100


BENDON GARDENS
 Landscaping... the investment that grows!
 9390 SOUTH OLD STATE ROAD
 LEWIS CENTER, OHIO 43015
 P 614 450 0500 F 614 450 0504

THIS DRAWING IS THE PROPERTY OF BENDON GARDENS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

GLENROSS
POOL HOUSE & RECREATION FACILITY
 DELAWARE COUNTY, OH

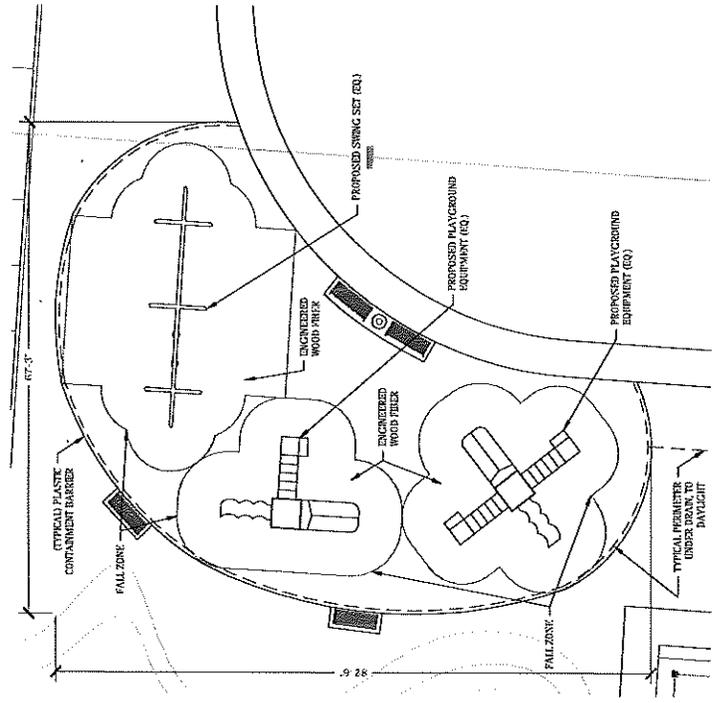
PROJECT:	REVISIONS:
DATE:	
DRAWN BY:	
CHECKED BY:	
PROJECT NUMBER:	
SHEET:	SP-4



4 ENTRY SIGNAGE LAYOUT PLAN
 Scale 1" = 10'-0"

GENERAL PLANTING NOTES

1. CONTRACTOR TO VERIFY WITH OWNER AND UTILITY COMPANIES THE LOCATIONS OF ALL UTILITIES AND TO VERIFY THE DEPTHS OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING ALL UTILITIES. UTILITIES SHOULD BE SHOWN ON THE PLANS OR NOTED. THE CONTRACTOR SHALL CALL UTILITY PROTECTION SERVICE 72 HOURS PRIOR TO CONSTRUCTION.
2. EXAMINE FINISH SURFACE GRADINGS, TROUSQUOUILLY AND DETAIL. DO NOT START ANY WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. VERIFY LIMITS OF WORK BEFORE STARTING.
3. CONTRACTOR TO RETAIN ALL DAMAGES TO EXISTING CONDITIONS AND BEAR RESPONSIBILITY FOR SATISFACTORY PERFORMANCE.
4. ALL PLANT MASSING TO BE CONTAINED WITHIN BARK MULCH BED.
5. BIRD NETS TO BE NO LESS THAN 18" AND NO MORE THAN 24" FROM OUTER BRUSH OF PLANT MATERIAL BRANCHING.
6. ALL STAKES TO BE A MINIMUM OF 4'-0" FROM PLANT ROOT EDGE UNLESS SPECIFICALLY NOTED OTHERWISE.
7. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN LAWN AREAS.
8. FINE GRADE LAWN AREAS TO PROVIDE A SMOOTH AND CONTINUAL GRADE. FREE OF BIRDCHEMISES OR DEPRESSIONS.
9. IN AREAS DISCONTIGATED "ANNUALS": LANDSCAPE CONTRACTOR TO PREPARE SOIL WITH ANNUAL PLANT MATTER AND A MINIMUM 2" DEEP MARK MULCH FOR SUBSEQUENT PLANTING IN SPRING.
10. QUANTITIES SHOWN ARE INTENDED TO ASSIST CONTRACTOR IN EVALUATING THEIR OWN MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE BID QUANTITIES AS REQUIRED BY THE PLAN AND SPECIFICATIONS.
11. COORDINATE LANDSCAPE INSTALLATION WITH INSTALLATION OF UNDERGROUND SPRINKLER SYSTEM IF APPLICABLE.
12. WHERE PROPOSED TREE LOCATIONS OCCUR UNDER EXISTING OVERHEAD UTILITIES OR CRUISE EXISTING TREES, NOTIFY THE CONSULTANT TO ADJUST TREE LOCATIONS.



DETAIL: TOT LOT LAYOUT PLAN
N.T.S.

KICHLER

100 GLENBURY LANE, SUITE 100
WILMINGTON, OHIO 45390
PHONE: 513.251.8500
WWW.KICHLER.COM

LED ACCENT LIGHTS
N.T.S.

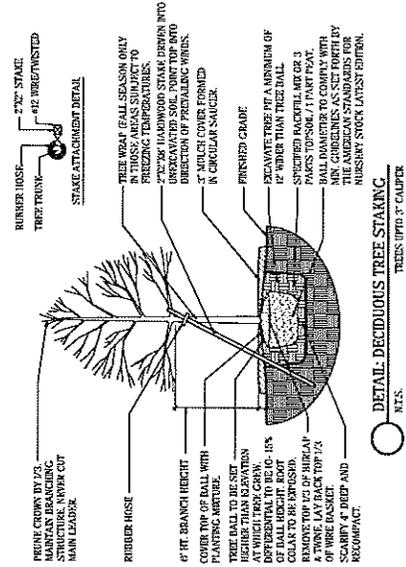
DETAIL: TYPICAL LIGHTING FIXTURE
N.T.S.

BLANDON GARDENS
Landscape... the investment that grows!

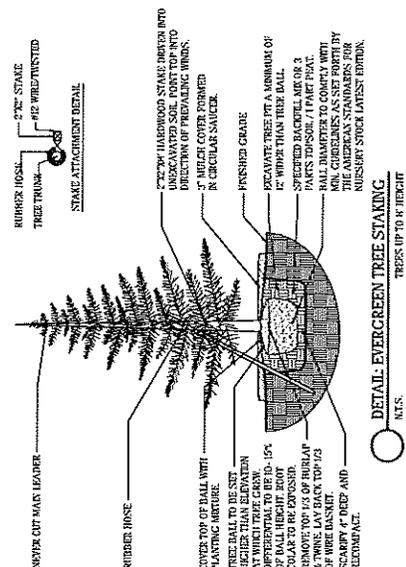
9595 SOUTH OLD STATE ROAD
LEWIS CENTER, OHIO 43035
P: 614.493.0500 F: 614.493.0504

GLENROSS
POOL HOUSE & RECREATION FACILITY
DELAWARE COUNTY, OH

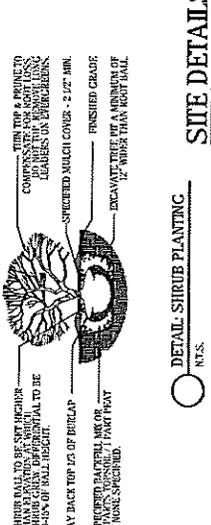
PROJECT NO. 15-00000000
DATE: 11/11/15
DRAWN BY: [Redacted]
CHECKED BY: H. THORNTON
PROJECT NUMBER: [Redacted]
SHEET: SD-2



DETAIL: DECIDUOUS TREE STAKING
TREES: UP TO 3" CALIPER
N.T.S.



DETAIL: EVERGREEN TREE STAKING
TREES: UP TO 4\"/>



DETAIL: SHRUB PLANTING
N.T.S.

DETAIL: SITE DETAILS
SCALE: NONE



**CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM**



Project # _____

Case # 2016-2057

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | Board of Zoning Appeals |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input checked="" type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

POOL HOUSE + REC. Area

Subdivision/Project Name COMMUNITIES AT GLENROSS Address CHESHIRE ROAD, DELAWARE OHIO

Acreage 22.7 Square Footage _____ Number of Lots 2 Number of Units _____

Zoning District/Land Use PMU/RZ Proposed Zoning/Land Use PMU/RZ Parcel # _____

Applicant Name PULTE HOMES OF OHIO LLC. Contact Person Joel West

Applicant Address 4900 TUTTLE CROSSING BLVD

Phone 614-376-1082 Fax 614-356-6801 E-mail Joel.west@pulte.com

Owner Name PULTE HOMES OF OHIO LLC. Contact Person Joel West

Owner Address 4900 TUTTLE CROSSING BLVD

Phone 614-376-1082 Fax 614-356-6801 E-mail Joel.west@pulte.com

Engineer/Architect/Attorney EMHT Contact Person JEFF STRUNG

Address 5500 NEW ALBANY ROAD, COLUMBUS OHIO 43054

Phone 614-775-4700 Fax 614-775-4887 E-mail JSTRUNG@EMHT.COM

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Math Callahan
Owner Signature

Math Callahan **Division VP Land Acquisition**
Owner Printed Name

Joel R. West
Agent Signature

JOEL R. WEST / LAND DEVELOPMENT MANAGER
Agent Printed Name

Sworn to before me and subscribed in my presence this 16th day of JUNE, 2016.



STEPHEN PECK
Notary Public, State of Ohio
My Commission Expires 01/18/2017

Stephen Peck
Notary Public



FACT SHEET

AGENDA ITEM NO: 12

DATE: 8/8/16

ORDINANCE NO: 16-63

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 acres.

Access is gained through Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and

minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width (minimum 6 feet). The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

There is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-63

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive (PC 2016-2059), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___

PASSED: _____, 2016

ABSTAIN ____

YEAS ____ NAYS ____

ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 13

DATE: 8/8/16

ORDINANCE NO: 16-64

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 acres.

Access is gained through Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and

minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width (minimum 6 feet). The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

There is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

ORDINANCE NO. 16-64

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive (PC 2016-2060), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The single family houses shall comply with the Sub-Area IIC Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding

and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.

6. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2059 & 2060

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 8

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2059: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive.

2016-2060: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Section 6 between Sections 9 and 10 and located on Eagle Walk Road and White Fawn Run. The zoning of the subject site is R-2 PMU (Single-Family Residential District with a Planned Mixed Use Overlay District) as are the properties to the north, south and west. The property to the east is zoned residential in Berlin Township.

BACKGROUND

The Communities at Glenross development was annexed and zoned in 2006 and received a Rezoning Amendment and Amended Preliminary Development Plan and Preliminary Subdivision Plat approval in July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling units. Compared to the Golf Club at Glenross development, the Communities at Glenross has a much more detailed sub-area plan and Development Text. The development is located in several zoning sub-areas on both sides of Cheshire Road and includes significant open space, park area, a club house, and buffering amenities.

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 acres.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that recommends a future land use of Mixed Use consistent with the PMU Overlay zoning and associated development text and preliminary plans. The proposed single family development achieves compliance with the comprehensive plan.
- **ENGINEERING:** The Applicant has submitted final engineering drawings for review by the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department. All utilities shall be stubbed to the section line to facilitate future adjacent development.
- **ROADS, TRAFFIC & ACCESS:** Access is gained through Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. All the streets would have to achieve compliance with minimum engineering standards
- **LOT SIZE:** This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width

(minimum 6 feet). All lots meet or exceed minimum requirements of the approved text and are in conformance with the approved Amended Preliminary Development Plan and Preliminary Subdivision Plat.

- **DESIGN:** The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **LIGHTING PLAN:** A lighting plan needs to be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
 - **LANDSCAPE PLAN:** A street tree plan needs to be submitted, reviewed, and approved by the Shade Tree Commission. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
 - **OPEN SPACE/RESERVE AREA:** There is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission. In addition per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **MISCELLANEOUS:** This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.
-

STAFF RECOMMENDATION – (FINAL DEVELOPMENT PLAN - 2016-2059)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
 2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2060)

Staff recommends approval of a request by Pulte Homes of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive, with the following conditions that:

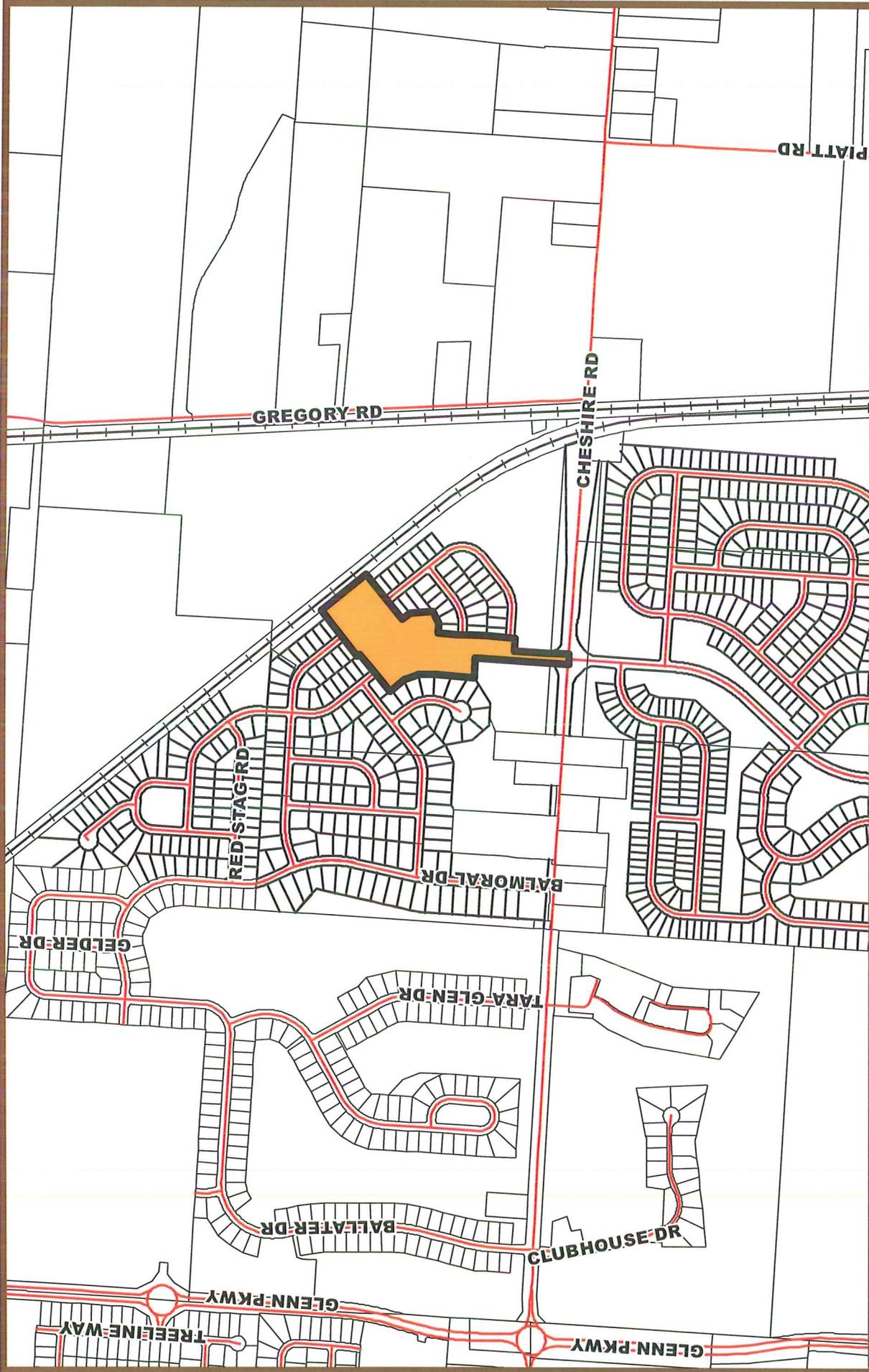
1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout

and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.

2. The single family houses shall comply with the Sub-Area IIC Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.
6. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

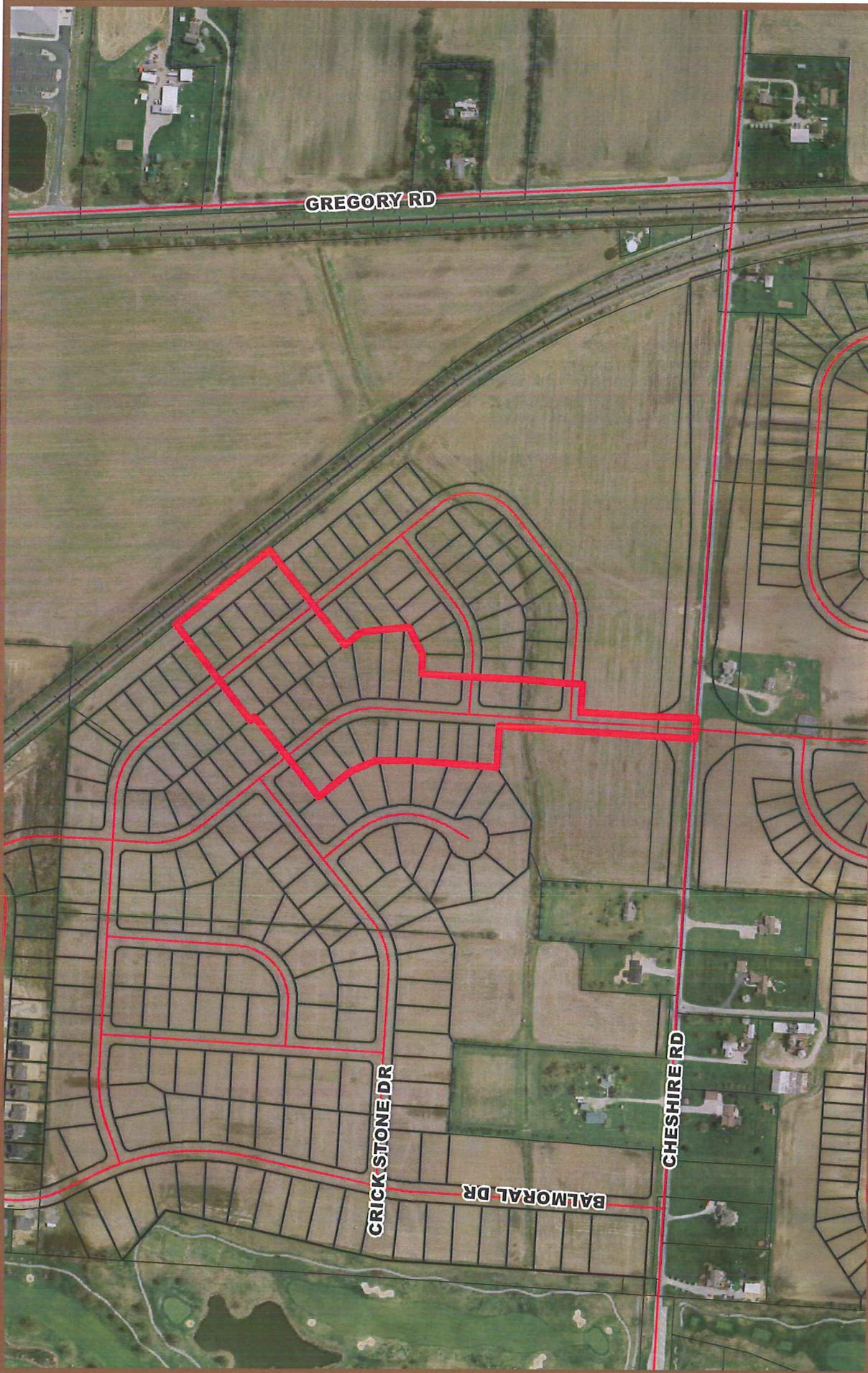
CONCLUSIONS

- The proposal is consistent with the Land Use element of the Comprehensive Plan.
- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



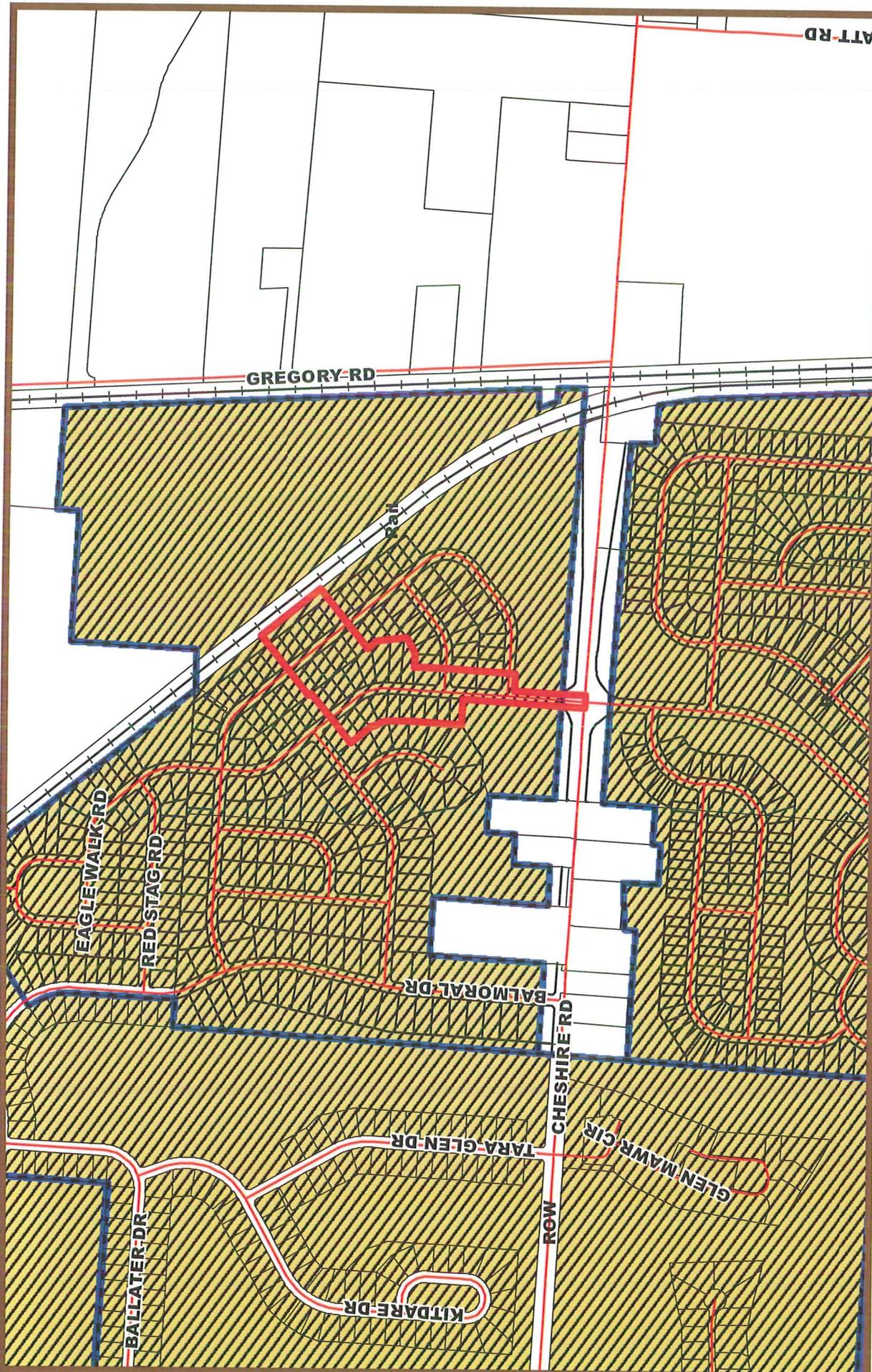
2016-2059 & 2060
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 8
 Location Map





2016-2059 & 2060
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 8
Aerial (2013)





2016-2059 & 2060
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 8
 Zoning Map





FACT SHEET

AGENDA ITEM NO: 14

DATE: 8/8/16

ORDINANCE NO: 16-65

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 acres.

Access is gained through Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard

setbacks are 10 feet. The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. There is not any open space or reserve area located in Section 9. However, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-65

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way (PC 2016-2061), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2061 & 2062

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 9

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2061: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

2016-2062: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Sections 6 and 7 and located on Crick Stone Drive and Silver Fox Way. The zoning of the subject site is R-2 PMU (Single-Family Residential District with a Planned Mixed Use Overlay District) as are the properties to the north, south and west. The property to the east is zoned residential in Berlin Township.

BACKGROUND

The Communities at Glenross development was annexed and zoned in 2006 and received a Rezoning Amendment and Amended Preliminary Development Plan and Preliminary Subdivision Plat approval in July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling units. Compared to the Golf Club at Glenross development, the Communities at Glenross has a much more detailed sub-area plan and Development Text. The development is located in several zoning sub-areas on both sides of Cheshire Road and includes significant open space, park area, a club house, and buffering amenities.

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 acres.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that recommends a future land use of Mixed Use consistent with the PMU Overlay zoning and associated development text and preliminary plans. The proposed single family development achieves compliance with the comprehensive plan.
- **ENGINEERING:** The Applicant has submitted final engineering drawings for review by the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department. All utilities shall be stubbed to the section line to facilitate future adjacent development.
- **ROADS, TRAFFIC & ACCESS:** Access is gained through Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. All the streets would have to achieve compliance with minimum engineering standards
- **LOT SIZE:** This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 10 feet.

All lots meet or exceed minimum requirements of the approved text and are in conformance with the approved Amended Preliminary Development Plan and Preliminary Subdivision Plat.

- **DESIGN:** The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **LIGHTING PLAN:** A lighting plan needs to be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
 - **LANDSCAPE PLAN:** A street tree plan needs to be submitted, reviewed, and approved by the Shade Tree Commission. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
 - **OPEN SPACE/RESERVE AREA:** There is not any open space or reserve area located in Section 9. However per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **MISCELLANEOUS:** This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.
-

STAFF RECOMMENDATION – (FINAL DEVELOPMENT PLAN - 2016-2061)

Staff recommends approval of a request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
 2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2062)

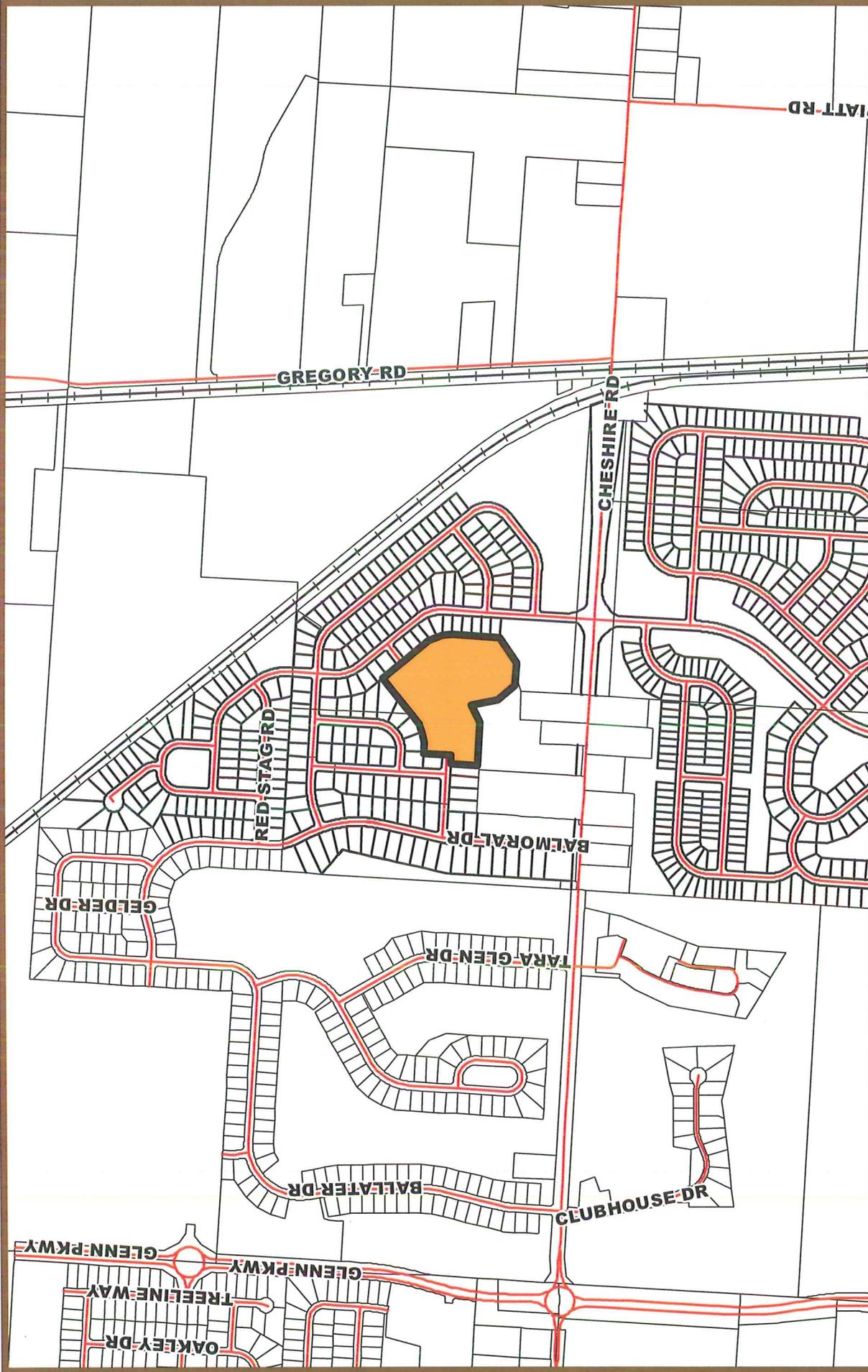
Staff recommends approval of a request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The single family houses shall comply with the Sub-Area IIA Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be reviewed and approved by the Shade Tree Commission.

5. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
 6. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
-

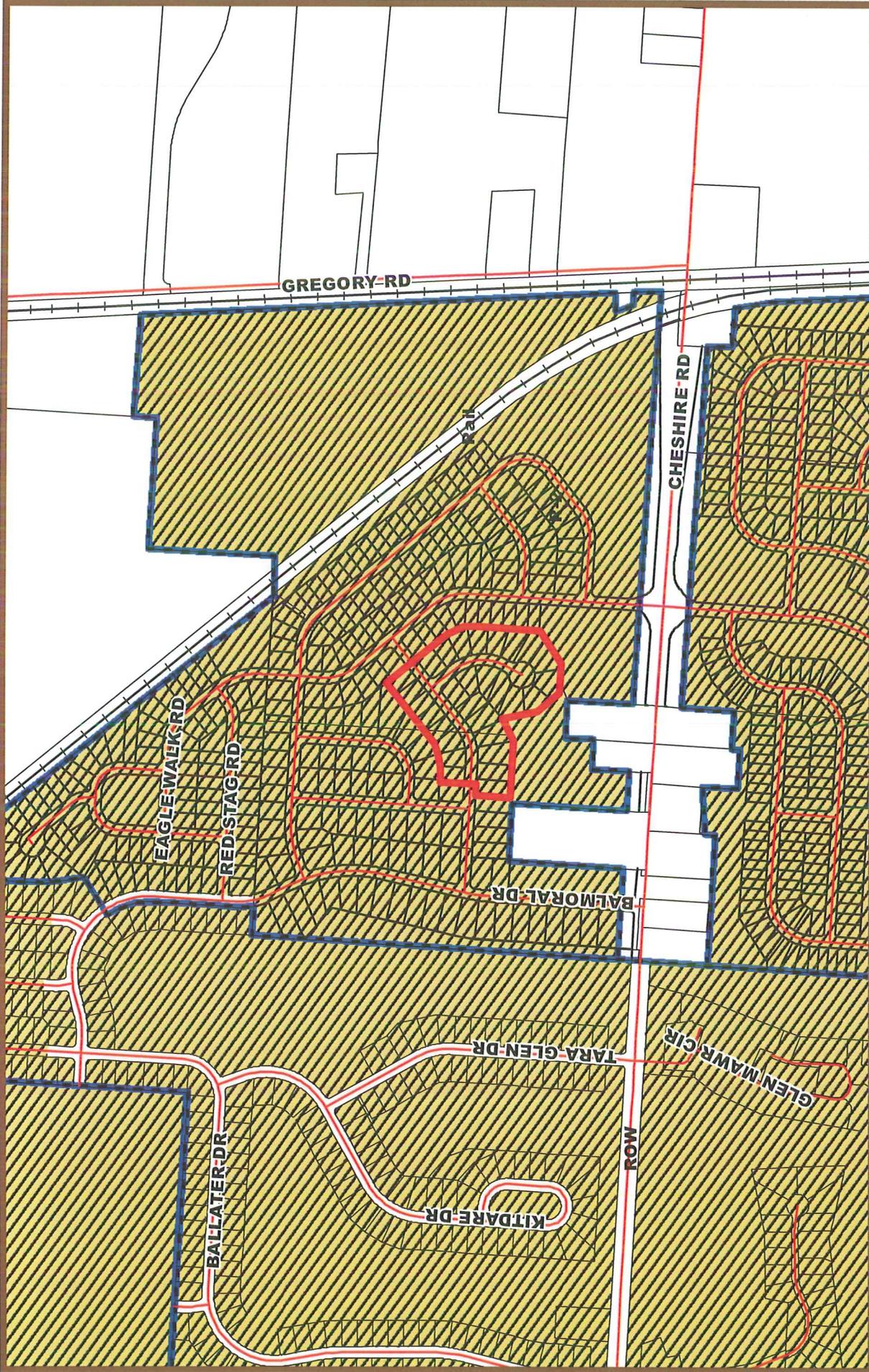
CONCLUSIONS

- The proposal is consistent with the Land Use element of the Comprehensive Plan.
- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



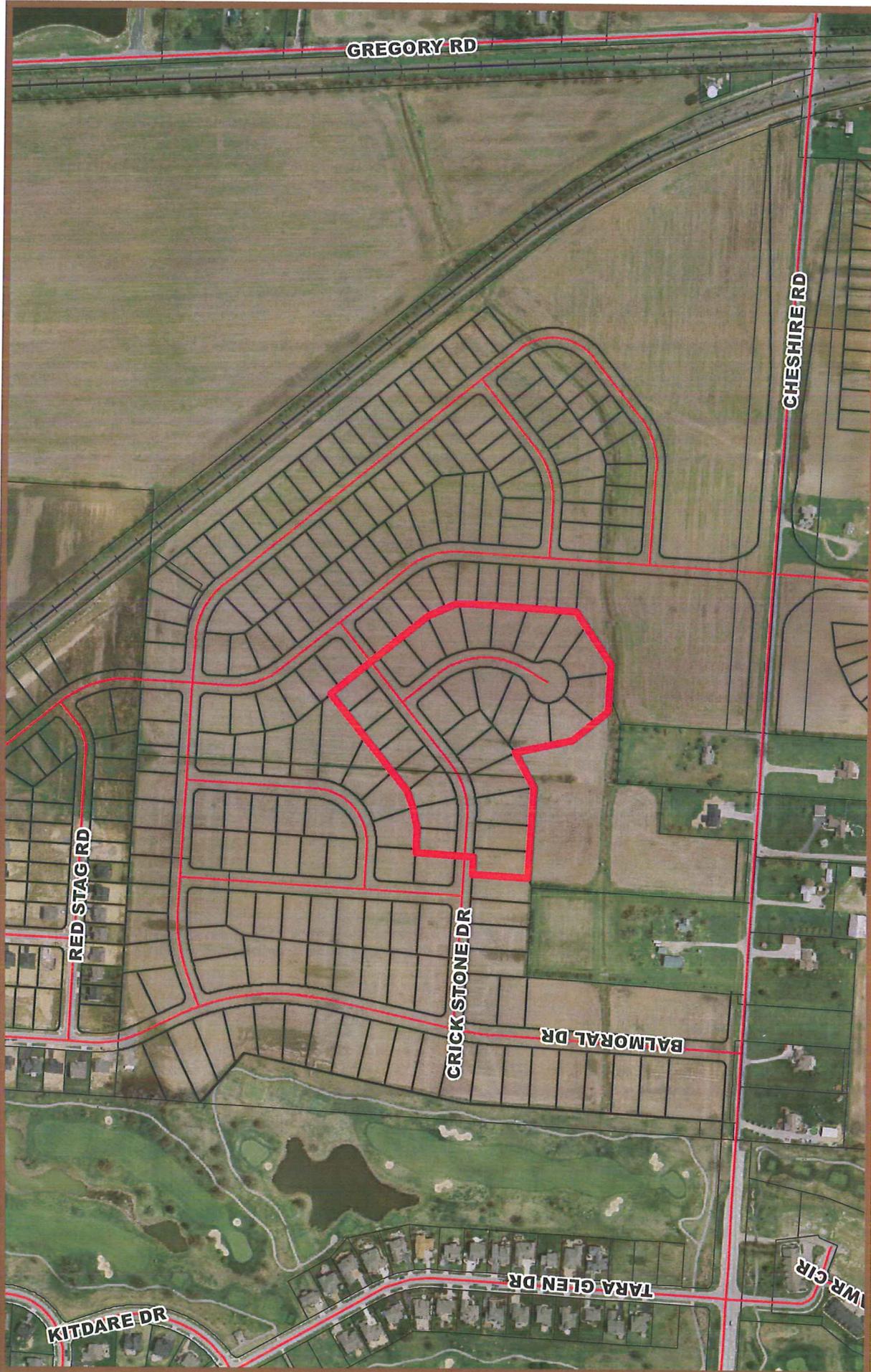
2016-2061 & 2062
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 9
 Location Map





2016-2061 & 2062
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 9
 Zoning Map





2016-2061 & 2062
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 9
Aerial (2013)



CITY OF DELAWARE, DELAWARE COUNTY, OHIO
 FINAL DEVELOPMENT PLAN
COMMUNITIES AT GLENROSS
 SECTIONS 8, 9 & 10
 LANDSCAPE PLAN AND DETAILS

4009 TITLE CROSSING DRIVE
 DELEW, OHIO 43014
 PH: (614) 356-5894
Pulte
 HOMES

EMHT
 ENGINEERING & ARCHITECTURE
 10000 W. STATE ST., SUITE 100
 COLUMBUS, OHIO 43240
 PH: (614) 291-1100
 FAX: (614) 291-1101
 WWW.EMHT.COM

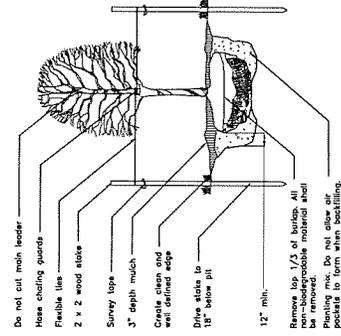
DATE: June 16, 2016
 SCALE: 1" = 100'
 SHEET NO.: 210501A
 SHEET: 8/9

GENERAL NOTES

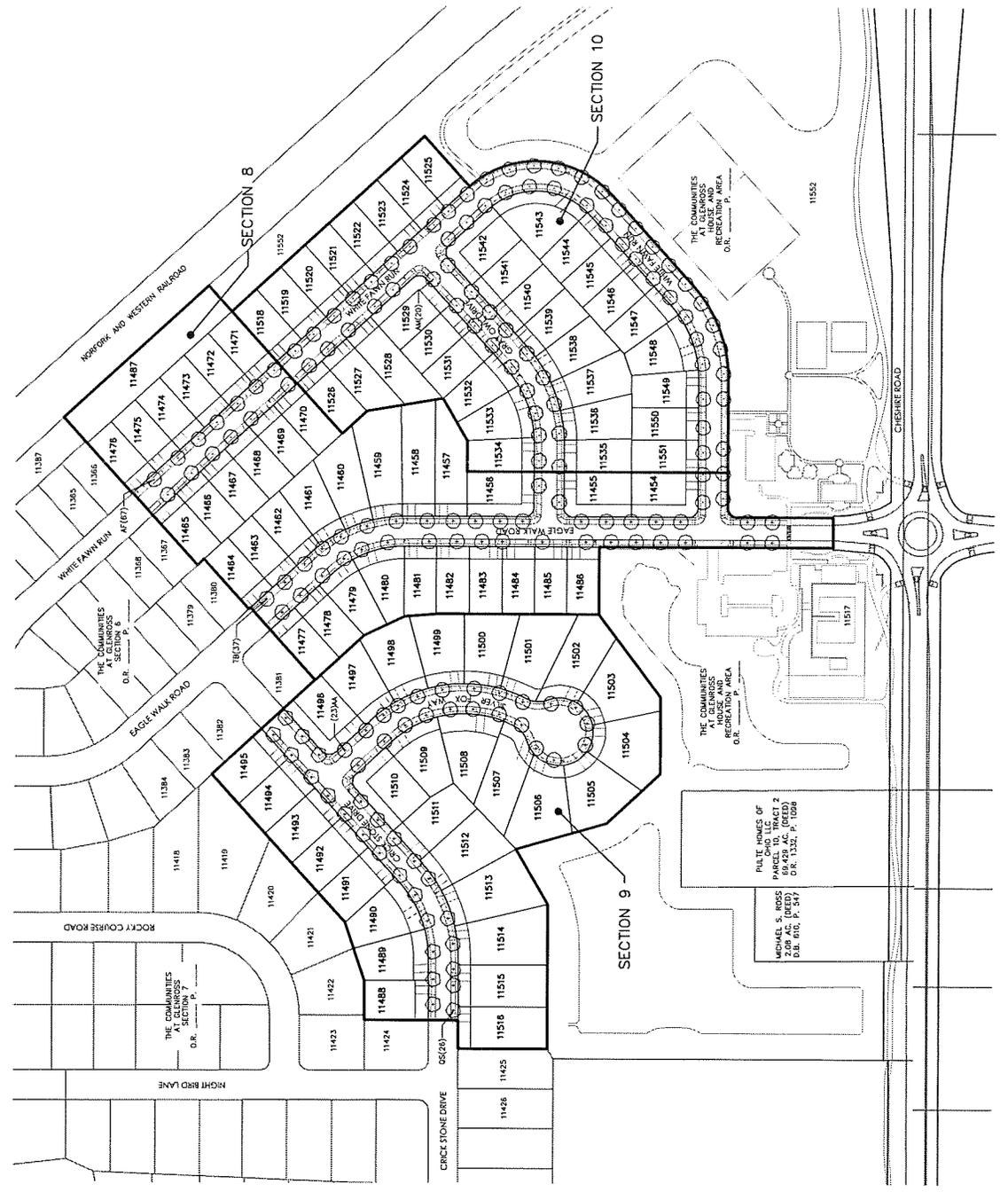
1. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
2. Contractors shall be responsible for the protection of existing trees and structures and verify the address, orientation, utility locations, and tree conditions and verify the address, orientation, utility locations, and tree conditions and verify the address, orientation, utility locations, and tree conditions.
3. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
4. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
5. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
6. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
7. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
8. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
9. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
10. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
11. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
12. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
13. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
14. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
15. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
16. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
17. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
18. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
19. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.
20. All tree removals shall be approved by the City of Delaware Street Tree Commission prior to installation.

PLANT SCHEDULE

TREES	DIX	BEHNSON	NAME	SIZE	CONDITION
AA	21	AA	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AB	21	AB	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AC	21	AC	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AD	21	AD	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AE	21	AE	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AF	21	AF	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AG	21	AG	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AH	21	AH	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AI	21	AI	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AJ	21	AJ	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AK	21	AK	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AL	21	AL	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AM	21	AM	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AN	21	AN	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AO	21	AO	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AP	21	AP	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AQ	21	AQ	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AR	21	AR	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AS	21	AS	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AT	21	AT	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AU	21	AU	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AV	21	AV	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AW	21	AW	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AX	21	AX	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AY	21	AY	Amelanchier 'Autumn Blaze'	2" Cal.	BAR
AZ	21	AZ	Amelanchier 'Autumn Blaze'	2" Cal.	BAR



1. DECIDUOUS TREE UNDER 3" CALIPER
 N.T.S.
 Trees shall be installed in the tree form.
 No trees shall be placed within 10' of a hydrant.





FACT SHEET

AGENDA ITEM NO: 15

DATE: 8/8/16

ORDINANCE NO: 16-66

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 acres.

Access is gained through Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard

setbacks are 10 feet. The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. There is not any open space or reserve area located in Section 9. However, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

ORDINANCE NO. 16-66

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way (PC 2016-2062), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The single family houses shall comply with the Sub-Area IIA Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be reviewed and approved by the Shade Tree Commission.
5. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building

permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.

6. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 16

DATE: 8/8/16

ORDINANCE NO: 16-67

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 acres.

Access is gained through Section 8 from White Fawn Run and Gray Owl Court. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width (minimum 6 feet). The comprehensive and

extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-67

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive (PC 2016-2063), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___

PASSED: _____, 2016

ABSTAIN ____

YEAS ____ NAYS ____

ATTEST: _____
CITY CLERK

ABSTAIN ____

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2063 & 2064

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 10

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2063: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.

2016-2064: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Section 8 and located on White Fawn Run and Gray Owl Drive. The zoning of the subject site is R-2 PMU (Single-Family Residential District with a Planned Mixed Use Overlay District) as are the properties to the north, south and west. The property to the east is zoned residential in Berlin Township.

BACKGROUND

The Communities at Glenross development was annexed and zoned in 2006 and received a Rezoning Amendment and Amended Preliminary Development Plan and Preliminary Subdivision Plat approval in July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling units. Compared to the Golf Club at Glenross development, the Communities at Glenross has a much more detailed sub-area plan and Development Text. The development is located in several zoning sub-areas on both sides of Cheshire Road and includes significant open space, park area, a club house, and buffering amenities.

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 acres.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that recommends a future land use of Mixed Use consistent with the PMU Overlay zoning and associated development text and preliminary plans. The proposed single family development achieves compliance with the comprehensive plan.
- **ENGINEERING:** The Applicant has submitted final engineering drawings for review by the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department. All utilities shall be stubbed to the section line to facilitate future adjacent development.
- **ROADS, TRAFFIC & ACCESS:** Access is gained through Section 8 from White Fawn Run and Gray Owl Court. All the streets would have to achieve compliance with minimum engineering standards
- **LOT SIZE:** This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width (minimum 6 feet). All lots meet or exceed minimum requirements of the approved text and are in conformance with the approved Amended Preliminary Development Plan and Preliminary Subdivision Plat.

- **DESIGN:** The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **LIGHTING PLAN:** A lighting plan needs to be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
 - **LANDSCAPE PLAN:** A street tree plan needs to be submitted, reviewed, and approved by the Shade Tree Commission. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
 - **OPEN SPACE/RESERVE AREA:** There is a single open area located in Section 7 adjacent to the railroad tracks behind eight lots allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission. In addition per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **MISCELLANEOUS:** This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.
-

STAFF RECOMMENDATION – (FINAL DEVELOPMENT PLAN - 2016-2063)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
 2. The subject plan shall achieve compliance with the approved Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2064)

Staff recommends approval of a request by Pulte Homes of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.

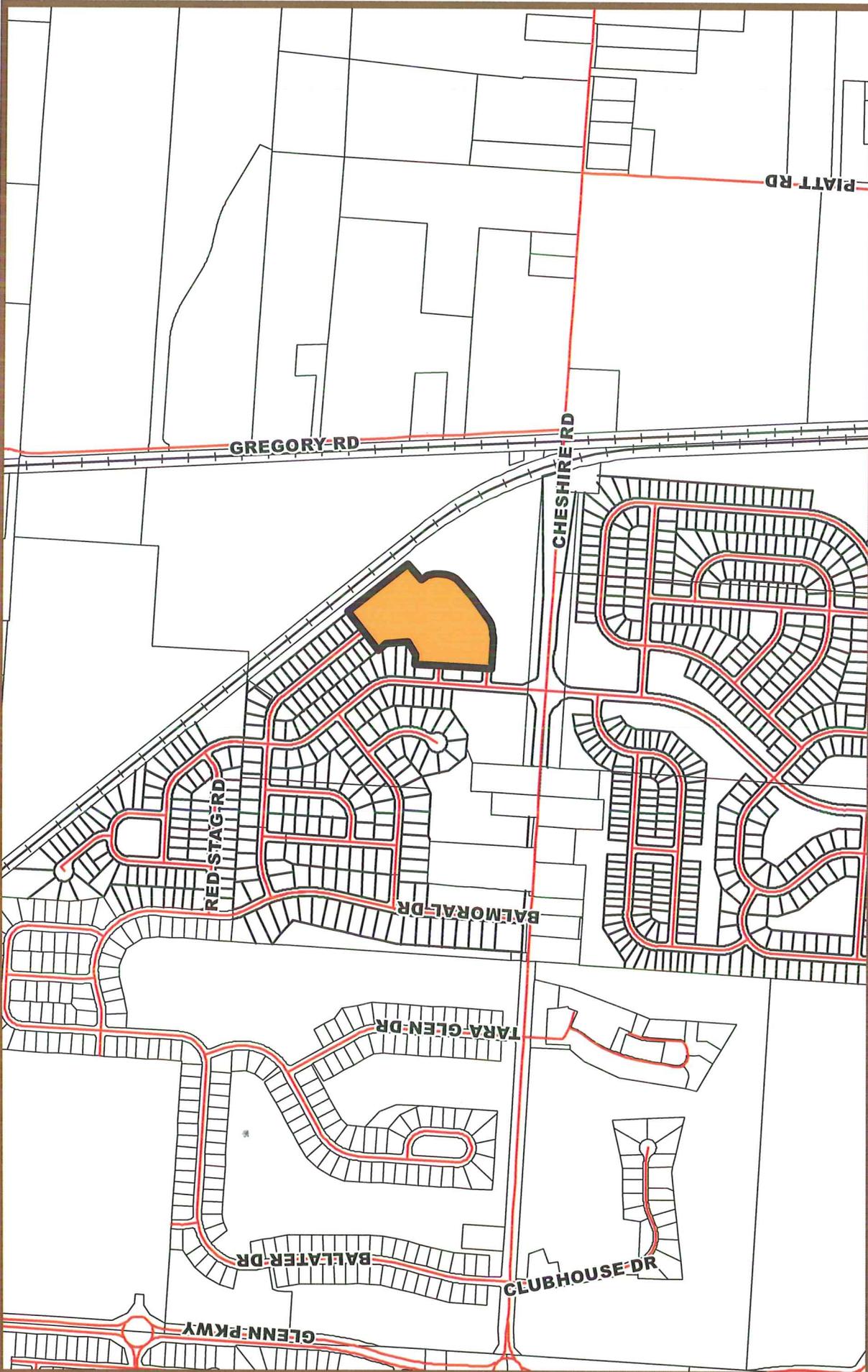
2. The single family houses shall comply with the Sub-Area IIC Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.
6. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
8. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

CONCLUSIONS

- The proposal is consistent with the Land Use element of the Comprehensive Plan.
- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



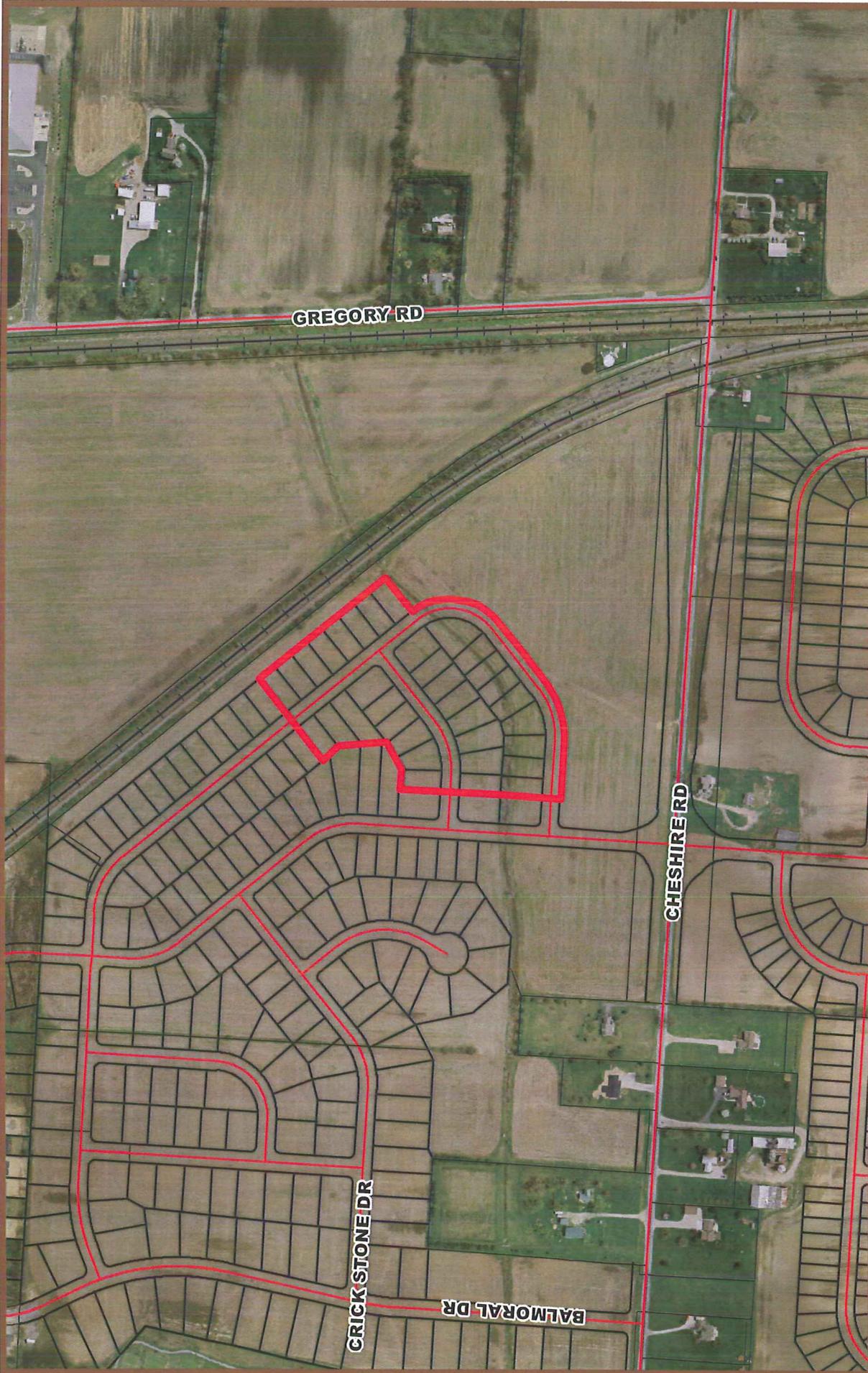
2016-2063 & 2064
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 10
Location Map





2016-2063 & 2064
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 10
 Zoning Map

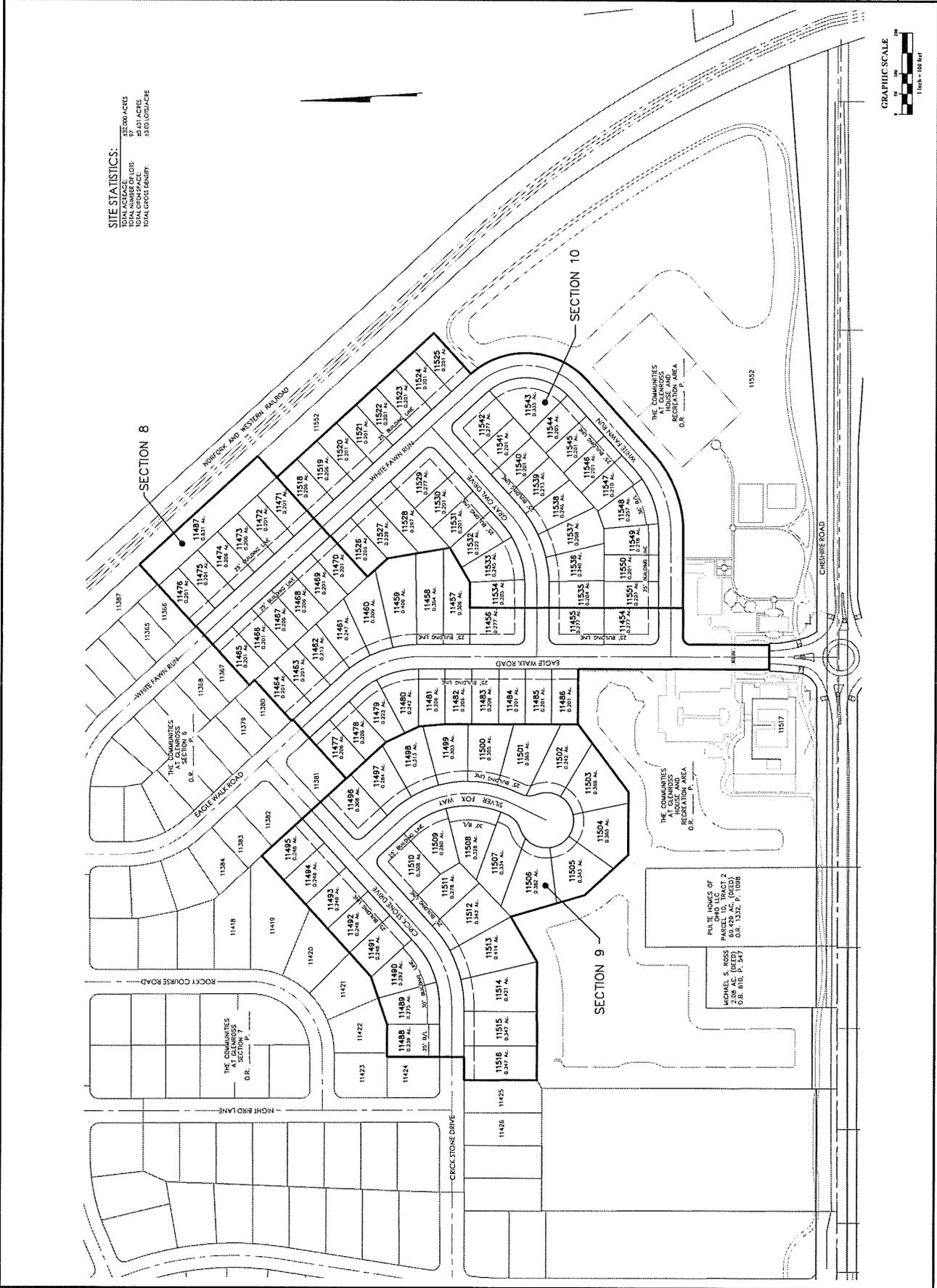




2016-2063 & 2064
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 10
Aerial (2013)



SITE STATISTICS:
 TOTAL GROSS ACRES: 57.000 ACRES
 TOTAL NUMBER OF LOTS: 97
 TOTAL GROSS SQUARE FOOTAGE: 4,510,000



THE COMMUNITIES AT GLENROSS SECTION 10

NOTE "A": Notes in heavy letters to east lawyer of the lot delineated upon this plan, that on the file with the Building Department of The City of Delaware, are site improvement plans for the development of said lot showing proposed lot lines, setbacks, easements, and other details of the proposed grading plans. These plans, as approved by the governmental agencies, are considered part of the approval of this plan, and shall be incorporated into the final plan submitted with the building permit.

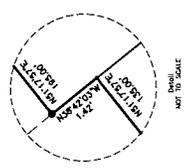
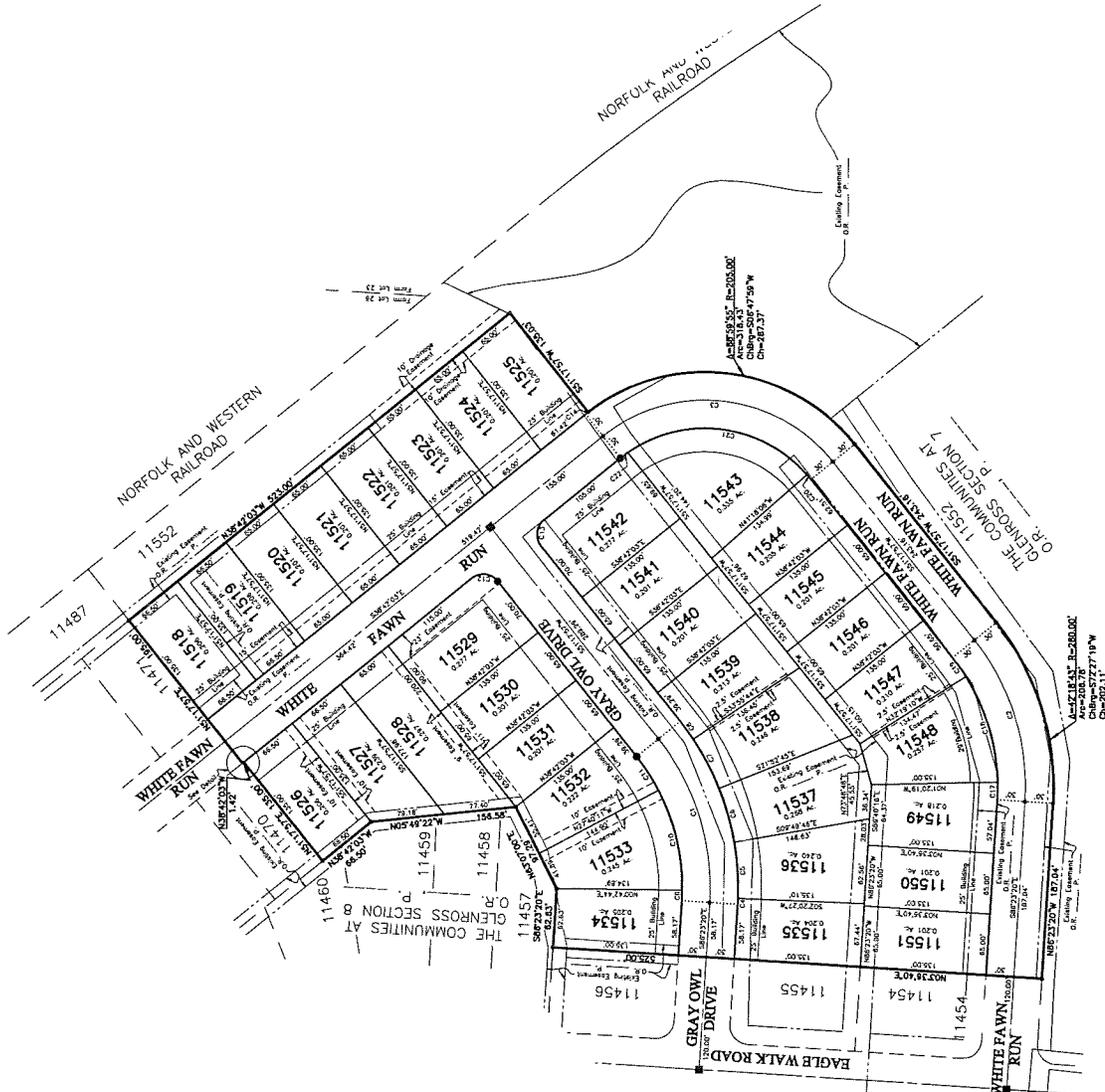
NOTE "B" - MINIMUM SETBACKS: City of Delaware Zoning regulations for The Communities at Glenross Section 10 are subject to the following setbacks: Minimum setbacks: Front: 10 feet; Side: 5 feet; Rear: 5 feet.

NOTE "C": As per City of Delaware Zoning Code, all lots within The Communities at Glenross Section 10 are subject to the following setbacks: Minimum setbacks: Front: 10 feet; Side: 5 feet; Rear: 5 feet.

NOTE "D": All utilities within The Communities at Glenross Section 10 shall be installed underground. Electric, telephone and cable T.V. lines and other above ground utilities shall be placed in a trench or trenchless system. The trench or trenchless system shall be installed in a trench or trenchless system. The trench or trenchless system shall be installed in a trench or trenchless system.

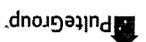
NOTE "E": ACREAGE BREAKDOWN: Total acreage: 10.234 AC. Acreage in right-of-way: 2.448 AC. Acreage in right-of-way: 2.448 AC.

NOTE "F": ACREAGE BREAKDOWN: Total acreage: 10.234 AC. Acreage in right-of-way: 2.448 AC. Acreage in right-of-way: 2.448 AC.

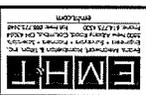


LINE	DELTA	MEASUREMENT	BEARING	AREA	PERCENTAGE
C1	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C2	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C3	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C4	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C5	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C6	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C7	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C8	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C9	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C10	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C11	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C12	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C13	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C14	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C15	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C16	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C17	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C18	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C19	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C20	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C21	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%
C22	47'10.45"	235.00'	N 77°27'16.2" E	139.42	13.53%

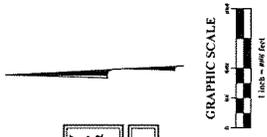
NO.	DATE	DESCRIPTION



THE COMMUNITIES AT GLENROSS
STREET, STORM WATER AND LIGHTING PLAN
STREET LIGHTING PLAN



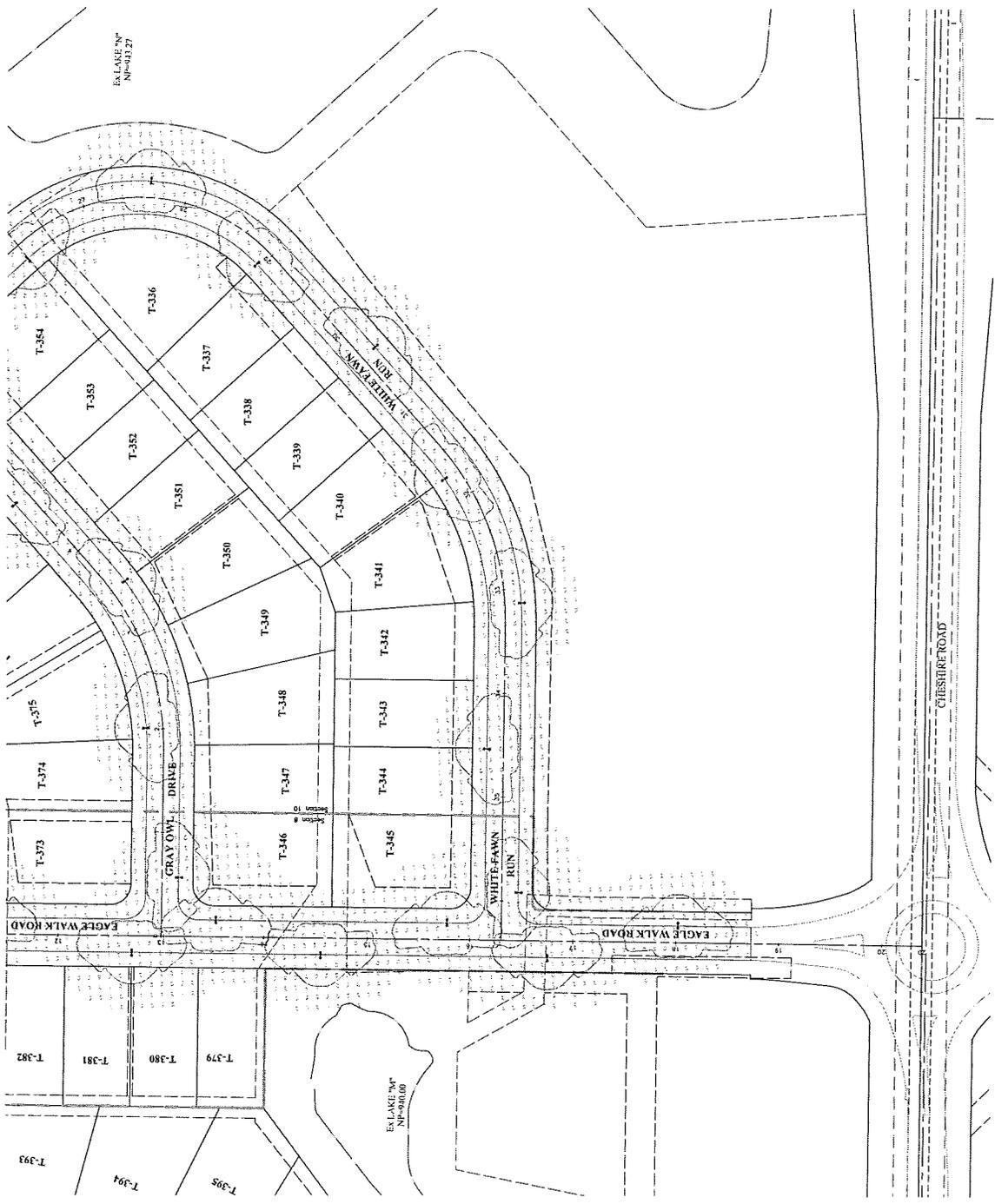
DATE: JUNE 2016
SCALE: 1" = 50'
JOB NO.: 1110004
SHEET: 28 / 33



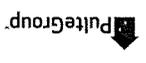
PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION
PLANNED DATE
JUNE 2016

NOTE:
Street lights must be fully functional and on-site drawings of the lights and mounting hardware must be provided to the City of Delaware Public Works Department, 50 Ross Street, Newark, Delaware 19711, for review and approval. The City to schedule delivery date and time (7:00-20:00).
A submittal with dimensions shall be provided by the electric utility provider prior to construction.

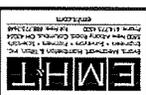
STREET	LOCATION	OFFSET
WHITE FAWN RUN	17480	19' L
	19405	19' L
	20144	19' L
	21182	19' R
	23407	19' L
	24419	19' R
	26424	19' R
	27468	19' L
	28485	19' R
	30432	19' L
SANDY FOX WAY	31174	19' R
	33114	19' L
	34452	19' R
	35452	19' L
	37452	19' L
	39452	19' L
CROCK STONE DRIVE	44494	21' L
	46494	21' L
	48494	21' L
	50494	21' L
EAGLE WALK ROAD	74444	19' L
	84490	19' L
	10434	19' L
	11443	19' L
	12442	19' R
GRAY OWL DRIVE	13442	19' R
	14442	19' R
	15442	19' R
	16442	19' R
	17442	19' R



NO.	DATE	DESCRIPTION



THE COMMUNITIES AT GLENCROSS
STREET LIGHTING PLAN
STREET, STORM WATER AND LIGHTING PLAN
CITY OF DELAWARE, OHIO



DATE: JUNE 2016
SCALE: 1" = 50'
JOB NO.: 181004
SHEET: 29 / 33



PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION
PLAN SET DATE
JUNE 2016

NOTE:
Street lights must be fully functional and on-built drawings of the lights and wiring must be provided to the City of Delaware, Ohio, prior to commencement of public works. Prior to acceptance of public improvements (i.e. no building construction), the contractor shall provide to the City of Delaware, Ohio, a copy of the Street Lighting Plan, Storm Water Management Plan, and a schedule delivery date and time (7:00 AM - 5:00 PM) to the City of Delaware, Ohio. A submittal, which, if approved, shall be provided by the electric utility provider prior to construction.

STREET	S. STATION	Q. STATION
	17+80	19' L
	18+05	19' L
	20+44	19' L
	21+82	19' L
	23+07	19' L
	24+13	19' L
	24+19	19' L
	26+24	19' L
	27+68	19' L
	28+85	19' L
	30+32	19' L
	31+74	19' L
	33+14	19' L
	34+52	19' L
	35+92	19' L
	37+32	19' L
	38+72	19' L
	40+12	19' L
	41+52	19' L
	42+92	19' L
	44+32	19' L
	45+72	19' L
	47+12	19' L
	48+52	19' L
	49+92	19' L
	51+32	19' L
	52+72	19' L
	54+12	19' L
	55+52	19' L
	56+92	19' L
	58+32	19' L
	59+72	19' L
	61+12	19' L
	62+52	19' L
	63+92	19' L
	65+32	19' L
	66+72	19' L
	68+12	19' L
	69+52	19' L
	70+92	19' L
	72+32	19' L
	73+72	19' L
	75+12	19' L
	76+52	19' L
	77+92	19' L
	79+32	19' L
	80+72	19' L
	82+12	19' L
	83+52	19' L
	84+92	19' L
	86+32	19' L
	87+72	19' L
	89+12	19' L
	90+52	19' L
	91+92	19' L
	93+32	19' L
	94+72	19' L
	96+12	19' L
	97+52	19' L
	98+92	19' L
	100+32	19' L
	101+72	19' L
	103+12	19' L
	104+52	19' L
	105+92	19' L
	107+32	19' L
	108+72	19' L
	110+12	19' L
	111+52	19' L
	112+92	19' L
	114+32	19' L
	115+72	19' L
	117+12	19' L
	118+52	19' L
	119+92	19' L
	121+32	19' L
	122+72	19' L
	124+12	19' L
	125+52	19' L
	126+92	19' L
	128+32	19' L
	129+72	19' L
	131+12	19' L
	132+52	19' L
	133+92	19' L
	135+32	19' L
	136+72	19' L
	138+12	19' L
	139+52	19' L
	140+92	19' L
	142+32	19' L
	143+72	19' L
	145+12	19' L
	146+52	19' L
	147+92	19' L
	149+32	19' L
	150+72	19' L
	152+12	19' L
	153+52	19' L
	154+92	19' L
	156+32	19' L
	157+72	19' L
	159+12	19' L
	160+52	19' L
	161+92	19' L
	163+32	19' L
	164+72	19' L
	166+12	19' L
	167+52	19' L
	168+92	19' L
	170+32	19' L
	171+72	19' L
	173+12	19' L
	174+52	19' L
	175+92	19' L
	177+32	19' L
	178+72	19' L
	180+12	19' L
	181+52	19' L
	182+92	19' L
	184+32	19' L
	185+72	19' L
	187+12	19' L
	188+52	19' L
	189+92	19' L
	191+32	19' L
	192+72	19' L
	194+12	19' L
	195+52	19' L
	196+92	19' L
	198+32	19' L
	199+72	19' L
	201+12	19' L
	202+52	19' L
	203+92	19' L
	205+32	19' L
	206+72	19' L
	208+12	19' L
	209+52	19' L
	211+92	19' L
	212+32	19' L
	213+72	19' L
	215+12	19' L
	216+52	19' L
	217+92	19' L
	219+32	19' L
	220+72	19' L
	222+12	19' L
	223+52	19' L
	224+92	19' L
	226+32	19' L
	227+72	19' L
	229+12	19' L
	230+52	19' L
	231+92	19' L
	233+32	19' L
	234+72	19' L
	236+12	19' L
	237+52	19' L
	238+92	19' L
	240+32	19' L
	241+72	19' L
	243+12	19' L
	244+52	19' L
	245+92	19' L
	247+32	19' L
	248+72	19' L
	250+12	19' L
	251+52	19' L
	252+92	19' L
	254+32	19' L
	255+72	19' L
	257+12	19' L
	258+52	19' L
	259+92	19' L
	261+32	19' L
	262+72	19' L
	264+12	19' L
	265+52	19' L
	266+92	19' L
	268+32	19' L
	269+72	19' L
	271+12	19' L
	272+52	19' L
	273+92	19' L
	275+32	19' L
	276+72	19' L
	278+12	19' L
	279+52	19' L
	280+92	19' L
	282+32	19' L
	283+72	19' L
	285+12	19' L
	286+52	19' L
	287+92	19' L
	289+32	19' L
	290+72	19' L
	292+12	19' L
	293+52	19' L
	294+92	19' L
	296+32	19' L
	297+72	19' L
	299+12	19' L
	300+52	19' L
	301+92	19' L
	303+32	19' L
	304+72	19' L
	306+12	19' L
	307+52	19' L
	308+92	19' L
	310+32	19' L
	311+72	19' L
	313+12	19' L
	314+52	19' L
	315+92	19' L
	317+32	19' L
	318+72	19' L
	320+12	19' L
	321+52	19' L
	322+92	19' L
	324+32	19' L
	325+72	19' L
	327+12	19' L
	328+52	19' L
	329+92	19' L
	331+32	19' L
	332+72	19' L
	334+12	19' L
	335+52	19' L
	336+92	19' L
	338+32	19' L
	339+72	19' L
	341+12	19' L
	342+52	19' L
	343+92	19' L
	345+32	19' L
	346+72	19' L
	348+12	19' L
	349+52	19' L
	350+92	19' L
	352+32	19' L
	353+72	19' L
	355+12	19' L
	356+52	19' L
	357+92	19' L
	359+32	19' L
	360+72	19' L
	362+12	19' L
	363+52	19' L
	364+92	19' L
	366+32	19' L
	367+72	19' L
	369+12	19' L
	370+52	19' L
	371+92	19' L
	373+32	19' L
	374+72	19' L
	376+12	19' L
	377+52	19' L
	378+92	19' L
	380+32	19' L
	381+72	19' L
	383+12	19' L
	384+52	19' L
	385+92	19' L
	387+32	19' L
	388+72	19' L
	390+12	19' L
	391+52	19' L
	392+92	19' L
	394+32	19' L
	395+72	19' L
	397+12	19' L
	398+52	19' L
	399+92	19' L
	401+32	19' L
	402+72	19' L
	404+12	19' L
	405+52	19' L
	406+92	19' L
	408+32	19' L
	409+72	19' L
	411+12	19' L
	412+52	19' L
	413+92	19' L
	415+32	19' L
	416+72	19' L
	417+12	19' L
	418+52	19' L
	419+92	19' L
	421+32	19' L
	422+72	19' L
	424+12	19' L
	425+52	19' L
	426+92	19' L
	428+32	19' L
	429+72	19' L
	431+12	19' L
	432+52	19' L
	433+92	19' L
	435+32	19' L
	436+72	19' L
	438+12	19' L
	439+52	19' L
	440+92	19' L
	442+32	19' L
	443+72	19' L
	445+12	19' L
	446+52	19' L
	447+92	19' L
	449+32	19' L
	450+72	19' L
	452+12	19' L
	453+52	19' L
	454+92	19' L
	456+32	19' L
	457+72	19' L
	459+12	19' L
	460+52	19' L
	461+92	19' L
	463+32	19' L
	464+72	19' L
	466+12	19' L
	467+52	19' L
	468+92	19' L
	470+32	19' L
	471+72	19' L
	473+12	19' L
	474+52	19' L
	475+92	19' L
	477+32	19' L
	478+72	19' L
	480+12	19' L
	481+52	19' L
	482+92	19' L
	484+32	19' L
	485+72	19' L
	487+12	19' L
	488+52	19' L
	489+92	19' L
	491+32	19' L
	492+72	19' L
	494+12	19' L
	495+52	19' L
	496+92	19' L
	498+32	19' L
	499+72	19' L
	501+12	19' L
	502+52	19' L
	503+92	19' L
	505+32	19' L
	506+72	19' L
	508+12	19' L
	509+52	19' L
	511+92	19' L
	512+32	19' L
	513+72	19' L
	515+12	19' L
	516+52	19' L
	517+92	19' L
	519+32	19' L
	520+72	19' L
	522+12	19' L
	523+52	19' L
	524+92	19' L
	526+32	19' L
	527+72	19' L
	529+12	19' L
	530+52	19' L
	531+92	19' L
	533+32	19' L
</		



FACT SHEET

AGENDA ITEM NO: 17

DATE: 8/8/16

ORDINANCE NO: 16-68

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 acres.

Access is gained through Section 8 from White Fawn Run and Gray Owl Court. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 20% of lot width (minimum 6 feet). The comprehensive and

extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

ORDINANCE NO. 16-75

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street (PC 2016-2073), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. A public sidewalk shall be required along all public streets.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR

ORDINANCE NO. 16-68

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive (PC 2016-2064), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The single family houses shall comply with the Sub-Area IIC Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home

Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.

6. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
8. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO:18

DATE: 08/08/16

ORDINANCE NO: 16-69

RESOLUTION NO:

READING:

PUBLIC HEARING:

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH SYMMETRY II LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 41922002003006 (SYMMETRY II).

BACKGROUND:

We are requesting City Council's approval for the City Manager to enter into a Community Reinvestment Area (CRA) Tax Incentive Agreement and School Compensation Agreement with Symmetry II, Delaware City Schools and Delaware Area Career Center for a \$4,000,000 investment in a 60,000 sq. ft. speculative office/warehouse building on parcel 41922002003006 on Innovation Court.

John Lewis of Symmetry II LLC has submitted application for a Community Reinvestment Area Tax Abatement.

With this being a speculative building, representatives for Symmetry II LLC are indicating they currently do not have any potential tenants for the building.

REASON WHY LEGISLATION IS NEEDED:

With the passage of this CRA and School Compensation Agreement, Symmetry II, LLC is committing to a minimum of 25 new FTEs with a payroll of \$1.3 million.

The City of Delaware Tax Incentive Negotiating Committee (TINC) met on May 11, 2016 with Symmetry II LLC officials. The TINC investigated the tax incentive/abatement application and found Symmetry II LLC qualified by financial responsibility and business experience to be able to create employment opportunities. The TINC (City, County, City School and Delaware Area Career Center representatives) recommends that City Council authorize these agreements. With the provisions below, the TINC considers this a high return on investment (102.49%) project. In an attempt to allow for additional spec square footage in our industrial park for future small industrial and R&D projects, the City of Delaware's Tax Incentive Negotiation Committee, feels that includes the superintendents and treasurers from the impacted school districts, negotiated a CRA tax abatement with the following parameters for Sawmill Delaware Investments LLC's proposed Symmetry II project.

With the passage of this CRA and School Compensation Agreement, Symmetry II, LLC is committing to a minimum of 25 new FTEs with a payroll of \$1.3 million and may qualify for greater abatements and school compensation payments to the schools based on the following.

Summary of Incentives:

- Community Reinvestment Area (CRA) Tax Abatement
 - o 50%/15 year tax abatement on real property improvements for a commitment of a minimum of 28 NEW FTE jobs (to the City and the building) that are related to the primary target industries section of our 2014 Economic Development Plan with a minimum NEW payroll of \$1,300,000.
 - o By ORC, Sawmill Delaware Investments (SDI) is given 3 years to achieve these minimum job creation and payroll commitments.
 - o Beginning with YEAR 4 of the abatement, SDI will be able to earn an additional 10% abatement per additional \$225,000 of NEW payroll for a maximum of 100%. This payroll also must be tied to the creation of NEW FTE jobs that are related to the primary target industries section of our 2014 Economic Development Plan.
 - o If SDI and its tenants achieve a 70% or greater abatement at any time, they will then be required to pay a \$3,000 annual School Pilot Payment for each additional 10% of abatement over the original 50%. For instance, if they achieve 70%, their School Pilot Payment for that year will be \$6,000. These will be invoiced from and paid directly to the school districts. The maximum School Pilot Payment is \$15,000 per year for this abatement.
 - o Retained FTE's and payroll from existing City of Delaware businesses will not be counted towards the commitments of this abatement.
 - o We have estimated a minimum net of \$329,624 in project savings after 15 years.
 - o The City of Delaware will not be required to enter into a School Compensation Agreement with the school districts for payroll exceeding \$1 million due to the School Pilot Payment portion of this package.
 - o As part of the annual Tax Incentive Review Council reporting process, SDI will need to provide a reporting letter from each tenant

indicating their FTE headcount and payroll as part of your report. This letter will need to indicate how many FTEs and how much payroll is retained from previous years and how much is new to the year for which we are reporting.

- School Compensation Agreement between Symmetry II LLC, the City of Delaware, Delaware City Schools and Delaware Area Career Center
 - If Symmetry II, LLC achieves a 70% or greater abatement at any time, the company will then be required to pay a \$3,000 annual School Pilot Payment for each additional 10% of abatement over the original 50%. For instance, if the company achieves 70%, Symmetry II, LLC's School Pilot Payment for that year will be \$6,000. The maximum School Pilot Payment is \$15,000 per year for this abatement.

All incentives contain claw back or incentive modification clauses if the company fails to meet its job and payroll commitment and term requirements.

COMMITTEE RECOMMENDATION:

Tax Incentive Negotiation Committee Recommends Approval

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

CRA School Notification Letters
Symmetry II LLC Incentives Application
CRA Agreement
School Compensation Agreement

ORDINANCE NO. 16-69

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH SYMMETRY II LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 41922002003006.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 14-57, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines;

WHEREAS, the City of Delaware partners with impacted school districts to ensure mutual benefit from economic development projects; and

WHEREAS, the Council of the City of Delaware established an economic development fund to attract, incentive and assist high return on investment projects in the City of Delaware; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and SYMMETRY II LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District, Delaware Area Career Center and SYMMETRY II LLC meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation for this project.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage

of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS___NAYS___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE: YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2016 YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK MAYOR



June 3, 2016

Mary Beth Freeman
Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, OH 43015

Paul Craft
Superintendent
Delaware City Schools
248 North Washington Street
Delaware, OH 43015

RE: Sawmill Delaware Investments, LLC Community Reinvestment Area Request for Tax Incentives

Dear Superintendents Craft and Freeman:

Please accept this letter as the required notification of potential City Council action on proposed CRA abatements as outlined below. Confirmation of this letter by both recipients starts the 45 business day notification period for which both school boards may review and take action on the following proposed incentives.

In an attempt to allow for additional spec square footage in our industrial park for future small industrial and R&D projects, the City of Delaware's Tax Incentive Negotiation Committee, that includes the superintendents and treasurers from the impacted school districts, negotiated a CRA tax abatement with the following parameters for Sawmill Delaware Investments LLC's proposed Symmetry II project to be located at a site at the intersection of Innovation Court and the soon to be completed Sawmill Parkway Extension.

- Community Reinvestment Area (CRA) Tax Abatement
 - 50%/15 year tax abatement on real property improvements for a commitment of a minimum of 28 NEW FTE jobs (to the City and the building) that are related to the primary target industries section of our 2014 Economic Development Plan with a minimum NEW payroll of \$1,300,000.
 - By ORC, Sawmill Delaware Investments (SDI) is given 3 years to achieve these minimum job creation and payroll commitments.
 - Beginning with YEAR 4 of the abatement, SDI will be able to earn an additional 10% abatement per additional \$225,000 of NEW payroll for a maximum of 100%. This payroll also must be tied to the creation of NEW FTE jobs that are related to the primary target

- industries section of our 2014 Economic Development Plan.
- If SDI and its tenants achieve a 70% or greater abatement at any time, they will then be required to pay a \$3,000 annual School Pilot Payment for each additional 10% of abatement over the original 50%. For instance, if they achieve 70%, their School Pilot Payment for that year will be \$6,000. These will be invoiced from and paid directly to the school districts. The maximum School Pilot Payment is \$15,000 per year for this abatement.
 - Retained FTE's and payroll from existing City of Delaware businesses will not be counted towards the commitments of this abatement.
 - We have estimated a minimum net of \$329,624 in project savings after 15 years.
 - The City of Delaware will not be required to enter into a School Compensation Agreement with the school districts for payroll exceeding \$1 million due to the School Pilot Payment portion of this package.
 - As part of the annual Tax Incentive Review Council reporting process, SDI will need to provide a reporting letter from each tenant indicating their FTE headcount and payroll as part of your report. This letter will need to indicate how many FTEs and how much payroll is retained from previous years and how much is new to the year for which we are reporting.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments, notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: <http://onlinedocs.andersonpublishing.com/>).

Delaware City Council will consider these requests at our regularly scheduled Council meeting on Monday, August 8, 2016, held at Delaware City Hall, 1 South Sandusky Street, Delaware, at 7:00 P.M. if this meeting date falls after the 45 day notification period. **The 45 business day notification period starts on the day that I receive a confirmation from you that you have received this notification letter.** A second reading and public hearing may be scheduled for Monday, August 22, 2016 at 7 p.m. if requested by Council. However, staff will be requesting this be passed in one reading with an emergency clause. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or shughes@delawareohio.net. **Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.**

School district consent is required because the total of unabated real property taxes and School Pilot Payment agreements is estimated to be below 50% of the amount of the taxes estimated that would have been charged on the improvements if the exemption had not taken place at 36% and because this project has the ability to exceed a 50% abatement after year 3.

Yours Sincerely,
Sean Hughes
Economic Development Director

xc: Honorable George Kaitza, Auditor
R. Thomas Homan, City Manager
Dean Stelzer Finance Director

Melissa Lee , Treasurer, Delaware City School District
Chris Bell, Treasurer, Delaware Area Career Center
Bob Lamb, Delaware County Economic Development Director

Attached:

1. ORC 3735.671
2. Precision Tower Products, LLC application for tax incentives
3. Precision Tower Products, LLC incentives letter of intent

3735.671 Written agreement where commercial or industrial property is to be exempted.

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or remodeling that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in

good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property

would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of owner) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If (insert name of owner) materially fails to fulfill its obligations under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement

under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62 , 5709.63 , or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development within fifteen days after the agreement is entered into.

Effective Date: 09-26-2003; 03-23-2005

School Compensation Agreement
SYMMETRY II, LLC
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, **Symmetry II, LLC**, 8400 Industrial Parkway, Plain City, OH 43064 specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of a speculative multi-tenant facility on a parcel at the intersection of Sawmill Parkway and Innovation Court in Delaware, Ohio 43015 in Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; written approval by the Superintendent and Board of Education is attached as Exhibit A; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; written approval by the Superintendent and Board of Education is attached as Exhibit A; and

Whereas, the City of Delaware within **Ordinance Number** __-__ adopted on _____, 2016, has acted pursuant to ORC 3735 to grant a tax exemption

to **Symmetry II, LLC** and entered into a formal Community Reinvestment Area abatement agreement on _____, **2016**; and

Whereas, Item 5 of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center, **Symmetry II, LLC**, agree as follows:

Section 1. If **Symmetry II, LLC** achieves a 70% or greater abatement at any time, the company will then be required to pay a \$3,000 annual School Pilot Payment for each additional 10% of abatement over the original 50%. For instance, if the company achieves 70%, **Symmetry II, LLC's** School Pilot Payment for that year will be \$6,000. The maximum School Pilot Payment is \$15,000 per year for this abatement and School Compensation Agreement. This payment shall be made upon receipt of invoices per the instructions set forth in Item 5 of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due by September 1 for a year in which **Symmetry II, LLC** achieves a 70% or greater abatement and dispersed per Section 2 of this agreement.

Section 2. The cash payment made by **Symmetry II, LLC** to the Delaware City School District **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be dispersed to each school district in a proportionate manner to their current percentage of school property taxes received and used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Symmetry II, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No School Compensation payment is required if there is no net tax benefit to Symmetry II, LLC

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and

supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Paul A. Craft, PhD, Superintendent
Delaware City School District
248 N. Washington Street
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

_____, President
Symmetry II, LLC
8400 Industrial Parkway
Plain City, OH 43064

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 6. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this **day of** **2016**.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

Mary Beth Freeman, Superintendent

SYMMETRY II, LLC

John Lewis, President

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and SYMMETRY II, LLC

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **Symmetry II, LLC, 8400 Industrial Parkway, Plain City, OH 43064**, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, **Symmetry II, LLC** desires to construct an approximately 60,000 sq. ft. facility on an approximately 6.02 acre parcel on Innovation Court. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of the Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **Symmetry II, LLC** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Symmetry II, LLC** has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Symmetry II, LLC** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of

Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, **Symmetry II, LLC** has remitted the required City of Delaware application fee of \$750.00 made payable to the City of Delaware; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware has investigated the APPLICATION of **Symmetry II, LLC**, and has recommended the same to the Council of the City of Delaware on the basis that **Symmetry II, LLC** is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by **Symmetry II, LLC** is located in the Delaware City School District and the Delaware Area Career Center District and both school districts have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **Symmetry II, LLC** shall construct a new estimated 60,000 sq. ft. speculative multi-tenant facility to be located on a parcel on Innovation Court.

The PROJECT will begin at the earliest on August 9, 2016 and all construction will be completed by January 1, 2017. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Symmetry II, LLC and/or its tenants** shall **create** the minimum equivalent of **28 new** (not from an existing company currently located in the City of Delaware) **full-time equivalent (FTE)** jobs at the Delaware facility that are related to the **primary target industries** section of the **City of Delaware's 2014 Economic Development**

Plan [attached as Exhibit A] with a minimum NEW (not from an existing company currently located in the City of Delaware) annual payroll of \$1,300,000. The job creation period begins **January 1, 2017** and all jobs will be in place by **January 1, 2020** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

a. The first year of the abatement begins on January 1, 2017

b. Beginning with **YEAR 4 (January 1, 2020)** of the abatement, for each **additional \$225,000 in additional NEW (not from an existing company currently located in the City of Delaware) payroll above the \$1,300,000 listed above from primary target industry jobs** per the City of Delaware's 2014 Economic Development Plan, the Symmetry II LLC PROJECT will be granted an **additional 10% abatement over the original 50% abatement** for a maximum potential abatement of 100%.

c. If during any year during the period of the abatement payroll decreases to be lower than the additional \$225,000 from primary target industry jobs for each additional 10% abatement level, that additional 10% will be deducted with the minimum payroll being \$1,300,000 for a 50% abatement.

3. Based on NEW job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of \$24,050 (\$1,300,000 payroll times the current income tax rate of 1.85%) or \$26,000 (\$1,300,000 payroll times the proposed 2% income tax rate if the transportation levy is passed in November, 2016) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Symmetry II, LLC** agrees to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, the reimbursement will be adjusted accordingly. Alternatively, the City of Delaware may modify this CRA agreement to lower **Symmetry II, LLC's** CRA percentage and/or term while adjusting the company's FTE and payroll commitments to match the company's actual hiring performance at the time of reporting at the City's discretion.

To the extent that **Symmetry II, LLC** substantially complies with the terms of this section 3 of this agreement, the company shall incur no income tax reimbursement penalty.

4. **Symmetry, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to

evaluate the enterprise's compliance with the agreement, including but not limited to the annual report form, and returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7) and a letter on official company letterhead from each tenant company indicating their current FTE headcount, position titles for each FTE position, and the total current payroll for the total FTE headcount at that specific company.

5. If **Symmetry II, LLC** achieves a 70% or greater abatement at any time, the company will then be required to pay a \$3,000 annual School Pilot Payment for each additional 10% of abatement over the original 50%. For instance, if the company achieves 70%, **Symmetry II, LLC's** School Pilot Payment for that year will be \$6,000. The maximum School Pilot Payment is \$15,000 per year for this abatement.

This payment shall be subject to the terms and conditions of a separate School Compensation Agreement between **Symmetry II, LLC**, Delaware City Schools, Delaware Area Career Center and the City of Delaware.

The City of Delaware will not be required to enter into a School Compensation Agreement with the school districts for payroll exceeding \$1 million due to the School Pilot Payment Agreement portion of this package.

If Ohio tax law changes result in no net tax incentive benefits (tax incentives offered through this agreement minus the school compensation payment is negative), Symmetry II, LLC may request that the City of Delaware Tax Incentive Review Council modify or terminate this agreement.

6. City of Delaware hereby grants **SYMMETRY II, LLC** a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (15) years in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year 1	50%
Year 2	50%
Year 3	50%
Year 4	50%(6a&b)
Year 5	50%(6a&b)
Year 6	50%(6a&b)

Year 7	50%(6a&b)
Year 8	50%(6a&b)
Year 9	50%(6a&b)
Year 10	50%(6a&b)
Year 11	50%(6a&b)
Year 12	50%(6a&b)
Year 13	50%(6a&b)
Year 14	50%(6a&b)
Year 15	50%(6a&b)

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2017, nor extend beyond Dec. 31, 2031. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Symmetry II, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

- a. Beginning with **YEAR 4 (January 1, 2020)** of the abatement, for each **additional \$225,000 in additional NEW (not from an existing company currently located in the City of Delaware) payroll from primary target industry jobs** per the City of Delaware's 2014 Economic Development Plan, the Symmetry II LLC PROJECT will be granted an **additional 10% abatement over the original 50% abatement** for a maximum potential abatement of 100%.
 - b. If at any time during the period of the abatement payroll decreases to be lower than the additional \$225,000 for each additional 10% abatement level, that additional 10% will be deducted with the minimum payroll being \$1,300,000 for a 50% abatement.
7. **Symmetry II, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

The fee shall be made payable to the City of Delaware once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review

Council created under Section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

8. Waiver Requirement (for jobs relocated within Ohio)
If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:
Continuation of this agreement is subject to the validity of the circumstances upon which **Symmetry II, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Symmetry II, LLC** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

8. **Symmetry II, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Symmetry, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).

9. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).

10. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Symmetry II, LLC** materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).

11. If **Symmetry II, LLC** materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
12. **Symmetry II, LLC** hereby certifies that at the time this agreement is executed, **Symmetry II, LLC** does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Symmetry II, LLC** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Symmetry II, LLC** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Symmetry II, LLC**. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.
13. **Symmetry II, LLC** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
14. **Symmetry II, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by **Symmetry II, LLC** as a condition for the agreement to take effect (ORC3735.671C10).
15. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Symmetry II, LLC and its tenants** are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Symmetry II, LLC** any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).
17. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Symmetry II, LLC** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Symmetry II, LLC** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.
18. **Symmetry II, LLC** affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Symmetry II, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Symmetry II, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
19. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.
20. **Symmetry II, LLC**, acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into

an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

21. **Symmetry II, LLC** hereby represents that it has full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Ordinance** __-__ adopted on **August 8, 2016**, has caused this instrument to be executed this __ day of ____ 2016, and **Symmetry II, LLC** has caused this instrument to be executed on this ____ day of _____ 2016.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

SYMMETRY II, LLC

By: _____
John Lewis, President
Symmetry II, LLC

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney



INCENTIVES APPLICATION

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Enterprise Name: **Symmetry II, LLC** Contact Person: **John Lewis**

Address: **8400 Industrial Parkway,
Plain City, Ohio 43064** Telephone Number: **740-815-0454**

b. Project site: **Innovation Ct & Sawmill Parkway**
Contact Person: John Lewis

Address: **1036 Hills-Miller Rd.
Delaware, OH 43015** Telephone Number: **740-815-0454**

Date: **5/1/16**

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. **Spec building - Manufacturing, Office/Warehousing, Wholesale and some retail activity.**

b. List primary 6 digit North American Industry Classification System (NAICS) #
Business may list other relevant SIC numbers. **Various/Spec building**

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: **N/A**)

d. Form of business of enterprise (corporation, partnership, proprietorship, or other). **LLC Partnership**

3. Name of principal owner(s) or officers of the business. **John Lewis, Bob Biondi & Doug Shull**

4. a. State the enterprise's current employment level at the proposed project site: **Zero**

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No **NO**

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): **Zero**

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: **Unknown**

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? **Unknown**

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes No **NO**

b. Any moni to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes__ No **XX**

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes__ No **XX**

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: *60,000 sq ft. speculative office/warehouse building*

7. Project will begin June ,2016 and be completed October ,2016 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary): **Twenty Five full time**

b. State the time frame of this projected hiring: **Three yrs.**

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): **Year One - 10 Full Time**

**Year Two - 10 Full Time
Year Three - 5 Full time**

9. a. Estimate the amount of annual payroll such new employees will add **\$1.3 Million for 25 Full Time Permanent employees.** (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: **\$ Zero**

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$
B. Additions/New Construction:	\$3.6 Million for Building & \$400K for land
C. Improvements to existing buildings:	\$
D. Machinery & Equipment:	\$
E. Furniture & Fixtures:	\$
F. Inventory:	\$
Total New Project Investment:	\$4,000,000.

11. a. Business requests the following incentives:

- **100% abatement for 15 years**
- **Symmetry II will compensate schools \$10K/year for the first five years and \$15K/year in years 6 - 15.**
- **The Superintendent of Schools will waive the income tax payments. (even when the payroll exceeds \$1 Million annually)**

b. Business's reasons for requesting incentives (be quantitatively specific as possible)
Submission of this application expressly authorizes (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. (The Applicant agrees to supply additional information upon request.)

Symmetry II will be a multi-tenant Office Warehouse building totaling 60,000 Sq. Ft. and having as many as 10 individual businesses/units. The project is purely speculative and will have to compete with similar buildings in the Lewis Center, Westerville, Worthington and other nearby cities. Our competition has the perceived advantage of being nearer to Columbus with its larger population from which to draw. Past experience with the Symmetry One project (2005) has shown that aggressive tax incentives which allow low

CAM (common area maintenance) expenses have enabled us to overcome the obstacle of distance from Columbus, with lower costs.

That said, we have been able to draw some new high quality tenants and also retain some others who initially planned to go to Franklin County. (Garths, Lute Supply, Advanced Industrial Machining, Fastenal, Custom Air, etc.) Our success in drawing and retaining this caliber of tenant is the reason that in 2015 we can boast 37 jobs and nearly \$2 Million in payroll at Symmetry One. We believe that eventually, we can exceed this at Symmetry II given the subject abatements.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Name of Property Owner **Symmetry II, LLC**

Date **5/1/16**

Signature



Typed Name and Title

John Lewis, Managing Member

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Incentives Agreements as Exhibit A



FACT SHEET

AGENDA ITEM NO: 19

DATE: 08/08/16

ORDINANCE NO: 16-70

RESOLUTION NO:

READING: NO

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING A 2015 COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY (SKY CLIMBER).

BACKGROUND:

On June 30, 2015 the City and Precision Tower Products, LLC entered into CRA and School Compensation Agreements for the construction of their new 77,525 sq. ft. facility on Pittsburgh Dr. As part of this agreement, Precision Tower Products, LLC agreed to the creation of 35 new FTE positions with a payroll of \$1.97 million. The company anticipates their building will be completed this Fall.

REASON WHY LEGISLATION IS NEEDED:

The owners of Precision Tower Products, LLC have reorganized their company and decided that due to market reasons, they need to change their name to Sky Climber Fabricating LLC. They also are needing to begin hiring people and training them before they take possession of their building. Therefore, we need to amend our original CRA and School Compensation Agreements to reflect their new name and allow them to begin hiring starting immediately instead of January 1, 2017.

COMMITTEE RECOMMENDATION:

Tax Incentive Negotiation Committee Recommends Approval

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Amendment to the CRA and School Compensation Agreements School Notifications
First Amendment to CRA and School Compensation Agreements

ORDINANCE NO. 16-70

AN ORDINANCE AMENDING A 2015 COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY (SKY CLIMBER).

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution Number 07-08, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines; and

WHEREAS, the City of Delaware and Precision Tower Products, LLC entered into a Community Reinvestment Area Agreement effective June 30, 2015 approved pursuant to Ordinance Number 15-42, passed by City Council on May 11, 2015; and

WHEREAS, the CRA Agreement provides Precision Tower Products, LLC with a one-hundred percent (100%), ten (15) year tax exemption on a new manufacturing facility to be constructed on Pittsburgh Dr.; and

WHEREAS, Precision Tower Products, LLC is requesting an amendment to the Community Reinvestment Area Agreement per the attached "First Amendment to Precision Tower Products, LLC Community Reinvestment Area and School Compensation Agreements (ODOD Reference: CRA 041-01135-1 03-002)" to reflect their new name, Sky Climber Fabricating LLC; and

WHEREAS, Sky Climber Fabricating LLC is requesting an amendment to the Community Reinvestment Area Agreement per the attached "First Amendment to Precision Tower Products, LLC Community Reinvestment Area and School Compensation Agreements (ODOD Reference: CRA 041-01135-1 03-002)" to allow for the earlier hiring and training of employees for their operation; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and Precision Tower Products, LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby amended per the attached "First Amendment to Precision Tower Products, LLC Community Reinvestment Area and School Compensation Agreements (ODOD Reference: CRA 041-01135-01 15-002)" to change all references to Precision Tower Products, LLC to Sky Climber Fabricating LLC.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Precision Tower Products, LLC, Delaware City School District and Delaware Area Career Center meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby amended per the attached "First Amendment to Precision Tower Products Community Reinvestment Area and School Compensation Agreements (ODOD Reference: CRA 041-01135-01 15-002)" to change all references to Precision Tower Products, LLC to Sky Climber Fabricating LLC.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said First Amendment by the City Manager to amend the Community Reinvestment Area Agreement and School Compensation Agreement for this project.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE: YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016 YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK MAYOR



PRECISION TOWER PRODUCTS

Experience the Power of Precision

June 9, 2016

Sean Hughes
Economic Development Manager
City of Delaware

Dear Sean;

I am writing to request a change of company name for the tax incentives provided to Precision Tower Products LLC. We are changing the name of the company that will be occupying the new building to Sky Climber Fabricating LLC. This change in company name is a result of us expanding the company's manufacturing capabilities outside of just the cell tower industry, enabling us to target additional industries and markets throughout the Midwest.

We view this change as very positive and expect it to assist the company to grow faster and be more diverse than originally proposed. We appreciate your assistance in supporting this company name change on the incentives. If you have any questions or concerns, please contact me at 740-203-3905.

Best Regards,

Todd King
President
Sky Climber Fabricating LLC

Michele Kohler

From: Sean Hughes
Sent: Wednesday, July 06, 2016 12:13 PM
To: craftpa@delawarecityschools.net; Freeman, Mary Beth
Cc: gkaiatsa@co.delaware.oh.us; R Thomas Homan; Dean Stelzer; Darren Shulman; Melissa Lee (leeme@delawarecityschools.net); Bell, Christopher; 'Lamb, Bob' (BLamb@co.delaware.oh.us)
Subject: Precision Tower Products CRA Amendment Notification
Attachments: Letter requesting name change.pdf

Paul and Mary Beth,

Good afternoon! We recently received the attached letter from Precision Tower Products LLC requesting a name change to Sky Climber Fabricating LLC. This will require us to do an amendment to their Community Reinvestment Area tax abatement agreement to change the name on the agreement. We also would like to assist them in getting staff hired and trained before they occupy their new building later this year by amending the CRA tax abatement agreement to allow the hiring date to be moved forward to August 1, 2016.

Of course, we also will need to amend the School Compensation Agreement for the project to allow for the new company name.

Please accept this email as 45 day notification of City Council action on these amendments. We are requesting that you waive the full 45 days so that we can bring these amendments in front of City Council at their Monday, August 8 meeting.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments, notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: <http://onlinedocs.andersonpublishing.com/>).

With the requested waiver, Delaware City Council will consider these requests at our regularly scheduled Council meeting on Monday, August 8, 2016, held at Delaware City Hall, 1 South Sandusky Street, Delaware. **The 45 business day notification period starts on the day that I receive a confirmation from you that you have received this notification.** A second reading and public hearing may be scheduled for Monday, August 22, 2016 at 7 p.m. if requested by Council. However, staff will be requesting this be passed in one reading with an emergency clause. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or shughes@delawareohio.net. **Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.**

Thank you,

Sean K. Hughes, M.S.
Economic Development Director
and Business Concierge
City of Delaware
www.delawaremeansbusiness.com
740-203-1016

xc: Honorable George Kaiatsa, Auditor

R. Thomas Homan, City Manager
Dean Stelzer Finance Director
Melissa Lee , Treasurer, Delaware City School District
Chris Bell, Treasurer, Delaware Area Career Center
Bob Lamb, Delaware County Economic Development Director
Darren Shulman, City Attorney

FIRST AMENDMENT TO PRECISION TOWER PRODUCTS
COMMUNITY REINVESTMENT AREA
AND
SCHOOL COMPENSATION AGREEMENTS
ODOD Reference: CRA 041-01135-01 15-002

This First Amendment to the Precision Tower Products, LLC Community Reinvestment Area and School Compensation Agreements ("FIRST AMENDMENT") is made and entered into to be effective this ___ day of _____ 2016 by and between the City of Delaware, a municipal corporation of the State of Ohio (hereinafter "CITY"), Sky Climber Fabricating, LLC (hereinafter "OWNER"), Delaware City School District and Delaware County Foundation.

WHEREAS, the CITY and OWNER entered into a Community Reinvestment Area Agreement (hereinafter the "CRA AGREEMENT") effective June 30, 2015, which CRA Agreement was approved pursuant to Ordinance Number 15-42, passed by City Council on May 11, 2015; and

WHEREAS, the CRA AGREEMENT provided OWNER with a one-hundred percent (100%), ten (10) year tax exemption on the assessed value of a new manufacturing facility to be constructed on a parcel on Pittsburgh Dr. (the "PROPERTY"); and

WHEREAS, OWNER committed in the CRA AGREEMENT to develop the PROPERTY and to create 35 new full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs); and OWNER has complied with those commitments; and

WHEREAS, OWNER has changed the name of their company from Precision Tower Products, LLC to Sky Climber Fabricating LLC; and

WHEREAS, OWNER has started production in a temporary facility and needs to begin hiring and training employees immediately; and

WHEREAS, Delaware City Council, by Ordinance Number _____ passed on _____, authorized the Director of Development to amend the CRA AGREEMENT to change the name of the recipient of the real property incentive from:

Existing Agreement:

Precision Tower Products, LLC

To:

Amendment:

Sky Climber Fabricating LLC; and

WHEREAS, the PROPERTY is located within CRA 041-1135-1;

NOW THEREFORE, in consideration of the promises and mutual obligations of the parties contained in this FIRST AMENDMENT, the parties hereby covenant and agree as follows:

AMEND all references of Precision Tower Products LLC in the CRA and School Compensation Agreements:

Each reference in the CRA and School Compensation Agreements to Precision Tower Products, LLC is replaced with Sky Climber Fabricating LLC.

DELETE Section 2 of the CRA Agreement:

1. Precision Tower Products, LLC **shall create the equivalent of 35 new full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs) jobs at the Delaware facility. The job creation period begins January 1, 2017 and all jobs will be in place by January 1, 2020 (3 years or 36 months after the completion of the PROJECT per ORC 3735).**

This increase in the number of new employees shall result in the creation of at least ONE MILLION NINE HUNDRED AND SEVENTY THOUSAND (\$1,970,000) in total annual payroll generated at the PROJECT site (does not include \$600,000 of field tech payroll that would be taxed where the field techs work).

REPLACE WITH:

1. Sky Climber Fabricating LLC **shall create the equivalent of 35 new full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs) jobs at the Delaware facility. The job creation period begins July 1, 2016 and all jobs will be in place by July 1, 2019 (3 years or 36 months after the completion of the PROJECT per ORC 3735).**

This increase in the number of new employees shall result in the creation of at least ONE MILLION NINE HUNDRED AND SEVENTY THOUSAND (\$1,970,000) in total annual payroll generated at the PROJECT site (does not include \$600,000 of field tech payroll that would be taxed where the field techs work).

Except as modified and amended by this FIRST AMENDMENT, the AGREEMENT shall remain in full force and effect as amended.

IN WITNESS WHEREOF, the parties have caused this FIRST AMENDMENT to be executed by their duly-authorized representative to be effective as of the date and year first above written.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

DELAWARE CITY SCHOOL DISTRICT

By: _____
Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

By: _____
Mary Beth Freeman, Superintendent

PRECISION TOWER PRODUCTS, LLC

By: _____
Todd King, President
Sky Climber Fabricating LLC

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and **PRECISION TOWER PRODUCTS, LLC**

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **Precision Tower Products, LLC, 1800 Pittsburgh Drive, Delaware, OH 43015-8699**, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, **Precision Tower Products, LLC** desires to construct a facility on an approximately 9.5 acre parcel on Pittsburgh Dr. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of the Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **Precision Tower Products, LLC** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Precision Tower Products, LLC** has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Precision Tower Products, LLC** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware has investigated the APPLICATION of **Precision Tower Products, LLC**, and has recommended the same to the Council of the City of Delaware on the basis that **Precision Tower Products, LLC** is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by **Precision Tower Products, LLC** is located in the Delaware City School District and the Delaware Area Career Center (per the attached resolutions authorizing the superintendents to act on behalf of the board) and both school districts have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **Precision Tower Products, LLC** shall construct a new estimated 55,000 sq. ft. facility to be located on a parcel on Pittsburgh Dr.

The PROJECT will begin at the earliest on September 1, 2015 and all construction will be completed by January 1, 2017. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Precision Tower Products, LLC** shall **create** the equivalent of **35** new **full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs)** jobs at the Delaware facility. The job creation period begins **January 1, 2017** and all jobs will be in place by **January 1, 2020** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

This increase in the number of new employees shall result in the creation of at least ONE MILLION NINE HUNDRED AND SEVENTY THOUSAND (\$1,970,000) in total annual payroll generated at the PROJECT site (does not include \$600,000 of field tech payroll that would be taxed where the field techs work).

3. Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of \$36,445 (\$1,970,000 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Precision Tower Products, LLC** agrees to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, the reimbursement will be adjusted accordingly. Alternatively, the City of Delaware may modify this CRA agreement to lower Precision Tower Products' CRA percentage and/or term while adjusting the company's FTE and payroll commitments to match the company's actual hiring performance at the time of reporting at the City's discretion.

To the extent that **Precision Tower Products, LLC** substantially complies with the terms of this section 4 of this agreement, the company shall incur no income tax reimbursement penalty.

4. **Precision Tower Products, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7).
5. City of Delaware hereby grants **Precision Tower Products, LLC** a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (15) years in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%

Year 9	100%
Year 10	100%
Year 11	100%
Year 12	100%
Year 13	100%
Year 14	100%
Year 15	100%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2015, nor extend beyond Dec. 31, 2031. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Precision Tower Products, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

6. **Precision Tower Products, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

The fee shall be made payable to the City of Delaware once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. Waiver Requirement (for jobs relocated within Ohio)
 If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:
 Continuation of this agreement is subject to the validity of the circumstances upon which **Precision Tower Products, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Precision Tower Products** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this

agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

8. **Precision Tower Products, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Precision Tower Products, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).
9. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).
10. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Precision Tower Products, LLC** materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).
11. If **Precision Tower Products, LLC** materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
12. **Precision Tower Products, LLC** hereby certifies that at the time this agreement is executed, **Precision Tower Products, LLC** does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Precision Tower Products, LLC** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Precision Tower Products,**

LLC currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Precision Tower Products, LLC**. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

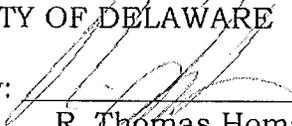
13. **Precision Tower Products, LLC** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
14. **Precision Tower Products, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by **Precision Tower Products, LLC** as a condition for the agreement to take effect (ORC3735.671C10).
15. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Precision Tower Products, LLC** is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Precision Tower Products, LLC** any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).
17. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Precision Tower Products, LLC** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Precision Tower Products, LLC** shall repay the amount

of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.

18. **Precision Tower Products, LLC** affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Precision Tower Products, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Precision Tower Products, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
19. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.
20. **Precision Tower Products, LLC**, acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).
21. **Precision Tower Products, LLC** hereby represents that it has full authority to act, negotiate, and execute this agreement.

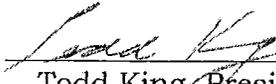
IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Ordinance 15-42** adopted on **May 11, 2015**, has caused this instrument to be executed this 1st day of June 2015, and **Precision Tower Products, LLC** has caused this instrument to be executed on this 30 day of June 2015.

CITY OF DELAWARE

By: 

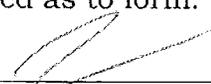
R. Thomas Homan, City Manager

PRECISION TOWER PRODUCTS, LLC

By: 

Todd King, President
Precision Tower Products, LLC

Approved as to form:

By: 

Darren Shulman, Delaware City Attorney

**School Compensation Agreement
PRECISION TOWER PRODUCTS, LLC
Community Reinvestment Area #141-1135-01**

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015 and **Precision Tower Products, LLC**, 1800 Pittsburgh Dr., Delaware, OH 43015, specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 and 5709 authorizing general school district compensation for lost revenues relating to the Community Reinvestment Area tax abatement for the construction of a new headquarters and manufacturing facility in the City of Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the January 15, 2014 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; and

Whereas, the City of Delaware within **Ordinance Number 15-42** adopted on May 11, 2015, has acted pursuant to ORC 3735 to grant a tax exemption to **Precision Tower Products, LLC**, and entered into a formal Community Reinvestment Area abatement agreement on **June 1, 2015**; and

Whereas, Item 5(a) of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center and Precision Tower Products, LLC, agree as follows:

Section 1. THE CITY OF DELAWARE, shall pay an estimated SEVENTEEN THOUSAND FOUR HUNDRED SEVENTY ONE DOLLARS AND SEVENTY THREE CENTS (\$17,471.73) per year for fifteen (15) years to the Delaware City School District and and estimated SEVEN HUNDRED AND FIFTY DOLLARS AND SEVENTY SEVEN CENTS (\$750.77) to the Delaware Area Career Center in accordance with the terms and conditions set forth in Item __ of the Community Reinvestment Area Agreement for the referenced project. The above amounts are estimates based on company provided payroll budgets and may deviate based on actual payroll collections during the 15 year term of the CRA agreement. This payment shall be made upon receipt of invoices from the school districts established in this agreement, and the first payment shall be due by December 31 each year following receipt of income taxes and dispersed per Section 2 of this agreement.

Section 2. The cash payment made by the City of Delaware, to the Delaware City School District and Delaware Area Career Center **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center, as follows:

a.	Delaware City School District	\$17,471.73
b.	Delaware Area Career Center	\$750.77
c.	Total	\$18,222.50

The above amounts are estimates based on company provided payroll budgets and may deviate based on actual payroll collections during the 15 year term of the CRA agreement.

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Precision Tower Products, LLC may

request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No School Compensation payment is required if there is no net tax benefit to Precision Tower Products, LLC.

Section 5. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 6. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Paul A. Craft, PhD, Superintendent
Delaware City School District
248 N. Washington Street
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

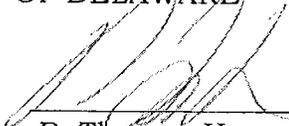
Todd King, President
Precision Tower Products, LLC
1800 Pittsburgh Drive
Delaware, OH 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

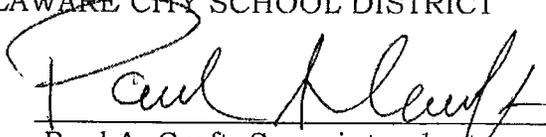
Section 7. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this **day of** **2015.**

CITY OF DELAWARE


_____ 6.30.15
R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT



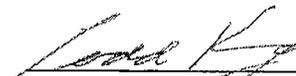
Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER



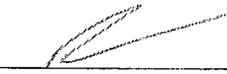
Mary Beth Freeman, Superintendent

PRECISION TOWER PRODUCTS, LLC



Todd King, President

Approved as to form:

By: 

Darren Shulman, Delaware City Attorney



FACT SHEET

AGENDA ITEM NO: 20

DATE: 7/11/2016

ORDINANCE NO: 16-71

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bruce Pijanowski, Police Chief

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL OF THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM.

BACKGROUND:

The Law Enforcement Support Office (LESO) facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997 (FY 97). This law allows transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories.

No equipment is purchased for distribution. All items were excess which had been turned in by military units or had been held as part of reserve stocks until no longer needed.

Requisitions cover the gamut of items used by America's military -- clothing and office supplies, tools and rescue equipment, vehicles, rifles and others small arms. Of all the excess equipment provided through the program, only five percent are weapons and less than one percent are tactical vehicles.

More than 8,000 law enforcement agencies have enrolled in the program.

REASON WHY LEGISLATION IS NEEDED:

This legislation allows the renewal of such program and will continue a positive partnership with the Department of Defense to provide useful property for law enforcement activities, with an emphasis on counter-drug/counter-terrorism activities.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

No cost to the city. This program has provided a large dollar amount of general purpose items, such as computer equipment, tools and furniture; as well as a limited number of military implements, to the city for free. This free acquisition has allowed city dollars to be used for other needs.

POLICY CHANGES:

N/A

PRESENTER(S):

Bruce Pijanowski, Chief of Police

RECOMMENDATION:

Approval

ATTACHMENT(S)

Draft agreement
Current LESO inventory

ORDINANCE NO. 16-71

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM.

WHEREAS, the LESO Program provides re-utilized equipment to the Delaware City Police Department, and

WHEREAS, the LESO Program provides partnership with the Delaware City Police Department, and

WHEREAS, the City of Delaware Police Department renews their partnership with the LESO Program,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. That the City Manager is hereby authorized to sign the renewal agreement.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Location	Description	Purchase Price
Armory	M16 Rifle	\$30.00
Server Room	Server Rack	\$350.00
Administration	Color Computer Projector	\$3,801.00
Administration	HP Rack Switch	\$1,900.00
Police Department	Ammo Cans SML	\$120.00
Police Department	Ammo Cans LRG (15)	\$120.00
Photo Lab	Plotter HP Designj	\$1,000.00
IT	Laptop Panasonic T	\$3,219.00
School Resource Officers	Projector	\$1,079.50
Property Storage	Flourescent Lights	\$1,600.00
Property Storage	Flourescent Lights	\$1,800.00
Police Department	Aggitation Collars (4 each)	\$400.00
Uniform Storage Room	Knee Pads (40 pr)	\$686.80
Uniform Storage Room	Elbow Pads (10 pr)	\$110.07
Uniform Storage Room	Rifleman Set (4 each)	\$1,580.96
	Rifleman Set	
Detective Office	Case, Night Vision S (10 each)	\$10,072.70
	<div> </div>	
Administration	Cabinet, File (3 each)	\$300.00
Armory	Storage Cabinet (3 each)	\$1,409.70
Administration	Truck, Hand	\$224.03
Police Department	LCD monitor	\$449.00
Police Department	LCD monitor	\$400.00
Laboratory	CPCV Microscope (2 each)	\$6,000.00
Armory/Range Shed	Drill Blank Set	\$70.62
Administration	Auto Fuel Tool Kit	\$2,995.00
Armory	Rack, storage, small arms	\$298.08
Sergeant Office	Computer system digital	\$889.00
Detective Office	Amplifier, stethoscope, electronic (3 each)	\$3,229.86
Administration	Bag, laptop computer (4 each)	\$172.00
Armory	Rack, storage, small arms (3 each)	\$894.24
Police Department	Laptop computer docking station (14 each)	\$700.00
Police Department	Keyboards (40 each)	\$1,200.00
Server Room	Case, Laptop Carrying (5 each)	\$625.00
Property Storage	Tent	\$2,387.39

Armory	CPCV Cabinet Flammable Storage	\$1,176.75
Police Department	Lockers (13 each)	\$5,281.77
Detective Office	Bulletin Board (2 each)	\$109.14
Police Department	Pouch, Canteen (20 each)	\$208.80
Detective Office	Docking Station (14 each)	\$700.00
Administration	Rubber Gloves for use in cruisers	\$509.00
Tactical Unit	CPCV Flash Bang Pouch (30 each)	\$143.40
Tactical Unit	CPCV Pouch Grenade	\$20.40
Tactical Unit	CPCV Bag LCS W/Ammo (6 each)	\$1,170.00
Detective Office	Assault Pack (10 each)	\$843.50
Armory	Spectacles, Ballistic (20 each)	\$402.40
Property Storage	Generator Set, Diesel	\$6,459.00
Police Gym	Elliptical Crosstrainer (2 each)	\$5,742.00
Police Garage	Table, Work, Automotive (6 each)	\$3,284.16
Administration	Chair, Sleeper Oxford (2 each)	\$3,972.30
Police Department	Case, Display Trophy (5 each)	\$875.00
Police Garage	Tool Kit, General Mechanics (2 each)	\$2,685.02
Tactical Unit	Kit, Individual, KH	\$1,717.39
Police Garage	CPCV - Tools Assortment (2 pallets)	\$1.00
Police Garage	CPCV Jet Parts Washer	\$2,851.47
Police Garage	Tool Set Common Number 1	\$15,234.58
Armory	CPCV Bag, LCS (2 each)	\$390.00
Patrol	CPCV Pouch Double Magazine (100 each)	\$1,980.00
Patrol	CPCV Accessory Pouch (50 each)	\$1,000.00
Patrol	CPCV Vest, Load Bearing (21 each)	\$4,095.00
Detective Office	CPCV Coat Rack	\$45.11
Mechanical Room	CPCV Tool Kit, General Mechanics	\$300.00
Administration	Dining Room Cloth Chairs (16 each)	\$1,080.32
IT	Smart UPS	\$1,200.00
IT	CPCV Surge Protector (10 each)	\$1,230.00
Police Garage	Multi Meter (2 each)	\$1,115.82
Police Garage	Multi Meter	\$557.91
Police Garage	Mult Meter	\$298.70
Property Storage	Stacking Frame, Pallet (30 each)	\$7,084.80
Police Gym	Stair Step Exercise	\$1,000.00
	<div> </div>	
Police Department	Frame, Picture (3 Boxes)	\$159.93
Detective Office	CPCV Hard Hat, Safety (10 each)	\$200.00
Administration	Cabinet, Lateral (2 each)	\$400.00
Police Garage	CPCV Tool Box (6 each)	\$300.00
	<div> </div>	
Police Gym	Treadmill	\$50.00

Patrol	Sketch Set, Surveyors (6 Sets) <div> </div>	\$3,892.45
Fire Department	Pouch Human Remains (24 each)	\$480.00
Police Department	Frame, Picture (2 boxes) <div> </div>	\$163.60
Police Gym	Boxing Gloves (6 sets) <div> </div>	\$415.56
Patrol	Drawers, Cold Weather (20 pairs XXXL) <div> </div>	\$186.00
Patrol	Pack, Patrol, Molle (20 each)	\$1,357.60
Armory	Rubber Stripping (2 rolls) <div> </div>	\$42.06
Armory	Field Table	\$13.00
Police Gym	Assisted Chin and Dip Machine	\$2,400.00
Police Garage	Wrench Set, Socket, Large	\$2,261.55
Armory	Rack Storage Small Arms, Pistol, (2 each) <div> </div>	\$748.00
Police Garage	Generator Set, Diesel	\$1,325.00
Police Garage	Generator Set, Diesel	\$1,321.00
Police Gym	Stairmaster 7000 PT	\$400.00
Administration	Chair Rotary (2 each)	\$376.28
Detective Office	Fiber Scope	\$13,437.00
Tactical Unit	Case Rifle Browning	\$130.00
Armory	Gun Cleaning Vise	\$50.00
Police Garage	Generator (2 each)	\$2,800.00
Uniform Storage Room	Camel Backs (20 each)	\$458.40
Police Gym	Life Cycle Recumbent	\$1,803.00
Armory/Range Shed	Spectacles set, Ballistic (15 each)	\$231.00
Armory	Allen Wrench Screw Drivers	\$45.32
Uniform Storage Room	PT Pants (10 pairs)	\$299.00
Police Department	First Aid Kit Individual (25 each)	\$635.25
Police Gym	Aerobic Step Bench (6 each) <div> </div>	\$30.00
Police Garage	Pneumatic Screw Driver (4 each)	\$1,196.00
IT	Server Rack Cable Management (5 each)	\$1,250.00

Police Garage	Generator Set, Diesel (2 each) <div> </div>	\$10,524.00
Police Garage	Generator Set, Diesel (2 each) <div> </div>	\$8,982.00
Police Garage	Podium	\$100.00
Armory/Range Shed	Litter	\$150.00
IT	Linksys Routers (8 each)	\$600.00
Police Garage	Cargo Tie Downs (6 each)	\$950.00
Tactical Unit	Tactical Rigger's Belts (7 each)	\$199.99
IT	Mult port KVM Switch (2 each)	\$539.98
Server Room	Server Rack, Half Height	\$1,000.00
IT	Monitors for use in server rack (2 each)	\$1,198.00
Police Garage	Portable Air Compressor	\$2,349.00
Administration	Padded mailing envelopes (1 box)	\$27.52
Uniform Storage Room	Pouch, 12 round shotgun (10 each)	\$299.50
Uniform Storage Room	Rifleman Sets (20 each)	\$6,418.80
Armory/Range Shed	Overalls, Cold Weather (5 each)	\$212.40
Armory/Range Shed	Jumpsuit, (5 each)	\$660.00
Armory	Deployment bag, (6 each)	\$719.28
Property Storage	Large Black Plastic Storage containers (8 each)	\$800.00
Tactical Unit	Aimpoint M68 Relex Sight (2 each) <div>serial number 120322 and 121560</div>	\$644.00
Individual Issue	Trunks, General Purpose, 20 each	\$146.00
Individual Issue	White Under Shifts XXXL	\$119.25
Police Garage	Die Set, Rethreading	\$512.18
Individual Issue	Boot's Combat	\$96.90
Police Garage	Tire Mounter and Demounter	\$11,449.00
Individual Issue	Scarf, neckwear, 5 each	\$0.00
Patrol	Duffle Bag, 2 each	\$0.00
Individual Issue	Trouser, cold weather, 27 each	\$1,969.38
Individual Issue	Jacket, Extreme Cold, 5 each	\$470.75
Armory	M16 Racks, 3 each	\$1,374.90
Administration	Aimpoint, 5 each	\$1,610.00
Uniform Storage Room	Frame for rifleman set, 5 each	\$0.00
Parks and Recreation	Tool Kit	\$9,909.00
Fire Department	Saw, Circular Portable	\$150.00
Administration	Easy Chairs, 8 each	\$2,400.00
Police Gym	Bowflex Machine	\$500.00
Fire Department	Litters and Back boards, 1 Lot	\$300.00
Individual Issue	Assault Packs, 10 each	\$863.00
Server Room	Mosler File Safe	\$2,189.00

Police Garage	Internation MaxxPRO Plus	\$689,000.00
Administration	Chem Lights, 100 boxes of 10 each.	\$1,150.00
Police Garage	Tire inflation safety cage	\$934.00
Police Department	6 Cases of 25 packs of 10 each flex cuffs.	\$3,649.25
MRAP	15 Ton Block and Tackle	\$1,533.04

Total

\$930,615.81

STATE PLAN OF OPERATIONS
BETWEEN THE STATE OF
OHIO
AND THE
Delaware Police Department

I. PURPOSE

This State Plan of Operation (SPO) is entered into between the State of Ohio and the Delaware Police Department, to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability of the same.

II. AUTHORITY

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to State Law Enforcement Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with preferences for counter-drug / counter-terrorism or border security activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) in determining whether property is suitable for use by agencies in Law Enforcement Activities (LEAs). DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. This program is also known as the "1033 Program" or the "LESO Program" and is administered by DLA Disposition Services, Law Enforcement Support Office (LESO).

III. GENERAL TERMS AND CONDITIONS

A. OPERATIONAL AUTHORITY

The Governor of the State of Ohio has designated in writing with an effective date of 10/01/1999 to implement this program statewide as well as conduct management and oversight of this program. Funding / Budgeting to administer this program is provided by the Ohio Department of Public Safety.

The provided funding is used to support assistance to the LEAs with customer service to include

computer / telephone assistance and physical visits to the LEAs to assist with acquiring access to the LESO Program. The staffing to provide the support to the LEAs within the State of Ohio is as follows:

State Coordinator (SC): Jeffrey S. Shadburn

State Point of Contact (SPOC): Craig Batzer

State Point of Contact (SPOC): Karen Martin

The following is the facility / physical location and business hours to provide customer service to those LEAs currently enrolled, as well as interested participants of the LESO Program:

Agency Address / Location: 1970 W. Broad St, Columbus, OH 43223

EMAIL / Contact Phone Numbers: ohioleso@dps.ohio.gov 614-995-3789

Fax Number: 614-466-5181

Hours of Operation: M-F 7:00 AM to 5:00 PM

B. The DLA LESO has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the Delaware Police Department.

C. This agreement creates no entitlement to the LEA to receive excess DOD personal property.

D. The Delaware Police Department understands that property made available under this agreement is for the use of authorized program participants only. Property may not be obtained for any individual, organization, or agency that has not been approved as a participant in the LESO Program. All requests for property must be based on bona fide law enforcement requirements. Property will not be obtained by any authorized participant for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan.

E. Controlled property (equipment) includes any property that has a demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from May 2015, created pursuant to Executive Order 13688 (EO). The Working Group Report mandates that the following items be treated as controlled property:

- 1) Manned Aircraft, fixed or rotary wing
- 2) Unmanned Aerial Vehicles
- 3) Wheeled Armored Vehicles
- 4) Wheeled Tactical Vehicles
- 5) Command and Control Vehicles
- 6) Specialized Firearms and Ammunition Under .50 Cal (excluded firearms and ammunition for service-issued weapons)

- 7) Explosives and Pyrotechnics
- 8) Breaching apparatus
- 9) Riot Batons
- 10) Riot Helmets
- 11) Riot Shields

F. LEAs that request items in Paragraph E above must provide all required information outlined in the Law Enforcement Equipment Working Group Report and all information on the LESO request form. Among other specific requirements identified in these documents, LEAs will be required to certify and submit:

- 1) A detailed written justification with a clear and persuasive explanation of the need for the property and the law enforcement purposes it will serve;
- 2) Evidence of approval or concurrence by the LEA's civilian governing body (city council, mayor, etc.);
- 3) The LEA's policies and protocols on deployment of this type of property;
- 4) Certifications on required training for use of this type of property; and
- 5) Information on whether the LEA has applied, or has pending an application, for this type of property from another Federal agency.

G. The Delaware Police Department must maintain and enforce regulations designed to impose adequate security measures for controlled property to mitigate the risk of loss or theft.

H. Under no circumstances will controlled property be sold or otherwise transferred to non-U.S. persons, or exported. All transfers must be approved by the State and DLA Disposition Services LESO.

I. Cannibalization requests for controlled property must be submitted in writing to the State, with final approval by the LESO. The LESO will consider cannibalization requests on a case-by-case basis.

J. The LESO conditionally transfers all excess DOD property to States / LEAs enrolled in the LESO Program. Title or ownership of controlled property will remain with the LESO in perpetuity and will not be relinquished to the LEAs. When the LEA no longer has legitimate law enforcement uses for controlled property, the LEA must notify the State, who will then notify the LESO, and the controlled property must either be transferred to another enrolled LEA (via standard transfer process) or returned to DLA Disposition Services for disposal. The LESO reserves the right to recall controlled and non-controlled property issued through the LESO Program at any time.

K. Property with a DEMIL Code of "A" is also conditionally transferred to the LEA. However, after one year from the Ship Date, the LESO will relinquish ownership and title to the LEA. Prior

to this date, the State and LEA remains responsible for the accountability and physical control of the item(s) and the LESO retains the right to recall the property. Title will not be relinquished to any property with DEMIL Code of "A" that is controlled property identified in Paragraph III E.

- 1) Property with DEMIL Code of "A" will automatically be placed in an archived status on the LEAs property book upon meeting the one year mark.
- 2) Once archived, the property is no longer subject to annual inventory requirements and will not be inventoried during a LESO Program Compliance Review (PCR).
- 3) Ownership and title of DEMIL "A" items that have been archived will pass automatically from the LESO to the LEA when they are archived at the one year mark (from Ship Date) without issuance of any further documentation.
- 4) LEAs receive title and ownership of DEMIL "A" items as governmental entities. Title and ownership of DEMIL "A" property does not pass from DOD to any private individual or LEA official in their private capacity. Accordingly, such property should be maintained and ultimately disposed of in accordance with provisions in State and local law that govern public property. Sales or gifting of DEMIL "A" property after the one year mark in a manner inconsistent with State or local law may constitute grounds to deny future participation in the LESO Program.

L. The LEAs are not authorized to transfer controlled property or DEMIL Code "A" property carried on their inventory without LESO notification and approval. Property will not physically move until the State and LESO approval process is complete.

IV. ENROLLMENT

A. An LEA must have at least one full-time law enforcement officer in order to enroll and/or receive property via the LESO Program. Only full-time and part-time law enforcement officers are authorized to receive property. Reserve officers are not authorized to receive property.

B. The State shall:

- 1) Implement LESO Program eligibility criteria in accordance with 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA the State signs.
- 2) Receive and process applications for participation from LEAs currently enrolled and those LEAs that wish to participate in the LESO Program.
- 3) Receive and recommend approval or disapprove LEA applications for participation in the LESO Program. The State Coordinators have sole discretion to disapprove LEA applications on behalf of the Governor of their State. The

LESO should be notified of any applications disapproved at the State Coordinator level. The State Coordinator will only forward and recommend certified LEAs to the LESO that are government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated officers have the powers of arrest and apprehension. The LESO retains final approval / disapproval authority for all LEA applications forwarded by State Coordinators.

- 4) Ensure LEAs enrolled in the LESO Program update the LEAs account information annually (accomplished during the FY Annual Inventory in the Federal Excess Property Management Information System [FEPMIS]).
- 5) Provide a comprehensive overview of the LESO Program to all LEAs once they are approved for enrollment. This comprehensive overview must be done within thirty (30) days and include, verbatim, the information contained in Paragraph III E of this SPO.
- 6) Ensure that screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 7) Ensure that at least one person per LEA maintains access to the FEPMIS. Account holders must be employees of the LEA.

V. ANNUAL INVENTORY REQUIREMENTS

A. Per the DLA Instructions and Manuals and the DLA MOA, each State and participating LEA within is required to conduct an annual inventory certification of controlled property, which includes DEMIL "A" for one (1) year from Ship Date. Annual inventories start on October 1 of each year and end January 31 of each year.

B. The State shall:

- 1) Receive, validate, and reconcile incoming certified inventories from the LEAs.
- 2) Ensure LEAs provide serial numbers and photos identified during the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items as required. For equipment that does not contain a serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Suspend the LEA as a result of the LEAs failure to properly conduct and/or certify and submit certified inventories, according to the aforementioned requirements.

C. The LEA shall:

- 1) Complete the annual physical inventory as required.
- 2) Provide serial numbers and photos identified in the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items, as required. For equipment that does not contain serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Certify the accountability of all controlled property received through the LESO Program annually by conducting and certifying the physical inventory. The LEA must adhere to additional annual certification requirements as identified by the LESO.
 - a. The State and the LESO requires each LEA to submit certified inventories for their Agency by January 31 of each year. The Fiscal Year (FY) is defined as October 1 through September 30 of each year. This gives the LEA four (4) months to physically inventory LESO Program property in their possession and submit their certified inventories to the State Coordinators.
 - (1) The LESO requires a front or side and data plate photo for Aircraft and Tactical Vehicles that are serial number controlled, received through the LESO Program.
 - (2) The LESO requires serial number photos for each small arm received through the LESO Program.
 - b. The LEAs failure to submit the certified annual inventory by January 31 may result in the agency being suspended from operations within the LESO Program. Further failure to submit the certified annual inventory may result in a LEA termination.
- 4) Be aware that High Profile Commodities (Aircraft, Tactical Vehicles and Small Arms) and High Awareness (controlled) property are subject to additional controls.

VI. PROGRAM COMPLIANCE REVIEWS

A. The LESO conducts a Program Compliance Review (PCR) for each State that is enrolled in the LESO Program every two (2) years. The LESO reserves the right to require an annual PCR, or similar inspection on a more frequent basis for any State. The LESO PCRs are performed in order to ensure that State Coordinators, SPOCs and all LEAs within a State are compliant with the terms and conditions of the LESO Program as required by 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA signed by the State.

- 1) If a State and/or LEA fails a PCR, the LESO will immediately suspend their operations and will subsequently issue corrective actions (with suspense dates) to the State Coordinator, which will identify what is needed to rectify the identified deficiencies within the State and/or LEA.
- 2) If a State and/or LEA fails to correct identified deficiencies by the given suspense dates, the LESO will move to terminate the LESO Program operations within the State and/or LEA.

B. The State shall:

- 1) Support the LESO PCR process by:
 - a. Contacting LEAs selected for the PCR review via phone and/or email to ensure they are aware of the PCR schedule and prepared for review.
 - b. Receiving inventory selection from the LESO. The LEA POCs shall gather the selected items in a centralized location to ensure that the LESO can efficiently inventory the items.
 - c. Providing additional assistance to the LESO as required, prior to and during the course of the PCR.
- 2) Conduct internal Program Compliance Reviews of LEAs participating in the LESO Program in order to ensure accountability, program compliance and validate annual inventory submissions are accurate. The State Coordinator must ensure an internal PCR of at least 5% of LEAs that have a property book from the LESO Program within his / her State is completed annually. This may result in a random review of all or selected property at the LEA.
 - a. The internal PCR will include, at minimum:
 - (1) A review of each selected LEAs LESO Program files.
 - (2) A review of the signed State Plan of Operation (SPO).
 - (3) A review of the LEA application and screener's letter.
 - (4) A physical inventory of the LESO Program property at each selected LEA.
 - (5) A specific review of each selected LEAs files for the following:
DD Form 1348-1A for each item currently on inventory, small arms documentation, transfer documents, turn-in documents, inventory adjustment documents, exception to policy letters (if any), approved

cannibalization requests (if any), and other pertinent documentation as required.

- b. The State and/or LEA will bear all expenses related to the repossession and/or turn-in of LESO Program property to the nearest DLA Disposition Services site.

VII. STATE PLAN OF OPERATION (SPO)

A. The State shall:

- 1) Identify, establish, and issue minimum criteria to be included in the SPO for the State and each participating LEA.
- 2) Establish a State Plan of Operation, developed in accordance with Federal and State law, and conforming (at minimum) to the provisions of the DLA Instruction and Manuals and the DLA MOA.
 - a. The SPO will include detailed organizational and operational authority including: staffing, budget, facilities, and equipment that the State believes is sufficient to manage the LESO Program within their State.
 - b. The SPO must address procedures for making determinations of LEA eligibility, allocation, and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, inventory requirements, training and education, State-level internal Program Compliance Reviews (PCR), and procedures for turn-in, transfer, and disposal.
- 2) Enter into written agreement with each LEA, via the LESO approved State Plan of Operation, to ensure the LEA fully acknowledges the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Official (CLEO), or assigned designee of the respective LEA, and the current State Coordinator.
- 3) Request that the LESO Suspend or Terminate an LEA(s) from the LESO Program when an LEA fails to comply with any term of DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.

VIII. REPORTING REQUIREMENTS FOR LOST, MISSING, STOLEN, DAMAGED OR DESTROYED LESO PROGRAM PROPERTY

A. All property Lost, Missing, Stolen, (LMS) damaged, or destroyed carried on a LEA's current inventory must be reported to the LESO.

- 1) Controlled property must be reported to the State and the LESO within twenty-four (24) hours. The aforementioned property may require a police and National Crime Information Center (NCIC) report submitted to the LESO, to include DEMIL "A" items that are considered controlled items in Paragraph III E.
- 2) Property with a DEMIL Code of "A" must be reported to the State and the LESO within seven (7) days.
- 3) All reports are subject to review by the DLA Office of the Inspector General (OIG).

B. LESO may grant extensions to the reporting requirements listed above on a case-by-case basis.

IX. AIRCRAFT AND SMALL ARMS

A. All aircraft are considered controlled property, regardless of DEMIL Code. Aircraft may not be sold and must be returned to the LESO at the end of their useful life. This State Plan of Operation ensures that all LEAs and all subsequent users are aware of and agree to provide all required controls and documentation in accordance with applicable laws and regulations for these items.

B. LEAs no longer requiring small arms issued through the LESO Program must request authorization to transfer or turn-in small arms. Transfers and turn-ins must be forwarded and endorsed by the State Coordinator's office first, and then approved by the LESO. Small Arms will not physically transfer until the approval process is complete.

C. Small Arms that are issued must have a documented chain of custody, with the chain of custody including a signature of the receiving officer indicating that he / she has received the appropriate small arm(s) with the correct, specific serial number(s). Small Arms that are issued to an officer will be issued utilizing an Equipment Custody Receipt (ECR); this Custody Receipt obtains the signature of the officer responsible for the small arm.

X. RECORDS MANAGEMENT

The LESO, State Coordinator, and LEAs enrolled in the LESO Program must maintain all records in accordance with the DLA Records Schedule. Records for property acquired through the LESO Program have retention controls based on the property's DEMIL Code. All documents concerning a property record must be retained.

- 1) Property records for items with DEMIL Code of "A" must be retained for two (2) calendar years from ship date, and then may be destroyed.
- 2) Property records for controlled property must be retained for five (5) calendar years or for the life span of the property, whichever is longer.

- 3) Environmental Property records must be retained for fifty (50) years, regardless of DEMIL Code (Chemicals, Batteries, Hazardous Material / Hazardous Waste).
- 4) LESO Program files must be segregated from all other records.
- 5) All property records must be filed, retained, and destroyed in accordance with DLA Records Schedule. These records include, but are not limited to, the following: DD Form 1348-1A, requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Forms 10 and 5, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC 8050-1) and any other pertinent documentation and/or records associated with the LESO Program.

XI. LESO PROGRAM ANNUAL TRAINING

- A. 10 USC § 380 provides that the Secretary of Defense, in cooperation with the U.S. Attorney General, shall conduct an annual briefing of law enforcement personnel of each state. The briefing will include information on training, technical support, equipment, and facilities that are available to civilian law enforcement personnel from the Department of Defense.
- B. The State shall organize and conduct training pertaining to information, equipment, technical support and training available to LEAs via the LESO Program.
- C. The State shall ensure at least one representative (i.e. the State Coordinator or SPOC) attend the annual training that the LESO conducts.

XII. PROPERTY ALLOCATION

A. The State Shall:

- 1) Provide the LESO website that will afford timely and accurate guidance, information, and links for all LEAs who work, or have an interest in, the LESO Program.
- 2) Upon receipt of a valid State / LEA request for property through the DLA Disposition Services RTD website, a preference will be given to those applications indicating that the transferred property will be used in the counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, to the greatest extent possible, the State will ensure fair and equitable distribution of property based on current LEAs inventory and justification for property.
- 3) The State and the LESO reserve the right to determine and/or adjust allocation limits. Generally, no more than one of any item per officer will be allocated to an LEA. Quantity exceptions may be granted on a case-by-case basis by the LESO. Currently, the following quantity limits apply:

- a. Small Arms: one (1) type for each qualified officer, full-time / part-time;
 - b. HMMWVs: one (1) vehicle for every three (3) officers;
 - c. MRAPs: one (1) vehicle per LEA.
- 4) The State and the LESO reserve final authority on determining the approval and/or disapproval for requests of specific types and quantities of excess DOD property.

B. The LEA shall:

- 1) Ensure an appropriate justification is submitted when requesting excess DOD property via the LESO Program and will ensure LESO Program property will be used for the law enforcement activity and for law enforcement purposes only within his / her State and agency.
- 2) When requesting property, provide a justification to the State and the LESO on how the requests for property will be used in counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, the LEA should be fair and equitable when making requisitions based on current LEA inventory and the justification for property. Generally, no more than one of any item per officer will be allocated.
- 3) Ensure screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 4) Obtain access to FEPMIS to ensure the property book is properly maintained, to include but not limited to transfers, turn-ins, and disposal requests and to generate these requests at the LEA level and forward all approvals to the State for action.
- 5) Ensure at least one person per LEA maintains access to FEPMIS. FEPMIS account holders must be employees of the LEA.

XIII. PROGRAM SUSPENSION & TERMINATION

A. The State and LEA are required to abide by the terms and conditions of the DLA MOA in order to maintain active status.

B. The State shall:

- 1) Suspend LEAs for a minimum of sixty (60) days in all situations relating to the suspected or actual abuse of LESO Program property or requirements and/or repeated failure to meet the terms and conditions of the DLA MOA. Suspension may lead to TERMINATION.
- 2) The State and/or the LESO have final discretion on reinstatement requests. Reinstatement to full participation from a suspension and/or termination is not

automatic.

- 3) In coordination with the LESO, issue corrective action guidance to the LEA with suspense dates to rectify issues and/or discrepancies that caused suspension and/or termination.
- 4) Require the LEA to submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property, to include the LEAs Corrective Action Plan (CAP).
- 5) Suspend or terminate an LEA from the LESO Program if an LEA fails to comply with any term of the DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.
 - a. In the event of an LEA termination, the State Coordinator will make every attempt to transfer the LESO Program property of the terminated LEA to an authorized State or LEA, as applicable, prior to requesting a turn-in of the property to the nearest DLA Disposition Services location.
 - b. In cases relating to an LEA termination, the LEA will have ninety (90) days to complete the transfer or turn-in of all LESO Program property in their possession.

C. The LEA shall:

- 1) Notify the State Coordinator's office and initiate an investigation into any questionable activity or actions involving LESO property issued to the LEA that comes to the attention of the CLEO, and is otherwise within the authority of the Governor / State to investigate. LEAs must understand that the State Coordinators, acting on behalf of their Governor, may revoke or terminate their concurrence for LEA participation in the LESO Program at any time, and for any reason.
- 2) Understand that the State may suspend LEA(s) and/or LEA POC(s) from within their State, based upon their findings during internal Program Compliance Reviews and/or spot checks at the State level.
- 3) Initiate corrective action to rectify suspensions and/or terminations placed upon the LEA for failure to meet the terms and conditions of the LESO Program.
- 4) Be required to complete and submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property. The LEA must submit all documentation to the State and the LESO upon receipt.
- 5) Provide documentation to the State and the LESO when actionable items are rectified for the State and/or LEA(s).

- 6) The LEAs Chief Law Enforcement Official must request reinstatement as required, via the State Coordinator or SPOC(s), to full participation status at the conclusion of a suspension period.

XIV. COSTS & FEES

All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property obtained through the LESO Program is the sole responsibility of the State and/or LEA.

XV. NOTICES

Any notices, communications, or correspondence related to this agreement shall be provided by E-mail, the United States Postal Service, express service, or facsimile to the State Coordinators office or cognizant DLA office. The LESO may, from time to time, make unilateral modifications or amendments to the provisions of this SPO. Notice of these changes will be provided to State Coordinators in writing. Unless State Coordinators take immediate action to terminate this SPO in accordance with Section XVIII, such modifications or amendments will become binding. In such cases, reasonable opportunity will, insofar as practicable, be afforded the State Coordinator to conform changes affecting their operations.

XVI. ANTI-DISCRIMINATION

A. By signing this SPO, or accepting excess DOD personal property under this SPO, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- 1) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.
- 2) On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- 3) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 USC 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

B. These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD.

XVII. INDEMNIFICATION CLAUSE

The State / LEA is required to maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property issued under the LESO program. Self-insurance by the State / LEA is considered acceptable. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of property issued under the LESO program. It is recognized that State and local law generally limit or preclude State Coordinators / LEAs from agreeing to open-ended indemnity provisions. However, to the extent permitted by State and local laws, the State / LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney’s fees arising out of, claimed on account of, or in any manner predicated upon loss of, or damage to property and injuries, illness or disabilities to, or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State / LEA, its agents, servants, employees, or any person subject to its control while the property is in the possession of, used by, or subject to the control of the State / LEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

XVIII. TERMINATION

A. This SPO may be terminated by either party, provided the other party receives thirty (30) days’ notice, in writing, or as otherwise stipulated by Public Law.

B. The undersigned State Coordinator and CLEO hereby agree to comply with all provisions set forth herein and acknowledge that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

XIX. IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Type / Print Chief Law Enforcement Official Name

Chief Law Enforcement Official Signature

Date (MM/DD/YYYY)

Jeffrey S. Shadburn
Type / Print State Coordinator Name

State Coordinator Signature

Date (MM/DD/YYYY)



FACT SHEET

AGENDA ITEM NO: 21

DATE: 8/8/16

ORDINANCE NO: 16-72

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
September 12, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A REZONING FOR DELAWARE HOUSING CORPORATION FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a

sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-72

AN ORDINANCE APPROVING A REZONING FOR DELAWARE HOUSING CORPORATION FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Rezoning from B-3 (Community Business District) to R-6 (Multi-Family Residential District) for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2049), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning from B-3 (Community Business District) to R-6 (Multi-Family Residential District) for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, is hereby confirmed, approved, and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2049, 2050 & 2016-2192

REQUEST: Multiple Requests

PROJECT: Londontown Apartments

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Delaware Housing Corp
300 Chelsea Street
Delaware, Ohio 43015

REQUESTS

2016-2049: A request by Delaware Housing Corporation for approval of a Rezoning Amendment for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) from B-3 (Community Business District) to R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

2016-2050: A request by Delaware Housing Corporation for approval of a Combined Preliminary and Final Development Plan for a Parking Lot Expansion for Londontown Apartments on approximately 0.88 (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

2016-2192: A request by Delaware Housing Corporation for approval of an Amendment of the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density Multi-Family for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

PROPERTY LOCATION & DESCRIPTION

The subject parcel is located on south side London Road just each of the existing apartments and just west of the Outreach Christian Church and is zoned B-3 (Community Business District). The parcels to the north are zoned B-1 (Neighborhood Business District) and R-4 (Medium Density Residential District), to south and west the properties are zoned R-6 (Multi-Family Residential District) and to the east the property is zoned B-3 (Community Commercial).

BACKGROUND/PROPOSAL

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs.

STAFF ANALYSIS

- **ZONING:** As mentioned above, the zoning of the subject the property is C-3 which does not allow apartment uses and associated accessory uses. Therefore, a rezoning to R-6 would be required to be approved by the Planning Commission and City Council to the match the current zoning of the apartment complex. In addition, a Combined Preliminary and Final Development Plan would need to be approved for the parking lot expansion and play area.
- **LAND USE:** The proposed parking lot and play area associated with an apartment complex are not consistent with the Comprehensive Plan of the "Near South Subarea" of the plan which identifies this property for Commercial Uses. Therefore, revising the comprehensive plan to Moderate Density Multi-Family would be required to be consistent with the existing apartment complex. This is generally considered a less intensive use than commercial with the mixture of uses in the area and the ownership change, the proposed amendment makes conceptual sense.
- **ENGINEERING** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND TRAFFIC:** The access to the apartment complex would remain the same with an existing curb cut on Chelsea Street from London Road providing access to the entire apartment complex.
- **SITE LAYOUT:** The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security

fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a sidewalk.

- **PARKLAND AND OPEN SPACE:** There is a 1,400 square foot play area proposed just north of the parking lot. The play area amenities have not been identified but would need to be reviewed and approved by staff prior to construction drawing approval.
- **TREE PRESERVATION:** Per the City Arborist, the existing two trees which total 20 caliper inches adjacent to the parking lot would likely die because of the construction. The owner is proposing to install 10 deciduous trees along the eastern property line to achieve compliance with Chapter 1168 Tree Preservation Ordinance.
- **LANDSCAPING:** Because the parking lot is located over 200 feet from London Road a buffering of shrubs and internal landscape trees would not be required. As mentioned above, the owner is installing 10 deciduous trees along the eastern property line. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.
- **LIGHTING PLAN:** The plan identifies four light poles adjacent to the parking lot. The light poles shall be black and not exceed 25 feet in height with cut-off style fixtures. Also, the lighting plans would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.

STAFF RECOMMENDATION (2016-2049 – REZONING AMENDMENT)

Staff recommends approval of request by Delaware Housing Corporation of a Rezoning Amendment for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) from B-3 (Community Business District) to R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

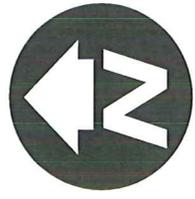
STAFF RECOMMENDATION (2016-2050 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Delaware Housing Corporation for approval of a Combined Preliminary and Final Development Plan for a Parking Lot Expansion for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. The play area amenities shall be reviewed and approved by staff prior to construction drawing approval.
5. The light poles shall be black in color and shall not exceed 25 feet in height and the fixtures shall be cut-off style.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
7. The subject three parcels shall be consolidated into a single parcel to achieve zoning compliance prior to construction drawing approval.

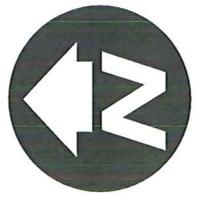
STAFF RECOMMENDATION (2016-2192 – COMPREHENSIVE PLAN AMENDMENT)

Staff recommends approval of request by Delaware Housing Corporation of an Amendment of the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density Multi-Family for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.



2016-2049-2050, & 2016-2192
 Rezoning Amendment, Combined Preliminary and
 Final Development Plan, and Amendment to the Comprehensive Plan
 Londontown Apartments - 300 Chelsea Street
 Location Map





2016-2049-2050, & 2016-2192
Rezoning Amendment, Combined Preliminary and
Final Development Plan, and Amendment to the Comprehensive Plan
Londontown Apartments - 300 Chelsea Street
Aerial (2013)





A. Scott Decker
Registered Engineer Date 07-08-16



Know what's below.
Call before you dig.



GRAPHIC SCALE
1" = 30'

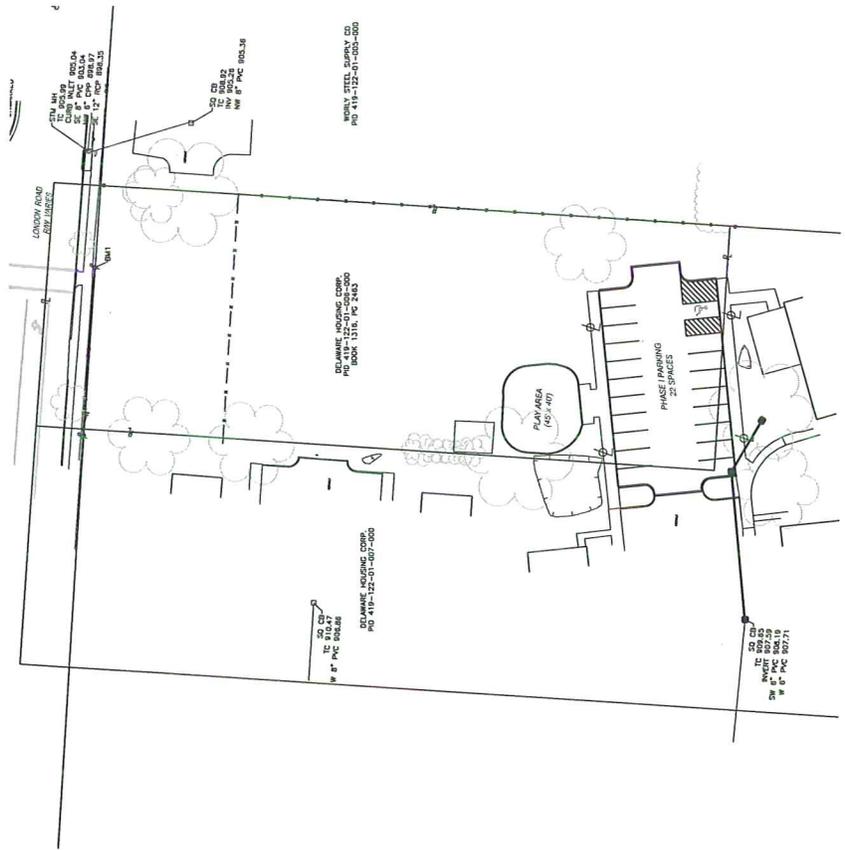
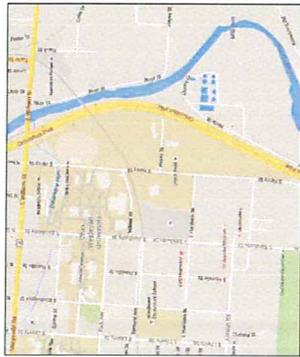
**LONDONTOWN
APARTMENTS
PARKING LOT
ADDITION AND
CHILDREN'S PLAY
AREA**

99 LONDON RD
DELaware, OHIO 43014
07-08-16 CITY REVIEW SET

**DEVELOPMENT PLAN
C1.0**
SDPS PROJECT NO. 3194

LONDONTOWN APARTMENTS PARKING LOT ADDITION AND CHILDREN'S PLAY AREA

DEVELOPMENT PLAN 99 LONDON RD DELaware, OH



SITE DATA

OWNER/DEVELOPER:
DELAWARE HOUSING CORP.
ATTN: JAMES BERUBE, CEM
1601 BETHLEHEM RD
COLUMBUS, OHIO 43220
TEL: 614-462-1100
EMAIL: james.berube@dcrcorpany.com

**CIVIL ENGINEER/
SURVEYOR:**
SANDS DECKER CPS, LLC
ATTN: MARK E. CAMERON, P.E.
COLUMBUS, OHIO 43220
MARK E. CAMERON, P.E.
10145 WOODBURN RD
(614) 499-8887 FAX
EMAIL: mcameron@sandsdeckercps.com

CERTIFIED ADDRESS:
99 LONDON RD
DELaware, OHIO 43014

PARCEL ID NUMBER: 41912201008

ZONING: COURTESY: COMMUNITY BUSINESS DISTRICT, B-3
REZONING: MULTI-FAMILY RESIDENTIAL
DISTRICT, R-6

FLOOD ZONE: ZONE X, AREA OF MINIMAL FLOOD HAZARD

COMMUNITY PANEL NO.: 39041C012L MAP REVISED
FEBRUARY 17, 2016

TOTAL SITE AREA: 0.88 AC.

TOTAL DISTURBED AREA: 0.24 AC.

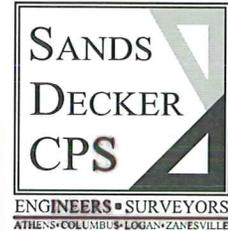
HPDES PERMIT NUMBER:

BENCHMARK INFORMATION:

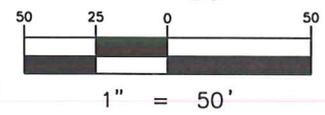
BM 1
ELEVATION 909.77
PK NAIL ON THE WEST SIDE OF THE POWER POLE LOCATED ON THE
EAST SIDE OF SOUTH WASHINGTON STREET 30 FEET WEST OF THE
CENTERLINE OF SOUTH WASHINGTON STREET.

These drawings are instruments of professional service by Sands Decker CPS, LLC for the depicted project. Sands Decker CPS, LLC assumes no liability for unauthorized use of these drawings, specifications, and documents.

LONDONTOWN APARTMENTS REZONING OF 0.88 ACRES



GRAPHIC SCALE



BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM - OHIO NORTH ZONE (NAD83) BY GPS OBSERVATION, REFERENCED TO THE NORTH LINE OF OUT LOT 1070 AS SOUTH 86°43'04"EAST.

- IRON PIN FOUND
- IRON PIN SET
- NLD DENOTES NEW LINE OF DIVISION

BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY SANDS DECKER CPS, LLC IN MARCH 2013 AND IS BASED ON RECORDS ON FILE AT THE STARK COUNTY RECORDER'S OFFICE AND THE STARK COUNTY ENGINEER'S OFFICE.

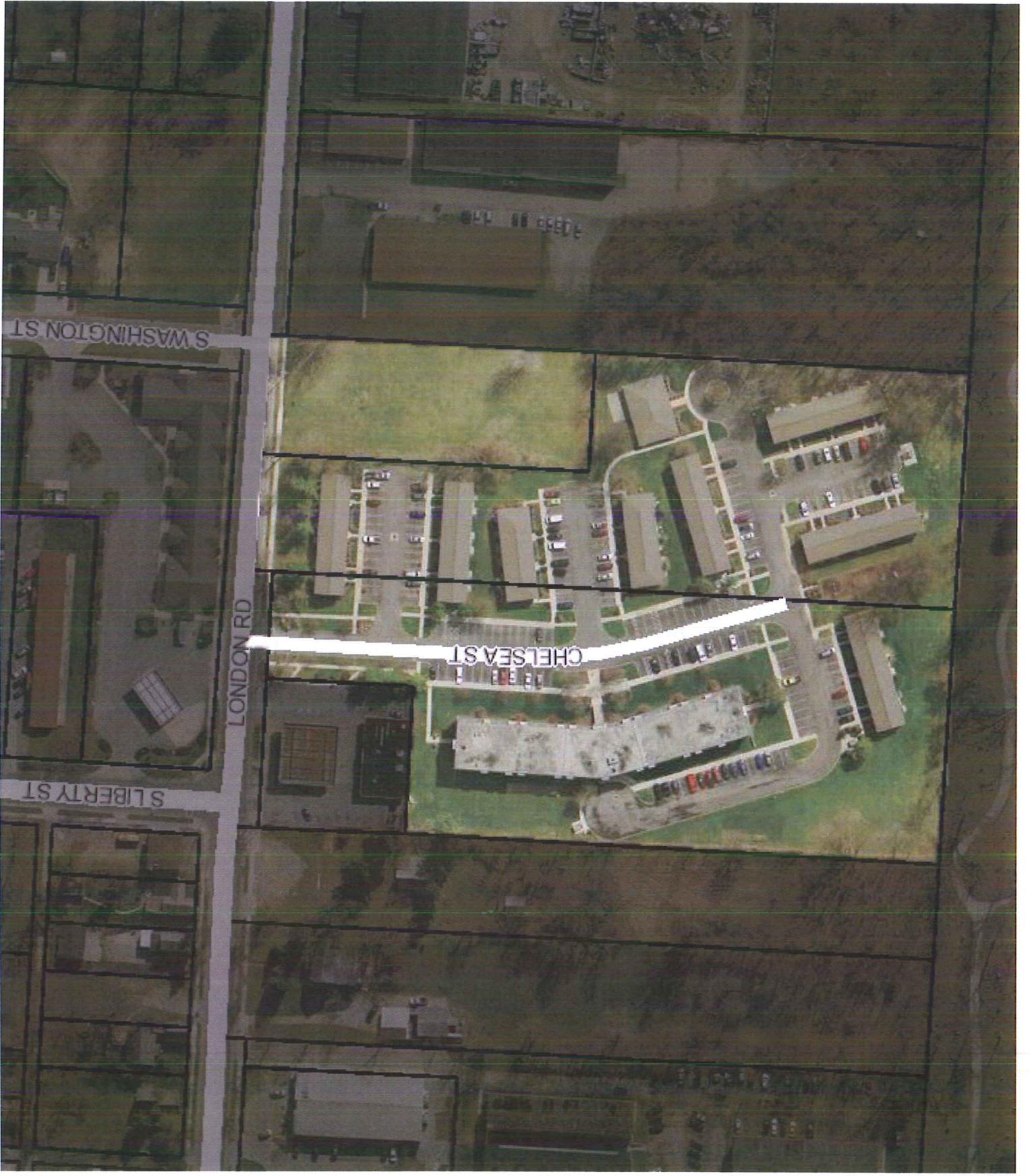
REFERENCES:
ALL DOCUMENTS NOTED HEREON

ALL IRON PINS SET ARE 3/4" INSIDE DIAMETER IRON PIPES, 30" IN LENGTH WITH A 1" DIAMETER YELLOW CAP STAMPED 'SANDS DECKER.'

Mark E. Cameron
MARK E. CAMERON PS #7395



07-06-16
DATE





FACT SHEET

AGENDA ITEM NO: 22

DATE: 8/8/16

ORDINANCE NO: 16-73

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
September 12, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN AMENDMENT OF THE COMPREHENSIVE PLAN FOR DELAWARE HOUSING CORPORATION ON PROPERTY DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP TO MODERATE DENSITY FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a

sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

ORDINANCE NO. 16-73

AN ORDINANCE APPROVING AN AMENDMENT OF THE COMPREHENSIVE PLAN FOR DELAWARE HOUSING CORPORATION ON PROPERTY DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP TO MODERATE DENSITY FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of an Amendment to the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2192), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the an Amendment to the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, is hereby confirmed, approved, and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 23

DATE: 8/8/16

ORDINANCE NO: 16-74

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE HOUSING CORPORATION FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

ORDINANCE NO. 16-74

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE HOUSING CORPORATION FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Combined Preliminary and Final Development Plan for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2050), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Combined Preliminary and Final Development Plan for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. The play area amenities shall be reviewed and approved by staff prior to construction drawing approval.
5. The light poles shall be black in color and shall not exceed 25 feet in height and the fixtures shall be cut-off style.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
7. The subject three parcels shall be consolidated into a single parcel to achieve zoning compliance prior to construction drawing approval.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of

this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 24

DATE: 8/8/16

ORDINANCE NO: 16-75

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

BACKGROUND:

In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way. The lots range in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a

minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively while the plan would also have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-2073 & 2074

REQUEST: Multiple Requests

PROJECT: Heatherton Phase 6

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio
4900 Tuttle Crossing
Dublin, Ohio 43016

REQUEST

2016-2073: A request by Pulte Homes for approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.

2016-2074: A request by Pulte Homes for approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.

PROPERTY LOCATION & DESCRIPTION

The subject Phase is located south of Broxten Street and west of Houk Road just south of Phase 5. The zoning of the subject property is R-3 PRD (One-Family Residential with a Planned Residential District). The zoning to the north and south is the same while the properties to the east are zoned R-3 PUD (One Family Residential with a Planned Unit Development District) and R-6 PUD (Multi-Family Residential District with a Planned Unit Development District) and the property to the west is zoned A-1 (Agricultural District). This site is former farmland which is flat and open with some trees scattered throughout the site.

BACKGROUND

In November 2001 City Council approved a Planned Unit Development Rezoning and Preliminary Development Plan for Lehner Woods (in 2013 the developer has renamed the single family portion of the development Heatherton) that consisted of 214 detached condominiums and 248 single family lots. The detached condominium portion of the development (Phases 1 and 2) was completed in the mid 2000's while the single family portion (Phase 3 with 20 lots) started construction in 2013. In February 2014, City Council approved the Final Subdivision Plat for Phase 4 Section 1. In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Since 2001 when the Preliminary Development Plan was approved, engineering and zoning standards have been revised and the developer agreed with staff to upgrade the site plan to the extent possible to achieve compliance with the current standards. Therefore, Phase 4 Section 2 and subsequent Phases and Sections of the Preliminary and Final Plats would reflect engineering and zoning revisions that would require Planning Commission and Council approval.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that is entirely residential in use and character. The Comprehensive Plan recommends a land use of Moderate Density Single-Family (3.25 – 4.75 du/ac) for the subject site. At 3.22 du/ac, the proposed density for the entire development is less than recommended and consistent with other recommendations of the Comprehensive Plan.
- **ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS, TRAFFIC & ACCESS:** Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way.

All roads and utilities are shown to extend to the end of lots being developed as a result of this plat as well as the property lines of the overall development. Public sidewalks would be required along all public streets.

- **LOT SIZE:** Phase 6 contains 32 single family lots on 12.203 acres with lots ranging in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. In addition, a condition in the approved Preliminary Development Plan and Preliminary Subdivision Plat for Phases 4-8 required the aforementioned minimum house sizes for consistency throughout the remainder of the subdivision. The proposed lot dimensions/sizes and minimum dwelling sizes are in accordance with the previously approved rezoning and consistent with lots already developed within the subdivision.
- **DESIGN:** The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. The standards include among other items: front elevations consisting of a minimum 25 percent of natural materials (the natural materials are to include but are not limited to stone, brick, cedar, wood, stucco and stucco stone), minimum 8 inch overhangs/soffits on returns, minimum 4 inch window trim and higher end vinyl siding.
- **LIGHTING PLAN:** A lighting plan that complies with the minimum zoning requirement has to submitted, reviewed and approved by the Chief Building Official for Phase 6.
- **LANDSCAPE PLAN:** A street tree plan is required to be submitted, reviewed and approved by the Shade Tree Commission for this Phase. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
- **PARKS/OPEN SPACE:** There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland.
- **TREE PRESERVATION:** The subject site appears to have trees along the western property line and a tree survey identifying the number size and condition of the trees shall be submitted for staff review. Any tree removal and/or replacement would have to achieve compliance with Chapter 1168 Tree Preservation Regulations.
- **PHASES & SECTIONS:** The preliminary development plan was approved in 2001. The subdivision was obviously a victim of the economic downtown. The remainder of the Phases and Sections would likely be constructed based on the future market conditions. Phases 7 and 8 are located south and east of the Phase 6 respectively and are located west of Houk Road and north of Boulder Street.

STAFF RECOMMENDATION – (2016-2073 FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by by Pulte Homes for approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. A public sidewalk shall be required along all public streets.

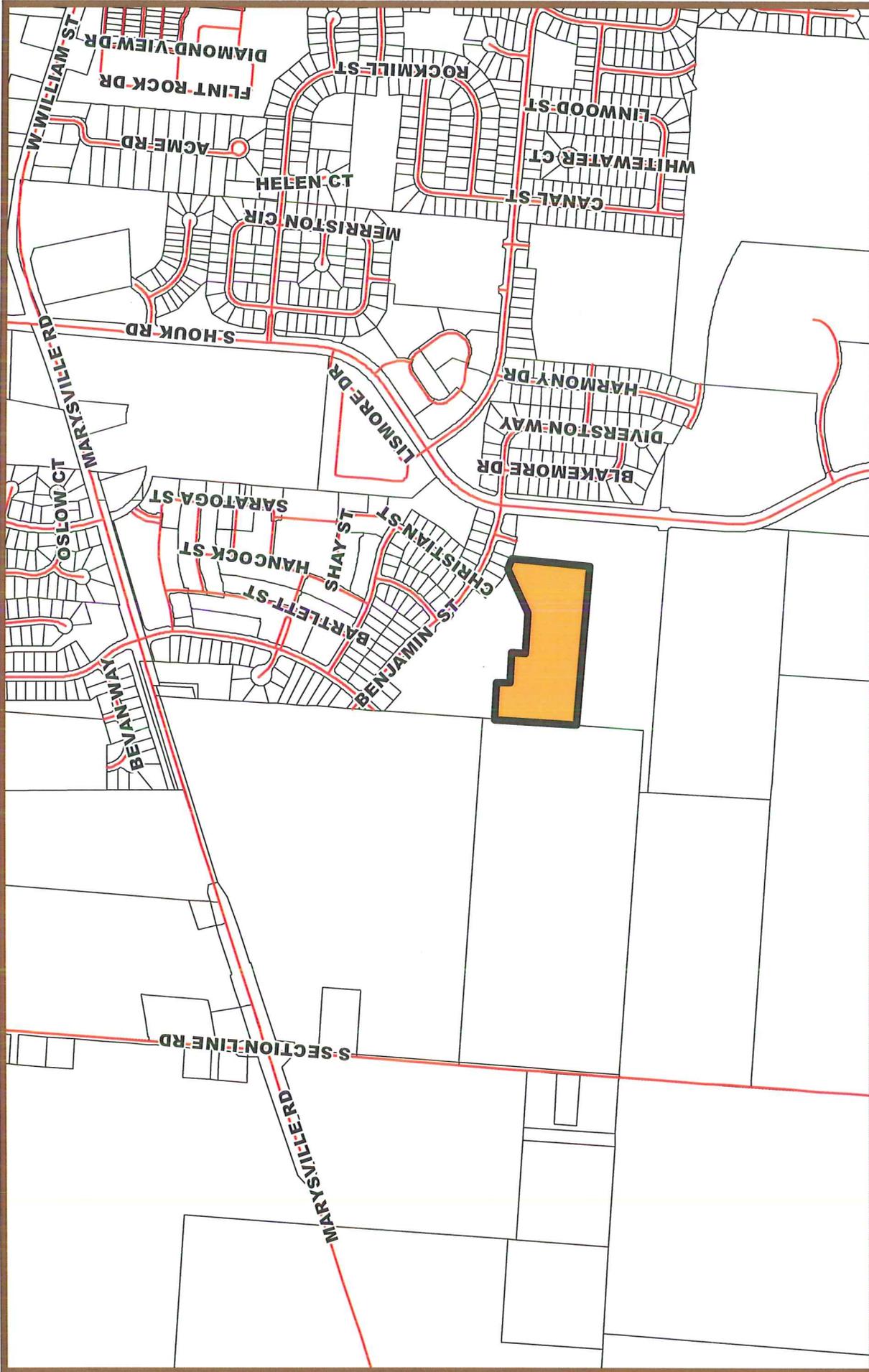
STAFF RECOMMENDATION – (2016-2074 FINAL SUBDIVISION PLAT)

Staff recommends approval of a request by Pulte Homes for approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. A public sidewalk shall be required along all public streets.
3. The houses shall achieve compliance the minimum Residential Design Standards Criteria and Performance Standards of Section 1171.08 of the Planning and Zoning Code.
4. The minimum houses sizes shall be 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals.
5. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
6. A tree survey shall be required for the subject Phase and any tree removal and/or replacement shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
7. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.

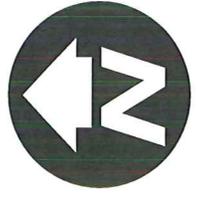
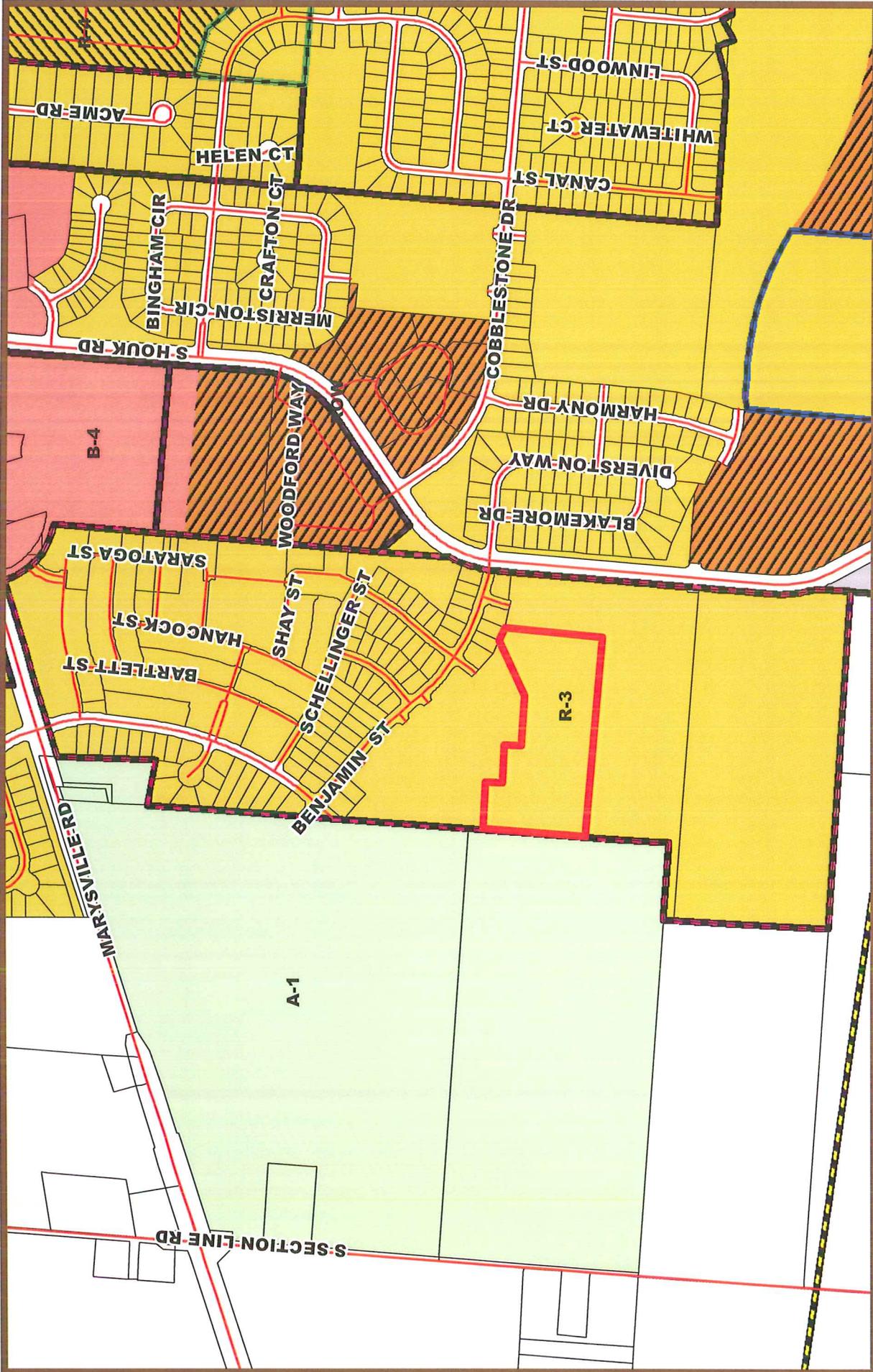
CONCLUSIONS

- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



2016-2073 & 2074
 Final Development Plan and Final Subdivision Plat
 Heatherton - Phase 6
 Location Map





2016-2073 & 2074
 Final Development Plan and Final Subdivision Plat
 Heatherton - Phase 6
 Zoning Map





2016-2073 & 2074
Final Development Plan and Final Subdivision Plat
Heatherton - Phase 6
Aerial (2013)





FACT SHEET

AGENDA ITEM NO: 25

DATE: 8/8/16

ORDINANCE NO: 16-76

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

BACKGROUND:

In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way. The lots range in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a

minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively while the plan would also have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

ORDINANCE NO. 16-76

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street (PC 2016-2074), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. A public sidewalk shall be required along all public streets.
3. The houses shall achieve compliance the minimum Residential Design Standards Criteria and Performance Standards of Section 1171.08 of the Planning and Zoning Code.
4. The minimum houses sizes shall be 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals.
5. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.

6. A tree survey shall be required for the subject Phase and any tree removal and/or replacement shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
7. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
 ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
 ABSTAIN ___

ATTEST: _____
 CITY CLERK

 MAYOR

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: July 21, 2016

1. **Calendar**

See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**

N/A

3. **Bi-Weekly Meetings**

July 25

*

Council meeting

July 26

*

911 meeting

July 28

*

Commissioner's meeting regarding 911

August

2016

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	6
Planning 7						
7	8	9	10	11	12	13
Council 7 BZA cancelled						
14	15	16	17	18	19	20
Parking & Safety Committee 7 Parks & Rec Advisory Board 7						
21	22	23	24	25	26	27
Shade Tree Commission 7 HPC 7						
28	29	30	31			