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

AMENDED AGENDA

6:30 P.M. – 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.

REGULAR MEETING April 9, 2018

1. ROLL CALL

2. INVOCATION – Chaplain Jean Feeney, OhioHealth

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the Motion Summary of the Work Session meeting of Council held on March 19, 2018, as recorded and transcribed. 
APPROVAL of the Motion Summary of the regular meeting of Council held on March 26, 2018, as recorded and transcribed.

5. CONSENT AGENDA
   A. Acceptance of the Motion Summary of the Planning Commission meeting held on March 7, 2018, as recorded and transcribed. 
   B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on March 7, 2018, as recorded and transcribed. 
   C. Establish April 23, 2018 at 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-32, an ordinance for Zaremba Group LLC for approval of a Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road, Ordinance No. 18-33, an ordinance for Zaremba Group LLC for approval of a Conditional Use Permit request
allowing the placement of PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District), and Ordinance 18-35, an ordinance for Zaremba Group LLC for approval of a Comprehensive Plan Amendment on the Future Land Use Plan Map from Commercial to Mixed Use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District).

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATIONS
   A. Proclamation presentation to HelpLine for Child Abuse Prevention and Sexual Assault Awareness Month.
   B. Presentation by the Second Ward Community Initiative on the Science, Technology, Engineering, Arts, and Mathematics (STEAM) Program – Tajudeen Bakare

9. THIRD READING of Ordinance No. 18-21, an ordinance for Medrock LLC approving a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family with a PUD Overlay.

10. THIRD READING of Ordinance No. 18-22, an ordinance for Medrock LLC approving a Combined Preliminary and Final Development Plan for Multi-Family Area 3 of the Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development District).

11. SECOND READING of Ordinance No. 18-23, an ordinance amending the Delaware Municipal Court and Clerk of Court Employee Benefits and
Leave Policies.

12. **SECOND READING of Resolution No. 18-21**, a resolution authorizing the payment of tuition leave under the 2018 Management Pay Plan.

13. **CONSIDERATION of Resolution No. 18-22**, a resolution encouraging the Delaware County Agricultural Society Board of Directors to require background checks for all firearm purchases completed on the premises.

14. **CONSIDERATION of Resolution No. 18-23**, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT Winter Salt purchase Contract.

15. **CONSIDERATION of Ordinance No. 18-25**, an ordinance supplementing the 2018 Appropriations Ordinance to provide additional funding for the Airport Strategic Business Plan.

16. **CONSIDERATION of Ordinance No. 18-26**, an ordinance supplementing the 2018 Appropriations Ordinance to provide funding for the renovation of the City Hall Annex.

17. **CONSIDERATION of Ordinance No. 18-27**, an ordinance granting an appeal of a technical denial of a Certificate of Appropriateness (COA) for 12 West Restaurant for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with conditions.


19. **CONSIDERATION of Ordinance No. 18-29**, an ordinance for Vincent Romanelli approving an Amended Preliminary Development Plan to include a pool with a pool building and parking lot to the central park of the Glenross North Subdivision on approximately 100 acres located just east of Glenn Parkway and north of the Glenross Golf Club on property zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District).

20. **CONSIDERATION of Ordinance No. 18-30**, an ordinance for Pulte Homes
approving a Final Development Plan for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive.

21. CONSIDERATION of Ordinance No. 18-31, an ordinance for Pulte Homes approving a Final Subdivision Plat for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive.

22. CONSIDERATION of Ordinance No. 18-32, an ordinance for Zaremba Group LLC for approval of a Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road.

23. CONSIDERATION of Ordinance No. 18-33, an ordinance for Zaremba Group LLC for approval of a Conditional Use Permit request allowing the placement of PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District).

24. CONSIDERATION of Ordinance No. 18-34, an ordinance for Zaremba Group LLC for approval of an Amended Preliminary Development Plan for Glenwood Commons Shopping Center on approximately 82.9 acres located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District).

25. CONSIDERATION of Ordinance No. 18-35, an ordinance for Zaremba Group LLC for approval of a Comprehensive Plan Amendment on the Future Land Use Plan Map from Commercial to Mixed Use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU.
(Community Business District with a Planned Mixed Use Overlay District).

26. CITY MANAGER’S REPORT

27. COUNCIL COMMENTS

28. ADJOURNMENT
The Work Session meeting of Council held March 19, 2018 was called to order at 6:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Sean Hughes, Economic Development Director, Kelsey Scott, Economic Development Specialist, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

ITEM 2: INTRODUCTIONS

ITEM 3: THE ROLE OF A FINANCE AUTHORITY IN ECONOMIC DEVELOPMENT

PRESENTORS:
Steve Cuckler
Taft, Stettinius & Hollister LLP
65 East State Street
Columbus, OH 43215

Bob Lamb
Delaware County Economic Development Director
101 North Sandusky Street
Delaware, OH 43015

Mr. Cuckler and Mr. Lamb provided background history of the Finance Authority in Delaware County. Mr. Cuckler informed Council that the Finance Authority has been present for over ten years in Delaware County. Information was provided on the make-up of the board and that it is a quasi-governmental entity. Mr. Lamb discussed the role of the Finance Authority to promote commercial development in the County. Mr. Cuckler provided information on the process of starting an application with the Finance Authority.

ITEM 4: CITY OF DELAWARE ECONOMIC DEVELOPMENT STRATEGIC PLAN

PRESENTOR:
Sean Hughes
City of Delaware Economic Development Director

Mr. Hughes discussed the importance of focusing on job retention and the need to serve current businesses to allow for continued growth. Mr. Hughes discussed the Economic Development Strategic Plan that was created in 2014 and is to be update this year in coordination with the updated of the Comprehensive Plan. Mr. Hughes discussed the importance of marketing the current labor force in the City of the Delaware. He discussed issues with the lack of public transportation and lack of utilities on undeveloped property.

ITEM 5: THE ROLE OF THE PRIVATE SECTOR IN ECONOMIC DEVELOPMENT
PRESENTER:
Jim Russell
The Pizzuti Companies, Executive Vice President
629 N. High Street, Suite 500
Columbus, OH 43215

Mr. Russell discussed the cycle of real estate development from the conception of the project until it is completed. He discussed his past experiences using the Finance Authority and that as a company looking at when it is cost effective and when it is not. He discussed the need to look at the current zoning and the Comprehensive Plan in coordination to current land market prices.

Mr. Russell discussed three areas that a developer needs to look at when pursuing project and potential location. He discussed the need to determine the local political support and determine if the community welcomes development and the type of development they support. He discussed the need to evaluate the market feasibility and evaluate the rents and vacancy rates in the community. His final recommendation was that developers need to determine the financial feasibility to determine if there will be a positive return on the project in the location.

Mayor Riggle requested a break at 7:30 p.m. and reconvened the meeting at 7:45 p.m.

ITEM 6: DISCUSSION

PUBLIC PARTICIPATION:
John Lewis
S1036 Hills Miller Road
Delaware, Ohio 43015

Mr. Lewis presented a question to Mr. Lamb regarding the ownership of the building while participating in the Finance Authority.

ITEM 7: NEXT STEPS

Vice-Mayor Shafer led a discussion on how to improve the results of Economic Development. A discussion was held on target areas to focus on and development fees. Council also discussed the need to look at the impact of economic development on available housing.

ITEM 8: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:04 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk
6:30 EXECUTIVE SESSION: Mrs. Keller motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Rohrer and approved by a 7-0 vote. Council met in 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. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 6:59 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Browning and approved by a 7-0 vote.

The regular meeting of Council held March 12, 2018 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Chaplain Jon Powers, Ohio Wesleyan University, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Blake Jordan, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES
APPROVAL of the Motion Summary of the regular meeting of Council held on March 12, 2018, as recorded and transcribed.

Motion: Mr. Jones motioned to approve the Motion Summary of the regular meeting of Council held March 12, 2018, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA
A. Resolution No. 18-19, a resolution appointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
B. Resolution No. 18-20, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) for the US-23 Micro-Surfacing Project (Lane Mile 11.43-12.68), to execute contracts and construct the project.

Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC PARTICIPATION:
Roger Cullum
185 W. Winter Street
Delaware, Ohio

Mr. Cullum discussed the impact of unregulated Airbnb on local bed and breakfast businesses.

ITEM 7: COMMITTEE REPORTS

ITEM 8: ORDINANCE NO. 18-23 [First Reading]
AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES.

The Clerk read the ordinance for the first time.

PUBLIC PARTICIPATION:
Judge Marianne Hemmeter
Delaware Municipal Court
70 North Union Street
Delaware, Ohio 43015

Council to take Ordinance No. 18-23 to a second reading.

ITEM 9: RESOLUTION NO. 18-21 [First Reading]
A RESOLUTION AUTHORIZING THE PAYMENT OF TUITION LEAVE UNDER THE 2018 MANAGEMENT PAY PLAN.

The Clerk read the resolution for the first time.

Council to take Resolution

ITEM 10: ORDINANCE NO. 18-18 [Third Reading]
AN ORDINANCE AMENDING SECTION 933.09 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO REGARDING INTOXICATING BEVERAGES PROHIBITED, AND REPEALING EXISTING SECTION 933.09 IN ITS ENTIRETY, AND DECLARE AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Mrs. Keller motioned to enact the emergency clause for Ordinance No. 18-18, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-18, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

ITEM 11: ORDINANCE NO. 18-21 [Public Hearing and Second Reading]
AN ORDINANCE FOR MEDROCK LLC. APPROVING A ZONING TEXT AMENDMENT TO THE EXISTING WILLOWBROOK FARM TRACT PUB OVERLAY ZONING TEXT (PLANNED UNIT DEVELOPMENT) TO ALLOW A MODIFICATION TO THE MAXIMUM DWELLING UNITS AND DENSITY TO MULTI-FAMILY AREAS 3 AND 4 TO ALLOW ADDITIONAL DWELLING UNITS IN AREA 3 AND REMOVING UNITS IN AREA 4 THEREBY DECREASING THE OVERALL UNITS CURRENTLY ALLOWED IN TOTAL LOCATED ON THE EAST SIDE OF HOUK ROAD ON APPROXIMATELY 36 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY WITH A PUB OVERLAY.
The Clerk read the ordinance for the second time.

**APPLICANT:**
Jeffrey Lewis
Jeffrey M. Lewis Co., LPA
1650 Lake Shore Drive, Suite 150
Columbus, Ohio 43204

Miles Horton
T&R Properties
1512 1/2 One Avenue
Columbus, Ohio

Randall Woodings
Kontogiannis & Associates
400 S. 5th St. #400
Columbus, Ohio 43215

**PUBLIC PARTICIPATION:**
Scott Kinslow
107 Diverston Way
Delaware, Ohio 43015

Jaime Turinsky
313 Johann Street
Delaware, Ohio 43015

Morgan Nickolai
333 Braxton Street
Delaware, Ohio 43015

Todd Shuster
700 Lehner Woods Blvd.
Delaware, Ohio 43015

Walter Campbell
900 Canal Street
Delaware, Ohio 43105

Deb Logan
102 Diverston Way
Delaware, Ohio 43015

Mayor Riggle closed the public hearing and Council will have a third reading of Ordinance No. 18-21.

**ITEM 12: ORDINANCE NO. 18-22**
[Second Reading]
AN ORDINANCE FOR MEDROCK LLC. APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MULTI-FAMILY AREA 3 OF THE WILLOWBROOK FARM TRACT FOR A 180 UNIT APARTMENT COMPLEX ON APPROXIMATELY 15.506 ACRES LOCATED ON THE NORTHEAST CORNER OF HOUK ROAD AND DIGENOVA WAY ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT).
The Clerk read the ordinance for the second time.

Council to have Ordinance No. 18-22 be taken to a third reading.

ITEM 13: ORDINANCE NO. 18-24  [First Reading]
AN ORDINANCE GRANTING AN APPEAL OF A DENIAL OF A CERTIFICATE
OF APPROPRIATENESS FOR THE REQUEST BY BUNS RESTAURANT LLC
FOR REINSTATING STOREFRONT ENTRANCES AT 49 NORTH
SANDUSKY STREET WHICH IS ZONED B-2 (CENTRAL BUSINESS
DISTRICT) AND LOCATED IN THE DOWNTOWN CORE SUB-DISTRICT OF
THE DOWNTOWN HISTORIC DISTRICT OVERLAY.

APPLICANT:
Vasili Konstantinidis
14 West Winter Street
Delaware, Ohio 43015

PUBLIC PARTICIPATION:
Roger Koch
Historic Preservation Commission, Chairman
125 North Liberty Street
Delaware, Ohio 43015

Sherry Riviera
Historic Preservation Commission
24 Montrose Avenue
Delaware, Ohio 43015

Motion: Mr. Jones motioned to adopt Ordinance No. 18-24, seconded by
Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 14: FINANCE DIRECTOR'S REPORT

ITEM 15: CITY MANAGER'S REPORT
Mr. Homan discussed follow up required from the Economic Development
Work Session. He discussed the need to provide monthly updates at a
Council meeting. Mr. Homan to follow up with Mr. Efland over the
Comprehensive Plan updates and how it relates to economic development.

Mr. Homan informed Council that the City was notified by SIMS Recycling
that the curbside program will not be continued.

Mr. Homan provided information on the upcoming MORPC award that the
City of Delaware will be receiving.

Mr. Homan provided an update on water main breaks that recently
occurred.

Mrs. Walker provided information on upcoming Main Street Delaware
events.

ITEM 16: COUNCIL COMMENTS
Mayor Riggle informed Council that National Vietnam Veterans Day will be
March 29, 2018.
ITEM 17: ADJOURNMENT

Motion: Mr. Hellinger motioned to adjourn the meeting. The meeting adjourned at 9:00 p.m.

__________________________
Mayor Carolyn Kay Riggle

__________________________
Elaine McCloskey, Council Clerk
PLANNING COMMISSION
March 7, 2018
MOTION SUMMARY

ITEM 1. Roll Call
Chairman Simpson called the meeting to order at 7:00 p.m.

Members Present: Robert Badger, Jim Halter, Dean Prall, Andy Volenik, Mayor Carolyn Kay Riggle, Vice-Chairman George Mantzoros, and Chairman Stacy Simpson.

Staff Present: Carrie Fortman, Project Engineer, Matt Weber, Deputy Engineer, Lance Schultz, Zoning Administrator, and Dave Efland, Planning and Community Development Director

Council Member Present: Second Ward Lisa Keller

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on February 7, 2018, as recorded and transcribed.

Motion: Mr. Badger moved to approve the Motion Summary for February 7, 2018 Planning Commission meeting, seconded by Mayor Riggle. Motion approved by a 7-0 vote.

ITEM 3. REGULAR BUSINESS

Motion: Mr. Halter motioned to remove from the table 2018-0026 and 2018-0027, seconded by Mr. Prall. Motion approved by a 7-0 vote.

A. Willowbrook Apartments

1) 2018-0026: A request by Medrock, LLC for approval of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay. (TABLED 2/7/18)

2) 2018-0027: A request by Medrock, LLC for approval of a Combined Preliminary and Final Development Plan to Multi-Family Area 3 of the existing Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential
District with a Planned Unit Development Overlay. (TABLED 2/7/18)

**Anticipated Process**

a. **Staff Presentation**

Mr. Efland updated the Commission over the extension of Boulder Drive. He discussed the staff recommendation for approval to construct Boulder Drive to Harmony. Mr. Efland discussed the request by the Applicant for a wood fence dumpster enclosure and that staff agrees with their proposal. He reviewed the tree removal condition and that the Applicant requested that refuse service be private. Mr. Efland explained to the Commission that staff recommended that refuse services be provided by the City.

b. **Applicant Presentation**

**APPLICANT:**
Miles Horton  
1512 ½ One Avenue  
Columbus, Ohio

Randall Woodings  
Kontogiannis & Associates  
400 S. 5th St. #400  
Columbus, Ohio 43215

Mr. Woodings informed the Commission that they will continue to work with the City and have no concerns regarding staff conditions and recommendations.

c. **Public comment (public hearing)**

**PUBLIC COMMENT:**
Anthony Scott Kinslow  
107 Diverston Way  
Delaware, Ohio 43015

Mr. Kinslow voiced concerns that the public hearing signage was not updated to show the date of March 7. He voiced concern over the potential location of a dumpster on the north property line and requested that it be moved from this location. Mr. Kinslow requested information on the type of lighting that will be on Boulder Drive.

Karen Kaufman  
107 Diverston Way  
Delaware, Ohio 43015

Ms. Kaufman voiced concerns over the additional traffic on Houk Road
with the increase of units and the poor line of site to turn onto Houk Road. She discussed the condition from May 2016 that no building permit would be issued to the developer if the entrance area was not maintained. She voiced concerns that the development could compromise the city status as a Tree City USA. She voiced concerns over tenant turnover at other developer owned properties and the lack of maintenance at these locations. Ms. Kaufman voiced concerns over the potential lawsuit against Councilwoman Lisa Keller.

Karl Berghauer
277 Harmony Drive
Delaware, Ohio 43015

Mr. Berghauer voiced a concern over the increase of the density and calculated the density to be a 28.57% increase. Mr. Berghauer voiced his support to have 140 units. He voiced concerns of the potential closing of the bike path at Boulder Drive to DiGenova Way.

Joe Higgins
447 Linwood Street
Delaware, Ohio 43015

Mr. Higgins questioned the benefits of additional units.

Nancy Campbell
900 Canal Street
Delaware, Ohio 43015

Ms. Campbell discussed the average rent in the City of Delaware and voiced concerns on who will be able to afford the expected rent. She voiced concerns over the amount of parking spaces available and the poor line of site to access in and out of the development. Ms. Campbell voiced a concern regarding the letter written to Councilwoman Lisa Keller.

Steward Klinger
113 Blakemore Drive
Delaware, Ohio 43015

Mr. Klinger requested if the utilities will be metered and voiced a concern that the city will lose revenue if the complex is master metered. Mr. Klinger voiced concern over the traffic on Houk Road and requested if the development will have access to the tree preserve.

Mr. Weber informed the Commission that the lighting on Boulder Drive will have the same standards as any subdivision. He discussed the expected high volume of traffic that Houk Road was designed to handle
and that the current traffic levels do not currently warrant traffic signals. He discussed the accident history for the area. Mr. Weber discussed the preference to not access Boulder Drive from the development as it will create a break in the mounding. He discussed that the access location will be reviewed by staff to make sure that there is no trees or mounding to block the site distance.

Mr. Efland discussed the access to the tree preserve and the buffering adjacent to the YMCA. Mr. Efland and Mr. Woodings discussed relocated the dumpster on the north side. Mr. Woodings informed the Commission that they would be agreeable to look at alternative locations. Mayor Riggle also requested that they look at options to provide recycling.

Staff discussed that the current plan provides for an additional twelve parking spaces than required. A discussion was held over the height of the buildings.

Mr. Efland reviewed the density changes with the proposed development plan.

Mr. Efland discussed the process after a recommendation is made by the Planning Commission to City Council.

**Motion:** Vice-Chairman Mantzoros motioned to close the public hearing, seconded by Mr. Badger. Motion approved by a 6-1 (Halter) vote.

d. **Commission Action**

**Motion:** Mr. Badger motioned to approve 2018-0026, along with all staff conditions and recommendations. There was no second to this motion.

Mr. Efland requested a recess to gather information on the timeline required by the Code on action required by the Commission. Chairman Simpson requested a break at 7:55 p.m. and reconvened the meeting at 8:02 p.m.

Mr. Efland discussed the recommendations that the Commission may provide to Council according to the code.

**Motion:** Mr. Badger motioned to approve 2018-0026, along with all staff conditions and recommendations, seconded by Mr. Prall. Motion failed with a 0-7 vote.

**Motion:** Mr. Badger motioned to approve 2018-0027, along with all staff conditions and recommendations, seconded by Mr. Prall. Motion failed with a 0-7 vote.
ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland informed the Commission that the case will be presented to the Council with a recommendation by the Commission for denial.

Mr. Efland discussed the possibility of utilizing the third Wednesday of the month for additional Planning Commission meetings for the Comprehensive Plan and additional cases.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Prall informed the Commission that he will be unable to attend the June 6, 2018 meeting.

ITEM 6. NEXT REGULAR MEETING: April 4, 2018

ITEM 7. ADJOURNMENT:

Motion: Chairman Simpson moved for the March 7, 2018 Planning Commission meeting to adjourn. The meeting adjourned at 8:24 p.m.

Stacy Simpson, Chairperson

Elaine McCloskey, Clerk
CIVIL SERVICE COMMISSION
Motion Summary
March 7, 2018

ITEM 1. ROLL CALL

Chairman Rybka called the meeting to order at 3:00 p.m.

Members Present: Chairman John Rybka and Vice Chairman Eric Coss

Members Absent: Councilman Jim Browning, City Council Liaison

Staff Present: John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Jessica Feller, Human Resource Manager, and Darren Shulman, City Attorney

The Clerk read into the record the resignation letter of Commission Member Brooke Acker.

ITEM 2. PLEDGE OF ALLEGIANCE

ITEM 3. APPROVAL of the Motion Summary for the Civil Service Commission meeting held January 3, 2018, a recorded and transcribed.

Motion: Vice-Chairman Coss moved to approve the Motion Summary for the January 3, 2018 Civil Service Commission meeting, seconded by Chairman Rybka. Motion passed by a 2-0 vote.

ITEM 4. UPDATE of Police Officer Certified List

Motion: Vice-Chairman Coss moved to accept the Police Officer Certified List as presented, seconded by Chairman Rybka. Motion approved by a 2-0 vote.

ITEM 5. UPDATE of Firefighter/EMT/Paramedic Certified List

Motion: Vice-Chairman Coss moved to accept the Firefighter/EMT/Paramedic Certified List as presented, seconded by Chairman Rybka. Motion approved by a 2-0 vote.

ITEM 6. PUBLIC COMMENTS

There was no public comment.

ITEM 7. COMMITTEE COMMENTS
Chairman Rybka discussed his experience at the recent participation in the “Response to Resistance Experience”.
Chief Donahue discussed the ionization process to remove toxins and carcinogens from staffs gear.

ITEM 8. ADJOURNMENT

Motion: Vice-Chairman Coss moved to adjourn the Civil Service Commission meeting, seconded by Chairman Rybka. The Civil Service Commission meeting was adjourned at 3:18 p.m.

John M. Rybka, Chairman

Elaine McCloskey, Clerk
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 FOR MEDROCK LLC APPROVING A ZONING TEXT AMENDMENT TO THE EXISTING WILLOWBROOK FARM TRACT PUD OVERLAY ZONING TEXT (PLANNED UNIT DEVELOPMENT) TO ALLOW A MODIFICATION TO THE MAXIMUM DWELLING UNITS AND DENSITY TO MULTI-FAMILY AREAS 3 AND 4 TO ALLOW ADDITIONAL DWELLING UNITS IN AREA 3 AND REMOVING UNITS IN AREA 4 THEREBY DECREASING THE OVERALL UNITS CURRENTLY ALLOWED IN TOTAL LOCATED ON THE EAST SIDE OF HOUK ROAD ON APPROXIMATELY 36 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY WITH A PUD OVERLAY.

BACKGROUND:
As a result of the Planning Commission vote to recommend denial, the Charter (Section 104) requires that five affirmative votes of City Council are required to overturn the Planning Commission’s recommendation.

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:
Planning Commission did not recommend approval by a vote of 0-7 on March 7, 2018, thereby technically recommending denial.

**FISCAL IMPACT(S):**
N/A

**POLICY CHANGES:**
N/A

**PRESENTER(S):**
David Efland, Planning and Community Development Director

**RECOMMENDATION:**
Staff recommends approval

**ATTACHMENT(S)**
See attached
ORDINANCE NO. 18-21

AN ORDINANCE FOR MEDROCK LLC APPROVING A ZONING TEXT AMENDMENT TO THE EXISTING WILLOWBROOK FARM TRACT PUD OVERLAY ZONING TEXT (PLANNED UNIT DEVELOPMENT) TO ALLOW A MODIFICATION TO THE MAXIMUM DWELLING UNITS AND DENSITY TO MULTI-FAMILY AREAS 3 AND 4 TO ALLOW ADDITIONAL DWELLING UNITS IN AREA 3 AND REMOVING UNITS IN AREA 4 THEREBY DECREASING THE OVERALL UNITS CURRENTLY ALLOWED IN TOTAL LOCATED ON THE EAST SIDE OF HOUK ROAD ON APPROXIMATELY 36 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY WITH A PUD OVERLAY.

WHEREAS, the Planning Commission at its meeting on March 7, 2018 failed to recommend approval of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to multi-family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 multi-family with a PUD overlay (PC Case 2018-0026).

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

SECTION 1. That the Council of the City of Delaware overturns the recommendation of denial by the Planning Commission and that the Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to multi-family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 multi-family with a PUD overlay, is hereby confirmed, approved, and accepted with the following conditions that:

1. The maximum amount of multi-family dwelling units permitted in Area 3 shall not exceed 180 dwelling units.
2. The maximum amount of multi-family dwelling units permitted in Area 4 shall not exceed 100 dwelling units.
3. The remainder of the requirements of Ordinances 99-74 and 99-76 shall remain in full effect.
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.

PASSED: _________________________, 2018 YEAS____ NAYS____ ABSTAIN ____

ATTEST: _______________________________       ________________________
          CITY CLERK                     MAYOR
APPLICANT/OWNER
Medrock
3895 Stoneridge Lane
Dublin, Ohio 43017

REQUEST
2018-0026: A request by Medrock, LLC for approval of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay.

2018-0027: A request by Medrock, LLC for approval of a Combined Preliminary and Final Development Plan to Multi-Family Area 3 of the existing Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15,506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay).

PROPERTY LOCATION & DESCRIPTION
The proposed multi-family site encompasses 15,506 acres for the Combined Preliminary and Final Development Plan while the subarea zoning text amendments encompasses approximately 36 acres. Both sites are zoned R-6 PUD (Multi-Family Residential District with Planned Unit Development District) and the multi-family site is located on the northeast corner of Houk Road and DiGenova Way just north of the YMCA. The properties to the north are zoned R-3 PUD, the properties to the east and south are zoned R-3 PMU (One-Family Residential with a Planned Mixed Use Overlay District) and the properties to the west are zoned R-3 PRD (One-Family Residential with a Planned Residential Development District).

March 7, 2018 UPDATE
Since the February meeting of the Planning Commission there have been several items discussed.

First, the Commission requested resolution on the Boulder Dr. connection. That has resulted in the following direction from the City Manager: At the February 7, 2018 planning commission meeting, there was discussion about the Boulder Drive extension, not only as part of this application, but also as part of the future development of Adalee Park. I recommend that a required condition of the currently under review Willowbrook Apartment applications should be to have the Applicant construct the piece of Boulder Dr. from Houk Rd. east to the existing short Boulder Dr. piece that was constructed at the end of Harmony Dr. by the Applicant with the initial phases of the Adalee Park Subdivision. This construction should take place concurrent with any site development should the Willowbrook Apartment applications be approved and the project advance to construction. The next phase of Boulder Drive to the east of this point would then be considered as part of the appropriate future phase of the Adalee Park development. However, should the Willowbrook Apartments in question not advance to approval and construction then the entire length of Boulder Dr. beginning at Houk Rd. and continuing eastward might need to be constructed with the appropriate future phase of Adalee Park to provide access for that development to Houk Road to be determined if and when that future case(s) may come forward.

Thus, the original condition from the February Staff report in this regard has been amended to account for this as written below.

There has been continuing plan review advancement by the Applicant over the last month as well. The Applicant has indicated recently several items as noted below in this regard:

1. The Applicant has expressed a desire to have considered a wood fence dumpster enclosure per the attached revised plans. Originally, condition # 4 in the February 7, 2018 Staff report noted the enclosures should be built using brick or stone with wood doors painted to match. Given that the enclosures will generally not be visible from a public way but rather only on this private site and given that the proposed
enclosures utilize materials elsewhere proposed to be used on the site and given that the enclosures are full enclosures that include doors, Staff can concur with these proposed materials and general design and amends its original recommendation in this regard to match the revised submission herein with the caveat that the wood enclosures and doors are painted or stained to compliment the adjacent buildings.

2. Condition #8 in the February Staff report related to a potential tree planting and/or payment based upon the deficiency noted in the initial submittal. Since that time, the City Arborist has worked with the arborist for the applicant to determine a more accurate tree count including species identification. As a result, the City Arborist has determined that the trees being removed which resulted in the replanting/fee requirement originally are all actually Cottonwood trees. By City Code (907.07) and past practice, Cottonwood trees are prohibited from being planted in the City and are not counted toward replacement requirements as a result. If they are part of a larger permanent tree preservation area where they will not interfere with water or sewer lines they have been allowed to remain. This is not the case with this proposal and, thus, all required replanting has been accounted for on the site per the amended plans.

3. Condition #12 of the original February Staff report concerned refuse service. The Applicant had previously been made aware of this by the Public Works director. In the intervening month, the Applicant has indicated their desire that all of the residents use private pick up provided by the owner. The City Administration continues, however, to recommend per City Code the original condition as written in the February Staff report. Thus, no change is recommended herein by Staff in that regard although the Condition is now #11 in this report.

As a result of these updates the following are the recommended Conditions by Staff for this March hearing.

**STAFF RECOMMENDATION (2018-0026 – ZOING TEXT AMENDMENT)**
Staff recommends approval of a request by Medrock, LLC of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay, with the follow conditions that:

1. The maximum amount of multi-family dwelling units permitted in Area 3 shall not exceed 180 dwelling units.
2. The maximum amount of multi-family dwelling units permitted in Area 4 shall not exceed 100 dwelling units.
3. The remainder of the requirements of Ordinances 99-74 and 99-76 shall remain in full effect.

**STAFF RECOMMENDATION (2018-0027 – COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN)**
Staff recommends approval of a request by Medrock, LLC for approval of a Combined Preliminary and Final Development Plan to Multi-Family Area 3 of the existing Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay), 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. The Applicant shall construct the piece of Boulder Dr. from Houk Rd. east to the existing short Boulder Dr. piece that was constructed at the end of Harmony Dr. by the Applicant with the initial phases of the Adalee Park Subdivision. This construction should take place concurrent with any site
development should the Willowbrook Apartment applications be approved and the project advance to construction. The next phase of Boulder Drive to the east of this point would then be considered as part of the appropriate future phase of the Adalee Park development. However, should the Willowbrook Apartments in question not advance to approval and construction then the entire length of Boulder Dr. beginning at Houk Rd. and continuing eastward might need to be constructed with the appropriate future phase of Adalee Park to provide access for that development to Houk Road to be determined if and when that future case(s) may come forward.

3. The proposed apartment buildings shall achieve compliance with the design standards of the approved development text and the submitted Final Development Plan. Any limestone on the buildings shall be constructed of Delaware blue vein limestone or equivalent as approved by staff.

4. The dumpster enclosures shall be constructed as proposed on the Sheet entitled “Trash Enclosure Plan” as submitted by the Applicant on 3/2/18. The wood enclosures and doors shall be painted or stained in a neutral color to compliment the adjacent buildings.

5. A proposed mound at the same height and undulation with the same tree mix of deciduous and evergreen trees and shall be installed along Houk Road to be consistent with the existing mounding north of this site to achieve compliance with the approved mounding and landscape plan of the entire Houk Road corridor of the Willowbrook Farms development and to ensure adequate site distance is achieved.

6. A 2 to 3 foot high undulating mound shall be installed along DiGenova Way to supplement the proposed street and front yard trees on the landscape plan.

7. A continuous minimum 5 to 6 foot high mound with minimum 6 foot high evergreen trees, planted in a staggered row configuration, at installation shall be installed along the northern property line to provide a continuous screen to adjacent to single family subdivision (Adalee Park) All landscape plans shall be reviewed and approved by the Shade Tree Commission.

8. Any ground signage shall achieve compliance with the minimum zoning code requirements and adopted Gateways and Corridor Plan.

9. The private street names shall be submitted and approved by the City and other appropriate agencies.

10. The entire development shall achieve compliance with the Fire Department and Public Works development final requirements after the final review is complete.

11. The entire development shall subscribe to City refuse collection and achieve compliance with all Public Works requirements.

COMMISSION NOTES:

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______________________________________________________________________________________________
Revised Submitted Plans – March 2, 2018
PREVIOUSLY RECEIVED PUBLIC COMMENTS
Please forward to planning commission and council please.

***Also, can I get an answer to the question of when public notice was legally needed to be given and what date signs were placed, letters were mailed, etc. so I can get back to Mr. Henderson.

Thank you,
Lisa M. Keller
City of Delaware
Council Member; 2nd Ward
(740) 203-1013
lkeller@delawareohio.net

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From: Mark Henderson [mark@mthinkinc.com]
Sent: Tuesday, February 06, 2018 1:37 PM
To: Lisa Keller
Subject: Questions for the rezoning hearing of the parcel next to Adalee Park development.

***ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***

Lisa,

I would like to thank you for gathering some questions and coordinating people before the planning meeting. The first news I heard about this was on Saturday and there were no details that were available online to even for an opinion. It seems like sending a piece of mail that arrives Saturday three business days before the meeting with no real information seems like someone is trying to push the project through without anyone being able to have time to develop an opinion and form a cogent response.

Tamy has been doing the research and found your meeting notice online and sent me your email address.

Some questions I would like to have answered:

Is 3 business days before the meeting for a first and final determination really considered appropriate public notice?
Why were there not sufficient details available online with a link in the notice to actually allow affected parties to research the project and form a realistic opinion?
What is the precedent to rezoning this type of land. The density of the proposed apartments seems to be very high and out of character for the surrounding planned developments?
What research has been done to make sure that south houke can support the additional traffic?
There are already problems with speeding and visibility that makes exiting Adalee Park challenging
already. I cannot imagine adding another 360 vehicles in a 12 acre parcel would be possible without some form of traffic control.
What are the floor plans and expected rents of the apartments? Is the value of the property going to be in line with the existing development?
How are they going to control traffic through the back street of Adalee Park to prevent turning it into an artery for traffic to 36?
Who is the developer and why do they not have a web presence to help research their work? It seems like they are secretive while working in the public space.

I am sure there are many more questions and I look forward to talking with other people about this.

Where is the meeting tonight? Are there directions posted somewhere?

Thanks you for spear heading this effort.

Mark Henderson
108 Diverston Way
Delaware OH 43015
Lisa,

My name is Dave Patel and a very new resident of Delaware (less than 2 months) as we have built a brand new home in the Heatherton subdivision. Right across the street from the proposed project.

I just wanted to send you some questions that are running abuzz in my neighborhood as there is A LOT of concerns from residents in this area. Again, these are residents that are investing/have invested a tremendous amount of money in the new and upcoming West End of Delaware, the image that we "thought" was going to get better with more homes/condos, NOT apartments.

1. Why Rentals? Many people even those that I know that the city contacted them via snail mail thought this was an upscale condominium project. When did this decision change?
2. Are these government assistance/affordable housing dwellings? There was TREMENDOUS concerns that if this is the case many are willing to pay the 5 year tax penalty and move out of the development if this the case. This isn't something that Delaware would want when trying to change the image of the West End. Many brought upon public statistics/facts showing how crime and overall property value greatly decreases homes in the close vicinity of this kind of dwelling. I am one of these individuals that I can't say this hasn't crossed my mind...
3. Schooling? What is the plan to adjust for these mass influx of residents that have children and accommodate them in a school system that is already bursting at it seems?
4. If this is going to be an apartment complex, what is the proposed rent for the dwellings? "Luxury" Apartments?
5. Traffic influx? What are the plans to adjust for it?

Thanks for your time!
Dave P. Patel, BS, BSN, RN
PACU - Recovery Nurse
Super User Clindoc/OpTime
OhioHealth Marion General Hospital
PACU: (740)-383-8753
Vocera: (740)-387-5888
Mobile: (614)-316-4313
E-Mail: Dave.Patel@ohiohealth.com

This message may contain confidential and/or proprietary information and is intended for the person/family to whom it was originally addressed. Any use by others is strictly prohibited.
Please forward to planning commission/city council.

Lisa M. Keller
City of Delaware
Council Member; 2nd Ward
(740) 203-1013
lkeller@delawareohio.net

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From: Ashley Steele [achaney12@gmail.com]
Sent: Tuesday, February 06, 2018 2:28 PM
To: Lisa Keller
Subject: Zoning

***ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***

This is deeply concerning that this is even be considered for this neighborhood. Individuals work so hard to build these homes and allowing a multi-dwelling unit is an outrage. When will this issue get voted on? What would be the environmental impact? Traffic? Crime? What kind of housing would it be? The construction? The impact on the YMCA area and community splash pad? Why would the city even consider it? When will be the the next zoning meetings? What will happen to property values? Where do you live (does this even impact you or any council members making the decision?) I also would like to know if this information is going to be posted anywhere as I am concerned I will not be out of work in time to make it to the meeting tomorrow (2/7).

Thank you,
Ashley Steele

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This message may contain confidential and/or proprietary information and is intended for the person/fentity to whom it was originally addressed. Any use by others is strictly prohibited.
Willowbrook Apartments Density- **11.56 units/acre**

The current plan before Planning Commission reflects a HIGHER DENSITY than any other standard apartment complex in the past 17+ years of Delaware's development history. The true reality may be longer than 17+ years but obtaining records prior to 2000 is difficult due to access limitations in a short time frame.

<table>
<thead>
<tr>
<th>Month</th>
<th>Project Name</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2017</td>
<td>Enclaves at Adalee</td>
<td>6.32 units/acre</td>
</tr>
<tr>
<td>Dec 2016</td>
<td>Burr Oak Commons</td>
<td>4.58 units/acre</td>
</tr>
<tr>
<td>August 2015</td>
<td>Village Gate- Phase 2</td>
<td>10 units/acre</td>
</tr>
<tr>
<td>Sept 2015</td>
<td>Quail Pass- Phase 2</td>
<td>6.3 units/acre</td>
</tr>
<tr>
<td>June 2013</td>
<td>Quail Pass- Phase 1</td>
<td>5.98 units/acre</td>
</tr>
<tr>
<td>Aug 2010</td>
<td>Meadows of Carson Farms</td>
<td>8.2 units/acre</td>
</tr>
<tr>
<td>March 2008</td>
<td>Arthur Place</td>
<td>8 units/acre</td>
</tr>
<tr>
<td>Nov 2005</td>
<td>Ravines at Olentangy</td>
<td>3.65 units/acre</td>
</tr>
<tr>
<td>Dec 2000</td>
<td>Troy Farms</td>
<td>10.6 units/acre</td>
</tr>
</tbody>
</table>

As a council representative to the area, I respectfully request the Planning Commission DENY the request to amend the zoning to increase the density of Willowbrook Apartments from the previously approved number of 8 units/acre to 11.56 units/acre as this change would be an unprecedented increase in density.
APPLICANT/OWNER
Medrock
3895 Stoneridge Lane
Dublin, Ohio 43017

REQUEST
2018-0026: A request by Medrock, LLC for approval of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay.

2018-0027: A request by Medrock, LLC for approval of a Combined Preliminary and Final Development Plan to Multi-Family Area 3 of the existing Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay).

PROPERTY LOCATION & DESCRIPTION
The proposed multi-family site encompasses 15.506 acres for the Combined Preliminary and Final Development Plan while the subarea zoning text amendments encompasses approximately 36 acres. Both sites are zoned R-6 PUD (Multi-Family Residential District with Planned Unit Development District) and the multi-family site is located on the northeast corner of Houk Road and DiGenova Way just north of the YMCA. The properties to the north are zoned R-3 PUD, the properties to the east and south are zoned R-3 PMU (One-Family Residential with a Planned Mixed Use Overlay District) and the properties to the west are zoned R-3 PRD (One-Family Residential with a Planned Residential Development District).

BACKGROUND/PROPOSAL
In October 1999, City Council approved a Rezoning Amendment (Ordinances 99-74 and 99–76 respectively) for the Willowbrook Farm Tract (Medrock LLC) on just over 281 acres from A-1 to PUD (Planned Unit Development). It included approximately 26 acres of retail, 17 acres of mixed commercial, 7 acres of two family, 73 acres of multi-family, 21 acres of light industrial and 137 acres of single family land.

In 2017, the City and Medrock, LLC, the applicant for the Zoning Text Amendment and Combined Preliminary and Final Development Plan, executed a settlement agreement (Ordinance 17-60) for several items including recognizing it may be necessary to make adjustments to approved development plans in the Willowbrook Farm Tract PUD Areas 3 and 4 pertaining to dwelling units. The adjustment would be pursued through the planning and development process under standard City approval procedures with the City and the applicant working together towards approval of the adjustments provided the net units decrease in number.

The developer is proposing a Development Text Amendment to the subject development for Areas 3 and 4. In the approved development text Area 3 is permitted 140 multi-family dwelling units while Area 4 is permitted 155 multi-family dwelling units. The developer is requesting to increase the dwelling units in Area 3 to 180 dwelling units (plus 40) and decrease Area 4 to 100 dwelling units (minus 55) for a total loss of 15 dwelling units over the entire Willowbrook Farm Tract. Thus, this decreases the density overall with each subarea commensurate with the proposed unit count.

Next, the developer is proposing to construct 180 apartment units in 12 buildings on the approximate 15.506 acre site. Of the 180 units, 68 units would be one bedroom units while the remaining 112 units would be two bedroom units. The site would have full access curbs cuts from Houk Road and DiGenova Way while the interior looped street network would be private. In the center of the development would be a community building with a pool, a retention pond and several amenities. There is an existing bike path along Houk Road that connects this site with the City bike path network.
STAFF ANALYSIS

- **ZONING:** As previously mentioned, the zoning for the subject site is R-6 PUD which would require a Development Text Amendment and Preliminary and Final Development Plan to be approved by the Planning Commission and City Council.

In Area 3, the approved development text (Ordinances 99-74 and 99-76) permits 140 multi-family dwelling units with the buildings clustered in a campus style arrangement allowing for site specific open spaces. The original concept plan and PUD text included ranch-style one story apartments or two story garden and/or townhouse units. However, the text clearly indicates they were conceptual and that amendments would be expected over anticipated build out period. The text specifically allows multi-family, multi-story apartments as proposed.

The requested reduction of density by 15 dwelling units and reallocation of density from Area 4 (minus 50 dwelling units for a total of 100 dwelling units) to Area 3 (plus 40 units for a total of 180 dwelling units) would achieve compliance with the majority of planning principals and theories. From a practical perspective in this case, the additional 40 units in Area 3 would be located closer to an arterial street (Houk Road), adjacent to an industrial zoned properties across Houk Road and a future City park to the west, a community park, YMCA and Ohio National Guard Facility to the south and a City park to the east and a single family subdivision to the north (Adalee Park) while Area 4 is located next to a single family subdivision to the east (Sunnyview Farms), a single family subdivision to the north (Carson Farms and future Willowbrook Farm single family housing), a City park to the west and to the south across the railroad track are industrial uses. Therefore from a land use perspective, Area 3 would likely be less intrusive than Area 4 to be able to accommodate units, if buffering to the north of Area 3 is enhanced adjacent to the single family subdivision (Adalee Park). Additionally, the applicant has indicated the 100 units in Area 4 are likely to be landominium style units. If the present case is not approved, Area 4 is likely to be 155 standard multi-family units.

- **GENERAL 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 the final technical review by the Engineering Department once a complete plan set is submitted for review.

- **ROADS AND ACCESS:** The apartment complex would have full movement curb cut access from Houk Road and DiGenova Way that would extend into a private loop street that would have to be constructed to public standards or equivalent as approved by the City Engineer. There would be no access into the apartment complex from Boulder Drive. The proposed private looped street is 24 feet wide with apartment buildings and parking spaces located on each side of the street. Boulder Drive would not be extended to Houk Road until the proposed continuation of the Adalee Park subdivision is developed which is likely in the near future. In conclusion, the entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements. Furthermore, the name of private drives shall be submitted and approved by the City and appropriate agencies.

- **PEDESTRIAN CONNECTIVITY:** External and internal pedestrian connectivity are proposed within the development. The development would connect to the existing bike path along Houk Road fronting the site that would connect into the City bike path network. A sidewalk would be required along the DiGenova Way frontage of the site. The developer is proposing an internal private sidewalk network to connect buildings, parking lots and all the amenities along with an internal connection with the City nature preserve park to the east.

- **SITE CONFIGURATION:** As mentioned earlier, there are two full movement curb cuts from Houk Road and DiGenova Way respectively that would extend into a private loop street configuration with apartment buildings and parking spaces loaded on both sides of the looped street. The subject development has 372 parking spaces provided while 360 parking spaces are required (2 spaces per dwelling unit based on 180 proposed dwelling units). Of 372 parking spaces, there are 277 street parking spaces, 60 parking spaces in attached garages (10 buildings) and 25 parking spaces in detached garages (5 detached garages) along with 10 handicap parking spaces.
The 180 units in 12 buildings would be divided into 68 one bedroom units and 112 two bedroom units. This equates to approximately 62% two bedroom units for the development. The one bedroom units would range in size from 808 square feet to 882 square feet while the 2 bedroom units would range in size from 1,111 square feet to 1,275 square feet. A community building and office with several amenities including a pool with a deck, bocce ball courts, residential garden plots, electric car charging stations and a retention pond with a fountain is located in the center of the property. A dog park is located just north of the community building between two detached parking garages. The site has five dumpster enclosures located throughout the development. The dumpster enclosures shall be constructed of brick or stone to match the buildings and have wood doors painted to match. A retention pond with a fountain is located north of the main entrance along Houk Road.

- **BUILDING DESIGN:** The proposed 12 buildings have 9 different elevations with variation but uniformity of architectural design style and features that create a compatible and aesthetically pleasing development with mostly an earth tone brown and tan color pallet. All the buildings are two-story with a maximum height of 35 feet with the following building materials: 1). Exterior walls – face brick, vinyl lap siding, gables/vinyl shakes; 2). Dimensional shingles; 3). Vinyl and metal windows with some vinyl shutters; 4). Aluminum and metal fascia, gutters, downspouts and balcony and porch rails; 5). Insulated metal or fiberglass doors; 6). Wood or prefinished metal post and columns; and 7). Fiberglass, wood, plastic or other manufactured miscellaneous trim. The proposed building materials achieve compliance with the approved development text. However staff would ask the applicant to consider including some limestone (cultured stone) on the buildings that would be constructed of Delaware blue vein limestone or equivalent as approved by staff to be consistent with other recently approved projects.

- **LANDSCAPING & SCREENING:** The applicant is proposing a comprehensive landscape plan that includes public and private street trees, shade trees, front foundation landscaping and perimeter mounding and buffering. The frontage of the public streets require street and front yard trees. Although the proposed street and shade trees along Houk Road are appropriate per the zoning code, the proposed mounding height and undulation and tree mix of deciduous and evergreen trees shall be consistent with the existing mounding north of this site to achieve compliance with the approved mounding and landscape plan of the entire Houk Road corridor of the Willowbrook Farms Tract development while ensuring proper site distance at the main intersection. Along DiGenova Way 10 street trees and 8 front yard streets are required and are provided but staff would recommend a 2 to 3 foot high undulating mound to supplement the proposed buffer. Along Boulder Drive 22 street trees and 18 front yard trees are required and provided. The developer is proposing a five foot high mound from the retention pond east past the first building and an approximate 3 to 4 foot high mound from that point to the eastern property line. Because the northern property line is adjacent to a single family subdivision to the north (Adalee Park), staff recommends a consistent minimum 5 to 6 foot high mound with minimum 6 foot high evergreen trees, planted in staggered row configuration, at installation to provide a continuous screen and be consistent with other recently approved multi-family development adjacent to single family homes. The interior of the site appears to have the required amount of street and interior parking lot trees that creates a public street tree appearance throughout the development. Also each building would have foundation planting to achieve compliance with the zoning code. All landscape plans shall be reviewed and approved by the Shade Tree Commission.

- **TREE REMOVAL & REPLACEMENT:** The developer indicated 380 caliper inches of qualified trees (6 inches caliper or larger) would be removed in the proposed development. The applicant is proposing to install 90- 3 inch caliper trees which would equal 270 caliper inches. This would still yield a shortfall of 110 caliper inches. Therefore to achieve compliance with Chapter 1168 Tree Preservation Regulations, the developer would have to plant additional trees on this site or another qualifying site or pay the City $11,000 (110 caliper inches x $100 per caliper inch) or a combination of both.

- **GATEWAYS & CORRIDORS PLAN:** Any ground signage would have to achieve compliance with the zoning code requirements and the adopted Gateways and Corridors Plan.

- **LIGHTING:** The applicant submitted a lighting plan that identifies 53 black light poles fixtures that are 14.50 feet high located throughout the development. Also, there would be some building lights on the apartment buildings, community building and detached garages. The lighting plans would not achieve compliance with the minimum zoning requirements and be approved by the Chief Building Official.
• **REFUSE SERVICE:** The developer is requesting dumpster service for the entire development utilizing five dumpsters located throughout the development. However, per the City Engineer, the subject development shall subscribe to City refuse collection and achieve compliance with all Public Works requirements.

**STAFF RECOMMENDATION (2018-0026 – ZONING TEXT AMENDMENT)**

Staff recommends approval of a request by Medrock, LLC of a Zoning Text Amendment to the existing Willowbrook Farm Tract PUD Overlay Zoning Text (Planned Unit Development) to allow a modification to the maximum dwelling units and density to Multi-Family Areas 3 and 4 to allow additional dwelling units in Area 3 and removing units in Area 4 thereby decreasing the overall units currently allowed in total located on the east side of Houk Road on approximately 36 acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay, with the following conditions that:

1. The maximum amount of multi-family dwelling units permitted in Area 3 shall not exceed 180 dwelling units.
2. The maximum amount of multi-family dwelling units permitted in Area 4 shall not exceed 100 dwelling units.
3. The remainder of the requirements of Ordinances 99-74 and 99-76 shall remain in full effect.

**STAFF RECOMMENDATION (2018-0027 – COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN)**

Staff recommends approval of a request by Medrock, LLC for approval of a Combined Preliminary and Final Development Plan to Multi-Family Area 3 of the existing Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay), 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. The Boulder Drive right of way adjacent to the subject site shall be dedicated per the City Engineer.
3. The proposed apartment buildings shall achieve compliance with the design standards of the approved development text and the submitted Final Development Plan. Any limestone on the buildings shall be constructed of Delaware blue vein limestone or equivalent as approved by staff.
4. The dumpster enclosures shall be constructed of brick or stone to match the buildings and have wood doors painted to match.
5. A proposed mound at the same height and undulation with the same tree mix of deciduous and evergreen trees and shall be installed along Houk Road to be consistent with the existing mounding north of this site to achieve compliance with the approved mounding and landscape plan of the entire Houk Road corridor of the Willowbrook Farms development and to ensure adequate site distance is achieved.
6. A 2 to 3 foot high undulating mound shall be installed along DiGenova Way to supplement the proposed street and front yard trees on the landscape plan.
7. A continuous minimum 5 to 6 foot high mound with minimum 6 foot high evergreen trees, planted in a staggered row configuration, at installation shall be installed along the northern property line to provide a continuous screen to adjacent to single family subdivision (Adalee Park) All landscape plans shall be reviewed and approved by the Shade Tree Commission.
8. The applicant shall make a payment of $11,000 in lieu of planting trees or plant more trees on this site or another qualifying site or a combination of both to achieve compliance with the Tree Preservation Regulations in Chapter 1168.
9. Any ground signage shall achieve compliance with the minimum zoning code requirements and adopted Gateways and Corridor Plan.

10. The private street names shall be submitted and approved by the City and other appropriate agencies.

11. The entire development shall achieve compliance with the Fire Department and Public Works development final requirements after the final review is complete.

12. The entire development shall subscribe to City refuse collection and achieve compliance with all Public Works requirements.

COMMISSION NOTES:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

FILE:

ORIGINAL: 1/2/18

REVISED:
ORDINANCE NO. 17-60

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR AN AGREEMENT WITH MEDROCK, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware and Medrock, LLC seek to resolve all issues arising out of the Real Estate Purchase Contract between the City of Delaware and Medrock LLC (12/20/05), the Addendum to Section (16) of the contract dated 11/19/2010 and the Agreement regarding construction of South Houk Road between the City and Medrock LLC (10/05); and

WHEREAS, the City and Medrock have reached an agreement, subject to execution and funding by the City; and

WHEREAS, pursuant to this agreement the City will make a payment totaling $400,000 provided Medrock completes agreed upon improvements within eighteen months of approval of the design of those improvements; and

WHEREAS, a portion of the payment results from storm water infrastructure and a portion results from recreational levy projects; and

WHEREAS, the 2017 Budget does not include an appropriation sufficient to pay the agreed upon amount; and

WHEREAS, a supplemental appropriation will be necessary to make the payments as scheduled in the agreement.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Storm Water Fund $165,000 increasing the following account:

Houk Rd. Storm Sewer (203-0204-5553) $165,000

SECTION 2. That there is hereby appropriated from the unencumbered balance of the Recreation Income Tax Fund $235,000 increasing the following account:

Houk Rd. Site Improvements (233-0233-5501) $235,000

SECTION 3. 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 Ohio Revised Code.

SECTION 4. 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 for the further reason to allow the City to make the agreed upon first payment within the established timeframe which will facilitate construction of the necessary improvements, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:   YEAS 7 NAYS 0
                             ABSTAIN 0

VOTE ON EMERGENCY CLAUSE:  YEAS 7 NAYS 0
                             ABSTAIN 0

PASSED:  August 28, 2017   YEAS 7 NAYS 0
                             ABSTAIN 0

ATTEST:  
          Elaine McCauley
          CITY CLERK

          Carl Kibby
          MAYOR
September 14, 2017

Mr. Ronald Sabatino
Medrock, LLC
3895 Stoneridge Lane
Dublin, OH 43017

Dear Mr. Sabatino:

Attached, please find an executed copy of our settlement agreement and a check for the initial payment referenced in that document. Please note that there is a blank in paragraph one relating to final engineering plans. As you know, final engineering plans have not been completed at this time. Therefore, when final engineering plans have been approved, we will need to fill in the appropriate section, initial it, and attach those plans as an exhibit.

If you have any questions, please feel free to contact me.

Sincerely,

R. Thomas Homan, IMCA-CM
City Manager
City of Delaware

cc:    Tom Hart
       Darren Shulman, City Attorney
       Jackie Walker, Assistant City Manager
       Bill Ferrigno, Director, Public Works
       David Efland, Director, Planning
       Brad Stanton, Director, Public Utilities
Settlement Agreement

The parties, The City of Delaware ("City") and Medrock, LLC ("Medrock") enter into the following agreement to resolve all issues arising out of the Real Estate Purchase Contract ("Contract") between the City of Delaware and Medrock LLC (12/20/05), the Addendum to Section (16) of the contract dated 11/19/2010 ("Addendum") and the Agreement regarding construction of South Houk Road ("Agreement") between the City and Medrock LLC (10/05). The City’s participation in this settlement does not indicate any flaw in the City’s design and construction of the existing storm water retention basin that was constructed for the purpose of meeting the storm water management requirements associated with the development of the Delaware Community Center YMCA/Veterans Park development.

1. The City will pay Medrock a total of $400,000 under this Settlement Agreement. $165,000 of this total shall be paid upon execution of this Agreement, which will be presented to City Council for approval the first meeting occurring after the parties finalize the language. The balance of the $400,000 will be paid upon completion of the construction of the storm sewer lines connecting both the existing Delaware Community Center YMCA/Veterans Park retention basin, and the proposed retention pond on Medrock’s property, to the existing storm sewer collection system, as referenced and shown in section _____ of the approved final engineering plans, attached as exhibit A, provided Medrock begins design work upon execution of the agreement and the construction is completed within 18 months of approval of the design. Construction will be considered complete upon acceptance of the public improvements associated with the retention pond on Medrock’s property and related storm sewer lines and facilities, and verification that construction is consistent with final engineering plans with the production of “as built” engineering plans.

2. In so agreeing to the connection of both the existing Delaware Community Center YMCA/Veterans Park retention basin and the proposed retention pond on Medrock’s property to the existing storm sewer collection system located along Medrock’s east property line, the City, the City Engineer and Medrock also agree to the following:
   a. It is anticipated that runoff from approximately +/- 9% of the remaining undeveloped Medrock property will be directed to the existing Delaware Community Center YMCA/Veterans Park pond for storm water management. Runoff from the remaining approximately +/- 91% of the undeveloped Medrock property will be directed to the proposed retention pond on Medrock’s property constructed at Medrock’s expense.
   b. Slight modifications to the Delaware Community Center YMCA/Veterans Park pond inlet and outlet structures will be required.
   c. The parties will work together to finalize details to produce a final storm water plan and final engineering plans.

3. The payment identified herein and the completion of the agreed improvements by Medrock at its expense will resolve all remaining claims by Medrock arising out the Contract and Addendum and satisfy all City responsibilities remaining under the Contract, Addendum, and Agreement.
including but not limited to the requirement to supply dirt to Medrock, the location of the retention basin, provision of utilities, and access to the City's existing retention basin for use by property being developed by Medrock, and/or any other claims, issues or controversies related to this matter.

4. The parties recognize that it may be necessary from time to time for Medrock to make adjustments to the approved development plan as referenced in the Willowbrook Farm Tract Planned Unit Development (PUD) dated 8/3/1999, which currently has a maximum of 155 dwelling units in Multi-Family Area 4 and 140 dwelling units in Multi-Family Area 3. Medrock has indicated that it wishes to decrease the number of units in one area and increase the number of units in a different area as well as adjust the unit types in one area. This proposal will be pursued through the planning and development process in the normal course and under standard City approval procedures for a zoning amendment and development plan. The City Administration and Medrock will work together towards approval of adjustments, provided the net units decrease in number.

R. Thomas Homan, City Manager

Ron Sabatino, Medrock

Approved as to form:

Darren Shulman, City Attorney

Date

9-7-17

Date

9-11-17
WILLOWBROOK APARTMENTS

FINAL DEVELOPMENT PLAN - JANUARY 3, 2018

WILLOWBROOK FARM TRACT - PLANNED UNIT DEVELOPMENT - MULTI-FAMILY AREA 3

DELAWARE, OHIO

LIST OF DRAWINGS

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Owner: Medrock LLC
3959 Stoneridge Lane
Dublin, Ohio 43017

Architect: Kontogiannis & Associates
400 South Fifth Street
Columbus, Ohio 43215

Civl Engineer: Vero Engineers
2751 Tuller Parkway
Dublin, Ohio 43017

KONTOGIANNIS & ASSOCIATES
ARCHITECTURE PLANNING DESIGN
400 SOUTH FIFTH STREET SUITE 400
COLUMBUS, OHIO 43215-9492
PHONE: 614-552-2063 FAX: 614-552-4730
E-MAIL: architects@kontogiannis.com

The drawings, specifications, designs and other documents prepared by Kontogiannis & Associates for this project are the property of the architect's service for use solely with respect to the project for which they are provided. These drawings and documents and shall be returned at completion of all construction, and in any event, upon written request of Kontogiannis & Associates and shall be returned to Kontogiannis & Associates unless otherwise consented to written agreement preempting the return thereof. Any unreturnable copies of drawings and documents and other documents prepared by Kontogiannis & Associates for this project are the property of Kontogiannis & Associates, and shall be returned upon written request of Kontogiannis & Associates and shall be returned to Kontogiannis & Associates unless otherwise consented to by written agreement preempting the return thereof.
### ESTIMATE OF QUANTITIES

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### DUMPSTER PAD PLAN

#### SECTION A
- **Concrete Subbase**
- **Bituminous Surface Course**

### TYPICAL ASPHALT PAVING SECTION

#### FOR
- **Asphalt Paving**
- **Bituminous Coating**

### DETAILS & ESTIMATE OF QUANTITIES

<table>
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<th>DETAILS &amp; ESTIMATE OF QUANTITIES</th>
<th>MILLERROOD APARTMENTS SITE IMPROVEMENTS</th>
<th>TAR PROPERTIES</th>
<th>DELAWARE, OHIO</th>
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<td>12136-003</td>
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SECOND FLOOR PLAN - BUILDING

Scale: 3"=1'-0"
Total Gross Area of 2nd Floor = 4,904 Sq.Ft.

FIRST FLOOR PLAN - BUILDING

Scale: 3"=1'-0"
Total Gross Area of 1st Floor = 19,334 Sq.Ft.
Total Gross Area for Building = 117,600 Sq.Ft.
AGENDA ITEM NO: 10          DATE: 04/09/2018
ORDINANCE NO: 18-22         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 FOR MEDROCK LLC APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MULTI-FAMILY AREA 3 OF THE WILLOWBROOK FARM TRACT FOR A 180 UNIT APARTMENT COMPLEX ON APPROXIMATELY 15.506 ACRES LOCATED ON THE NORTHEAST CORNER OF HOUK ROAD AND DIGENOVA WAY ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT).

BACKGROUND:
As a result of the Planning Commission vote to recommend denial, the Charter (Section 104) requires that five affirmative votes of City Council are required to overturn the Planning Commission’s recommendation.

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1129.05 Final Development Plan requirements of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission failed to approve this case 7-0 on March 7, 2018.

FISCAL IMPACT(S):
N/A

**POLICY CHANGES:**
N/A

**PRESENTER(S):**
David Efland, Planning and Community Development Director

**RECOMMENDATION:**
Staff recommends approval

**ATTACHMENT(S)**
See attached
ORDINANCE NO. 18-22

AN ORDINANCE FOR MEDROCK LLC APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MULTI-FAMILY AREA 3 OF THE WILLOWBROOK FARM TRACT FOR A 180 UNIT APARTMENT COMPLEX ON APPROXIMATELY 15.506 ACRES LOCATED ON THE NORTHEAST CORNER OF HOUK ROAD AND DIGENOVA WAY ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT).

WHEREAS, the Planning Commission at its meeting on March 7, 2018 failed to recommend approval of a Combined Preliminary and Final Development Plan for multi-family Area 3 of the Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development) (PC Case 2018-0027) and

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

SECTION 1. That the Council of the City of Delaware overturns the recommendation of denial by the Planning Commission and that the Combined Preliminary and Final Development Plan for multi-family Area 3 of the Willowbrook Farm Tract for a 180 unit apartment complex on approximately 15.506 acres located on the northeast corner of Houk Road and DiGenova Way on property zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development), 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. The Applicant shall construct the piece of Boulder Dr. from Houk Rd. east to the existing short Boulder Dr. piece that was constructed at the end of Harmony Dr. by the Applicant with the initial phases of the Adalee Park Subdivision. This construction should take place concurrent with any site development should the Willowbrook Apartment
applications be approved and the project advance to construction. The next phase of Boulder Drive to the east of this point would then be considered as part of the appropriate future phase of the Adalee Park development. However, should the Willowbrook Apartments in question not advance to approval and construction then the entire length of Boulder Dr. beginning at Houk Rd. and continuing eastward might need to be constructed with the appropriate future phase of Adalee Park to provide access for that development to Houk Road to be determined if and when that future case(s) may come forward.

3. The proposed apartment buildings shall achieve compliance with the design standards of the approved development text and the submitted Final Development Plan. Any limestone on the buildings shall be constructed of Delaware blue vein limestone or equivalent as approved by staff.

4. The dumpster enclosures shall be constructed as proposed on the Sheet entitled “Trash Enclosure Plan” as submitted by the Applicant on 3/2/18. The wood enclosures and doors shall be painted or stained in a neutral color to compliment the adjacent buildings.

5. A proposed mound at the same height and undulation with the same tree mix of deciduous and evergreen trees and shall be installed along Houk Road to be consistent with the existing mounding north of this site to achieve compliance with the approved mounding and landscape plan of the entire Houk Road corridor of the Willowbrook Farms development and to ensure adequate site distance is achieved.

6. A 2 to 3 foot high undulating mound shall be installed along DiGenova Way to supplement the proposed street and front yard trees on the landscape plan.

7. A continuous minimum 5 to 6 foot high mound with minimum 6 foot high evergreen trees, planted in a staggered row configuration, at installation shall be installed along the northern property line to provide a continuous screen to adjacent to single family subdivision (Adalee Park). All landscape plans shall be reviewed and approved by the Shade Tree Commission.

8. Any ground signage shall achieve compliance with the minimum zoning code requirements and adopted Gateways and Corridor Plan.

9. The private street names shall be submitted and approved by the City and other appropriate agencies.

10. The entire development shall achieve compliance with the Fire Department and Public Works development final requirements after the final review is complete.

11. The entire development shall subscribe to City refuse collection and achieve compliance with all Public Works requirements.
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.

PASSED: _________________________, 2018       YEAS____ NAYS____
       ABSTAIN ___               

ATTEST: _______________________________       ________________________
         CITY CLERK                MAYOR
TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Judge Marianne Hemmeter

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES.

BACKGROUND:
Unlike the rest of the City’s pay plans and contracts, the Municipal Court and Clerk of Court Employee Benefits and Leave Policies does not count prior service in calculating vacation leave. The following change applies to the Chief Bailiff position at the Municipal Court. If accepted, it would allow the court to grant vacation accrual based on prior service with an Ohio public agency for this position.

REASON WHY LEGISLATION IS NEEDED:
Salaries and other compensation are established by ordinance. As this changes one of the benefits set out in the benefits policy adopted by Council, an amendment is needed.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
Minimal. One employee will accrue vacation at a higher rate.

POLICY CHANGES:
While the rest of the employees in this pay plan would not accrue based on prior service time, this method of calculation is consistent with the rest of the city’s employees. This change was deemed necessary to recruit for this position.

**PRESENTER(S):**
Judge Marianne Hemmeter

**RECOMMENDATION:**

**ATTACHMENT(S)**
Amended Pay Plan
ORDINANCE NO. 18-23

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES.

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

SECTION 1. That the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies shall be amended to reflect the noted changes (attached hereto). Specifically, the following language is being inserted in the vacation leave section:

Notwithstanding the above provisions, the position of Chief Bailiff may accrue vacation time based on years of service with an Ohio public agency, as defined by State law.

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: _________________________, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _______________________________ ________________________
CITY CLERK MAYOR
Delaware Municipal Court
and
Clerk of Court

Employee Benefits
And Leave Policies

Effective December 27, 2017

Delaware Municipal Court
and
Clerk of Court
70 North Union Street
Delaware, Ohio 43015
SECTION IV. EMPLOYEE BENEFITS AND LEAVE

Policy 23. Holiday Pay and Personal Leave

Section 1. The following are designated as paid holidays for the Municipal Court and the Clerk of Court employees:

- New Year's Day, January 1
- Martin Luther King Day, 3rd Monday in January
- Memorial Day, last Monday in May
- Independence Day, July 4th
- Labor Day, 1st Monday in September
- Little Brown Jug Day, 1/2 day - 3rd Thursday after Labor Day
- Thanksgiving Day, 4th Thursday in November
- Day after Thanksgiving
- Day before Christmas, December 24, 1/2 day
- Christmas Day, December 25
- Day before New Year’s, December 31, 1/2 day

Holidays that fall on Saturday will be observed on Friday, and holidays that fall on Sunday will be observed on the following Monday.

Section 2. If one of the holidays set forth above occurs while an employee is on vacation leave, that day will not be charged against his/her vacation.

Section 3. Employees will be credited with 32 hours of personal leave a year. Use of personal days will be at the employee’s discretion with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

Section 4. Employees are permitted to accumulate two years’ worth of personal days.

Section 5. At the time of separation, an employee will be compensated for all accrued but unused personal days.

Policy 24. Vacation Leave

Section 1. The vacation year for employees will end at the close of business on the last pay period that ends in the month of December.

Section 2. Each full-time employee will accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article. Years of total full-time service is defined to be the total of all periods of full-time employment for the Delaware Municipal Court or Clerk of Court or as defined in Section 6. Any period of interruption of service due to
resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, will also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.

If an employee of the Court or of the Clerk’s office has received or is receiving retirement benefits from any of the state retirement funds – the Ohio Public Employees Retirement System, the Police and Fire Pension Fund, the State Teachers Retirement System, the Public School Employees Retirement System, or the Highway Patrol Retirement System – the years of public service for which the employee has received or is receiving those retirement benefits will not be included in any computation of service time for vacation-leave accrual while the employee is working for the Court or for the Clerk.

**Notwithstanding the above provisions, the position of Chief Bailiff may accrue vacation time based on years of service with an Ohio public agency, as defined by State law.**

**Section 3.** For employees hired before December 31, 2013, vacation leave will accrue as follows:

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<th>Vacation Hours/Year</th>
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<td>Start through 5 years</td>
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<td>6 through 10 years</td>
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<td>11 through 15 years</td>
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<tr>
<td>16 or more years</td>
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For employees hired after December 31, 2013, vacation leave will accrue as follows:

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<th>Years of Total Service</th>
<th>Vacation Hours/Year</th>
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<td>4.6</td>
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<tr>
<td>16 or more years</td>
<td>161.2</td>
<td>6.2</td>
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**Section 4.** Any vacation balance in excess of the maximum number of work hours established in the following paragraph will become void as of the close of
business on the last day of the last pay period that ends in the month of December.

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<tr>
<th>Years of Total Service</th>
<th>Maximum Accrual of Vacation Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start through 5 years</td>
<td>161.2</td>
</tr>
<tr>
<td>6 through 10 years</td>
<td>239.2</td>
</tr>
<tr>
<td>11 through 15 years</td>
<td>322.4</td>
</tr>
<tr>
<td>16 or more years</td>
<td>400.4</td>
</tr>
</tbody>
</table>

The only exception to that chart will apply to any employee who – on the last day of the last pay period in December 2013 – has a vacation-leave balance of more than 500 hours. The vacation-leave-accrual cap for any such employee will be 600.6 hours, and any vacation-leave hours that such an employee has accrued but not used in excess of 600.6 hours on the last day of the last pay period of 2013 – and on that same last-pay-period day in each succeeding year – will be void.

Section 5.

A. To be eligible for bi-weekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond his/her control, absence from work for the balance of that day will not be construed as unpaid work status.

B. An employee in full-time status who is to be separated from the Delaware Municipal Court or Clerk of Court service through discharge, resignation, retirement or layoff, and who has unused vacation leave to his/her credit, will be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his/her last day of active service with the Delaware Municipal Court or Clerk of Court. That payment will be paid at the employee’s hourly rate of pay at the time of separation.

C. When an employee dies while in paid status in the Delaware Municipal Court or Clerk of Court, any unused vacation leave to his/her credit will be paid in a lump sum to the surviving spouse, or other person the employee may have designated in writing.

Section 6. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware (Delaware Municipal Court or Clerk of Court) from prior employment inside the State of Ohio:
A. Employees are eligible to transfer prior years of service completed as employees of this Court, the Clerk of this Court, or the City of Delaware.

B. The amount of years of service that can be transferred is unlimited.

C. Prior employment must be in full-time status.

Section 7. An employee may elect to convert up to two weeks of accrued and unused vacation time to cash during any calendar year. An employee must inform the Administrative Judge or the Clerk of Court prior to August 1 of the year preceding the calendar year in which the employee intends to convert the unused vacation leave to cash, and the employee must maintain at least 40 hours of accrued and unused vacation leave in the employee's account after that conversion takes place.

Policy 25. Funeral Leave

Section 1. Each regular full-time employee is entitled to funeral leave with pay as follows:

<table>
<thead>
<tr>
<th>Leave for Death of:</th>
<th>Days/Hours of Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate Family Member</td>
<td>1 - 3 days</td>
</tr>
<tr>
<td>Other Relative</td>
<td>4 - 8 hours</td>
</tr>
</tbody>
</table>

* One work day/shift is automatic for the day of the funeral, but additional time up to the maximum will be given only with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

** All leave time with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

Section 2. For the purposes of this section, Immediate Family Member means spouse, child, brother, sister, parents, step-child, step-brother, step-sister, step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.

Section 3. Funeral Leave time does not include an employee's regularly scheduled day off to which the employee is already entitled.

Policy 26. Sick Leave

The Court and the Clerk of Court may from time to time supplement these sick leave policies with additional terms that apply to their employees only. For a full understanding of the use of sick leave, employees should consult not only this benefit manual but also the office policies promulgated by the particular officeholder – whether the Administrative Judge or the Clerk of Court – for whom the employee works.
Section 1. Each employee is entitled to sick leave with pay of 4.6 hours for each completed 80 hours of service.

An employee may use sick leave upon approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee for the following reasons:

A. Illness or injury of the employee or his/her immediate family.

B. Medical, dental, or optical examinations or treatment of an employee or his/her immediate family that requires the employee’s attendance.

C. If a member of the immediate family is afflicted with a contagious disease, or when, through exposure to a contagious disease, the presence of the employee at his/her job will jeopardize the health of others.

D. Pregnancy and/or childbirth and other conditions related thereto inclusive of leave for male employees for the care of the employee’s wife and family during postnatal period.

For purposes of this section, the definition of immediate family is: grandparents, mother, mother-in-law, father, father-in-law, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, spouse, child, stepchild, grandchild, legal guardian, or other person who stands in the place of a parent (in loco parentis).

Employees are required to report their intent to use sick leave prior to the start of each workday, unless the employee has made other reporting arrangements with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The employee must make this phone call unless medically detained by a physician at the time. The Administrative Judge, or his/her designee or the Clerk of Court or his/her designee, may contact the employee sometime during the day to discuss the reasons for the absence.

Section 2. Sick leave must be taken in half-hour increments.

Section 3. If an employee used zero hours of sick leave in any calendar year, that employee will be credited with an additional three vacation days the following year. If an employee uses between one and eight hours of sick leave in any one calendar year, that employee will be credited with an additional two vacation days the following year. If an employee uses between nine and 16 hours of sick leave in any one calendar year, that employee will be credited with one additional vacation day the following year. At the employee’s option, any additional vacation days earned can be taken in the form of vacation leave or compensation in cash.
Section 4. Any employee who has accumulated at least 800 hours of sick leave credit may, during any calendar year, convert up to 80 hours of sick leave to vacation on the basis of two hours of sick leave for one hour vacation leave.

If an employee has earned sick leave in another public-sector job and then has transferred unused sick leave to the Court or Clerk of Court’s office at the start of the employee’s current period of employment with the Court or Clerk of Court that transferred sick leave cannot be converted to vacation leave under this section.

All sick leave accumulated by the employee during the employee’s current period of employment with the Court or the Clerk of Court must be exhausted by the employee or converted to vacation leave before the employee may use any sick leave that has been added to the employee’s sick-leave balance in accordance with Section 5 of this sick-leave policy.

Section 5. To be eligible to transfer sick leave to the City of Delaware from prior public employment in the State of Ohio:

A. Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.

B. Employment with the City of Delaware must take place within 10 years of termination from their previous employer.

C. The maximum amount of sick leave hours that can be transferred is unlimited.

Section 6. Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Total sick leave payout cannot exceed 12 weeks’ pay.

Section 7. An employee must complete and sign a request for leave form provided by the City to justify the use of sick leave. Payment for sick leave is subject to final approval by the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The City, Delaware Municipal Court, or Clerk of Court may require the employee to furnish a statement from a licensed medical practitioner if medical attention was sought or for any absence in excess of three consecutive days whether for the employee or his/her immediate family. Such statement must include the nature of the illness or injury, the inability to perform his/her duties, the prognosis, and the estimated date when the employee can be expected to return to work. Failure of the employee to provide such statement and request for leave form when requested may result in the denial of sick leave pay.
Section 8. Falsification of a request for leave form or a medical practitioner’s statement may be grounds for disciplinary action. The City, Delaware Municipal Court, or Clerk of Court maintains the right to have any employee examined by a licensed medical practitioner selected and paid by the City. Alternatively, the employee required to see a physician may see a physician of his/her own choosing, but in that event will not be reimbursed for the costs incurred.

The City, Delaware Municipal Court, or Clerk of Court may deny the payment of sick leave if the investigation indicates that the absence was not within the provisions of this article. Denial of sick leave payment will not preclude the Delaware Municipal Court or Clerk of Court from implementing any disciplinary action.

Section 9. Sick Leave Abuse

It is the mutual interest of the employee and the Delaware Municipal Court or Clerk of Court to prevent the abuse or misuse of sick leave. The acceptable usage of sick leave is explained in this policy.

Employees must not abuse or demonstrate a pattern of sick-leave and/or leave-without-pay usage. The abuse of sick leave or the patterned use of sick leave will be just and sufficient cause for discipline. A request of sick leave will be denied if the employee fails to comply with the procedures for proper sick leave usage, fails to present a required physician’s statement, or if an investigation of a request for sick leave discloses facts inconsistent with the proper use of sick leave. Falsification of applications for sick leave or the filing of sick leave applications and documentation with intent to defraud may result in the disapproval of sick leave and may be grounds for disciplinary action, up to and including discharge.

Any employee who is hospitalized will not have such period of leave considered in determining whether the employee is abusing sick-leave benefits.

The implementation of this section does not preclude the right of the Delaware Municipal Court or Clerk of Court to discipline an employee for the abuse of sick leave, to require a statement from the employee’s physician, or to have the employee examined by a physician. Any employee who has been disciplined for abuse of sick leave may be required to furnish a statement from the employee’s physician for each use of sick leave up to six months in duration. The City, Delaware Municipal Court, or Clerk of Court may, with mutual agreement of both parties, extend the need for sick leave verification for an additional six month period. The City, Delaware Municipal Court, or Clerk of Court also maintains the right to investigate all absences.

Policy 27. Injury Leave
Section 1. All regular full-time employees are entitled to injury leave with pay, less any Worker’s Compensation weekly salary benefits that they may be awarded by the Industrial Commission of Ohio (ICO), for a period not to exceed 120 consecutive working days for employees working a 40 hour work week for each injury incurred in the performance of employment duties with the Delaware Municipal Court or Clerk of Court, provided that the following procedures are followed:

A. In all cases of personal injury to any full-time Delaware Municipal Court or Clerk of Court employee as a result of the performance of employment duties, the employee must immediately complete an accident/injury investigation form and report the accident/injury to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, who must immediately report said accident/injury to the Department of Administrative Services and ensure that a claim is filed with ICO.

B. In the event that time off from work is required by the injured employee, he/she will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee’s physician, an Agreement covering Compensation Reimbursement, any necessary ICO forms and other documents as may be required by the City. In the event that the ICO determines that the injury is NOT employment related, any time the employee is, or has been, absent from work will be deducted first, from any accrued sick leave, then accrued vacation, or accrued compensation time off, other than compensatory time for overtime worked.

C. During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time employees will remain in force with no deductions to earned sick leave and/or vacation time.

D. In all cases where an injury leave of more than 120 consecutive working days is requested by an employee working a 40 hour work week, the Administrative Judge or his/her designee or Clerk of Court or his/her designee may extend such leave by an additional 120 consecutive working days if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.

Policy 28. Insurance

Section 1. Hospitalization, Surgical, and Major Medical. The City will continue to provide comprehensive hospitalization, surgical, and major medical
coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

<table>
<thead>
<tr>
<th>NETWORK PROVIDERS</th>
<th>NON-NETWORK PROVIDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual Deductible</strong></td>
<td><strong>Annual Deductible</strong></td>
</tr>
<tr>
<td>Single None</td>
<td>None</td>
</tr>
<tr>
<td>Family None</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>$500.00</strong></td>
<td><strong>$1,000.00</strong></td>
</tr>
</tbody>
</table>

| **Office Visit Co-Pay** | **$10.00** | **N/A** |
| **ER Visit Co-Pay** | **$50.00** unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible. | **N/A** |

| **Co-Insurance** | **Single** | **Family** |
| **90/10% of first $1,000** | **50/50% of first $5,000** |
| **80/20% of next $3,000** | **50/50% of first $10,000** |
| **90/10% of first $2,000** | **50/50% of first $5,000** |
| **80/20% of next $5,000** |

Contributions will be deducted from the member’s gross income prior to taxes, subject to compliance with all applicable tax regulations.

Employees will contribute to the cost of the health benefit plan in an amount determined annually by the City of Delaware. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in a paid status based on twelve months times the monthly rate, divided by the number of pay periods per year. An example would be $56.95/mo. x 12 = $683.40, $683.40/26 pay periods = $26.28 per pay period. In the event federal tax regulations are changed so that medical benefit plans are no longer tax exempt, the City will not be responsible to pick up the member’s tax burden.

The City will permit employees who have alternate health plan options through a spouse to opt out of the City plan in return for a payment of $100.00 per month. Families who have both spouses employed full time by the City of Delaware will not be eligible to opt out of the plan. Likewise, these employees will not be subject to monthly payroll contributions. The employee will provide proof that they do in fact have other coverage before the City will drop that employee's current coverage. The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in their qualifying family
circumstances. The member must give thirty days notice of his or her election to return to the City’s plan, except in the case of an emergency, such as sudden loss of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

Employees who opt out of the health insurance program will be compensated as follows:

<table>
<thead>
<tr>
<th></th>
<th>Monthly Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Coverage</td>
<td>$100 per month</td>
</tr>
<tr>
<td>Maintain Prescription Only</td>
<td>$ 60 per month</td>
</tr>
<tr>
<td>Maintain Dental Only</td>
<td>$ 65 per month</td>
</tr>
<tr>
<td>Maintain Prescription and Dental</td>
<td>$ 55 per month</td>
</tr>
</tbody>
</table>

* An employee may not elect to have medical coverage only.

Payments will begin on the first pay period of the month following 30 days notice of an employee’s desire to drop coverage. A form will be provided which will contain all information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.

All payments made in lieu of insurance coverage will be included as other pay on employee’s paycheck. This income will not be included in income subject to PERS contributions but will be subject to all applicable taxes.

A. Prescription Plan

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 80/20% for generic drugs
- 50/50% name brand drugs with a $25.00 co-pay for each disbursement

The mail order benefits will be the following:

- 90/10% for generic drugs and
- 75/25% for name brand drugs with no $25.00 co-pay.

The maximum expense an employee will pay for coinsurance is $250.00 annually for single coverage and $500.00 for family annually for prescription benefits, however, the $25.00 co-pay for retail name brand drugs will not count towards the calculation of the $250.00 or the $500.00 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.
B. Dental Care Plan

The City will maintain the current dental coverage for all members. Please contact Department of Administrative Services if you have questions.

C. Vision Care Plan

The City will contribute $6 a month towards vision coverage. The employee will be responsible for the balance of the monthly cost of the selected coverage. The City may cease to make this contribution if the City no longer offers vision coverage. Please contact the Department of Administrative Services if you have questions.

*Revised Nov 2017

Section 2. Life Insurance

The City will provide the following amount of life insurance:

- Clerk of Court*: $100,000.00
- Magistrate: $45,000.00
- Clerk’s Chief Deputy: $30,000.00
- Court IT Director: $30,000.00
- All other full time employees: $20,000.00

*Revised Nov 2017

Section 3. Certificate of Coverage

The City will provide a certificate of coverage for each Court employee. Such certificate will be for the employee’s family situation.

Policy 29. Overtime Compensation

Section 1. Overtime Pay and Compensatory Time - Nonexempt Employees

Employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act are entitled to overtime pay or compensatory time as described below:

- Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.

- Employees will be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of 40 hours in any work week will be compensated at a rate of time and one-half. Payment in cash will be made for any overtime due at the time of separation from City service.
In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off will be equal to 1.5 hours for each hour overtime compensation to which the employee is entitled. All requests for compensatory time are subject to approval of the department head. Any compensatory time that is used by an employee must be taken at a time mutually agreeable to the supervisor and the employee.

Employees can accumulate up to 80 hours of compensatory time. When an employee has 80 hours of accumulated compensatory time, all further overtime will be paid in cash.

Compensatory time will be submitted on the regular payroll sheet detailing the time earned and taken.

Section 2. Overtime Pay and Compensatory Time - Exempt Employees

Employees exempt under the Fair Labor Standard Act are not entitled to overtime pay but are entitled to compensatory time as described below:

Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.

Compensatory time will be earned for approved work that exceeds the 40 hour work week and such employees may receive said compensatory time at the rate of one hour for each hour worked in excess of 40 hours per week.

The maximum accrual of compensatory time is 80 hours.

Compensatory time must be used in minimum increments of one hour and maximum increments of 16 hours.

At no time will compensatory time be converted to any other form of leave or compensation.

Compensatory time must be listed on the regular payroll sheet detailing the time earned and taken.

Policy 30. Special Leave

The Administrative Judge or his/her designee or the Clerk of Court or his/her designee, may authorize special leave of absence, with or without pay, for purposes beneficial to the employee and/or the Court or Clerk of Court.

A. Jury Service Leave

An employee, while serving on a jury in any court of record in Delaware County, the State of Ohio, or any adjoining county, will be paid his/her regular salary for each
workday during the period of time so served. Time so served will be deemed active and continued service for all purposes. All jury fees received from the court where the jury was seated will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

B. Court Leave

Time off with pay will be allowed for work-related incidents where an employee is subpoenaed as a witness in civil matters in any court of record in Delaware County, State of Ohio, or any adjoining county. All witness fees will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

Policy 31. Family and Medical Leave Act

The Family and Medical Leave Act policies in the City of Delaware’s Employment Handbook apply to the employees of both the Court and the Clerk of Court.

Policy 32. Parks and Recreation Credit

The City will provide each employee with a credit to be applied to a City Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit is $60.00. This membership is defined and regulated by the Recreation Services Department and employees must abide by the stipulations set forth by the department both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.

Policy 33. On-Call Compensation

Both exempt and non-exempt employees of the Clerk of Court will be eligible for on-call compensation for weekly periods when assigned the responsibility of responding to law-enforcement requests during non-scheduled work periods. Employees assigned to this on-call status will serve in this posture for weekly time periods as authorized by the Clerk or by the Clerk’s designee. Employees assigned to on-call status will be compensated at a weekly rate of between $25 and $50 as determined by the Clerk of Court. On-call compensation will be added to regular and overtime wages earned during the pay period and will be paid as taxable income through the bi-weekly payroll process.

Policy 34. Salary Ranges

Each employee is required to pay all required employee contributions to the Ohio Public Employees Retirement System (OPERS).

**SALARY RANGES - MUNICIPAL COURT:**
<table>
<thead>
<tr>
<th>JOB TITLE</th>
<th>HOURLY WAGE</th>
<th>ANNUAL SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MINIMUM</td>
<td>MAXIMUM</td>
</tr>
<tr>
<td>OFFICE ASSISTANT*</td>
<td>$12.37</td>
<td>$20</td>
</tr>
<tr>
<td>ADMINISTRATIVE ASSISTANT</td>
<td>$14.53</td>
<td>$20</td>
</tr>
<tr>
<td>BAILIFF/SECURITY OFFICER</td>
<td>$16.28</td>
<td>$27</td>
</tr>
<tr>
<td>COMMUNITY CONTROL OFFICER</td>
<td>$16.35</td>
<td>$28</td>
</tr>
<tr>
<td>OVI DOCKET COORDINATOR/COMMUNITY CONTROL OFFICER*</td>
<td>$16.35</td>
<td>$28</td>
</tr>
<tr>
<td>MISSION DOCKET COORDINATOR/COMMUNITY CONTROL OFFICER*</td>
<td>$16.35</td>
<td>$28</td>
</tr>
<tr>
<td>VETERAN MENTOR COORDINATOR*</td>
<td>$16</td>
<td>$24</td>
</tr>
<tr>
<td>ASSIGNMENT ADMINISTRATOR</td>
<td>$18.81</td>
<td>$28</td>
</tr>
<tr>
<td>ASSIGNMENT COMMISSIONER/JURY COMMISSIONER</td>
<td>$18.81</td>
<td>$28</td>
</tr>
<tr>
<td>ADMIN. ASSISTANT/JURY COMMISSIONER</td>
<td>$18.81</td>
<td>$28</td>
</tr>
<tr>
<td>CHIEF COMMUNITY CONTROL OFFICER</td>
<td>$20.74</td>
<td>$32</td>
</tr>
<tr>
<td>DEPUTY CHIEF COMMUNITY CONTROL OFFICER</td>
<td>$20.74</td>
<td>$32</td>
</tr>
<tr>
<td>MAGISTRATE</td>
<td>$34.67</td>
<td>$52</td>
</tr>
</tbody>
</table>

*Revised Nov. 2017

**SALARY RANGES - CLERK OF COURT:**

1901.31(H) Deputy Clerks of a municipal court other than the Carroll County Municipal Court may be appointed by the Clerk and shall receive the compensation, payable in either biweekly instalments or semi-monthly instalments, as determined by the payroll administrator, out of the City Treasury, that the Clerk may prescribe, except that the compensation of any Deputy Clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the Court is located. The Judge of the Carroll County Municipal Court may appoint Deputy Clerks for the Court, and the Deputy Clerks shall receive the compensation, payable in biweekly instalments out of the county treasury, that the Judge may prescribe. Each Deputy Clerk shall take an oath of office before entering upon the duties of the Deputy Clerk’s office and, when so qualified, may perform the duties appertaining to the office of the Clerk. The Clerk may require any of the Deputy Clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the Deputy Clerk’s duties.

**Policy 35. Permanent Part-Time Employees**

Permanent part-time employees will receive the following wages and benefits:

**Section 1. Wages**
Permanent part-time employees will be paid on an hourly basis in accordance with the table in Policy 34 above.

Section 2. Benefits

A. Permanent part-time employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.

B. Permanent part-time employees are eligible for holiday pay if they work a major holiday, which includes the following: Memorial Day, July 4, Labor Day, Thanksgiving, Christmas, and New Year’s Day. Holiday Pay is defined as one and one-half times the permanent part-time employee’s regular hourly rate.

C. Overtime will be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week will be compensated for a rate of time and one-half.

D. The permanent part-time employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.

E. Upon termination of employment with the Court or Clerk of Court, permanent part-time employees will not receive pay-out for any leave accumulated.

F. If a permanent part-time employee becomes full time with the Court or Clerk of Court, any accumulated Universal Leave will be added to the permanent part-time employee’s sick leave balance.

Policy 37. Intermittent Part-Time/Seasonal Employees

Intermittent part-time and seasonal employees will receive the following wages and benefits:

Section 1. Wages

Intermittent part-time and seasonal employees will be paid on an hourly basis in accordance with the table in Policy 35 above.

Section 2. Benefits

Intermittent part-time and seasonal employees are not eligible for benefits, but the intermittent part-time, and/or seasonal employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.
Receipt and Acknowledgment Form

The employee policy manual and employee benefits manual include important information about employment at the Delaware Municipal Court and the Clerk of Court’s office, and I understand that I should consult my immediate supervisor regarding any questions that are not answered in those documents. If my supervisor cannot answer my question, I should consult with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

I have entered into my employment relationship with the Delaware Municipal Court or the Clerk of Court voluntarily and I acknowledge that there is no specified length of employment. Accordingly, the Delaware Municipal Court, the Clerk of Court, or I may terminate the relationship at will, with or without cause, at any time.

Because the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the administrative policy manual and the employee-benefits manual may occur, though I also understand that my position is and will remain an employment-at-will position. Any changes in the manuals will be communicated through official notices, and I understand that that revised information may supersede, modify, or eliminate existing policies. Only the Administrative Judge or Clerk of Court of the Delaware Municipal Court has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the administrative policy manual and the employee-benefits manual, and I understand that it is my responsibility to read and to comply with the policies contained in these documents as well as any revisions made to them later.

_________________________  _________________________
Employee’s Signature                   Date

______________________________
Employee’s Name (Please Print)
TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AUTHORIZING THE PAYMENT OF TUITION LEAVE UNDER THE 2018 MANAGEMENT PAY PLAN.

BACKGROUND:
The 2018 Management Pay Plan added a tuition reimbursement program for undergraduate or graduate courses towards a degree; moving a process that had been governed by a policy into the pay plan. Employees with more than one year of service are eligible to apply for this benefit prior to September 30 of the year preceding the courses. Janelle Valdinger, GIS/CMMS Public Utilities Technician was mistakenly told she would be reimbursed for classes taken in 2017. Ms. Valdinger had not worked for the City for a year and therefore could not have made the request by September 30 in the year prior to enrollment. With that knowledge, she enrolled at Ohio Wesleyan and took four classes related to a GIS degree which is directly related to her position with City of Delaware and received a 4.0 for the quarter.

REASON WHY LEGISLATION IS NEEDED:
Ms. Valdinger’s classes were not completed until the end of 2017, and her supervisor requested tuition reimbursement for her classes in the 2017 budget and did not verify the need to have Ms. Valdinger to be employed for one year before requesting reimbursement. Therefore, this constitutes a change in policy. Monies for her classes have been appropriated in the 2018 budget which staff is recommending a $3500.00 cap on the reimbursement.
COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):
None

POLICY CHANGES:
N/A

PRESENTER(S):
Jackie Walker, Assistant City Manager

RECOMMENDATION:
Approval

ATTACHMENT(S)
N/A
RESOLUTION NO. 18-21

A RESOLUTION AUTHORIZING THE PAYMENT OF TUITION LEAVE UNDER THE 2018 MANAGEMENT PAY PLAN.

WHEREAS, under Charter Section 119, salaries and compensation of employees are set by ordinance; and

WHEREAS, the 2018 Management Pay Plan added a tuition reimbursement program for undergraduate or graduate courses towards a degree; moving a process that had been governed by a policy into the pay plan; and

WHEREAS, employees with more than one year of service are eligible to apply for this benefit prior to September 30 of the year preceding the courses; and

WHEREAS, Janelle Valdinger, GIS/CMMS Public Utilities Technician was mistakenly told she would be reimbursed for classes taken in 2017. Ms. Valdinger had not worked for the City for a year and therefore could not have made the request by September 30 in the year prior to enrollment; and

WHEREAS, the City Manager believes that the courses taken will have a positive impact on Ms. Valdinger’s performance in her position; and

WHEREAS, a comparable clause in the FOP and IAFF contracts establishes a $3,500 per year cap on the tuition reimbursement benefit; and

WHEREAS, Ms. Valdinger’s classes were completed at the end of the calendar year and will be reimbursed from funds placed in the 2018 budget marked “tuition reimbursement.”

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

SECTION 1. The City is hereby authorized to reimburse Janelle Valdinger for $3,500 in tuition reimbursement under the 2018 Management Pay Plan. This reimbursement is subject to all requirements stated in the pay plan, aside from the application timelines.
SECTION 2. That this resolution shall take effect and be in full force immediately after its passage.

PASSED: _________________________, 2018     ACCEPT____  REJECT____  ABSTAIN ___

ATTEST: _______________________________       ________________________
  CITY CLERK                      MAYOR
TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION ENCOURAGING THE DELAWARE COUNTY AGRICULTURAL SOCIETY BOARD OF DIRECTORS TO REQUIRE BACKGROUND CHECKS FOR ALL FIREARM PURCHASES COMPLETED ON THE PREMISES.

BACKGROUND:
Delaware students recently reached out to Mayor Riggle requesting the City take action to address gun violence. State law limits what cities are allowed to do regarding the ownership, possession, purchase, acquisition, sale or other transfer of firearms. As a result, Mayor Riggle has requested the following resolution be drafted and placed on the agenda.

The discussion about guns and the Delaware County Fairground is currently centered on the issue of the sale of guns at the organized weekly flea market that occurs there. A private sale of a gun is permissible under law, and does not require a background check. Flea market vendors are not typically considered to be in the business of selling firearms but are considered to be selling private property.

REASON WHY LEGISLATION IS NEEDED:
This resolution is addressing the concern of guns being sold as a private sale at a quasi-retail environment without a record check. Please refer to the memo provided by Police Chief Pijanowski regarding guns sales at organized fairground events.
COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
None

POLICY CHANGES:

PRESENTER(S):
Mayor Carolyn Kay Riggle

RECOMMENDATION:
Approval

ATTACHMENT(S)
Memo from Chief Pijanowski
RESOLUTION NO. 18-22

A RESOLUTION ENCOURAGING THE DELAWARE COUNTY AGRICULTURAL SOCIETY BOARD OF DIRECTORS TO REQUIRE BACKGROUND CHECKS FOR ALL FIREARM PURCHASES COMPLETED ON THE PREMISES.

WHEREAS, licensed firearm dealers must conduct background checks on every gun purchase, whether the purchase is made in a store or at a gun show; and

WHEREAS, individuals who transfer firearms as a private sale at events such as a flea market are not held to this same standard; and

WHEREAS, the current events surrounding firearms and illegal ownership could be addressed in part by reducing the ability for an illegal transfer of a firearm; and

WHEREAS, students from Rutherford B. Hayes High School have reached out to the leaders of the City of Delaware asking for guidance and support on gun issues; and

WHEREAS, under Ohio Revised Code Section 9.68, cities are prohibited from enacting regulations regarding the ownership, possession, purchase, acquisition, sale, or other transfer of firearms; and

WHEREAS, the Delaware County Fairgrounds hosts events such as flea markets where firearms could be exchanged.

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

SECTION 1. The City hereby encourages the Delaware County Agricultural Society Board of Directors to incorporate language into its agreements to require that a background check be required before the sale or transfer of any firearm at one of its events or prohibit the private sale of firearms at a Fairground event.

SECTION 2. That this resolution shall take effect and be in full force immediately after its passage.

PASSED: _________________________, 2018 ACCEPT___ REJECT___ ABSTAIN ____
ATTEST: _______________________________       ________________________

CITY CLERK                                      MAYOR
To: R. Thomas Homan, City Manager  
From: Bruce Pijanowski, Chief of Police  
Date: April 5, 2018  
Re: Resolution regarding gun sales at organized fairground events

The discussion about guns and the Delaware County Fairgrounds is currently centered on the issue about sales of guns at the organized flea market that occurs every Sunday. To understand the question at hand, it is necessary to understand what the actual issues are that have created the situation we are hoping to address. Specifically, what is the “gun show loophole,” and what does it have to do with a flea market.

The first thing to clarify that the term “gun show loophole” is not really accurate. The gun show loophole is actually referring to the private sale of guns that at times can occur at gun shows. Most sales at gun shows are conducted by Federal Firearms License (FFL) holders. An FFL is required if a person is in the business of sales of firearms. These are the vendors that set up booths to sell guns. FFL holders are required to complete a background check through the National Instant Criminal Background Check System (NICS) before they transfer a gun into a buyer’s hands. The record check verifies that the buyer is an eligible gun buyer and is not prevented by law from owning or purchasing a gun. An FFL holder at a gun show, a flea market or any other event is still required to complete the background check.

A private sale of a gun is permissible under law, and does not require an FFL or any kind of background check. The term “gun show loophole” probably comes from practice of private individuals that are attending a gun show with their personal firearm who then sells it to another private individual. The seller in this instance is selling his private property and is not “in the business” of gun sales, therefore the transaction requires no FFL, and no record keeping or background check. While it is illegal to purchase a gun if you have one of several disqualifying factors, there is no requirement that a person conducting a private sale ask any question or complete a background check through the federal government to determine if a buyer is permitted to own a firearm.

Flea market vendors are not (typically) considered to be in the business of selling firearms, and are considered to be selling their personal property. They are conducting private sales that do not require an FFL or a background check. While one could argue that most flea market vendors are in the business of making money off of sale of used merchandize, the law sees this as a private sale of the vendor’s personal property, albeit at an organized “sale” event. This is the “private sale loophole” that council is now considering.

Most people would agree that people that legally own and carry guns are not a problem. For consideration in the context of the current conversation is a discussion on how guns enter into the possession of people who are legally barred from purchasing or owning guns. While I am not an expert regarding the illegal gun market, and this is not an exhaustive discussion on the topic, we
could generalize that the gateway is either via an illegal gun market (i.e. stolen), private sales, and straw purchase. An illegal market transfer is self-explanatory, and we have already described a private sale. A straw purchase occurs when a person who is prohibited from buying guns has another person buy the gun on their behalf. The commonality is that all of these are undocumented transfers (or fraudulently documented in the case of a straw purchase) of a firearm that requires no documentation or background check of the new, actual owner of the gun.

The resolution council is considering would ask the fair board to consider banning private sales of firearms at organized fairground events, such as the flea market. It is not a request to ban the possession of firearms on fairground property. It is not a request to ban private sales on fairground premises. It is not a request to ban the sale of firearms sales by FFL holders, either at the fairgrounds or at organized events. It is a narrowly tailored request that is meant to address this “private sale loophole” of guns being sold as a private sale at a quasi-retail environment without a record check.
AGENDA ITEM NO: 14    DATE: 04/09/2018
ORDINANCE NO:    RESOLUTION NO: 18-23
READING:  FIRST    PUBLIC HEARING:  NO

TO:  Mayor and Members of City Council
FROM:  R. Thomas Homan, City Manager
VIA:  William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO
PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH
THE ODOT WINTER SALT PURCHASE CONTRACT (418-19).

BACKGROUND:
The City must participate in a cooperative purchasing agreement in order to
obtain road salt for winter snow and ice management operations within the
city. Participation in ODOT's winter salt contract guarantees adequate supply
of highway road salt. Salt is available through the program from October 1,
2018 through April 30, 2019, and at a competitive price through ODOT's
public bid process. Participation provides access to up to 1,200 tons of road
salt at an estimated delivered price of $60.00 per ton. The City's five-year
average use of winter road salt is 2,100 tons per year, and has ranged from
1,400 tons to 3,200 tons used in a season. The city used 3,000 tons of salt
during the ‘17/’18 season. Availability of additional road salt outside of
participation in the ODOT program remains limited.

REASON WHY LEGISLATION IS NEEDED:
Resolution and signed agreement required by ODOT to participate in program
COMMITTEE RECOMMENDATION:
None

FISCAL IMPACT(S):
Requires supplemental appropriation for additional funding to participate in ‘18/’19 ODOT program.

POLICY CHANGES:
This is the third year the City has participated in ODOT’s winter salt program.

PRESENTER(S):
William L. Ferrigno, P.E., Director of Public Works/City Engineer

RECOMMENDATION:
Approval

ATTACHMENT(S)
None
RESOLUTION NO. 18-23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT (418-19).

WHEREAS, the City of Delaware is responsible for operating and maintaining public highways within the corporate limits of the City; and

WHEREAS, the Ohio Department of Transportation invites all local governments and political subdivisions to partner with ODOT for the cooperative purchase of road salt through Winter Contract (418-19); and

WHEREAS, being a member of the State Cooperative Purchasing Program, the City of Delaware is eligible to participate in the ODOT program; and

WHEREAS, participation in the cooperative bidding and purchasing with ODOT will most likely ensure the best possible price and a reliable source of availability for road salt for the 2018-2019 winter seasons.

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

SECTION 1. That the City Manager is hereby granted authority to participate in the Ohio Department of Transportation Winter (418-19) contracts for road salt and sign agreements as required.

SECTION 2. That the City Manager is hereby authorized to agree to and be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3. That the City Manager is hereby authorized to agree to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Delaware participates, for items it receives pursuant to the contract.

SECTION 4. That the City of Delaware agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Delaware agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Delaware may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.
SECTION 5. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _________________________, 2018  YEAS___ NAYS___
          ABSTAIN ___

ATTEST: _______________________________       ________________________
          CITY CLERK                  MAYOR
FACT SHEET

AGENDA ITEM NO: 15     DATE: 04/09/2018
ORDINANCE NO: 18-25     RESOLUTION NO:
READING: FIRST         PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE AIRPORT STRATEGIC BUSINESS PLAN.

BACKGROUND:
The City’s airport has undergone significant change and expansion over the past two decades including the addition of multiple public and private hangers, the relocation and extension of runway 10-28, addition of jet aircraft fueling operations, and the presence of several flight based organizations including general aviation maintenance and repair services, avionics maintenance, and flight school operations. The privately owned and operated businesses operate within city owned facilities, or within privately constructed facilities on city property. Additional private businesses continue to submit inquiries regarding additional services within the airport property to support the airfield operation.

In order to understand the current market demand and costs associated with attracting and maintaining quality airfield support services, the city circulated a RFP (Request for Proposals) for Airfield Strategic Business Planning Services. The work by the consultant will provide guidelines and strategies involving land and facility leasing rates and structure, fuel pricing strategies, and the identification in current trends in the provision of specific airfield support services.
REASON WHY LEGISLATION IS NEEDED:
A supplemental appropriation is necessary to fully fund the proposed $45,000 strategic business planning contract with Crawford, Murphy, & Tilly airport consultants.

COMMITTEE RECOMMENDATION:
Prior support by the Airport Committee regarding strategic planning work

FISCAL IMPACT(S):
Requires supplemental appropriation for additional funding in the amount of $25,000 from the Airport Operations fund balance; funding in the amount of $20,000 is included in the 2018 budget.

POLICY CHANGES:
N/A

PRESENTER(S):
William L. Ferrigno, P.E., Director of Public Works/City Engineer

RECOMMENDATION:
Consider approval at 2nd reading

ATTACHMENT(S)
Proposal
ORDINANCE NO. 18-25

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE AIRPORT STRATEGIC BUSINESS PLAN.

WHEREAS, the City owns and operates the Delaware Municipal Airport (Jim Moore Field); and

WHEREAS, the Airport provides various services for nearly one-hundred based general aviation and jet aircraft including ramp tie-down, hanger rental, fueling, aircraft, and airfield maintenance services; and

WHEREAS, the airfield also supports several privately owned and operated flight based organizations including hanger facilities, aircraft maintenance, avionics repair, and flight schools; and

WHEREAS, it is in the best interest of the City to periodically review and assess the facilities and services available at the Airport to make adjustments in accordance with current trends and demands of the airfield industry; and

WHEREAS, the City has received a proposal from a qualified airfield consultant to provided direction and guidance in the development of business strategies applicable to the airport; and

WHEREAS, a supplemental appropriation will be necessary to award the strategic business plan work to the consultant.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Airport Operations Fund $25,000 increasing the following account:

Airport Professional Services (222-0222-5230) $25,000

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.
VOTE ON RULE SUSPENSION: YEAS NAYS ABSTAIN

PASSED: _________________________, 2018 YEAS NAYS ABSTAIN

ATTEST: _______________________________       ________________________
          CITY CLERK          MAYOR
Statement of Qualifications for Strategic Business Plan Preparation for

DELAWARE MUNICIPAL AIRPORT
CITY OF DELAWARE, OHIO

CMT
Crawford, Murphy & Tilly

February 14, 2018
February 14, 2018

Ms. Jackie Walker  
Assistant City Manager  
jwalker@delawareohio.net

RE: STATEMENT OF QUALIFICATION FOR AIRPORT CONSULTING SERVICES FOR THE CITY OF DELAWARE MUNICIPAL AIRPORT

Dear Ms. Walker:

RE: STATEMENT OF QUALIFICATION FOR DELAWARE AIRPORT STRATEGIC BUSINESS PLAN SERVICES

Dear Ms. Walker:

Crawford, Murphy & Tilly, Inc. (CMT) along with team member Airport Management Consulting Group (AMCG) represents the Best Value Team partner for the City of Delaware and the Delaware Municipal Airport in its analysis and development of a Strategic Business Plan.

CMT is a premier Ohio aviation consulting firm providing comprehensive airport facility and management knowledge. Our staff, made up of former airports staff, airport management professionals, planners, engineers, pilots, former FAA, and state aviation officials, offers the most comprehensive expertise to Delaware. This same staff and its leadership have demonstrated this expertise with many other successful airports in the state and have demonstrated it in the success for the overall Ohio aviation industry to restore robust state funding to airports and influence business legislation for airports’ benefit.

AMCG is a national leader in development of airport strategic business plans. As such, they have led the recent development of the Airport Cooperative Research Program document, No. 77, “Guidebook for Developing General Aviation Airport Business Plans,” bringing industry wide lessons learned together as a single point of key information. Their personal experience with numerous clients as well as the benefits of these broad research efforts will allow the development of a strategic business plan by the CMT/AMCG team to draw from unlimited resources for future planning designed to maximize the economic impact of the Delaware Municipal Airport for the City and the surrounding region.

Delaware will have a great demonstrated leader for this effort. Mr. Ben Cooley, will serve as your team’s project manager. Ben is currently in his 16th year of dedicated aviation experience, serving numerous general aviation airports, just like Delaware. As your project manager, Ben’s CMT office is located right here in central OH just 20 minutes down the street. DLZ can be assured of responsive, available, committed leadership as a result.
In addition to our Project Manager, this proposal identifies other key staff that will be involved heavily with your strategic business plan. These key individuals represent over 150 years of dedicated aviation experience. The CMT team along with AMCG are an A+ team of professionals demonstrated qualifications and successful project experience. When combined with local presence, deep OH experience, knowledge of your facility and an awareness of the challenges you face in today’s changing times, I can think of no better team to come alongside the City and the Airport to develop a strategic business plan that will increase the value of your investment. Our goal is to be a valued and long-term partner by serving as an extension of your staff to provide sound solutions that are effective, efficient and value-driven.

Our team experience is unequalled for our breadth and depth of experience providing guidance to airports like DLZ in matters of Strategic business planning. From complete stand-alone business plans to ongoing, “sitting at the Board table” participation, setting rates or developing lease provisions, CMT/AMCG have done it all. Our long-term perspective and relationship with clients means we are there to see it through. You may have areas where new inventive processes want/need to be employed, i.e., should an alternative form of governance be employed, like we are exploring with Cincinnati West Airport, or you may more simply need leasing documents reviewed, revised to reflect latest business opportunities or changing industry behaviors. But the bottom line is that we “get it.” And you want to run your airport in the most business-like fashion, striving to always maintain self-sustainability and maximize the economic impact, through both service to the customer and through sound financial policy.

Our team has provided a fee proposal based on your RFP, discussions at the pre-proposal meeting and our knowledge of the industry. However, there are many detailed discussions that we could have to more fully prescribed effort where it bests serves the City and the Airport. We encourage you to select our team to work with you and talk with our team to employ the dollars you commit to the airport in its best valued areas for maximum benefit. We are happy to be that type of resource for you. We love airports as well and are fully committed to their success.

We look forward to a successful relationship with you and request your favorable consideration.

Sincerely,

Greg E. Heaton, PE, AICP
Vice President and Ohio Aviation Manager
Executive Summary

The CMT Team provides the best value in assisting the Delaware Municipal Airport in the preparation of a strategic Business Plan. A well-prepared Business Plan for the airport is key to achieving its maximum benefit for the City, its citizens, and its surrounding neighbors.

The Right Leadership and Team for your Strategic Business Plan
This proposal identifies our key staff members who collectively have over 150 years of aviation expertise, specifically in general aviation airports business planning and airport development. They will bring their experiences, lessons learned, and insights from hundreds of airports, along with extensive research efforts and training courses, as they review your policies and regulations, lease agreements, pricing structures and action plan moving forward. This team of expertise will be led by Ben Cooley, who is located just 15 minutes down the street.

This proposal identifies several recent project experiences, along with client references. Contact them, find out how we helped others accomplish their goals. Our team is Ohio experienced like no other team you will hear from.

The Right Project Approach
The DLZ Airport has a rich and successful past. The airport has done well in serving the general aviation community, growing and developing to meet the needs of area flyers. Our team’s approach will be to work alongside you in developing the Strategic Business Plan that will address the challenges in the future and continue to achieve your overall objectives.

EXPLORATION WITH STAKEHOLDERS
Our approach includes review, discussion, and exploration with key stakeholders. You’ve identified many of these in your preliminary scope of work. These folks represent the community that governs the airport, manages the airport, and most importantly, uses the airport. This stakeholder outreach sets the stage for identifying current strengths, weaknesses, opportunities for growth and improvement, and challenges that will need to be addressed while pursuing your objectives.

ENHANCEMENT OF POLICIES, REGULATIONS AND LEASES
Our team will review and evaluate current policies, regulations, procedures, leasing agreements, acquisition guidelines/practices, and financial plans using industry best practices to inform recommendations. In addition, our team will streamline everything into a single point document, and provide clear and understandable references that will make the document a more valuable asset to airport tenants and a more enforceable tool for the airport.

These documents include:
- Airport Operations Manual
- Policies and Procedures
- Minimum Standards
- Ground Leases
- T-hangar leases
- FBO/business building Leases
- Fuel Acquisition and resale guidelines and practices

These, along with others, will provide a framework for airport management and operations, and allow you to accomplish your overall objectives.
RECOMMENDED AIRPORT SERVICES
Airports are more than pavements and buildings. In addition to our extensive project experience, many of our staff members are pilots and have a first-hand understanding of what makes the airport experience successful. Customer service, field maintenance, food services, flight training, simulator access, and charter services combine to provide the user experience. Each will be studied so that we can recommend the optimal mix that will maximize the benefit of the airport.

CAPITAL IMPROVEMENT PLAN
Our team will review your current airport facilities and capital improvement plan. We will consider the latest regional plan objectives and Aviation State System Plan recommendations. For example, the State System Plan includes recommendations for High Intensity Runway lighting and MALSR approach lighting system to support corporate flight activity. Connecting these facility objectives with funding opportunities will be critical to the airport’s success. Our team has extensive experience with facility development and have been instrumental in the securing Ohio State Aviation funding for our clients in recent years.

AIRPORT GOVERNANCE
We’ve worked at airports with many different models of governance, and can use that experience to explore the advantages and disadvantages of alternative airport management structures, including the port authority. Our team member Dr. Russ Mills is especially knowledgeable on the operational aspects of a port authority and the Ohio Revised Code that regulates them. We will work with you to identify the benefits that this form of governance can provide to the airport and its related interests.

SCHEDULE AND FEE
The CMT team is prepared to begin on your Strategic Business Plan right away. The schedule you have requested is both agreeable and very achievable. We anticipate no difficulties in accomplishing the tasks in your requested Scope, with the caveat that we will be able to schedule interviews with airport management, city leadership and key stakeholders in good fashion. However, we rarely experience difficulty in this area.

We propose to complete the task items for a lump sum fee of $45,000, including expenses. This fee is based upon the stated Scope of Services included in the RFP and our discussions with you at the pre-proposal meeting. Additional discussions following selection could add depth to our understanding of your objectives and allow us to tailor efforts more closely to your priorities. We would welcome that conversation.
Business Organization

Established: 1946
Staff Size: 270

Key Business Units:
- Aviation
- Highways and Bridges
- Civil & Site Services
- Water Resources

Offices:
- Columbus, OH
- Cleveland, OH
- Dayton, OH
- Springfield, IL
- Chicago, IL
- Aurora, IL
- Rockford, IL
- Moline, IL
- Peoria, IL
- Edwardsville, IL
- St. Louis, MO
- Kansas City, MO
- Springfield, MO
- Indianapolis, IN
- Labelle, FL

Web
www.cmtengr.com

Business Expertise - Services & Clients

Business Units:
- Aviation
- Highways & Bridges
- Water Resources
- Civil & Site Services

Client Types:
- Airports
- Municipalities
- DOTs and State Agencies
- Sanitary Districts
- Utilities
- Private Developers
- Retailers
- Institutional
- Health Care
- Energy
- Military
- Federal

Services:
- Civil Engineering
- Planning
- Value Engineering
- Architecture
- Roads and Bridges
- Traffic Analysis
- Utilities
- Water and Wastewater Systems
- Stormwater Systems
- Permitting
- Surveys
- Drainage and Floodplain Studies
- Electrical
- Streetscapes/Placemaking
- Bikeways/Paths
- Trails
- Landscape Architecture
- Environmental
- Public Engagement
- Sustainability

Crawford, Murphy & Tilly

Founded in 1946, CMT is a Midwest-based and nationally-ranked professional company providing planning, engineering and construction services to both the public and private sector. CMT and its 270 employees provides leadership in civil infrastructure by leveraging shared knowledge, staff longevity, and unique insights. For 70 years, the employee-owned corporation has sustained a trademark level of service and commitment to clients that translate into long-term relationships and enhanced value to our client’s projects.
Aviation Planning

CMT offers its airport clients a dedicated Aviation Planning Group. Our group consists of professionals from varied backgrounds including airport management, engineering, planning, environmental and technology that work exclusively on airport planning related initiatives. With CMT, you have the resources to help navigate your airport leadership through strategic decisions and vision. In addition, our staff brings the technical skills to execute efficient and thorough planning documents that meet FAA and state requirements. Because CMT is a full service firm, our Aviation Planning team understands the implementation part of your plan and helps to build the bridge from concept to funding and then to design execution.

Airport Facilities and Master Planning

Our aviation planners work closely with clients and their communities to develop plans that go beyond standard guidelines and requirements to capture the unique vision for each airport. A decision-making framework is provided to facilitate long-term development and short-term implementation. The result is a plan that embodies the strategic goals of the airport while providing the necessary flexibility to respond to changing market conditions.

Environmental Planning

CMT’s multi-disciplined staff use a combination of extensive environmental knowledge and sound engineering to shape plans that accommodate for increasing aviation demands while maintaining the integrity of the surrounding environment. We use this approach to successfully guide airports through the FAA environmental approval processes in an efficient and coordinated manner.

Land-Related Services

CMT provides a wide range of services to assist airports through federally funded land acquisition programs including professional staff representation to landowners, document processing, property map creation, and land surveys. We have an extensive working knowledge of FAA land-related procedures and are skilled at using the latest technology to assist in the management of airport land assets.

Funding and Programming

CMT aviation staff are recognized for their ability to assist clients in successfully navigating the competitive funding environment. Through innovative programming, justification documentation, and funding approaches, we create increased awareness of their projects as they progress from concept to reality.

Information Technology Services

CMT uses the latest innovations and methodologies to offer information technology solutions that allow airports to maximize their resources. This includes the development of Geographic Information Systems (GIS) applications that assist in managing assets and evaluating the effects of proposed development on airport airspace and control tower line of sight.
Funding and Programming
Helping You Achieve Results

The FAA development process provides distinct work items that are necessary to take a project from concept to construction. Included in this process are planning, environmental, programming/justification, design and construction. Project justification is typically the least defined element in the process and thus many clients are not successful in achieving their development goals due to lack of guidance.

CMT offers extensive experience in project justification to assist clients in successfully competing for AIP discretionary monies. The project justification exercise requires a variety of different tools, including:

- Independent project narratives
- Funding booklets for elected officials
- Benefit-Cost Analyses (BCA)
- Coordination meetings with elected officials and various levels of the FAA including headquarters.

Listed below is a summary of various projects on which CMT played a significant role in the FAA justification process, resulting in increased funding levels for project construction.

Funding Projects in Which CMT Played an Instrumental Role

<table>
<thead>
<tr>
<th>Airport</th>
<th>Project</th>
<th>CMT Actions</th>
<th>AIP Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairfield County Airport, Lancaster, OH</td>
<td>Road Relocation</td>
<td>Funding booklet and numerous FAA meetings</td>
<td>$960K in 1 year</td>
</tr>
<tr>
<td>Fostoria Metropolitan Airport, Fostoria, OH</td>
<td>Runway Extension</td>
<td>Funding booklet and numerous FAA meetings</td>
<td>$800K in 2 years</td>
</tr>
<tr>
<td>Sidney Municipal Airport, Sidney, OH</td>
<td>Runway Shift: Extension</td>
<td>Financial plan and numerous FAA meetings</td>
<td>$3M in 2 years</td>
</tr>
<tr>
<td>Cape Girardeau Regional Airport, Cape Girardeau, MO</td>
<td>Pavement Rehabilitation and Maintenance</td>
<td>Additional Stimulus funding documentation, expedited timeline</td>
<td>$1.5M in 1 year</td>
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<tr>
<td>Washington Regional Airport, Washington, MO</td>
<td>T-Hangar Taxi and Apron Reconstruction</td>
<td>Additional Stimulus funding documentation, expedited timeline</td>
<td>$1M in 1 year</td>
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<tr>
<td>Dubuque Regional Airport, Dubuque, IA</td>
<td>Conversion of Runway 18/36 to Primary Runway</td>
<td>Funding booklet and FAA funding meetings</td>
<td>$13M in 3 years</td>
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<tr>
<td>Fairfield Municipal Airport, Fairfield, IA</td>
<td>New Corporate Runway 18/36</td>
<td>Project narrative, funding booklet, BCA and FAA meetings</td>
<td>$8M in 3 years</td>
</tr>
<tr>
<td>Clinton Municipal Airport, Clinton, IA</td>
<td>Runway Extension and RSA Improvements</td>
<td>Project narrative as part of Master Plan</td>
<td>$3M in 1 year</td>
</tr>
</tbody>
</table>

“...invaluable to us during the funding process.”

Chicago Executive Airport
Aviation Management Consulting Group (AMCG) has been promoting general aviation management excellence through the provision of trusted aviation management consulting services, support, and resources for the last 20 years. AMCG’s clients have consisted of airports, aviation businesses, agencies, associations, and other industry stakeholders (e.g., aircraft owners and/or operators; airport property lessees and/or developers; industry vendors; financial institutions; law firms; architectural, engineering, and planning firms; etc.)

AMCG is composed of a unique blend of talented and respected aviation industry professionals who have strong credentials, proven track records, and over 125 years of combined aviation industry experience. Together, these individuals have first-hand aviation, aviation business, and airport planning, development, operations, management, leadership, and consulting experience and each of the firm’s principals, consultants, and project analysts are pilots. As a result, AMCG has the unique ability to view any project and any issue that may arise from a multi-dimensional (airport, aviation business, and aircraft operator) perspective. This team of highly qualified, knowledgeable, and results-oriented professionals work in concert to maintain a company culture focused on meeting the needs and exceeding the expectations of the client.

WITH AMCG, YOU CAN BE ASSURED THAT YOU WILL GET STRAIGHT ANSWERS, OBJECTIVE ADVICE, ACCURATE AND TIMELY INFORMATION, AND ONLY THE HIGHEST QUALITY SERVICES, SUPPORT, AND RESOURCES – RESULTS YOU CAN COUNT ON!
Greg Heaton, PE, AICP, CM, MBA (CMT)

Project Principal

Mr. Heaton brings 32 years of aviation experience in the planning, environmental analysis and design of airport facilities, including management of programs ranging from general aviation to large hub airports. Greg is a respected leader that is passionate about helping airports succeed and accomplish their goals. He provides full service aviation capabilities in all facets of aviation development projects including planning, environmental, financial, engineering design and program management. Mr. Heaton has a reputation for excellent client service, consensus building and community outreach and a history of successful strategic planning for airport clients.

CINCINNATI WEST AIRPORT, HARRISON, OHIO
Project Manager responsible for overseeing the following services: Master Plan and Airport Layout Plan updates, financial planning, Pro Forma, lease development and review of ground and hangar facilities, and fuel positioning.

FAIRFIELD COUNTY AIRPORT, LANCASTER, OHIO
Project Manager for the following consultant services: Master Plan and Airport Layout Plan updates, financial planning, Pro Forma, lease development and review of ground, hangar, and FBO facilities, fuel positioning, non-aeronautical revenue development, and land development.

WOOD COUNTY REGIONAL AIRPORT, BOWLING GREEN, OHIO
Project Manager overseeing Master Plan and Airport Layout Plan updates, financial planning, Pro Forma, lease development and review of ground and hangar facilities, fuel positioning, non-aeronautical revenue development, and land development.

DOZENS OF ADDITIONAL MASTER PLAN PROJECTS OVER THE COURSE OF CAREER

Benjamin Cooley, PE (CMT)

Project Manager/Airfield Design

Ben Cooley offers 15 years of experience in professional aviation services. Ben has managed projects in planning, environmental and design of airport facilities. Mr. Cooley has exhibited managing skills for projects located at general aviation, reliever and primary airports. His experience combined with his leadership abilities has allowed him to successfully manage airport projects of all types.

Project manager for planning, environmental and design projects at the following airports:

CINCINNATI WEST AIRPORT, HARRISON, OHIO
FAIRFIELD COUNTY AIRPORT, LANCASTER, OHIO
FOSTORIA METROPOLITAN AIRPORT, FOSTORIA, OHIO
PORT BUCYRUS-CRAWFORD COUNTY AIRPORT, BUCYRUS, OHIO
PUTNAM COUNTY AIRPORT, OTTAWA, OHIO
SIDNEY CITY AIRPORT, SIDNEY, OH
WOOD COUNTY REGIONAL AIRPORT, BOWLING GREEN, OHIO
ZANESVILLE MUNICIPAL AIRPORT, ZANESVILLE, OHIO
Russ Mills, PhD (CMT)
Planning Services
Dr. Russell W. Mills specializes in air service development and economic analysis. He is also an Associate Professor of Aviation and Political Science and a Research Fellow at the Center for Regional Development at Bowling Green State University (BGSU), where he works with local communities to enhance their air service and economic development efforts by providing cutting-edge research and economic analysis. His research focuses on improving the effectiveness of aviation policy in the United States and the economic impacts of air service in small communities.

TOLEDO EXPRESS AIRPORT, TOLEDO, OHIO
Conducted an economic analysis of a newly secured flight from Toledo Express Airport (TOL) to Charlotte- Douglas International Airport (CLT) on American Airlines. The team estimated visitor-spending data for northwest Ohio and new employment to calculate on-airport and off-airport direct economic impacts, as well as indirect and induced impacts.

Craig Louden, PE (CMT)
Senior Airport Planner
Craig has been with CMT since 2002 and is experienced in master planning, ALP development and comprehensive AGIS/eALP projects at general aviation, reliever and primary airports. As part of his many planning efforts, Craig focuses on facility requirements and development that support the missions and strategic plans of the airports.

AURORA MUNICIPAL AIRPORT, SUGAR GROVE, ILLINOIS
Project Manager for Master Plan and Airport Layout Plan Update.

CHICAGO EXECUTIVE AIRPORT, WHEELING, ILLINOIS
Project Manager for Master Plan Update. This multiple phase project will be the first comprehensive master plan update at PWK in nearly 30 years.

DUPAGE AIRPORT, CHICAGO, ILLINOIS
Project Manager for Master Plan and Airport Layout Plan Update.

Kooper Dessecker, EI (CMT)
Aviation Planner
Kooper Dessecker has been with CMT since 2016 and has experience in master planning, ALP development, financial planning, environmental analysis, and airport design. Kooper has provided in-depth planning services for general aviation, reliever and primary airports.

WOOD COUNTY REGIONAL AIRPORT, BOWLING GREEN, OHIO
Planner involved in the Master Plan and Airport Layout Plan Update, financial planning, lease development and review of ground and hangar facilities, non-aeronautical revenue development, and land development for 1G0.

BLUE GRASS AIRPORT, LEXINGTON, KENTUCKY
Planner for the analysis of airfield improvement alternatives.
Jeff Kohlman (AMCG)
Planning Services
Jeff, a founding principal of AMCG, has over 30 years of aviation planning, development, operations, management, and consulting experience including FBO operations, facility management, flight department operations, financial management, and aviation management consulting.

For the last 20 years, AMCG has sponsored and Jeff has been a lead instructor for the AAAE Airport Sponsor Assurances, Leasing Policies, and Minimum Standards Workshop. This workshop takes an industry best practices approach to the development and implementation of critical airport management and compliance documents, including airport property development, leasing, rent, and fee policies.

Bryan Johnson, AAE (AMCG)
Planning Services
Bryan Johnson has approximately 30 years of aviation planning, operations, executive management, business and property development experience at a mix of general aviation and commercial air carrier service airports including aeronautical and non-aeronautical development, master planning, financial/budget implementation and analysis, marketing/community programs, and airport sustainability programs (environmental, financial, operational, social).

During Bryan’s tenure in airport management, he was actively involved in developing and implementing strategic airport business plans, primary management and compliance documents, managing airport property development projects, and negotiating associated development and lease agreements.

David Benner, CM (AMCG)
Planning Services
David has approximately 15 years of aviation planning, operations, management, and consulting experience. For the last 10 years, David has managed AMCG’s proprietary aviation industry database that includes industry data, information, and documentation pertaining to airports and aviation businesses published by federal and state aviation agencies and collected through the research efforts of AMCG (including survey and project-related data collection). David has served as a key research team leader on 5 ACRP projects including ACRP Report 156 (Complying with Federal Regulations: An Integrated Approach) and ACRP Report 77 (Guidebook for Developing General Aviation Airport Business Plans).
DELAWARE MUNICIPAL AIRPORT

TEAM EXPERIENCE

Business Plan On-Call Services since 2005

“Greg Heaton and his team have been responsive to our needs with a level of foresight that normally would not be expected. Mr. Heaton’s ability to communicate both past history and view our airport’s future has been instrumental in keeping institutional leadership on task as decisions were needed. He has also assisted with communicating airport opportunities to local and surrounding government bodies allowing us to forge new partnerships with these entities.”

Frances Cottle
Airport Administrator
Cincinnati State Technical & Community College

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Master Planning and ALP
Cincinnati West Airport, Cincinnati, Ohio

CMT has been providing multi-year consulting services to the Cincinnati West Airport since 2005. The airport is owned and operated by Cincinnati State Technical and Community College. The college operates an aviation maintenance technology program at the airport that allows students to earn an associate degree in conjunction with federal Airframe & Powerplant licensing. The program utilizes a fleet of aircraft owned by Cincinnati State and based at the college airport. While working with the college and airport, CMT has completed acquisition of several parcels necessary for operation of the airport.

AIRPORT MASTER PLAN AND ALP UPDATES
CMT facilitated an updated master plan which was approved in 2006. Cincinnati West Airport had experienced years of neglect by previous owners. They sought to plan for future needs with the ultimate desire of a longer runway, while addressing immediate FAA safety compliance requirements. The ALP detailed the potential growth opportunities available by extending the runway into the nearby quarry and realigning the future runway to remove adjacent residential homes from their close proximity to the airport safety critical areas.

BUSINESS PLAN SERVICES
CMT has provided ongoing airport business planning services to the Cincinnati State Technical and Community College for the Cincinnati West Airport since 2005. Based on CMT staff experience across the Midwest and nationally, CMT’s staff have provided regular insight on T-hangar rate structures, rate setting policy, lease development and review, Fixed Base Operator Request for Proposal and review. In addition, CMT has provided counsel for fuel acquisition procedures, fuel rate setting policy and fuel system improvements and management considerations. Pro forma financial documents have been prepared and analyzed for making capital improvement determinations on revenue generating improvements like community and T-hangar facilities. As a state Community College owned facility, CMT has assisted the CSTCC explore and evaluate alternate sponsorship and governance options for the future.

OTHER CONSULTING SERVICES INITIATIVES COMPLETED:
- Rehabilitation of hangar taxilanes
- Expansion of terminal apron to increase itinerant corporate aircraft parking
- Environmental Assessments
- Runway rehabilitation design and construction
- Obstruction clearing
- AWOS III installation
- PAPI installation
- Land Acquisition
- Construction of t-hangars

Reference
Will Berninger, Airport Manager
Cincinnati West Airport
10004 West Road
Harrison, Ohio 45030
will.berninger@cincinnatistate.edu
Multi-Year Consulting Services
Wood County Regional Airport, OH

CMT has been assisting the Wood County Regional Airport (WCRA) and Bowling Green State University (BGSU) with consulting services since 2004. The WCRA operates on land owned by BGSU, and the University is the largest tenant and fuel buyer for the Airport as part of its Aviation Program. Projects have included:

AIRPORT MASTER PLAN AND ALP UPDATES
CMT created an updated Master Plan in 2018 that had last been updated in 2005. The new Master Plan and Airport Layout Plan Update addresses the anticipated growth of the Airport over the planning period. Through on-going coordination, CMT developed a plan that accommodates the University’s flight training growth and needs of the community. As part of the Master Plan efforts, CMT provided WCRA with strategic planning that reflected the Airport’s mission, values, and mission.

BUSINESS PLAN SERVICES
CMT has provided ongoing airport business planning services to the Wood County Regional Airport Authority since 2005. Based on CMT staff experience across the Midwest and nationally, CMT’s staff have provided regular insight on T-hangar rate structures, rate setting policy, lease development and review, Fixed Base Operator Request for Proposal and review. In addition, CMT has provided counsel for fuel acquisition procedures, fuel rate setting policy and fuel system improvements and management considerations. Pro forma financial documents have been prepared and analyzed for making capital improvement determinations on revenue generating improvements like community and T-hangar facilities. In addition, CMT assisted the Wood County Airport Authority explore its sponsorship/ownership and evaluate its standing with respect to the ORC, FAA and State of Ohio and consider necessary changes in support of its long-term objectives.

CAPITAL IMPROVEMENT INITIATIVES COMPLETED:
- New Flight Center and hangar (civil design and project management)
- Perimeter and security fencing – phased installation
- Hangar development
- Construction of Snow Removal Equipment Building
- Multipurpose/corporate hangar development
- Establishment of WAAS-based approaches
- Rehabilitation of airfield lighting

Reference
Mark Black
Airport Manager
Wood County Regional Airport
1261 E Poe Road
Bowling Green, OH 43402
419.354.2908
e-mail: mgr@dacor.net
CMT has been providing services under a multi-year contract with Fairfield County Airport since 2005. Sample projects include the following:

MASTER PLAN/BUSINESS PLAN
CMT prepared a Master Plan to address growing demand at the airport reflective of dynamic economic expansion and population growth. Currently housing 105 based aircraft, Fairfield County Airport has seen a 50 percent increase in based aircraft since the year 1999. The need to accommodate larger corporate aircraft and to address Runway Safety Area issues on the existing constrained runway, resulted in the recommendation for a new runway. In addition to the technical services provided, a significant role of CMT has been to prepare the necessary documentation and communications with both agency and elected officials as necessary to aid in the justification of the project.

BUSINESS PLAN SERVICES
CMT has provided ongoing airport business planning services to the Fairfield County Airport since 2005. CMT’s staff has provided regular insight on T-Hangar rate structures, rate setting policy, lease development and review, Fixed Base Operator Request for Proposal and review. In addition, CMT has provided counsel for fuel acquisition procedures, fuel rate setting policy and fuel system improvements and management considerations. CMT assisted the airport in developing a business/financial plan that would enhance revenues and help support the proposed development plan. Specifically, CMT team members facilitated a workshop that helped to build consensus among airport and City staff. The City was very pleased with the outcome of this exercise.

CAPITAL IMPROVEMENT INITIATIVES COMPLETED:
- Road relocation and obstruction removal
- Airfield pavement design and construction
- Airfield lighting design and construction
- Terminal building improvements
- Approach development
- Security improvements

“The firm, with main representation by Greg Heaton, has been diligent in completing all projects, responsive to requests and communications, knowledgeable with regard to airports and general aviation developments, and progressive in thought and outlook. Greg and staff have been proactive in dealings on our behalf with the FAA and the Ohio Department of Transportation, and have applied for and received additional grant funding for our projects.”

David L. Scheffler, Former Board President, Fairfield County Airport

Reference
Glen Burns, Board President
Fairfield County Airport
Authority Board
3430 Old Columbus Road
Carroll, OH 43211
Burns: 740.503.7241

Dave Scheffler,
Former Board President
Scheffler: 614.395.9574
AMCG has conducted multiple research driven projects for the Airport Cooperative Research Program (ACRP). ACRP is an industry-driven, applied research program that develops near-term, practical solutions to problems faced by airport operators. ACRP is managed by the Transportation Research Board (TRB) of the National Academies, sponsored by the FAA, and selected on the basis of competitive proposals.

<table>
<thead>
<tr>
<th>Table 2. ACRP Publications</th>
<th>Airports</th>
<th>Aviation Businesses</th>
<th>Agencies</th>
<th>Associations</th>
<th>Industry Stakeholders</th>
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<tr>
<td>Guidebook for Developing General Aviation Airport Business Plans (Report 77)</td>
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<td>Guidebook for Through-the-Fence Operations* (Report 114)</td>
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<td>Guidebook for Managing Compliance with Federal Regulations: An Integrated Approach (Report 156)</td>
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<td>Survey of Minimum Standards: Commercial Aeronautical Activities at Airports (Legal Research Digest 11)</td>
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<td>A Guide for Compliance with Grant Agreement Obligations to Provide Reasonable Access to an AIP-Funded Public Use General Aviation Airport (Legal Research Digest 23)</td>
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</tbody>
</table>

* AMCG and Mead & Hunt teamed as Principal Investigators

Report 77 – Guidebook for Developing General Aviation Airport Business Plans
AMCG lead the effort to conduct research for and develop the Guidebook for Developing General Aviation Airport Business Plans. This ACRP publication provides airport policymakers and managers with the practical guidance needed to develop and implement an airport business plan at a general aviation airport. This includes the development and implementation of an airport’s mission, vision, goals, objectives, and action plans.
AMCG assisted with the development of a Strategic Airport Business Plan for W.K. Kellogg Airport, which was completed in June 2017. The scope of work included development of the mission, vision, goals, objectives, action plans, and budgets for the airport. AMCG also conducted a market assessment and SWOT analysis as part of the project.

AMCG assisted with the development of a Strategic Airport Business Plan for Rifle Garfield County Airport, which was completed in June 2014. The scope of work included development of the mission, vision, goals, objectives, action plans, and budgets for the airport. AMCG also conducted a market assessment and SWOT analysis as part of the project.

AMCG developed ACRP Report 77 – Guidebook for Developing General Aviation Airport Business Plans for the ACRP which was completed in May 2012. The research team developed a guidebook and DVD that provides airport managers and policymakers with the practical guidance to develop and implement a business plan for a general aviation airport.

AMCG conducted an Airport Assessment for St. Louis Downtown Airport which was completed in September 2016. The project included a SWOT analysis of the planning, development, operations, management, and financial performance of the airport. The client utilized the recommendations identified in the assessment to support new initiatives at the airport.
EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION
STATEMENT OF POLICY

It is the policy of Crawford, Murphy & Tilly, Inc. not to discriminate, and to take affirmative action to employ, and to treat in employment, all persons, regardless of race, color, sex, age, religion, national origin, ancestry, disability or any other protected status under applicable Federal or State law, rule or regulation. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

As Chairman and CEO of Crawford, Murphy & Tilly, Inc., I am committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure its dissemination and implementation throughout all levels of the company, I have selected Bernard D. Held, Senior Vice-President, as EEO Officer for Crawford, Murphy & Tilly, Inc.

In furtherance of its policy of Affirmative Action and Equal Employment Opportunity, Crawford, Murphy & Tilly, Inc. has developed a written Executive Order Affirmative Action Program, which contains specific and results-oriented procedures to which Crawford, Murphy & Tilly, Inc. is committed to apply every good faith effort. Procedures without effort to make them work are meaningless, and effort, undirected by specific and meaningful procedures is inadequate. Such elements of Crawford, Murphy & Tilly, Inc.’s Affirmative Action Programs which will enable applicants and employees to know of and avail themselves of its benefits will be available for review, upon request, during normal business hours (8:00 am - 5:00 pm) from the EEO Officer. I invite all applicants for employment and all employees to review these programs, and to become aware of the benefits they provide.

Daniel R. Meckes
Chairman, CEO and President
Crawford, Murphy & Tilly, Inc.
Springfield, Illinois
**DELAWARE MUNICIPAL AIRPORT REFERENCES/PROXIMITY**

**Recent Comments on CMT’s Performance**

“Greg Heaton and his team have been responsive to our needs with a level of foresight that normally would not be expected.”  
Frances Cottle, Airport Administrator, Cincinnati State Technical & Community College

“CMT’s staff has demonstrated professionalism and clearly is experienced and knowledgeable of airports in the region. Mr. Heaton has been an excellent ambassador with our FAA ADO project manager.”  
Michael T. Hodges, Airport Manager, Wood County Regional Airport, Bowling Green, OH

“The level of communication was outstanding; I was always able to reach someone when I needed to.”  
Ken Smith, City Administrator, Branson West Municipal Airport

“CMT’s response time to emails/phone calls is the best I’ve had from any consultant company.”  
Cliff Skees, GIS Specialist, Lexington Bluegrass Airport, KY

**Demonstrated Ability to Meet Schedules & Respond Quickly**

CMT’s ability to deliver quality projects for our airport clients in a timely manner over the past 70+ years is the result of several things:

- Our ability to adequately staff our team and effectively manage peak workloads.
- Our deep bench of resources (70 aviation professionals) and our ability to coordinate across offices allow us to quickly mobilize.
- The unique level of staff stability and continuity promotes seamless productivity.
- Very flexible internal systems and processes that facilitate project production among multiple offices.

**FAA Coordination**

Much of CMT’s success can be traced to the proactive approach we take to coordinating clients’ plans and projects with the FAA. We maintain excellent working relationships with the Detroit ADO staff and invite them to the table early on in the planning process. This minimizes risk of schedule slippage when documents are submitted for review.

**Staff Availability**

The CMT team has a strong group of individuals ready to engage on this project with a broad distribution of responsibilities. The CMT team led by Greg Heaton and Ben Cooley will be readily available and will provide confidence that your project will be in good hands.

**Workload & Responsiveness**

CMT is consistently ranked as one of the top 25 aviation firms in the U.S. Our Aviation Business Group is made up of over 70 full time aviation professionals assigned to our offices. We have the flexibility and resources to add any work to our corporate backlog without in any way compromising your needs or the needs of our current client base.

Our entire approach is based upon responsiveness. CMT has a host of professionals and technical specialists who will support this initiative. When needs arise, people across the entire organization will assist in streamlining the communication and the work.
Full-Service Consulting Firm built on a Multi-Year Model

CMT’s interest in and understanding of this proposed multi-year contract is based in part on our distinctive and extensive experience with multi-year contracts at airports like yours. Our history of success at these airports is evidence of a certain level of service distinctive in the marketplace.

That is the number of airport clients who consider CMT an extension of their staff because we serve them on a multi-year or retainer basis. This currently includes 19 commercial service airports, 7 relievers and 46 general aviation airports, all served from the Midwest. This represents nearly 70% of our airport clients, which signifies a strong business model oriented to responsive service. It’s a model we’ve been practicing for a long time, as most of the clients who choose us tend to select us again – many of them for multiple decades.

As a full service aviation consulting firm, CMT is unique in its ability to provide strategic business planning services. For over 70 years, we have been helping our clients achieve and exceed their long-term goals.

Clients Attest to Project Quality

The following projects highlight our recent performance and the quality of projects we have completed. The information requested is provided along with summarized results from the “Client Project Evaluations” we pursued at the end of each project. The CMT evaluations, all recently completed, contain 15 statements related to such things as responsiveness, innovation, accuracy, communication, schedule, budgets, invoicing, construction, etc. Clients rate CMT on each question on a 1 to 10 scale. In addition to high ratings received on each individual question, it is the consistent answer on the final question that underscores CMT’s performance.

- **Fairfield County Airport**
  - Client Project Evaluation:
  - #10 Ratings on all 15 questions

- **Putnam County Airport**
  - Client Project Evaluation:
  - #10 Ratings on all 15 questions

- **Kansas City Downtown Airport**
  - Client Project Evaluation:
  - #10 Ratings on 14 questions
  - #8 Rating on 1 question

- **Sidney Municipal Runway**
  - Client Project Evaluation:
  - #10 Ratings on 14 questions
Proximity to Project Site

CMT will manage the work for the proposed project from our Columbus office. Our team of aviation professionals working out of the Columbus office offers the added benefits of:

- Ability to provide comprehensive strategic business planning services locally.
- A local project staff of dedicated aviation professionals available for immediate assignment.
- Experience working with the staff of ODOT Aviation, FAA Great Lakes Region and at the FAA national level in Washington, D.C.

Office Location
8101 N High Street
Suite 150
Columbus, OH 43235
614-468-1200

Greg Heaton, PE, AICP, CM, MBA
Point of Contact
gheaton@cmtengr.com

References

**Cincinnati West Airport**
Will Berninger
Airport Manager
513-367-5070
will.berninger@cincinnatistate.edu

**Wood County Airport**
Rob Ridday
Authority President
419-807-8836

**Fairfield County Airport Authority**
Jon Kochis, Board Member
Chairman Airport Improvement Committee
740-652-7961
jon.kochis@fairfieldcountyohio.gov
Associations & Organizations

Professional associations and organizations are important in our industry. From networking to industry knowledge, the benefits of these associations are priceless. Within Ohio, CMT has been a member of the Ohio Aviation Association for over 14 years and actively serving on the Board of Directors for over six years. For the past two years, Greg Heaton has served as the President of the organization and led efforts to establish significant state funding for airport improvements, over a 9850% increase in 2016. The OAA is an organization solely devoted to the advancement and protection of Ohio aviation. Through our work with this organization we have been successful in achieving increased funding through the ODOT Grant program, which has brought back the FAA grant matching program at 5% helping general aviation airports realize projects they otherwise may not have been able to fund at the full 10% level. The association also worked to obtain the Teleconferencing ability through House Bill 455. This organization is working to improve the aviation community in the State of Ohio every day and our team is truly connected to OAA like no other.

We also maintain and improve our aviation industry knowledge by taking an active role in other aviation industry organizations. This helps ensure that our clients will benefit from the latest technological and policy changes in the field. CMT is a member of the Airports Council International (ACI), the American Association of Airport Executives (AAAE), the Airport Consultants Council (ACC), and various smaller aviation organizations. Additionally, to be aware of and remain familiar with changes to standards and policies, CMT personnel consistently attend industry organization, FAA regional and state aviation conferences.

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Association/Organization</th>
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<tbody>
<tr>
<td>AAAE</td>
<td>American Association of Airport Executives</td>
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<tr>
<td>ACC</td>
<td>Airport Consultants Council</td>
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<tr>
<td>ACI</td>
<td>Airports Council International</td>
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<td>AAI</td>
<td>Aviation Association of Indiana</td>
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<td>AIA</td>
<td>American Institute of Architects</td>
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<td>APA</td>
<td>American Planning Association</td>
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<td>ASCE</td>
<td>American Society of Civil Engineers</td>
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<td>CCAO</td>
<td>County Commissioners Association of Ohio</td>
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<tr>
<td>CEOA</td>
<td>County Engineers Association of Ohio</td>
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<td>NAEP</td>
<td>National Association of Environmental Professionals</td>
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<tr>
<td>ORBAA</td>
<td>Ohio Regional Business Aviation Association</td>
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<tr>
<td>TRB</td>
<td>Transportation Research Board</td>
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</table>
Fee Proposal

We propose to complete the task items for a lump sum fee of $45,000, including expenses. This fee is based upon the stated Scope of Services included in the RFP and our discussions with you at the pre-proposal meeting. Additional discussions following selection could add depth to our understanding of your objectives and allow us to tailor efforts more closely to your priorities. We would welcome that conversation.
FACT SHEET

AGENDA ITEM NO: 16       DATE: 04/09/2018
ORDINANCE NO: 18-26       RESOLUTION NO:
READING: FIRST            PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE
TO PROVIDE FUNDING FOR THE RENOVATION OF THE CITY HALL ANNEX.

BACKGROUND:
The City wants to attract new businesses to the City. Cohatch Inc. dba Delaware Community Space expressed interest in locating near downtown Delaware. The City has determined that the basement and the first floor of the City Hall Annex (formerly the Gazette Building) is not needed at this time for City use and feels that the redevelopment of the building will place the City in an excellent position to redevelop the second floor for City offices.

This supplemental appropriation would authorize $1,185,600 in funding for the renovation of the basement and first floor, in accordance with the City’s agreement with Delaware Community Space. The remaining funding of $550,000 from the City’s municipal improvement fee fund, would pay for improvements to prepare the second floor for eventual use as city hall office space. These improvements include:

- Second Floor Windows $ 30,000
- Second Floor mechanical, HVAC and electrical $ 150,000
- Cleaning and Joint Repair Exterior Brick $ 15,000
- Design and Construction of the Connector Bridge $ 285,000
- Contingency $ 70,000
Phase II improvements, which would finish the second floor for occupancy will be presented to the Finance Committee at its April 25, 2018 meeting.

**REASON WHY LEGISLATION IS NEEDED:**
No appropriation is included in the 2018 budget.

**COMMITTEE RECOMMENDATION:**
N/A

**FISCAL IMPACT(S):** The City has agreed to invest $1,185,600.00 in the redevelopment of the basement and first floors of the City Hall Annex as part of its agreement with Delaware Community Space (Co-Hatch) The additional $550,000 will be used to pay for improvements to prepare the second floor for eventual use as city hall offices.

**POLICY CHANGES:**
N/A

**PRESENTER(S):**
Jackie Walker, Assistant City Manager

**RECOMMENDATION:**
Approval

**ATTACHMENT(S)**
None
ORDINANCE NO. 18-26

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR THE RENOVATION OF THE CITY HALL ANNEX.

WHEREAS, on February 12, 2018 City Council authorized the City Manager to enter into a lease agreement with the Delaware Community Space, LLC for the co-working space in the City Hall Annex (former Gazette Building); and
WHEREAS, the City of Delaware appropriates funding for all projects; and
WHEREAS, a supplemental appropriation in the amount of $1,735,600 is necessary to renovate the City Hall Annex in order to make the building usable; and
WHEREAS, $1,185,000 of this total is necessary to make the building usable for Delaware Community Space (formerly referred to as CoHatch) and $550,000 of this total is needed to update the second floor in order to take advantage of efficiencies during the renovation gained by avoiding a second contractor mobilization associated with completing the renovation of the second floor; and
WHEREAS, the second floor updates include updating the windows, mechanicals, electric of the second floor, building a connector bridge from City Hall to the Annex and cleaning the exterior of the building which are needed to make the second floor of the Annex a usable space for city hall offices.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund $1,185,600 increasing the following account:

City Hall Annex DCSpace Renovation $1,185,600

SECTION 2. That there is hereby appropriated from the unencumbered balance of the Municipal Impact Fee Fund $550,000 increasing the following account:

City Hall Annex City Space Renovation $550,000
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.

VOTE ON RULE SUSPENSION: YEAS___ NAYS___ ABSTAIN ___

PASSED: _________________________, 2018 YEAS___ NAYS___ ABSTAIN ___

ATTEST: _______________________________       ________________________

CITY CLERK    MAYOR
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 GRANTING AN APPEAL OF A TECHNICAL DENIAL OF A CERTIFICATE OF APPROPRIATENESS (COA) FOR 12 WEST RESTAURANT FOR THE EXISTING TEMPORARY SIDEWALK VESTIBULE TO REMAIN IN PLACE IN THE PUBLIC RIGHT-OF-WAY FROM OCTOBER 1 THROUGH SEPTEMBER 30 OF EACH CALENDAR YEAR FOR 12 WEST WILLIAM STREET, WHICH IS ZONED B-2 (CENTRAL BUSINESS DISTRICT) AND LOCATED IN THE TRANSITIONAL SUB-DISTRICT OF THE DOWNTOWN HISTORIC DISTRICT OVERLAY, WITH CONDITIONS.

BACKGROUND:
This item comes to Council as an appeal of a Historic Preservation Commission denial of a Certificate of Appropriateness. Under Section 1190.08 of the Zoning Code the vote, which was 3(for)-3(against), is appealable to City Council. The Applicant has exercised his right to an appeal. For additional information see attached Staff report. In summary of actions to date:

(1) At the February 28, 2018 Historic Preservation Commission meeting, Staff recommended approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, with Conditions listed in Staff Report.

(2) The Historic Preservation Commission (HPC) determined that the
proposal did not meet the Design Review Guidelines nor did the proposal qualify for one (or more) of the substantial economic hardship or unusual circumstance elements given in Section 1190.06(d)(2) to substantiate an approval.

(3) The Applicant subsequently has filed an appeal to City Council as is their right given under Section 1190.08. This was filed in a timely manner by the applicant and thus the case is now set before the City Council for review and determination.

The vestibule at 12 West William Street is the first test for temporary sidewalk vestibules in the City of Delaware. To date, and as reported by the building owner to Staff and the HPC, the vestibule seems to be well received by the community and the restaurant patrons. Although originally applied for and approved for the colder months only (October through the end of March), the building owner finds the vestibule is helpful to contain the weather elements for this particular building in warmer weather and, therefore, throughout the calendar year. Interior conditions have improved with the installation of the vestibule. This prompted the Applicant’s subsequent request for a time extension for the vestibule to remain in place in the city right-of-way from October 1 through September 30.

HPC is fully aware of the gravity of the first test as it could set the parameters for future such requests. Discussions by HPC of possible parameters/guidelines of the addition of temporary sidewalk vestibules in the Historic Downtown have revolved around the following:

- Consider these as a last resort and only if interior space limitations, exterior placement limits, city and state code requirements or severe economic conditions exist to warrant consideration
- A valid and current approved patio permit must be in place to apply for a vestibule and Applicant must contain the vestibule within a conforming patio area
- Consideration of the effort of the Applicant in exploring other avenues to stop the cold air infiltration into the business space such as the use of air curtains or other possible renovations.
- General discussion has included
  - The property’s location in the Downtown Core or Transitional Sub-district of the Historic District with the only preferred location being the Transitional sub-district effectively keeping these off of the Sandusky Street corridor.
  - Location, type of business, and parcel frontage.

To these, Staff has offered that a concrete set of guidelines is difficult to establish and define in further detail since each parcel, building, and business is unique onto itself with its own set of defining circumstances, as well as the
fact that the sidewalk areas are all different with different obstructions. Though such elements as allowing them only in certain sub-districts, required location inside an approved sidewalk patio, temporary cold weather installation, black color and high quality materials all designed in as minimal a fashion to achieve the purpose are good and implementable guidelines should these be allowed more broadly than in this first test case.

As this is a first test case and thus guidelines have not been established districtwide to date, each new application would need to appear before HPC for specific case-by-case review and an evaluation made of the circumstances specific to each case prior to approval. Given the difficulty and time involved in administering this test case example, Staff is of a mind to recommend that vestibules not be allowed anywhere in the district. However, a few business and building owners have inquired about vestibules in the intervening years, with some appearing before HPC for discussion or guidance. One case for The Flying Pig Ale House at 12 South Sandusky Street has been tabled pending the outcome of this appeal, though Staff understands that the applicant may well withdraw the case and utilize an interior air curtain instead.

A temporary sidewalk vestibule falls under the jurisdiction of a Sidewalk Use Permit and required city licensure. Sidewalk uses are currently included in the Architectural Standards for approved patios. The first test has potentially helped to define the style and materials used to construct the vestibule (i.e., aluminum framing and high caliber exterior grade fabric), which are materials similar to awnings and which are currently included in the Architectural Standards.

City Council has the authority to allow occupations of the right-of-way and to hear the appeal case and apply the Architectural Guidelines and/or determine if a substantial economic hardship exists or special circumstance exists and grant the Appeal with or without conditions. City Council could also determine that it reaches the same conclusion as HPC. Lastly, City Council could determine that it does not want to allow these types of temporary occupations of the right-of-way at all or in limited conditions. Staff, HPC, and future applicants would benefit from receiving City Council’s general direction in this regard.

Therefore, Staff recommends that City Council carefully consider the Staff report, the Applicant’s proposal, and the HPC decision and utilize Section 1190.06(d)(2) to judge the case on its own merits. City Council could find that special circumstances exist, that the proposal meets the guidelines, and/or that an economic hardship exists in order to overturn the decision of the HPC and grant the COA as proposed.

City Council could also impose any conditions of approval that it sees fit. One such condition would be to return to the original intent of the temporary
sidewalk vestibule request of use during colder months and the original timeframe of October 1 through March 31. Conversely, City Council could deny the appeal.

**DECISION CRITERIA** - Section 1190.06(d) is as follows:

(2) In ruling upon a certificate application, the HPC shall take into account the following:
A. The adherence of the environmental change to the historic district’s adopted standards and guidelines; and
B. The effect of the HPC’s decision upon the applicant. The following criteria shall be used for all applicants to determine the existence of a substantial economic hardship or unusual and compelling circumstances:
   1. Substantial economic hardship:
      i. Denial of a certificate shall result in a substantial reduction in the economic value of the property.
      ii. Denial of certificate shall result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form.
      iii. No reasonable alternative exists consistent with the architectural standards and guidelines for the property.
   2. Unusual and compelling circumstances:
      i. The property has little or no historical or architectural significance.
      ii. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.
      iii. No reasonable means of saving the property from deterioration, demolition or collapse other than applicant’s proposal exists.

A simple majority vote of City Council is required to overturn a decision of the Commission (1190.08(b)).

**REASON WHY LEGISLATION IS NEEDED:**
To achieve compliance with Section 1190.08(b) APPEALS requirement of the zoning code.

**COMMITTEE RECOMMENDATION:**
At its February 28, 2018 meeting, by virtue of a tie vote, the Historic Preservation Commission technically denied this case by a 3 for and 3 against vote on an amended motion to reflect the time period of December 1 through March 1 of each year.

**FISCAL IMPACT(S):**
N/A

**POLICY CHANGES:**
PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval for a temporary permit and license for the vestibule for the originally approved time frame of October 1 through March 31. The Ordinance herein is written to reflect the HPC amended motion (which failed to pass) of allowing the vestibule from December 1 through March 1. So, should City Council wish to revise the time frame, the Ordinance will need to be amended to reflect the allowable time frame.

Additionally, Staff recommends that City Council carefully weigh all facts and the decision of the HPC against the criteria listed in Section 1190.06(d)(2) in making a decision.

ATTACHMENT(S)
Appeal Request
HPC 2015-1768 Certificate of Action #3
HPC 2015-1768 Staff Report Dated February 28, 2018
ORDINANCE NO. 18-27

AN ORDINANCE GRANTING AN APPEAL OF A TECHNICAL DENIAL OF A CERTIFICATE OF APPROPRIATENESS (COA) FOR 12 WEST RESTAURANT FOR THE EXISTING TEMPORARY SIDEWALK VESTIBULE TO REMAIN IN PLACE IN THE PUBLIC RIGHT-OF-WAY FROM OCTOBER 1 THROUGH SEPTEMBER 30 OF EACH CALENDAR YEAR FOR 12 WEST WILLIAM STREET, WHICH IS ZONED B-2 (CENTRAL BUSINESS DISTRICT) AND LOCATED IN THE TRANSITIONAL SUB-DISTRICT OF THE DOWNTOWN HISTORIC DISTRICT OVERLAY, WITH CONDITIONS.

WHEREAS, the Historic Preservation Commission at its meeting on February 28, 2018, by virtue of a tie vote of 3 for and 3 against on an amended motion, technically denied a Certificate of Appropriateness for 12 WEST restaurant for the existing temporary sidewalk vestibule to remain in place in the public right-of-way for the time period of December 1 through March 1 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-district of the Downtown Historic District Overlay.

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

SECTION 1. That the Certificate of Appropriateness by 12 WEST restaurant for the existing temporary sidewalk vestibule to remain in place in the public right-of-way for the time period of December 1 through March 1 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-district of the Downtown Historic District Overlay be the same and is hereby confirmed, approved, and accepted with the following conditions:

1) This Appeal approval applies only to the project scope described in the submission.

2) Each year the Applicant shall re-apply for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1 through September 30.

3) The Applicant properly maintains the sidewalk vestibule in like-new
condition and maintains an annually approved Revocable Sidewalk Use Permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.

4) The City reserves the right to revoke the permit and license for such vestibule at any time for any reason at its sole discretion. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.

5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

SECTION 2. That in approving the Certificate of Appropriateness for said temporary sidewalk vestibule to remain in place in the public right-of-way for 12 WEST restaurant at 12 West William Street, this Council overturns the decision of the Historic Preservation Commission as provided in Section 1190.08 (b) APPEALS of the City of Delaware Zoning Code finding that the proposal is in conformance with the Architectural Standards for Downtown Delaware as proposed or that a substantial economic hardship or unusual and compelling circumstances exist to grant the COA as given in Section 1190.06(d)(2).

SECTION 3. 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 AMENDMENT: YEAS____NAYS____ ABSTAIN ____

VOTE ON RULE SUSPENSION: YEAS____NAYS____ ABSTAIN ____

PASSED: _________________________, 2018 YEAS____ NAYS____ ABSTAIN ____

ATTEST: _______________________________ ________________________
CITY CLERK MAYOR
To Whom It May Concern:

My name is David DiStefano and I am the owner of 12 West Restaurant and the building located on 12 West William Street in Delaware. I decided to locate my first restaurant in Delaware because of the promise that I saw in this community. In my time here, I have witnessed the expansion of the downtown district and am pleased to have been a small part of that economic growth. I feel strongly that a key factor in the success of the downtown area has been the support of the local government.

I am writing you in regards to a vestibule that has been part of my establishment for the past two and half years and is currently being challenged by the Historical Preservation Commission. The Commission contests that the vestibule does not meet historical standards. While I ask you to consider the numerous inconsistency’s of this ruling compared to other non-historical aspects of downtown, I ask you to consider the benefits this structure provides to my customers, my staff, my business and therefore overturn the Commission’s ruling against the vestibule.

In contrast to many historical inconsistencies which are visible in the downtown area (e.g. stucco exteriors) but which have no apparent benefit to the patrons of downtown, there is clearly a physical benefit to the vestibule.

Given the scale of our establishment, over 25% of the 50,000 guests who visit 12 West annually are seated in close proximity to the front entrance. Without a vestibule, which efficiently moderates the external weather conditions, the harsh Midwest weather can have a significant impact on their dining experience. These challenges are year round and range from cold, wet winters, sleet, thunderstorms, high winds, to hot, humid muggy summers.

In fact, according to the Current Results weather and science website, Central Ohio averages 175 sunny days per year. This means there are more than 190 days without the sun and possible bad weather.

Additionally, when the front door is opened without protection of the vestibule, air with grease can be pulled from the kitchen into the dining room, creating an unpleasant experience for guests and damage to the front of the house equipment. The air draw would cause a significant strain for our heating and cooling where expenses already exceed $1,000 per month.
Noise pollution is also a significant challenge due to 12 West's location on major state route. The vestibule materially diminishes the sounds from tractor-trailers, commercial trucks, and regular motor vehicles.

Finally, a large segment of our guests are local Delaware seniors. It is very common for seniors to wait in the vestibule while waiting to be picked up. They are comfortable in the vestibule as they are protected from the outside elements while not imposing on other dinners.

The vestibule materially improves our guest experience by protecting them from the outdoor elements, reducing the spread of grease and decreasing noise pollution. I believe that a more enjoyable dinning environment reflects positively on guests' perception of downtown Delaware and translates into additional business for this growing community.

While I have great respect for the historical nature of this district, I feel strongly that modifications, which meaningfully improve the guest experience, should be granted an exception.

This vestibule is critical to our business, protects our guests, and I believe helps leaves an overall good experience that reflects positively on downtown Delaware.
Dianne Guenther

From: Dianne Guenther
Sent: Wednesday, March 21, 2018 8:39 AM
To: ‘David DiStefano’
Cc: David M. Efland; Lance Schultz; Elaine McCloskey
Subject: RE: Vestibule - possible appeal

Great; we will ask the Clerk to place your case on the Mon April 9th City Council Agenda. The meeting starts at 7:00 pm. Thanks Dave!

Dianne L. Guenther
Development Planner
City of Delaware

---

David DiStefano

***ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***

Dianne, April 9th would be great. I greatly appreciate the date. Thanks, Dave

---

On Mar 20, 2018, at 2:53 PM, Dianne Guenther <dguenther@delawareohio.net> wrote:

Hi Dave: Thank you for your letter. Yes, we do know you travel frequently with your work. After conferring with Dave Efland, the next available council meeting would be Monday, April 9th. Could you kindly let us know if that date would work into your schedule? Thanks! Dianne

Dianne L. Guenther
Development Planner
City of Delaware

---

***ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***

---

Dave,
Attached is the appeal. For what it’s worth, for scheduling purposes I would not mind a council hearing beyond the 26th as that date is challenging with my travel schedule.

I appreciate all your help. Please let me know if you have any questions.

Thank you,

Dave

> On Mar 20, 2018, at 8:41 AM, David M. Efland <defland@delawareohio.net> wrote:
> > Hi Dave. No particular format is required. Just send it in electronically if possible to those on this list and we will work with the Clerk and the City Manager to docket your appeal which is scheduled right now for Monday the 26th. We have to prepare some legislation and FAQ sheet as well and cannot do so until we receive and review your material and request effectively.
> > David M. Efland, AICP
> > Director of Planning & Community Development
> > City of Delaware
> > 1 S. Sandusky St.
> > Delaware, OH 43015
> > www.delawareohio.net
> > 740-203-1600 - Phone
> > 740-203-1699 – FAX
> >
> > Home of Ohio Wesleyan University
> > An Ohio Main Street Community – Main Street Delaware
> > Forbes Top 10 "Best Places to Raise a Family"
> > An AARP "Livable Community"
> >
> > -----Original Message-----
> > From: David DiStefano <mailto:daved@columbus.rr.com>
> > Sent: Tuesday, March 20, 2018 7:47 AM
> > To: Dianne Guenther
> > Cc: Lance Schultz; Elaine McCloskey; David M. Efland
> > Subject: [BULK] Re: Vestibule - possible appeal
> > Importance: Low
> >
> > ***ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***
> >
> > Good morning,
> >
> > my formal letter of appeal is complete. Is there a certain letter format or style it should be submitted? Also, who should the letter be addressed too?
> >
> > Thanks,
> >
> > Dave
> >
> >
> >>> On Mar 19, 2018, at 5:04 PM, Dianne Guenther <dguenther@delawareohio.net> wrote:
> >>
> >> Hi Dave! We will need your formal letter of appeal by tomorrow Tuesday, March 20 so you may be placed on
the Monday, March 26, 2017 City Council Agenda. Please let us know. Thanks!

>>

>> Dianne L. Guenther
>> Development Planner
>> City of Delaware

>> ----Original Message-----
>> From: davd@columbus.rr.com [mailto:davd@columbus.rr.com]
>> Sent: Wednesday, March 07, 2018 12:51 PM
>> To: David M. Efland
>> Cc: Lance Schultz; Elaine McCloskey; Dianne Guenther
>> Subject: RE: Vestibule - possible appeal

>>

>> ***ATTENTION: This email came from an external source. Do not open
>> attachments or click on links from unknown senders or unexpected
>> emails.***

>>

>> Thanks. I will start working on a formal letter of appeal.

>>

>> ---- "David M. Efland" <defland@delawareohio.net> wrote:

>>> This email should do. We will follow up as to any required material and scheduling. I would recommend you
prepare a formal letter that indicates why you are appealing and what you seek Council to do (i.e. overturn HPC and
why, overturn the denial but perhaps there is a modification and why, etc.).

>>> I will confirm with the city Attorney that this email is sufficient to preserve your right to appeal and if it is NOT
I will let you know.

>>> David M. Efland, AICP
>>> Director of Planning & Community Development

>>> City of Delaware
>>> 1 S. Sandusky St.
>>> Delaware, OH 43015
>>> www.delawareohio.net
>>> 740-203-1600 - Phone
>>> 740-203-1699 – FAX

>>> Home of Ohio Wesleyan University
>>> An Ohio Main Street Community – Main Street Delaware MONEY Magazine –
>>> 100 Best Places to Live in America 2017.
>>> Forbes Top 10 "Best Places to Raise a Family"
>>> An AARP "Livable Community"

>>> ----Original Message-----
>>>
>>>
>>> From: davd@columbus.rr.com [mailto:davd@columbus.rr.com]
>>>
>>> Sent: Wednesday, March 07, 2018 12:31 PM
>>>
>>> To: David M. Efland
>>> Cc: Elaine McCloskey; Lance Schultz; Dianne Guenther
>>> Subject: Re: Vestibule - possible appeal

>>> ***ATTENTION: This email came from an external source. Do not open
>>> attachments or click on links from unknown senders or unexpected
>>> emails.***

>>> Dave,
Thank you for your followup. I do wish to appeal the recent decision by the HPC regarding the vestibule at 12 W William St.

Does this email satisfy the requirement to appeal in writing? Or do I need to drop off a letter stating my appeal?

I look forward to working with your office.

Best,

Dave

"David M. Eiland" <defland@delawareohio.net> wrote:

Dave - I wanted to check in with you regarding the recent HPC meeting. I want to let you know if you wish to appeal the decision you need to provide that request in writing to this office within 30 days of the HPC hearing. We would work with you to prepare your materials and set it before the City Council for determination from there. However, if you do not send us a written request to appeal within 30 days of the HPC meeting you will lose your right to appeal the decision by code.

David M. Eiland, AICP
Director of Planning & Community Development
City of Delaware
1 S. Sandusky St.
Delaware, OH 43015
www.delawareohio.net
740-203-1600 - Phone
740-203-1699 - FAX
_________________________________________________
Home of Ohio Wesleyan University<http://www.owu.edu/> An Ohio Main Street Community - Main Street
Delaware<http://www.mainstreetdelaware.com/>
Forbes Top 10 "Best Places to Raise a Family"
An AARP "Livable Community"

_________________________________________________
This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.
CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION
CERTIFICATE OF ACTION #3
CASE NO. 2015-1768 – 12 West William Street: 12 WEST Restaurant
Temporary Sidewalk Vestibule Time Extension

Certificate Date: February 28, 2018
Case Number: HPC 2015-1768
Applicant: 12 WEST Restaurant, 12 West William Street, Delaware, OH 43015

Request: A request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street.

Exhibits Provided:
1. Staff Report dated 2/28/2018 and all attachments
2. Certificate of Appropriateness Application and all attachments

Staff Recommendation: Staff recommends approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street Approval, with Conditions listed in Staff Report.

Commission Action: On 2/28/2018, the Historic Preservation Commission moved to amend the Applicant’s request for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from December 1 through March 1 of each calendar year for 12 West William Street, with Conditions listed in Staff Report.

On 2/28/2018, the Historic Preservation Commission denied the amended request for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from December 1 through March 1 of each calendar year for 12 West William Street, with Conditions listed in Staff Report.

Commission Findings: The Historic Preservation Commission reviewed all exhibits provided and Staff recommendations, and all applicable decision and review criteria given within Chapter 1190 of the Delaware City Zoning Code and determined beyond a reasonable doubt, that the decision criteria and standards for approval of a Certificate of Appropriateness had not been met. Approval was not granted.
Appeals:

Reference Section 1190.08 of Chapter 1190-Historic District Overlay of the City Codified Ordinances, and as excerpted below:

1190.08. - Appeals.

(a) Administrative COA Review Decisions. Administrative COA review decisions may be appealed to the HPC. Notice of appeal shall be made within thirty (30) calendar days of the decision date. The appeal shall be heard at the next available HPC meeting that occurs after receipt of a written request to appeal the administrative COA review decision. A simple majority vote of HPC shall be required to overturn a decision of an administrative review.

(b) Historic Preservation Commission Decisions. A decision made by the HPC to approve, conditionally approve, or deny an application may be appealed to the City Council by the applicant, property owner or any adjoining property owner, including those property owners directly across any public right-of-way. Notice of appeal shall be made within thirty (30) calendar days of the decision to approve, conditionally approve, or deny an application. The appeal shall be heard at the next available Delaware City Council meeting. A simple majority vote of City Council shall be required to overturn a decision of the Commission.

(c) No building permit or other permit requested shall be issued while the appeal is pending.

(Ord. 11-57. Passed 6-27-11)

STAFF SIGNATURE

Dianne L. Guenther
Development Planner

This Certificate of Action is not a permit and does not authorize the commencement of any construction. Contact the City of Delaware Inspection Division at 740-203-1600 regarding required permits for this project. Retain this Certificate of Action for your project file.
REQUEST: A request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION
The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north, south, and east lie within the Downtown Core Sub-district, while the properties immediately to the west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business) District, as are the surrounding properties. It is considered a ‘background building’ in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL
- Dialogue with the Applicant regarding temporary sidewalk vestibules began September 30, 2015 with an informal request for comments from HPC.
- The Applicant’s property at 12 West William Street became the subject of a beta test of a temporary sidewalk vestibule on October 23, 2015 when HPC approved its installation with the design and materials submitted on a temporary, revocable basis within the confines of an approved patio permit until March 31, 2016, when the topic would be revisited to discuss preliminary results.
- The Applicant re-appeared before HPC on April 27, 2016 indicating positive results on the interior restaurant dining conditions and overall acceptance of the vestibule by its patrons. The Applicant also requested a time extension for year-round use of the vestibule. HPC granted a time extension to September 30, 2016, on which date the Temporary License would expire. The Applicant would re-apply for the Temporary License and Revocable Sidewalk Use Permit for continued use of the vestibule for consideration by the City of Delaware.
- At the August 24, 2016 HPC meeting, during discussion of another of the Applicant’s projects (HPC 2016-2532: 14 West William Street new building construction), HPC asked the Applicant about the status of the sidewalk vestibule. The Applicant continued to report positive results during both cooler and warmer weather use. HPC remained supportive of the installation.
- A discussion was held by HPC with David Efland, Director of Planning and Community Development, at the September 27, 2017 HPC meeting regarding sidewalk vestibules and the process to permit their use. Essentially, each application (which have been minimal) would be judged individually on its owns unique circumstances against the basic markers of storefront size, installation within an approved enclosed patio area, with design and materials similar to the 12 WEST beta test. The beta test appeared successful.
- The Applicant consistently maintained a Revocable Sidewalk Use Permit with appropriate liability insurance, inclusive of the patio seating area and the vestibule, during 2016, 2017, and now 2018.
- On January 24, 2018, a request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street (HPC 2018-0086) was tabled until HPC can recommend standards or determine if vestibules will be continued in the historic downtown area. Staff was requested to notify 12 WEST Restaurant that the beta test for sidewalk vestibules is over and to remove the sidewalk vestibule until further notice. Staff is uncomfortable simply removing the vestibule without affording the Applicant the opportunity to request its extension.
The Applicant, David DiStefano of 12 WEST Restaurant, is requesting the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year. The Applicant was advised by City Staff that an appearance before the HPC was needed to accommodate the request. The Applicant was also advised of the Appeals process of HPC decisions per Section 1190.08 of the City Codified Ordinance.

The Applicant provided the following statement regarding this agenda item to share with HPC members, provided here verbatim:

"There are a multitude of key reasons for the continuation of the vestibule. First, know that more than 50,000 guests come through that front door each year. The following reasons describe the impact each time the door is opened with no vestibule.

When the door is opened the outside air draw directly impacts about 10 guests, which is 25% of our seating capacity. Their dining experience as it relates to comfort is directly impacted by the front door. Whether it is the cold weather of the winter, hot summer, and the stormy/windy weather we experience year around.

Additionally, when the front door is opened, air with grease is pulled from the kitchen into the dining room. This is not good for the guest nor the front of the house equipment. Also, the air draw causes a significant strain for our heating and cooling which bills range from $1,000 to $1,500 per month.

As you know, 12 West is located on major state route and therefore noise pollution is a real issue. Tractor trailers, commercial trucks, and the shear number of traffic impacts the guest experience. Again, the vestibule helps significantly cut down on this type of pollution.

On a special note, a large segment of our guests are local Delaware seniors. It is very common for seniors to wait in the vestibule while waiting for their ride to pick them up. They are comfortable here as they are not blocking other guests, yet they are protected from the outside elements.

This vestibule helps our business, our guests, and I believe helps leaves an overall good experience which reflects positively on downtown Delaware."

12 WEST Restaurant Vestibule – Front (South) Elevation
CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street  
MEETING DATE: February 28, 2018  
PAGE: 3 of 4

12 WEST Restaurant Vestibule – Facing West and Facing East

STAFF ANALYSIS
The Staff Reports from the October 28, 2015 and April 27, 2016 HPC meetings, with all pertinent background and research information HPC requested, as well as Staff Analyses, are attached for Commission reference and use. Staff finds the beta test successful. There have been no complaints received, the vestibule is in good repair and condition, and the Applicant has continually maintained required sidewalk permits and insurance. Staff finds the Applicant’s arguments to maintain this vestibule in place to be compelling; and, because of its temporary nature long term, Staff finds that it does not detract from the historic fabric of the downtown district overall or at this location. One notion originally conceived early in this process, and reiterated by the Flying Pig Ale House case (HPC 2018-0086) is the idea to require the removal of vestibules during the warmer months. Staff believes this could be a reasonable condition, but discussion should balance the additional damage / work to the sidewalk that would result against the arguments of this Applicant, as well.

STAFF RECOMMENDATION (HPC 2015-1768 – CERTIFICATE OF APPROPRIATENESS)
Staff recommends approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

1) The Applicant maintains an approved Revocable Sidewalk Use Permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
2) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1 through September 30 of each year, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
3) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
4) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.
TEMPORARY LICENSE

KNOW ALL MEN BY THESE PRESENTS that the City of Delaware, Ohio, an Ohio Municipal Corporation, does hereby grant unto the Grantee, 2ND HALF VENTURES LLC, its successors, assigns, lessees, employees, agents, consulting engineers, contractors, and subcontractors, the right to encroach upon the following described public right-of-way (ROW) for the purpose of construction, operation, maintenance, repair, removal, replacement, or reconstruction of a temporary sidewalk vestibule at the West William Street entrance of the building at 12 West William Street, Delaware, Ohio 43015 ("the Improvement") at said Grantee’s real property being fully described as follows:

Street Address: 12 West William Street, Delaware, Ohio 43015
Situated in the State of Ohio, County of Delaware, and City of Delaware:
Parcel No.: 519-432-25-023-000
Deed Reference: Book No. 1279, Pages 388-389 in the Recorder’s Office, Delaware County, Ohio

Situated in the County of Delaware, in the State of Ohio and in the City of Delaware and bounded and described as follows:

Being the southeast part of Lot No. Sixty-three (63) and beginning at a point in the north line of William Street, N. 88-1/2° W. One Hundred Five (105) feet west from the southeast corner of Inlet No. Sixty-four (64), being the southeast corner of Latimer (now M. Frank’s estate) brick store building; thence N. 1-1/2° E. along the west line of a twelve (12) foot alley, eighty-four (84) feet and three and one-fourth (3-1/4) inches to a post; thence N. 88-1/2° W. parallel with William Street, twenty-three (23) feet; thence S. 1-1/2° W. eighty-four (84) feet three and one-fourth (3-1/4) inches to the north line of William Street; thence S. 88-1/2° E. along said north line of William Street twenty-three (23) feet to the place of beginning.

The licensed Improvement, as described and approved in Historic Preservation Commission Case No. 2015-1768 and Building and Zoning Permit 2016-0026 encroaches into the public right-of-way of the municipal sidewalk on West William Street between North Sandusky Street and North Franklin Street, along the southern property line of the subject building described above, and each description incorporated herein by their respective references.

The License shall be in effect between the dates of October 1, 2015 and March 31, 2016 only as long as the present building referenced above exists and serves a public purpose, and the Improvement serves its desired intention of controlling adverse airflow in that building. This license may be renewed for the same date ranges for additional years by the City.

The License rights granted herein are “non-exclusive,” and Grantor reserves the right to use the area in any manner that will not prevent or interfere with the accessibility granted by this License. The Grantor also reserves the right to revoke this License at its discretion.

Grantee agrees to indemnify and hold harmless the Grantor from any and all claims which may result from the use of the License area by Grantee, or its successors, assigns, lessees, employees, agents, consulting engineers,
contractors, subcontractors, and customers in the construction, operation, maintenance, repair, removal, replacement, reconstruction, or use of the Improvement.

The Grantor hereby covenants with Grantee to be the true and lawful owner of the above described public property and having good right and full power to grant this License.

IN WITNESS WHEREOF, Grantor has hereunto set its hand this 13 day of January, 2016.

Signed in the presence of:

Michele Kohler

R. Thomas Homan, City Manager
City of Delaware

State of Ohio, Delaware County, ss:

The foregoing instrument was acknowledged before me by R. Thomas Homan, City Manager, City of Delaware, this 15 day of January, 2016.

Michele Kohler
Notary Public

This instrument prepared by:
Darren Shulman
Delaware City Attorney
City Hall, 1 South Sandusky Street
Delaware, OH 43015
OVERVIEW OF VESTIBULE

DESIGNED IN STRICT ADHERENCE TO CHAPTER 16 OF THE 2011 OHIO BUILDING CODE.

DESIGN WIND SPEED = 90 MPH C3-SEC GUST

WEIGHT: 1.00

DESIGN SNOW LOAD = 20 PSF

DESIGN LIVE LOAD = 20 PSF

AIRC. 5 PSF UNIFORM ICE LOAD

Ss = 0.175; S1 = 0.864

City of Delaware Approved Plans

Jerry Namar
Chief Building Official

STATE OF OHIO
PROFESSIONAL ENGINEER

12/8/2015

Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black
6" x 6" x 1/4" PLATES POSTS BOLTED IN 3 PLACES WITH 1/4"-20 BOLTS

X AWNING FASTENED TO WOOD WALL (6 PLACES)

PLAN VIEW OF PANELS

LEFT PANEL

RIGHT PANEL

CENTER PANEL

2" SQUARE POSTS WELDED TO PLATES

Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black

12/8/2015
LEFT POST

1" = 4"

6"

0.5"

2X2 POST

EACH POST FASTENED TO CONCRETE IN 3 PLACES

6"

0.5"

2X2 POST

RIGHT POST

6"

0.5"


LEFT POST

90"

RIGHT POST

89 3/8"

Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black

12/8/2015
**FRAME TO AWNING**

AWNING FRAME

1"X2"X1/8" ANGLE

1" #14 TEK SCREWS OR 1/4"-20 BOLTS

TOP PIECE OF PANEL

**FRAME TO POST**

TOP VIEW

2" #14 TEK SCREW

**FRAME TO CONCRETE**

3/8 DROP IN ANCHORS every 2', min

3/8" BOLT

L BRACKET OR Z-CLIP

2" #14 TEK SCREW

BOTTOM OF FRAME PANEL

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Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black
CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION
CERTIFICATE OF ACTION
CASE NO. 2015-1768 - 12 West William Street, 12 WEST Restaurant

Certificate Date: October 28, 2015

Case Number: HPC 2015-1768

Applicant: 12 WEST Restaurant
12 West William Street, Delaware, OH 43015

Request: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule for 12 West William Street zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Public Hearing: Notice of meeting posted on City of Delaware website with agenda.

Exhibits provided:
1. Staff Report dated 10/28/2015 and all attachments
2. Certificate of Appropriateness Application and all attachments

Staff Recommendation: Approval of the application which adequately addressed zoning code and Historic District Architectural Standards to the satisfaction of the decision criteria contained within the regulation, with Conditions in Staff Report.

Commission Action: On 10/28/2015, the Historic Preservation Commission granted Approval of this application with the following Conditions that:
1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

Commission Findings: The Historic Preservation Commission reviewed all exhibits provided and Staff recommendations, and all applicable decision and review criteria given within Chapter 1190 of the Delaware City Zoning Code and determined beyond a reasonable doubt, that the decision criteria and standards for approval of a Certificate of Appropriateness had been met. Approval is granted, provided the project proceeds as presented and with Conditions noted.

STAFF SIGNATURE

Dianne L. Guenther
Development Planner

This Certificate of Action is not a permit and does not authorize the commencement of any construction. Contact the City of Delaware Inspection Division at 740-203-1600 regarding required permits for this project.
Retain this Certificate of Action for your project file.
APPLICANT/OWNERS
12 WEST Restaurant
12 West William Street
Delaware, OH 43015

REQUEST
2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION
The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north and south lie within the Downtown Core Sub-district, while the properties immediately to the east and west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business) District, as are the surrounding properties. It is considered a "background building" in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL
The Delaware County Auditors Office records the year constructed as 1920, but the building at 12 West William Street has more than likely been in place since the early 1900s and used for commercial facilities. The 1930 City Business Directory lists this location as “Delaware Electric Supplies.” A late 1930s/early 1940s photograph, presumably of a funeral procession from the church, shows the stuccoed façade of 12 West William Street in the streetscape:

In recent years, the property has been used for a series of restaurants. The building is currently occupied by 12 WEST.
At the September 30, 2015 Historic Preservation Commission Meeting, HPC indicated to Applicant Ron Criswell, chef and manager of 12 WEST Restaurant that, overall, HPC is open to approving the concept of a ‘temporary exterior sidewalk vestibule.’ (See attached rendering and specification sheets.) The Applicant is proposing to install a 5 foot wide by 4 foot long vestibule at the front entrance to the restaurant (the south elevation of the building, facing West William Street). The vestibule will be constructed of stationary panels of sturdy black Sunbrella fabric and clear vinyl on a mill-finish aluminum frame. The entry door panel and the side panels will be clear vinyl trimmed by Sunbrella fabric with an aluminum cross-support. The entry door will have a door handle, push plate, door closure arm, and hinges. The side panels will also be clear vinyl trimmed by Sunbrella fabric with an aluminum cross-support. The top of the vestibule will be a shed-type ‘roof’ made of Sunbrella fabric and will be installed over the exterior light fixture above the restaurant entry door, which will illuminate the interior of the vestibule. The vestibule will be anchored to the building façade with metal brackets and bolts. The vestibule will be anchored to the public sidewalk with metal clips; the metal clips will be secured with bolts that are screwed into stainless steel cylinder ‘sleeves’ that are bored into the concrete sidewalk. When the vestibule is dis-assembled in the spring, the cylinder ‘sleeves’ are capped with metal screw-in ‘plugs’ which are flush to the sidewalk. The wall brackets could be left in place or removed if desired (which could possibly damage the façade).
The Applicant indicated interior options, such as an interior vestibule or hot air curtain will not be feasible due to space limitations and loss of seating. The vestibule would be installed on the city sidewalk, at the primary entrance, within the annually-approved revocable sidewalk permit patio area. The structure would be ‘temporary,’ installed on possibly October 1 and removed by March 31, with enforcement by City Staff. The Applicant shall be responsible for maintenance, as well as removed by the dates indicated. Approval would be for one (1) year only and is revocable at any time and at the full discretion of the City of Delaware, as with any other sidewalk permit use.

The Applicant wishes to install the vestibule within the next month if possible, and the matter is coming before HPC for a final determination related to design. The selected awning company has provided a specification sheet showing how the vestibule is to be affixed to the building and to the sidewalk. They said the vestibules are easily dis-assembled and stored and that some customers hire them to do that for them. The fabric and frame are designed to withstand three (3) foot snow loads and up to 80 mph winds. They will provide engineering drawings when requested indicating all code details, including ADA requirements. The size of the door opening and the vestibule itself allows for appropriate passage and turn-around for a wheelchair. The awning company would be required to obtain an installation permit and submit engineering drawings, which would be reviewed by the Chief Building Official and Zoning Administrator for code compliance, as well as other City Departments to ensure concurrence with the installation.

**STAFF ANALYSIS**

City Staff is also generally supportive of the proposed plan; however, the support is not without reservation and concern surrounding the impact of the appearance of possibly multiple vestibules within confined areas of a downtown city block and the quality of the vestibules themselves on the historic fabric of the commercial historic district. Liability issues regarding placement on the public right-of-way is also a matter of importance.

At the September meeting, HPC indicated that interior space limitations, exterior placement parameters, material and design details, and city and state code requirements would need to be established and defined in further detail. HPC also understood that this is a new concept in this community, and the approval of this Application could set a precedent for future applications; however, these require specific case-by-case review. Therefore, each new application would need to appear before HPC and an evaluation made of the circumstances specific to each applicant prior to approval. In addition, the business will need to have a current approved patio permit in place. The temporary vestibule would currently fall under the jurisdiction of a Sidewalk Use Permit, currently included in the Architectural Standards for approved patios.

The Applicant cited the restaurants “in German Village and the Short North” in Columbus as examples. City Staff spoke with the City of Columbus Urban Design Manager and the City Historic Preservation Officer, who oversee the installation of restaurant vestibules in accordance with municipal code and Short North/German Village Design Standards. Both gentlemen indicated that there are not currently temporary installations approved in their neighborhood districts on the sidewalks, but there are private property examples. This permanent installation is related to Awning guidelines, with emphasis on where it is located (public or private property), how it is affixed to the structure, and the assurance it is a reversible installation—there should be no evidence on the historic structure that the vestibule was there when removed. The final design components (such as style/materials/colors/signage) are subject to the individual neighborhood design guidelines and approval by those historic commissions.

Staff also contacted the Community Planning & Preservation Manager with the Ohio History Connection (formerly known as the Ohio Historical Society). This gentleman works with Certified Local Governments (CLG) and Main Street Programs throughout the state. He indicated (as of this writing) that he is not aware of any examples of restaurant vestibules in historic districts in smaller communities. The City of Delaware is a CLG, which means the City has partnered with and has been certified by the National Park Service and the State Historic Preservation Office (the Ohio History Connection) to make a local commitment to preserve, protect, and
increase awareness of historic preservation and our unique cultural heritage found in the built environment in our community.

City Staff then requested comments from City Departments. An informal concept review by City Departments indicated concerns with occupying the public right-of-way with an enclosed structure; egress for fire and access for emergency personnel; proximity to underground utilities and shut-offs below the sidewalk; impeding stormwater drainage; creating corners where trash, leaves, snow, etc. can accumulate; and installation on uneven sidewalks.

Staff recommends that the process be two-fold with (1) HPC reviewing the design and basic approach of the temporary nature of the improvement under the jurisdiction of approved sidewalk use permit and on qualifying environmental change, and (2) the City of Delaware must give approval for temporary occupancy of the sidewalk or right-of-way for this type of installation. Staff would suggest that this be a one-time, one-year test for this particular business, with future consideration based upon a Staff and Applicant (and possibly HPC) debriefing in the Spring of 2016.

**STAFF RECOMMENDATION (HPC 2014-1768 – CERTIFICATE OF APPROPRIATENESS)**

Staff recommends approval for compliance with design and HPC regulations only at this time for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule as submitted for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

**COMMISSION NOTES:**

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MOTION:  1st  2nd  approved  denied  tabled

CONDITIONS/MISCELLANEOUS:

FILE:  PLANNING/HPC CASES/2015 CASES/2015-1768_12 W WILLIAM SIDEWALK VESTIBULE

ORIGINAL:  10/23/2015

REVISED:
CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION
CERTIFICATE OF ACTION #2
CASE NO. 2015-1768 – 12 West William Street: 12 WEST Restaurant Vestibule Time Extension

Certificate Date: April 27, 2016
Case Number: HPC 2015-1768
Applicant: 12 WEST Restaurant, 12 West William Street, Delaware, OH 43015

Request: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a time extension to April 30, 2016 for the existing temporary vestibule and to request a permanent installation of the previously approved temporary vestibule for 12 West William Street.

Exhibits provided: 1. Staff Report dated 4/27/2016 and all attachments
2. Certificate of Appropriateness Application and all attachments

Staff Recommendation: Approval of the application only for a time extension to April 30, 2016 for the existing Temporary License for the temporary exterior sidewalk entrance, with Conditions listed in Staff Report, which adequately addressed zoning code and Historic District Architectural Standards to the satisfaction of the decision criteria contained within the regulation.

Commission Action: On 4/27/2016, the Historic Preservation Commission granted Approval of this application with the following Conditions that:

1) The Applicant removes the temporary sidewalk vestibule by September 30, 2016, on which date the Temporary License expires.
2) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
3) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1, 2016 through April 30, 2017, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
4) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.
Commission Findings: The Historic Preservation Commission reviewed all exhibits provided and Staff recommendations, and all applicable decision and review criteria given within Chapter 1190 of the Delaware City Zoning Code and determined beyond a reasonable doubt, that the decision criteria and standards for approval of a Certificate of Appropriateness had been met. Approval is granted, provided the project proceeds as presented and with Conditions noted.

STAFF SIGNATURE

Dianne L. Guenther
Development Planner

This Certificate of Action is not a permit and does not authorize the commencement of any construction. Contact the City of Delaware Inspection Division at 740-203-1600 regarding required permits for this project. Retain this Certificate of Action for your project file.
APPLICANT/OWNERS
12 WEST Restaurant
12 West William Street
Delaware, OH 43015

REQUEST
2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a time extension to April 30, 2016 for the existing temporary vestibule and to request a permanent installation of the previously approved temporary vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION
The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north and south lie within the Downtown Core Sub-district, while the properties immediately to the east and west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business District), as are the surrounding properties. It is considered a ‘background building’ in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL
At the September 30, 2015 Historic Preservation Commission (HPC) Meeting, HPC indicated to the Applicant that, overall, HPC is open to approving the concept of a ‘temporary exterior sidewalk vestibule.’ The vestibule would be installed on the city sidewalk, at the primary entrance, within the annually-approved revocable sidewalk permit patio area. The structure would be ‘temporary,’ installed on possibly October 1 and removed by March 31, with enforcement by City Staff. The Applicant would be responsible for maintenance, as well as removed by the dates indicated. Approval would be for one (1) year only and would be revocable at any time and at the full discretion of the City of Delaware, as with any other sidewalk permit use. At the October 28, 2015 meeting, HPC granted Approval of the application with the following Conditions that:
1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

The Certificate of Action is attached to this report for reference.

The selected awning company provided engineering drawings indicating all code details, including ADA requirements, for building plan and zoning review (attached to this report for reference). An installation permit was issued (Permit No. 2016-0026) with the following Conditions:
1) Subject to Conditions of HPC 2015-1768 Certificate of Appropriateness.
2) Subject to Temporary License
CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street  
MEETING DATE: April 27, 2016
PAGE: 2 of 6

3) Contractor must have approved 2016 City of Delaware Contractor Registration.

The permit received final inspection on January 29, 2016 by the Chief Building Official. The Applicant also obtained a Revocable Sidewalk Use Permit (Permit No. 2015-1160) for the patio and vestibule. In addition, the City of Delaware issued a Temporary License allowing the temporary encroachment into the public right-of-way of the municipal sidewalk from October 1, 2015 through March 31, 2016, on which date the vestibule was to be removed. (A copy of the Temporary License is attached to this report for reference.)

The owners of 12 WEST Restaurant acknowledged that this is the initial pilot test case for the allowance of temporary sidewalk vestibules in the Downtown Historic District and the future of this and possibly other vestibule installations in the Historic District were dependent upon the successful implementation of this particular case. Despite a reminder on March 24, 2016, Staff found on April 6, 2016 that the vestibule, with only the door removed, was still on site. With receiving no communication from the Applicant up to that point, Staff contacted the Applicant on April 7, 2016 requesting the status of its removal. The Applicant acknowledged exceeding the removal date and indicated the awning company was contacted three times for its removal and storage. On that same date, the Applicant subsequently requested a time extension to April 30, 2016 for the existing Temporary License and also requested a License for permanent installation of the temporary exterior sidewalk entrance vestibule.


The Applicants were advised that an appearance before the HPC was needed to accommodate those requests and that Staff would perform its in-house review of this test pilot case for discussion with the HPC members. The Applicant provided the following notes regarding this agenda item to share with HPC members, provided here verbatim:

1) The Vestibule test case has been a great success with no reported downside to the public or the business. The previous statement is based on our five month experience with the vestibule. It has protected the public from the harsh winter weather and into the spring rain and high winds. It would do the same for the summer high heat, rain, and humidity.

Prior to installation of the vestibule and the front door open, 25% of our customers are immediately impacted by the outside air, high winds, and/or rain. This created an uncomfortable dining experience where we received complaints. Also realize, our customers not only open the front door, but most times hold it open when deciding to enter or saying goodbye when leaving. This only adds to the negative experience of those 25%.

Next, in an historic and aged building as 12 W William St., the vestibule helps in decreasing our high utility bills by controlling the airflow in and out of the building. The restaurant business is one of the most difficult small
businesses to operate with very slim margins. Therefore cost controls help us stay in business and allow us to continue to be a positive addition to the downtown community. We are striving to maintain that key balance with an historic building while operating a business that employs local people and contributes to the tax-base.

Last, as we have done with our entire business, we the owners of 12 West made certain to purchase a vestibule that blends into the HPC approved color concept and one of the highest quality. During the last five months, we've received only compliments and gratitude from the local community for improving their experience by adding the vestibule addition.

STAFF ANALYSIS

The City of Delaware is experiencing an obvious uptick in the local economy, and with that, a substantial increase in the number of visitors and patrons to the Downtown Historic District. The techniques employed by local businesses to attract visitors and patrons (such as patios, sidewalk signs, planters, displays, etc.) are now creating an unfortunate side effect of becoming a deterrent to the free-flowing movement of pedestrians on the city sidewalks and the feeling and appearance, to a certain extent, of a “cluttered” sidewalk. Additionally, the entire regulatory premise that allows patios and the described temporary sidewalk intrusions (at Codified Ordinances Section 1149.13 Sidewalk Use & Occupation, Part (c) Temporary Displays and Occupations in the Historic District and Ohio Wesleyan University) is based upon the notation of the ’temporary’ nature of these uses and intrusions into the public right-of-way.

To provide for a more enjoyable dining experience for patrons, the Applicant proceeded with the installation of the temporary sidewalk vestibule with the agreement and understanding that this was allowed by the HPC and the City of Delaware on a one-time, one-year basis only, and according to the specifications submitted with the request for a Certificate of Appropriateness. Future consideration for re-installing the vestibule for subsequent seasons is contingent upon a Staff and Applicant debriefing in the Spring of 2016, and the subject was to be brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful. The Applicant, however, failed to fully disassemble the vestibule by the agreed-upon date, is approaching HPC for a time extension for the temporary vestibule currently installed, and, in addition, is requesting a permanent installation of the temporary sidewalk vestibule, which is contrary to the original agreement, understanding, and 1149.13 of the Codified Ordinances.

City Staff requested comments from City Departments regarding this test case. Extending the timeframe for temporary occupancy of the city sidewalk from October 1, 2015 to April 30, 2016 (rather than March 31, 2016) under the existing Temporary License for this particular pilot case was generally supported. Allowing the structure to be permanent was not. The vestibule is to be fully disassembled and removed from the public right-of-way by the end of April.

City Staff’s support of temporary sidewalk vestibules is still not without reservations and concern surrounding the impact of possibly multiple vestibules within confined areas of a downtown city block as well as ensuring the temporary nature of these uses and structures. In addition, the quality of the vestibules themselves on the historic fabric of the commercial historic district, an increase in Staff time for monitoring vestibule installation and enforcement of conditions, and liability issues regarding placement of these structures in the public right-of-way are also important considerations.

If temporary vestibules are to be allowed, a formalized specific case-by-case review criteria would need to be established, taking into account such items as interior space limitations, exterior placement parameters, material and design details, city and state code requirements, and a current approved patio permit in place as previously approved by the HPC. Each new application would need to appear before HPC and an evaluation made of the circumstances specific to each applicant prior to approval. The temporary vestibule would fall under the jurisdiction of a Revocable Sidewalk Use Permit and must comply with construction permit requirements, including engineered drawings. In addition, City Staff recommends execution of a Temporary License allowing
the temporary encroachment into the public right-of-way for a specific timeframe which is revocable at the City’s discretion. Staff recommends that the process be two-fold with (1) HPC reviewing the design and basic approach of the temporary nature of the improvement under the jurisdiction of approved sidewalk use permit and on qualifying environmental change, and (2) the City of Delaware must give approval for temporary occupancy of the sidewalk or right-of-way for this type of installation via both a Temporary License and a Revocable Sidewalk Use Permit (this would be potentially annually renewable). This entire process would need to be vetted and the proper legislative processes undertaken in order to incorporate this new use into the Architectural Standards for Downtown Delaware.

The Applicant expressed to Staff the understanding that the City is bound to review this pilot test case in terms of current legislative and legal parameters. That said, the Applicant’s request for a License for permanent installation of the temporary sidewalk entrance vestibule enters the realm of a permanent structure erected within the city right-of-way and, therefore, is not in keeping with the temporary sidewalk permit-enabling legislation at Codified Ordinance Section 1149.13. The entire premise, legal basis, and administration of the sidewalk permit process relies upon the fact that intrusions are indeed temporary. Fences by definition are temporary and are not structures but rather separately regulated within the code. If the vestibule is to be permanent with its two sidewalks and an entry door, the entire basis of the sidewalk permit program could be jeopardized. The cap of the vestibule is described and designed as an ‘awning’ on the engineered drawings, which can remain permanently providing shade to the door and cover from the rain in the warmer months, thereby addressing that concern of the Applicant.

Jeopardizing the entire sidewalk permit program would not be advantageous for the downtown economy, especially for the dozes of other businesses that take advantage of the ability to use the temporary program. Holders of Revocable Sidewalk Use Permits report bringing in thousands of dollars of additional revenue from the temporary extension of their dining rooms and bars during the warmer months of the year. In this particular case, and in light of the fact that the City views each individual business as critical to the success of the central business district, logic would dictate that the needs of the many may outweigh the needs of the one and require a compromise for the common good of the community. Staff understands and has no objection to extending the timing of ‘temporary,’ in this case, to the end of April 2016. Staff also understands the rationale of the Applicant in this case and that the configuration of the building lends to the cold weather infiltration into the restaurant. Staff supported this request as a test pilot for the general concept of temporary vestibules since this is not the only storefront with this configuration in the downtown, thus it is likely that others may seek the same approvals. Staff is aware of a few other businesses to date that expressed interest, but are awaiting the results of the test pilot application. As a point of reference, a test pilot approach was used for the initial sidewalk patio (at Rudy Z’s, now Typhoon at 10 North Sandusky Street) which proved successful because of the cooperative actions of the Applicant, thereby enabling the dozens of other establishments to take advantage of this sidewalk permit process (Ordinance 06-22). Had it not been successful, it would be very likely that the City would have no temporary sidewalk uses in the downtown today.

The Applicant executed a very well-designed vestibule with a capable awning company, and both the Applicant and the awning company were extended the same, and perhaps more, courtesies offered to other applicants and contractors navigating through the city review and permit processes. Staff recommends that the vestibule maintains its temporary status and believes this can be viewed as a tremendous business friendly compromise since it allows the continuation of the temporary sidewalk use permit process as written and conceived. It allows temporary intrusions into the downtown right-of-ways to continue, but with clear parameters that these are indeed temporary uses. The temporary vestibule will provide the Applicant (in this case) cold weather protection for patrons, as well as a pre-existing choice as to if the patio or vestibule is more or less important to use, given weather, business patterns, and business decisions for the space they chose (and continue to choose) to occupy. Allowing and integrating the cap of the vestibule, after the removal of the two sidewalks and entry door, as a permanent awning was expressly to provide for shade and weather cover during the warmer months, thereby addressing that issue. Staff contends this ultimately could not be a more business-friendly compromise as a result, while still being temporary.
A permanent intrusion into the public right-of-way, however, would rest within the confines of the existing parameters of the City Zoning Code. The HPC would play a role in the process as to design, use (a three-sided structure – a vestibule in this case), location, and timing. While a decision to move forward with permanent installation of the vestibule in the public right-of-way as requested by the Applicant could involve the dispensation of public property ultimately involving legal opinions (and other processes), as well as potential action by City Council. The City Engineer indicated creating permanent conditions could jeopardize state and federal roadway funding as well. Since existing code precludes this type of permanent sidewalk use, the City historically has operated within the auspices of a ‘temporary’ condition to date and these other issues and processes have not come into play. If HPC approved the permanent condition from its perspective, then there would be more approval processes and steps required that would have to be determined. As an example, Section 1149.13 (c) of the Zoning Code – Temporary Displays and Occupations in the Historic District Overlay and Ohio Wesleyan University – at a minimum would require a zoning change to this enabling legislation. At this time and for the reasons stated above, Staff would not be in support of a change to that legislation, although ultimately this would be a decision made by City Council. The Applicant would be required to maintain the ‘temporary’ status of the sidewalk vestibule until such time a ‘permanent’ status could be established.

STAFF RECOMMENDATION (HPC 2015-1768 – CERTIFICATE OF APPROPRIATENESS)
Staff recommends approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness only for a time extension to April 30, 2016 for the existing Temporary License for the temporary exterior sidewalk entrance vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

1) The Applicant removes the temporary sidewalk vestibule by April 30, 2016, on which date the Temporary License expires.
2) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
3) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1, 2016 through April 30, 2017, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
3) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

COMMISSION NOTES:
CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street
MEETING DATE: April 27, 2016
PAGE: 6 of 6

MOTION: ______ 1st ______ 2nd approved denied tabled

CONDITIONS/MISCELLANEOUS:


FILE: PLANNING/HPC CASES/2015 CASES/2015-1768_12 W WILLIAM SIDEWALK VESTIBULE
ORIGINAL: 4/19/16
REVISED:
CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

Certificate of Appropriateness Application

Historic Subdistrict □ Downtown Core □ Residential □ Transitional
Address 12 W. William St.

Business name 12 West
Applicant Name/Contact Person David DiStefano Phone 202 674 1516
Address 12 W. William St.
Email dwest@colunusoss.com

*If the Applicant is not the owner of the property, the Property Owner is required to sign the application to authorize proposed changes.

Property Owner David DiStefano Phone
Address
Email

Project Type

☑ Signs, Graphics or Awnings ☐ New Construction ☐ Exterior Building/Site Alterations (specify):
☐ Demolition Permit(s) ☐ Other

Work Description (please type or print legibly)

Describe the proposed project in detail, describing materials and colors proposed, including all changes to the building, site or lot. Include all features to be removed, altered, or added and provide a narrative of why the particular type of construction or other environmental changes are being proposed. Indicate all materials to be used. Attach additional sheets as needed.
Written below is the reasoning for the continuation of the vestibule.

"There are a multitude of key reasons for the continuation of the vestibule. First, know that more than 50,000 guests come through that front door each year. The following reasons describe the impact each time the door is opened with no vestibule.

When the door is opened the outside air draw directly impacts about 10 guests, which is 25% of our seating capacity. Their dining experience as it relates to comfort is directly impacted by the front door. Whether it is the cold weather of the winter, hot summer, and the stormy/windy weather we experience year around.

Additionally, when the front door is opened, air with grease is pulled from the kitchen into the dining room. This is not good for the guest nor the front of the house equipment. Also, the air draw causes a significant strain for our heating and cooling which bills range from $1,000 to $1,500 per month.

As you know, 12 West is located on major state route and therefore noise pollution is a real issue. Tractor trailers, commercial trucks, and the sheer number of traffic impacts the guest experience. Again, the vestibule helps significantly cut down on this type of pollution.

On a special note, a large segment of our guests are local Delaware seniors. It is very common for seniors to wait in the vestibule while waiting for their ride to pick them up. They are comfortable here as they are not blocking other guests, yet they are protected from the outside elements.

This vestibule helps our business, our guests, and I believe helps leaves an overall good experience which reflects positively on downtown Delaware."
Materials to submit with application: 1 electronic copy and 12 hard copies if required to appear before
HPC Commission.

*Check made payable to the City of Delaware in the amount of $50.00
*Legible Photographs, digital copies or copied from a negative, not photocopied
*Site Plans showing view from above, plus elevation plans showing the view from front, side, and rear
drawings for new construction, modifications or signs showing dimensions, setbacks, colors, and
specifications of any window, door, trim, lintel, sign, base, header, or other element to be
installed/modified
*Material samples/manufacturers brochures which show/describe materials to be used
*Color samples must be provided, such as manufacturer paint chip cards or brochures depicting
proposed color selections
*Interior floor plans, where appropriate

Variance Explanations: If the Applicant believes that strict application of the Standards and Guidelines
for the Historic District will create a substantial economic hardship or that there is an unusual and
compelling circumstance, a narrative to support a Variance from, or waiver of, the Code requirements
may be submitted. The Variance or waiver shall be granted only if the Commission deems that at least
one of the following six (6) criteria is met:
  o There would be substantial economic reduction in the value of the property due to application
    of the Standards and Guidelines;
  o The property cannot be maintained in its current form and substantial economic burden
    would result from the application of the Standards and Guidelines;
  o No reasonable alternative exists;
  o The property has little or no historical or architectural significance;
  o The property cannot be reasonably maintained in a manner consistent with Standards and
    Guidelines; or
  o No reasonable means of saving the property from deterioration, demolition, or collapse exists.

Deadline: Applications must be submitted THIRTY (30) DAYS prior to the Historic Preservation
Commission meeting.

Public Notification: Staff will notify property owners within 150' of the site as required.

Meeting Date/Time: 4th Wednesday of each month at 7:00 pm in Council Chambers on the second floor
of Delaware City Hall, 1 South Sandusky Street, Delaware, OH 43015.

*Please Note the Commission might table the application if the applicant is not present to answer
questions.

Signature of Applicant

[Signature]

Date 2-9-18

Signature of Owner (if not the Applicant)

[Signature]

Date

Application Fee $50.00 Fees Received $_______ Received by ______________ Date_________
FACT SHEET

AGENDA ITEM NO: 18  DATE: 04/09/2018
ORDINANCE NO: 18-28  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 OHIO WESLEYAN UNIVERSITY FOR THE HOUSE OF BLACK CULTURE AT 65 OAK HILL AVENUE ON PROPERTY ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

BACKGROUND:
See attached report

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 April 4, 2018.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

**RECOMMENDATION:**
Staff recommends approval with the documented conditions.

**ATTACHMENT(S)**
See attached
ORDINANCE NO. 18-28

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR THE HOUSE OF BLACK CULTURE AT 65 OAK HILL AVENUE ON PROPERTY ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 4, 2018, recommended approval of a Combined Preliminary and Final Development Plan for Ohio Wesleyan University for the House of Black Culture at 65 Oak Hill Avenue on property zoned PO/I (Planned Office/Institutional District) (PC 2018-0429).

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 Ohio Wesleyan University for the House of Black Culture at 65 Oak Hill Avenue on property zoned PO/I (Planned Office/Institutional District), is hereby confirmed, approved, and accepted, with the following conditions that:

1. The engineering division indicated no formal engineering drawings are required because of the minimal amount of site plan revisions and shall be handled through the building department approval process.
2. The new House of Black Culture shall achieve compliance with the submitted building elevations and Chapter 1171.08 Residential Design Standards.
3. The proposed retaining wall along the sidewalk shall be faced with stone veneer to match the new building.
4. Approximately 103 caliper inches of trees shall be replaced for the House of Black Culture to achieve compliance with Chapter 1168 Tree Preservation Regulations and are allowed to be planted elsewhere on the campus per the previously approved OWU planting methodology and current tree preservation chapter of the Zoning Code.
5. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
6. Any lighting plan 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:  ________________________, 2018   YEAS___ NAYS___
                                    ABSTAIN ___

ATTEST: ____________________________
       ____________________________
CITY CLERK                          MAYOR
APPLICANT/OWNER
Thomas & Marker
2011 Riverside Drive
Columbus, Ohio 43221
Ohio Wesleyan University
61 South Sandusky Street
Delaware, Ohio 43015

REQUEST
2018-0429: A request by Ohio Wesleyan University for approval of a Combined Preliminary and Final Development Plan for the House of Black Culture at 65 Oak Hill Avenue zoned PO/I (Planned Office/Institutional District).

PROPERTY LOCATION & DESCRIPTION
The subject area encompasses the western portion of 65 Oak Hill Avenue which is owned by Ohio Wesleyan University. The existing property is zoned PO/I (Planned Office/Institutional Use). The properties to the north, south, east, and south are zoned PO/I. The subject property is within and surrounded by the Ohio Wesleyan University.

BACKGROUND/PROPOSAL
Ohio Wesleyan University received a generous donation to replace the existing House of Black Culture structure and build a new building. The existing House of Black Culture at 65 Oak Hill Avenue, retaining wall along the sidewalk and appurtenances would be razed and a new building and retaining wall along the sidewalk would be constructed that would encompass the existing lot. The new building would accommodate twelve students which is the same as the previous house.

STAFF ANALYSIS
- ZONING: As mentioned above, the subject zoning for the site is PO/I which permits the proposed use with Combined Preliminary and Final Development Plan approval by the Planning Commission and City Council.
- LAND USE: The subject properties are located in the “OWU Subarea” and designated as Institutional Uses that is consistent with the Comprehensive Land Use Plan.
- ENGINEERING The engineering division indicated no formal engineering drawings are required because of the minimal amount of site plan revisions and would be handled through the building department approval process.
- ROADS AND TRAFFIC: The new House of Black Culture would have frontage on Oak Hill Avenue but vehicular access would be from the rear of the building through Williams Drive to the existing parking lot in the rear of the subject building. The Black Culture House would utilize the same existing twelve parking spaces as the previous house; therefore no additional parking would be required.
- SITE LAYOUT: As mentioned above, the existing House of Black Culture, retaining wall and appurtenances would be razed and replaced with a new building and retaining wall with a footprint that is approximately the same as the razed building. The new House of Black Culture would be setback from Oak Hill Avenue about the same as the previous house. A nine foot wide sidewalk would extend south from the new stone veneer faced retaining wall adjacent to the public sidewalk through two sets of steps to access the front entrance into the new building. The single story structure encompasses 3,610 square feet and would accommodate twelve students. The design character of the single story House of Black Culture would mimic the existing single family housing stock in this area with a front porch, gabled pitch roofs, a rear patio, etc., per the attached building elevations and would have to achieve compliance with Chapter 1171.08 Residential Design Criteria. The building would have a stone veneer wainscoting with fiber cement siding comprising the remainder of the elevation.
- PARKLAND AND OPEN SPACE: There is no parkland or open space associated with this proposal nor is any required. However, it is worth noting that the replacement building is part of the University which already has extensive parkland and open space.
• **BIKE PATHS AND PEDESTRIAN ROUTES:** There are not any proposed bike paths or pedestrian routes in this area per the adopted Bicycle and Pedestrian Master Plan 2027 approved in 2017. The existing sidewalk on the south side of Oak Hill Avenue would remain.

• **LANDSCAPING:** Along with preserving four existing trees, the applicant would have to install the appropriate foundation landscaping per the zoning code. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.

• **TREE PRESERVATION:** The site plan identifies two large trees (approximately 48 and 55 caliper inches respectively) located on the east side of the new house that would be removed in the construction of the new house. Also, the plan identifies four large trees being persevered. If, for some reason, they are removed during construction the total caliper inches would have to be replaced per Chapter 1168 Tree Preservation Regulations. Ohio Wesleyan University established a “tree bank” to accommodate the replacement of any trees removed in any University related projects. The University plants trees on a yearly schedule within their campus which would have to be approved by the City to ensure it meets any replacement requirements (103 caliper inches for the House of Black Culture) and minimum planting requirements to achieve compliance with Chapter 1168 Tree Preservation Requirements, while satisfying replacement for removal requirements.

• **UTILITIES:** The site would be serviced by City sanitary sewer and water utilities.

• **LIGHTING PLAN:** The proposed plan does not show any proposed lights on the House of Black Culture. Any lighting plans would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.

**STAFF RECOMMENDATION (2018-0429 –COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN)**
Staff recommends approval of a request by Ohio Wesleyan University of a Combined Preliminary and Final Development Plan for the House of Black Culture at 65 Oak Hill Avenue zoned PO/I (Planned Office/Institutional District), with the following conditions that:

1. The engineering division indicated no formal engineering drawings are required because of the minimal amount of site plan revisions and shall be handled through the building department approval process.

2. The new House of Black Culture shall achieve compliance with the submitted building elevations and Chapter 1171.08 Residential Design Standards.

3. The proposed retaining wall along the sidewalk shall be faced with stone veneer to match the new building.

4. Approximately 103 caliper inches of trees shall be replaced for the House of Black Culture to achieve compliance with Chapter 1168 Tree Preservation Regulations and are allowed to be planted elsewhere on the campus per the previously approved OWU planting methodology and current tree preservation chapter of the Zoning Code.

5. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.

6. Any lighting plan shall be submitted, reviewed and approved by the Chief Building Official.

**COMMISSION NOTES:**
AGENDA ITEM NO:  19  DATE: 04/09/2018
ORDINANCE NO:  18-29  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 FOR VINCENT ROMANELLI APPROVING AN AMENDED PRELIMINARY DEVELOPMENT PLAN TO INCLUDE A POOL WITH A POOL BUILDING AND PARKING LOT TO THE CENTRAL PARK OF THE GLENROSS NORTH SUBDIVISION ON APPROXIMATELY 100 ACRES LOCATED JUST EAST OF GLENN PARKWAY AND NORTH OF THE GLENROSS GOLF CLUB ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

BACKGROUND:
See attached report

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 April 4, 2018.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

**PRESENTER(S):**
David Efland, Planning and Community Development Director

**RECOMMENDATION:**
Staff recommends approval with the documented conditions.

**ATTACHMENT(S)**
See attached
ORDINANCE NO. 18-29

AN ORDINANCE FOR VINCENT ROMANELLI
APPROVING AN AMENDED PRELIMINARY
DEVELOPMENT PLAN TO INCLUDE A POOL WITH A
POOL BUILDING AND PARKING LOT TO THE CENTRAL
PARK OF THE GLENROSS NORTH SUBDIVISION ON
APPROXIMATELY 100 ACRES LOCATED JUST EAST OF
GLENN PARKWAY AND NORTH OF THE GLENROSS
GOLF CLUB ON PROPERTY ZONED R-2 PMU (ONE
FAMILY RESIDENTIAL DISTRICT WITH A PLANNED
MIXED USE OVERLAY DISTRICT).

WHEREAS, the Planning Commission at its meeting on April 4, 2018
recommended approval of an Amended Preliminary Development Plan to include a
pool with a pool building and parking lot to the central park of the Glenross North
Subdivision on approximately 100 acres located just east of Glenn Parkway and
north of the Glenross Golf Club on property zoned R-2 PMU (One Family
Residential District with a Planned Mixed Use Overlay District) (PC Case 2018-
0378).

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

SECTION 1. That the Amended Preliminary Development Plan to include a
pool with a pool building and parking lot to the central park of the Glenross North
Subdivision on approximately 100 acres located just east of Glenn Parkway and
north of the Glenross Golf Club on property zoned R-2 PMU (One Family
Residential District with a Planned Mixed Use Overlay District), 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 revised landscape plan shall be submitted, reviewed and approved by
the Shade Tree Commission.

3. Any lighting associated with the pool, pool building and parking lots shall
be submitted, reviewed and approved by the Chief Building Official that
complies with the minimum zoning requirements prior to the engineering
drawing approval.

4. The proposed central park in Reserve B shall be programmed with a pool,
pool building, a parking lot, a tot lot (play equipment and a swing set), ball
fields, gazebo, trash receptacles, pathway network, landscaping and the like including accounting for final elements as noted within the Staff report, concurrent with the approval of the Final Subdivision Plat in Phase 2, shall be constructed concurrent with the Phase 2 site improvements, and shall be maintained by the Homeowner’s Association with an easement dedicated to the City for public use except for the pool and pool building which shall remain private. The exact programing shall be determined and approved with Final Development Plan and Plat reviews for Phase 2.

5. The proposed pool and pool building shall achieve compliance with all building code requirements.

6. The curb cuts into the parking lot shall achieve compliance with minimum engineering requirements and shall be centered on an adjacent property line and not the center of a property to reduce any headlight glare directly shining into a future house.

7. The applicant shall identify 20 additional spaces in the central park area that could be constructed if a parking issue occurs per City Staff.

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: _________________________, 2018 YEAS NAYS
ABSTAIN

ATTEST: ____________________________
CITY CLERK
MAYOR
APPLICANT/OWNER
Vince Romanelli
148 West Schrock Road
Westerville, Ohio 43081

REQUESTS
2018-0378: A request by Vincent Romanelli for approval of an Amended Preliminary Development Plan for Glenross North Subdivision to include a pool with a pool building and parking lot to the central park of a 196 single family lots on approximately 100 acres located just east of Glenn Parkway and north of The Glenross Golf Club on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District).

PROPERTY LOCATION & DESCRIPTION
The subject parcel is located east of Glenn Parkway, west of the railroad tracks and north of The Glenross Golf Club Subdivision. The parcel was annexed into the City in February 2015 and zoned in July 2015 to R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) for a 196 single family lot subdivision. The zoning to the south and east is R-2 PRD (One Family Residential District with a Planned Residential Development District), to the west is R-2 with text limitations (The Estates at Braumiller) and to the north is FR-1 in the Township.

BACKGROUND/PROPOSAL
As mentioned above, the subject 100 acre site was annexed into the City in February 2015 and received a Rezoning, Conditional Use Permit, Preliminary Development Plan and Preliminary Subdivision Plat approval in July 2015. Then in January 2016 City Council approved the Final Development Plan and Final Subdivision Plat for Phase 1. The Phase 1 infrastructure has been constructed with houses being sold and constructed.

The developer is proposing a pool with a pool building and a parking lot to be added to the 7.0 Acre central park with current proposed amenities. The subject central park would be constructed in Phase 2 of the development. The site work for Phase 1 is completed and houses are being constructed.

STAFF ANALYSIS
- ZONING: The subject property is zoned R-2 PMU (Planned Mixed Use Overlay District) with development text to allow greater flexibility and creativity in the layout of the development, create active and passive open space to be consistent with The Glenross Golf Club R-2 PRD (Planned Residential District Zoning).
- LAND USE: The proposed single-family development is consistent with the Comprehensive Plan recommendation for Low Density Single-Family land use in the “Cheshire Subarea” of the plan. The proposed density of 1.96 units per acres is less than the 2.0-3.25 dwelling units per acre in 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 AND TRAFFIC: The proposed main access point would be from an existing roundabout on Glenn Parkway and internally the development would connect into the stubbed streets of The Glenross Golf Club subdivision to the south at Silverwood Drive and to the east at Balmoral Drive. The curb cuts into the parking lot shall achieve compliance with minimum engineering requirements and shall be centered on adjacent property line and not the center of a property to reduce any headlight glare directly shining into a future house.
- SITE LAYOUT: The proposed layout is focused on a 7.0 acre central park located in the heart of the development with lots fronting across the street from the active park with amenities. The proposed 30 foot x 60 foot pool (1,800 square feet) with a pool building (encompasses approximately 1,248 square feet) would be located in the southern portion of the radial park just north of a proposed 20 space parking lot to accommodate the pool which would have curb cuts off Irvine Loop. In addition the developer indicated the open space side of Irvine Loop could accommodate 71 public on-street parking spaces which would
supplement the proposed 20 space private parking lot in the park area. If parking becomes a problem in the
future, the developer would have to construct the required amount of parking in the central park area to
accommodate any such problems at the direction of the City. Staff recommends the applicant identify 20
additional spaces on the plan that could be built if a parking issue occurs in the future and the city requires
these to be built at that time. There is no compelling reason to pave over what otherwise would be green park
space for vacant parking lots. Some of the current amenities include active multi-purpose fields, passive
pedestrian walking paths, a tot lot, a gazebo, benches and trash receptacles. The tot lot would be relocated to
the northern portion of the central park from the current location of where the pool and pool building are
proposed.

- **DESIGN:** The approximate 1,248 square foot pool building would include restrooms, an equipment room and
a walkway that would create a signature barn like structure in the central park. The barn like structure would
have a manufactured stone wainscoting, cedar shake siding, a gabled roof and a cupola rounding out the
elevation. A clock would be located on the gable on the front elevation and window on the rear elevation.
Staff believes the pool house is aesthetically in keeping with the subdivision and a nice addition to the
subdivision.

- **PARKLAND AND OPEN SPACE:** Overall the development has 22.4 acres (almost 22.4%) of open space and
parkland (14 acres or 62.5% of open space and 8.4 acres or 37.5% of parkland). The 7.0 acre central park
(Reserve B) is centrally located and would be programmed with a pool, a pool building, active multi-purpose
fields, passive pedestrian walking paths, a tot lot, a gazebo, benches and trash receptacles with a 20 space
parking lot. The radial park would be constructed in Phase 2 of the development. In addition, the 1.4 acre
neighborhood park (Reserve A) located just south of the main entrance has been deeded over to the City and
consolidated with the existing 7.29 acre City owned Glenross Park. Staff believes the upgrading of the active
park amenities enhancing the previously approved plan significantly. The majority of the open space is
located in three reserves. Reserve D (12.9 acres) is located adjacent to Glenn Parkway in the form of retention
ponds, landscaped mounds, setbacks and entrance features. Reserve E (2.3 acres) is located on the extreme
northeastern portion of the development in the form of a 10-12 foot high mound with evergreen trees to buffer
the residents from the railroad tracks. The buffering should be at least equivalent to the mounding just south
of the development in the Communities at Glenross Subdivision. Reserve C (0.2 acres) connects a public
street to the radial central park (Reserve B). Prior to Final Development Plan and Final Subdivision Plat
approval the following staff comments and items need to be addressed: 1. The gazebo shall be enlarged and
resemble a pavilion; 2. A basketball court shall be added; 3. A bicycle rack shall be added; 4. A few benches
shall be added between the north/south path between the fields; 5. The play structure shall have additional
ADA compliant components added to what is shown; 6. Under drains shall be added to the fields and
playground area; 7. The playground area shall include a raised border with opening(s) to accommodate ADA
access; 8. The swing set structure shall include "U" shaped ends for stability and longevity; 9. Drainage shall
be directed away from the pathways and active fields spaces. 10. The previously approved pathway network
internal to the park area needs to be included in the final plan connecting the various amenities and running
down the center of the park between the field spaces.

- **LANDSCAPING PLAN:** The applicant has provided minor landscape revisions around the relocated tot lot,
proposed pool, pool building and parking lot to supplement the previous proposed landscaping plan. The
revised landscape plan would need to be reviewed and approved by the Shade Tree Commission.

- **BIKE PATHS AND PEDESTRIAN ROUTES:** The pool and pool building would be connected to the public
sidewalks around the central park area and should have an internal private sidewalk network connecting the
amenities.

- **TREE PRESERVATION:** The proposed pool, pool building and parking lot would not remove any additional
trees.

- **LIGHTING PLAN:** Any lighting associated with the pool, pool building and parking lot would have to be
submitted, reviewed and approved by the Chief Building Official and achieve compliance with the zoning
code prior to Final Subdivision Plat approval of the subject phase.
CASE NUMBER: 2018-0378
MEETING DATE: April 4, 2018
PAGE: Page 3 of 3

STAFF RECOMMENDATION – (2018-0378 PRELIMINARY DEVELOPMENT PLAN)
Staff recommends approval of request by Vincent Romanelli of an Amended Preliminary Development Plan for Glenross North Subdivision to include a pool with a pool building and parking lot to the central park of a 196 single family lots on approximately 100 acres located just east of Glenn Parkway and north of The Glenross Golf Club on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District), with the following conditions:

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 revised landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.

3. Any lighting associated with the pool, pool building and parking lots shall be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.

4. The proposed central park in Reserve B shall be programmed with a pool, pool building, a parking lot, a tot lot (play equipment and a swing set), ball fields, gazebo, trash receptacles, pathway network, landscaping and the like including accounting for final elements as noted within the Staff report, concurrent with the approval of the Final Subdivision Plat in Phase 2, shall be constructed concurrent with the Phase 2 site improvements, and shall be maintained by the Homeowner’s Association with an easement dedicated to the City for public use except for the pool and pool building which shall remain private. The exact programming shall be determined and approved with Final Development Plan and Plat reviews for Phase 2.

5. The proposed pool and pool building shall achieve compliance with all building code requirements.

6. The curb cuts into the parking lot shall achieve compliance with minimum engineering requirements and shall be centered on an adjacent property line and not the center of a property to reduce any headlight glare directly shining into a future house.

7. The applicant shall identify 20 additional spaces in the central park area that could be constructed if a parking issue occurs per City Staff.

COMMISSION NOTES:

MOTION: _____ 1st _____ 2nd approved denied tabled

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL:
REVISED: 03/20/18
GLENROSS NORTH
DELAWARE, OHIO
PRELIMINARY DEVELOPMENT PLAN AMENDMENT

PREPARED FOR:
VINCE ROMANELLI
146 WEST SCHROCK ROAD
WISTERVILLE, OHIO 43081
P: (614) 891-2042

SUBMITTAL: FEBRUARY 13, 2018

CIVIL ENGINEER & LANDSCAPE ARCHITECT
EMHT

INDEX OF DRAWINGS

SITE STATISTICS:

DESIGN STANDARDS:

NOTES

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

Project # __________________  Case # __________________

Planning Commission
☑ Amended Final Development Plan
☑ Amended Final Subdivision Plat
☑ Amended Preliminary Development Plan
☑ Amended Preliminary Subdivision Plat
☑ Annexation Review
☑ Combined Preliminary & Final Development Plan
☑ Concept Plan
☑ Conditional Use Permit
☑ Determination of Similar Use
☑ Development Plan Exemption
☐ Final Development Plan

☐ Final Development Plan Extension
☐ Final Subdivision Plat
☐ Final Subdivision Plat Extension
☐ Floodplain Permit
☐ Lot Split
☐ Pre-annexation Agreement
☐ Preliminary Development Plan
☐ Preliminary Dev Plan Extension
☐ Preliminary Sub Plat
☐ Preliminary Sub Plat Extension
☐ Rezoning
☐ Subdivision Variance

Subdivision/Project Name: Glenross North
Address: East of Glenn Parkway North of Cheshire Road

Acreage: 66.2  Square Footage: N/A  Number of Lots: 127  Number of Units: N/A

Zoning District/Land Use: PMU/R-2
Proposed Zoning/Land Use: N/A
Parcel #: 41832001029000

Applicant Name: Glenross North LLC
Contact Person: Vince Romanelli
Applicant Address: 148 Schrock Road Westerville, Ohio 43081
Phone: (614) 891-2042  Fax: __________________________ E-mail: vromanelli@rh-homes.com

Owner Name: Glenross North LLC
Contact Person: Vince Romanelli
Owner Address: 148 Schrock Road Westerville, Ohio 43081
Phone: (614) 891-2042  Fax: __________________________ E-mail: vromanelli@rh-homes.com

Engineer/Architect/Attorney: EMH&T
Contact Person: Jeffrey A. Strung
Address: 5500 New Albany Road Columbus, Ohio 43054
Phone: (614) 775-4700  Fax: __________________________ 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.

[Signature]
Owner Signature

[Signature]
Agent Signature

Sworn to and subscribed in my presence this 1st day of March, 2018

[Signature]
Notary Public

Kathleen L. Loughry
Notary Public, State of Ohio
Notary Public, Franklin County
My Commission Expires 2/1/2023
FACT SHEET

DATE: 04/09/2018

AGENDA ITEM NO: 20
ORDINANCE NO: 18-30
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 FOR PULTE HOMES APPROVING A FINAL DEVELOPMENT PLAN FOR THE COMMUNITIES AT GLENROSS SECTION 15 FOR 52 SINGLE FAMILY LOTS ON 23.835 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF CHESHIRE ROAD AND EAST OF WINTERBOURNE DRIVE ON MARBLE SLAB ROAD, WINTER SHADOW LOOP AND BALD EAGLE DRIVE.

BACKGROUND:
See attached report

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1129.05 Final Development Plan requirements of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on April 4, 2018.

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)**
See attached
ORDINANCE NO. 18-30

AN ORDINANCE FOR PULTE HOMES APPROVING A FINAL DEVELOPMENT PLAN FOR THE COMMUNITIES AT GLENROSS SECTION 15 FOR 52 SINGLE FAMILY LOTS ON 23.835 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF CHESIRE ROAD AND EAST OF WINTERBOURNE DRIVE ON MARBLE SLAB ROAD, WINTER SHADOW LOOP AND BALD EAGLE DRIVE.

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of a Final Development Plan for Pulte Homes for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive (PC 2018-0447).

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

SECTION 1. That the Final Development Plan for Pulte Homes for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle 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. A safety barrier adjacent to the retention pond along Winterbourne Drive, Marble Slab Road and Winter Shadow Loop shall be installed per the City Engineer.

3. A sanitary easement shall be provided for a potential sanitary service connection to the current county residential lot along Cheshire Road (currently Vance property) located just northeast of Section 15.
4. An emergency access point from Cheshire Road to Winter Shadow Loop shall be constructed just east of the retention pond in Section 15. As approved by the City Engineer, the emergency drive shall be a minimum of 12 feet wide with a concrete apron approach at Cheshire Road and which may be constructed out of gravel given its temporary nature and use by emergency vehicles only. It shall be removed and the area landscaped in accordance with the approved plans in the future when adequate alternative secondary emergency access is provided with future development sections as approved by the city.

5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.

6. 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.

7. The Cheshire Road and Winterbourne Drive buffering shall match 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.

8. The mounding and buffering required adjacent to the railroad tracks and adjacent to this section shall be installed concurrent with the site improvements for this section. Future development sections shall continue this required mounding and buffering along the railroad tracks when brought forward for 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.

9. A street tree plan shall be submitted and approved by the Shade Tree Commission.

10. The bike path along Winterbourne Drive shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner’s Association.

11. This section of the Communities at Glenross Subdivision is in the Delaware South New Community Authority, subject to a per dwelling unit additional transportation fee of $1,000 per unit due 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 unit.

12. All signage shall achieve compliance with the graphics and signage requirements in the development text and the previously approved wayfinding system and plan for the community.
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: _________________________, 2018 YEAS___ NAYS___ ABSTAIN ___

ATTEST: _______________________________ ____________________________
CITY CLERK MAYOR
APPLICANT/OWNER
Pulte Homes
4900 Tuttle Crossing Boulevard
Dublin, Ohio 43016

REQUEST
2018-0447 A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive.

2018-0448 A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive.

PROPERTY LOCATION & DESCRIPTION
The subject property is located on the south side of Cheshire Road east of Winterbourne Drive and just west of the railroad tracks. The subject site is zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District). The properties to the north, south and west are zoned R-2 PMU while the property to the east across the railroad tracks is the township.

BACKGROUND
This project has an extensive zoning history that dates back to 2006 but the most recent significant action that pertains to the development south of Cheshire Road occurred in August 2016. At that time, City Council approved an amendment to the Zoning and Development Text, an amendment to the Preliminary Development Plan and an amendment to the Preliminary Subdivision Plat for the Communities at Glenross. The Final Development Plan and Plat for Sections 11 and 12 were approved in 2017.

Now the developer is requesting a Final Development Plan and Final Subdivision Plat for Section 15 which consists of 52 single family lots on 23.835 acres.

STAFF ANALYSIS
• ZONING: As mentioned above, the zoning for the subject site is R-2 PMU which has a specific development plan and text for the subject development. From a procedural perspective, Final Development Plans and Final Subdivision Plats would need to be reviewed and approved by the Planning Commission and City Council for each section.

• DEVELOPMENT TEXT: The development text sets forth development standards for the residential development which has specific development text for the entire development pertaining to permitted uses, density, lot size, minimum dwelling size, building setbacks, landscaping, lighting, architectural elevations, etc. Section 15 is in Sub-Area IB of the approved Preliminary Development Plan and Preliminary Subdivision Plat. The development plan and text is sensitive to the existing residential surroundings while providing an appropriate transition to a very active pair of railroad tracks.

• GENERAL 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 the final technical review by the Engineering Department once a complete plan set is submitted for review.

• UTILITIES: The site would be serviced by City sanitary sewer (SE Highland trunk sewer) and water that would have to be extended by the developer from the existing development. An overall storm water master plan for the remainder of the development is required per the City Engineer. In addition, all retention ponds should be setback a minimum of 80 feet from the edge of pavement for roads per the City Engineer. Because the retention pond is less than 80 feet from Winterborne Drive, Marble Slab Road and Winter Shadow Loop,
a safety barrier adjacent to the retention pond on these streets shall be installed per the City Engineer. Also, a sanitary easement shall be provided for a future sanitary service to the current county residential lot along Cheshire Road (currently Vance property) located off the northeast corner of the site.

- **ROADS AND ACCESS:** Section 15 is located south of Cheshire Road and would be accessed from Winterbourne Drive which is the main north/south spine road for Sections 11-22 located south of Cheshire Road. Marble Slab Road extends east into the subject section while connecting with Winter Shadow Loop, Bald Eagle Drive and Cardinal Point Drive composing the roadway network in Section 15. An emergency access point from Cheshire Road to Winter Shadow Loop is proposed just east of the retention pond. This drive is intended to be removed with development of subsequent sections of Communities at Glenross that shall provide, at the time of those future section improvements and as approved by the city, alternative secondary means of emergency access to this section. The emergency drive, which may be constructed out of gravel as approved by the city given its temporary nature and restricted use for emergency vehicles only, shall be a minimum of 12 feet wide with a concrete apron approach at Cheshire Road. All the streets are public and would have sidewalks on both sides of the street.

- **PEDESTRIAN CONNECTIVITY:** The pedestrian connectivity plan identifies a bike path along Winterbourne Drive through the subject section that would connect into the City network per the approved Preliminary Development Plan. Also sidewalks would be required on both sides of the public streets.

- **LOT LAYOUT & SIZE:** As mentioned above, the main entrance into Section 15 is located just south of Cheshire Road on the east side of Winterbourne Drive. The looped double loaded streets in Section 15 with lots in a typical subdivision design extends south into Sections 16 and 19 then connects back into Winterbourne Drive in Section 18. Per the approved development text, the subject lots in Sections 15 would be a minimum lot area of 8,450 square feet with minimum 65 feet lot widths and 130 feet lot depths. The front yard setback would be 25 feet, the rear yard setback would be 30 feet and the side yard setback would be 20% of the lot width (not less than 6 feet) with a minimum house size of 1,600 square feet for a single story dwelling and 1,800 square feet for a multi-story dwelling. Also, all the corner lots achieve compliance with the oversized corner lot requirements in the zoning code. An approximate 6.9 acre reserve area buffers the subject section from Cheshire Road and Winterborne Drive that contains mounding, landscaping, a retention pond, a bike path and the aforementioned emergency access drive.

- **BUILDING DESIGN:** The design requirements for The Communities at Glenross south of Cheshire Road are based on the housing options in each Section and Sub-Area per the approved development text. The single family lots in Sections 15 would include (see enclosed development text for Sub-Area IB): 1.) At least 40% of the front facade elevation of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of natural materials, such as brick or stone. 2.) All vinyl siding shall have a minimum thickness of 0.044 miles; 3.) Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass; 4.) No concrete or split face block shall be permitted, except for basement or foundation walls; 5.) The roofs of all homes shall have dimensional shingles. In addition, the homes shall achieve compliance with Residential Development Design Criteria and Performance Standards in Chapter 1171.08.

- **LANDSCAPING & SCREENING:** A comprehensive landscape plan has been submitted which includes street trees, mounding and landscaping along Cheshire Road and Winterbourne Drive. The Cheshire Road and Winterborne Drive buffering shall match the existing mounding and landscaping along these two respective roads. Per the approved Preliminary Development Plan and Preliminary Subdivision Plat, the reserve area just east of Section 15 (Section 21) requires mounding and landscaping adjacent to the railroad to buffer the adjacent subdivision sections. Staff recommends the installation of the required mounding and landscaping adjacent to Section 15 to buffer the houses that back up against the railroad tracks. The required mounding is to be 10-12 feet high with landscaping shall be installed with the site improvements for this section adjacent to the railroad tracks to be consistent with the mounding north of Cheshire Road per the approved Preliminary Development Plan. The landscape plans shall be reviewed and approved by the Shade Tree Commission.

- **OPEN SPACE/PARKLAND:** The Communities at Glenross Sections 11-22 has approximately 61.5 acres of open space (approximately 29.2%) in several reserve areas south of Cheshire Road. The single family
development in Section 15 has approximately 6.935 acres of passive open space/reserve area. The reserve area located along Cheshire Road and Winterborne Drive contains a retention pond, a bike path, an emergency access drive and mounding and landscaping.

From a macro perspective, the developer has a robust program of amenities on the 22.705 acres of open space in Sections 9 (approximately 5.6 acres) and 10 (approximately 17.1 acres) located just north of Cheshire Road east and west of the roundabout. The amenities in Section 9 include a large pool and restroom facility, a parking lot and retention pond. The amenities in Section 10 include approximately 7.5 acres of active parkland programmed with a tot lot, shelter house, basketball court, volleyball court and recreational fields while the remaining approximately 10.1 acres is a detention/retention basin next to the railroad tracks.

- **TREE PRESERVATION:** There do not appear to be any qualifying trees (6 inches in caliper or larger) that would be removed in Section 15 but if any are removed during the construction, the developer would have to achieve compliance with Chapter 1168 Tree Preservation Regulations.

- **LIGHTING PLAN:** A lighting plan would have to be submitted, reviewed and approved by the Chief Building Official and achieve compliance with the zoning code.

- **SIGNAGE:** The subdivision entrance sign on a stone column, a dry stack stone wall and a decorative three board fence with landscaping comprise the entrance features into this section located north and south Marble Slab Road at the Winterbourne Drive intersection. Also smaller directional subdivision wayfinding signage is located in this area, per the approved development wayfinding signage plan.

- **PHASING:** Per the approved Preliminary Subdivision Plat, Section 13 would be the next section to be developed within the subdivision. To ensure compliance with City emergency service requirements and because the sections south of Cheshire Road are being constructed out of the phase order proposed during the Preliminary Subdivision Plat approval, staff is recommending a temporary emergency access drive from Cheshire Road to Winter Shadow Loop in Section 15. This drive is intended to be removed with development of subsequent sections of Communities at Glenross that shall provide, at the time of those future section improvements and as approved by the city, alternative secondary means of emergency access to this section. Also with multiple Sub-Areas and many more development sections in the Communities at Glenross, it is important for reference and tracking purposes that the plans and plats for each section have appropriate nomenclature that correlates the sections to the applicable Zoning Sub-Areas. Therefore all plans and plats that reference a section or phase must include the Zoning Sub-Area name either in the title or some form approved by City Staff.

**STAFF RECOMMENDATION – (2018-0447 FINAL DEVELOPMENT PLAN)**

Staff recommends approval of a request by Pulte Homes for a Final Development Plan for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle 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. A safety barrier adjacent to the retention pond along Winterbourne Drive, Marble Slab Road and Winter Shadow Loop shall be installed per the City Engineer.

3. A sanitary easement shall be provided for a potential sanitary service connection to the current county residential lot along Cheshire Road (currently Vance property) located just northeast of Section 15.

4. An emergency access point from Cheshire Road to Winter Shadow Loop shall be constructed just east of the retention pond in Section 15. As approved by the City Engineer, the emergency drive shall be a minimum of 12 feet wide with a concrete apron approach at Cheshire Road and which may be constructed out of gravel given its temporary nature and use by emergency vehicles only. It shall be removed and the area landscaped in accordance with the approved plans in the future when adequate alternative secondary emergency access is provided with future development sections as approved by the city.
5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.

6. 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.

7. The Cheshire Road and Winterbourne Drive buffering shall match 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.

8. The mounding and buffering required adjacent to the railroad tracks and adjacent to this section shall be installed concurrent with the site improvements for this section. Future development sections shall continue this required mounding and buffering along the railroad tracks when brought forward for 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.

9. A street tree plan shall be submitted and approved by the Shade Tree Commission.

10. The bike path along Winterbourne Drive shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner’s Association.

11. This section of the Communities at Glenross Subdivision is in the Delaware South New Community Authority, subject to a per dwelling unit additional transportation fee of $1,000 per unit due 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 unit.

12. All signage shall achieve compliance with the graphics and signage requirements in the development text and the previously approved wayfinding system and plan for the community.

STAFF RECOMMENDATION – (2018-0448 FINAL SUBDIVISION PLAT)

Staff recommends approval of a request by Pulte Homes for a Final Subdivision Plat for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle 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. A safety barrier adjacent to the retention pond along Winterbourne Drive, Marble Slab Road and Winter Shadow Loop shall be installed per the City Engineer.

3. A sanitary easement shall be provided for a potential sanitary service connection to the current county residential lot along Cheshire Road (currently Vance property) located just northeast of Section 15.

4. An emergency access point from Cheshire Road to Winter Shadow Loop shall be constructed just east of the retention pond in Section 15. As approved by the City Engineer, the emergency drive shall be a minimum of 12 feet wide with a concrete apron approach at Cheshire Road and which may be constructed out of gravel given its temporary nature and use by emergency vehicles only. It shall be removed and the area landscaped in accordance with the approved plans in the future when adequate alternative secondary emergency access is provided with future development sections as approved by the city.

5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.

6. 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.

7. The Cheshire Road and Winterbourne Drive buffering shall match 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.

8. The mounding and buffering required adjacent to the railroad tracks and adjacent to this section shall be installed concurrent with the site improvements for this section. Future development sections shall continue this required mounding and buffering along the railroad tracks when brought forward for 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.

9. A street tree plan shall be submitted and approved by the Shade Tree Commission.

10. The bike path along Winterbourne Drive shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner’s Association.

11. This section of the Communities at Glenross Subdivision is in the Delaware South New Community Authority, subject to a per dwelling unit additional transportation fee of $1,000 per unit due 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 unit.

12. All signage shall achieve compliance with the graphics and signage requirements in the development text and the previously approved wayfinding system and plan for the community.

COMMISSION NOTES:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

MOTION: _____ 1st _____ 2nd approved denied tabled______________

CONDITIONS/MISCELLANEOUS:

____________________________________________________________________

FILE: 
ORIGINAL: 03/22/17
REVISED:
COMMUNITIES AT GLENROSS
SECTION 15

PREPARED FOR:
PulteGroup
475 METRO PLACE SOUTH, SUITE 200
DUBLIN, OHIO 43017
PH. 614-356-5833

INDEX OF DRAWINGS

<table>
<thead>
<tr>
<th>DRAWING TITLE</th>
<th>SHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINAL PLAT</td>
<td>SHEET 1-2</td>
</tr>
<tr>
<td>SITE PLAN</td>
<td>SHEET 3</td>
</tr>
<tr>
<td>STREET LIGHTING PLAN</td>
<td>SHEET 4</td>
</tr>
<tr>
<td>ILLUSTRATIVE SITE PLAN</td>
<td>SHEET 5-6</td>
</tr>
<tr>
<td>LANDSCAPE PLAN</td>
<td>SHEET 11-12</td>
</tr>
<tr>
<td>LANDSCAPE ENHANCEMENTS AND DETAILS</td>
<td>SHEET 13-20</td>
</tr>
</tbody>
</table>

SUBMITTAL: MARCH 7, 2018

CIVIL ENGINEER &
LANDSCAPE ARCHITECT

EMHT
Kraus, Marshmer, Herrington & Titus, Inc.
Engineers - Surveyors - Consultants - Developers
(EM&T - New Albany Road) Columbus, OH 43204
www.emht.com - 614-871-9000 - info@emht.com
www.emht.com
THE COMMUNITIES AT GLENROSS
SECTION 15

The undeveloped POLE HOMES OF OHIO LLC, a Michigan limited liability company, by MATTHEW J. CALLAHAN, Division Vice President of Land Acquisition, owner of the land described herein, duly authorized by the interest holder and the undersigned, does hereby sell, lease, let, rent, sell to be held, use for any purpose, and do all other acts and things necessary, convenient or proper to exercise all rights, interests and powers of every kind and character vested in the undersigned in the property appurtenant to the tracts or parcels of land described herein.

The property described herein is located in the Township of Franklin, County of Delaware, State of Ohio, and is more specifically described as follows:

The property is located within Section 15 of Township 1 North, Range 5 East of the Second Principal Meridian, as described on the Township Plat of Franklin County, Ohio, recorded in Volume 704, Page 182, of the Franklin County Real Estate Records, Ohio.

The property is bounded on the north by Section 16 of Township 1 North, Range 5 East, on the south by Section 14 of Township 1 North, Range 5 East, on the east by the western boundary of Section 16 of Township 1 North, Range 5 East, and on the west by the eastern boundary of Section 14 of Township 1 North, Range 5 East.

The property has an area of approximately 1,000 acres and is designated as a residential community with a mix of single-family homes and multi-family units.

Approved and executed this day of , 20 by

MATTHEW J. CALLAHAN
Division Vice President of Land Acquisition

POLE HOMES OF OHIO LLC

The property is subject to all existing easements, covenants, restrictions, and regulations of record.

STATE OF OHIO
COUNTY OF DELAWARE

I, MATTHEW J. CALLAHAN, Division Vice President of Land Acquisition of POLE HOMES OF OHIO LLC, do acknowledge the execution of the foregoing instrument and do hereby ratify and confirm the same and all and singular the proceedings hereunder contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

My signature appears

[signature]

Secretary Public
State of Ohio

[seal]

LOCATION MAP AND BACKGROUND DRAWING

NOT TO SCALE

SURVEY DATA:

Basis of Bearings: The bearings shown herein are based on the same section lines of the Township Plat of Franklin County, Ohio, recorded in Volume 704, Page 182, of the Franklin County Real Estate Records, Ohio, and are in accordance with the U.S. Coordinate System 1983.

Source of Data: The names of referenced surveyors shown below are the names of the respective surveyors of record of the Township Plat of Franklin County, Ohio.

[Surveyor's name]

PERMANENT MARKERS: Permanent markers, hereinafter referred to as "permanent survey markers," are to be placed at all survey points. The permanent survey markers are to be placed in accordance with the standards prescribed by the American Society of Surveyors. The permanent survey markers are to be placed at all survey points except where the markers are to be placed in accordance with the standards prescribed by the American Society of Surveyors. The permanent survey markers are to be placed at all survey points except where the markers are to be placed in accordance with the standards prescribed by the American Society of Surveyors.

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]

[Surveyor's name]

[Signature]
E. Sub-Areas IA, IB, IIA, IIB and IIC Development Standards

1. Timing of Development

Prior to development of Sub-Areas IA, IB, IIA, IIC and III, the Developer and the City shall confirm that such development will not be inconsistent with any applicable requirements of the City of Delaware General Permit Authorization for Storm Water Discharges Associated with Construction Activity Located within Portions of the Olentangy River Watershed Under the National Pollutant Discharge Elimination System. In the event the Developer and City are not able to so confirm, the development plans and plats as currently depicted would need to be revised and additional development approvals obtained from the City of Delaware.

2. Lot Size

a) A mixture of lot sizes is proposed, ranging from 8,450 square feet to over 24,000 square feet.

b) The minimum lot depth will be 125 feet for Sub-Area IIA. The minimum lot depth shall be 130 feet for Sub-Areas IA, IB, IIB, and IIC.

c) In Sub-Areas IA and IIA: The minimum lot size in Sub-Area IA shall be no less than 10,400 SF and for Sub-Area IIA shall be no less than 10,000 SF. The minimum lot width shall be 80 feet with several of the lots having 90 feet or greater widths. (measurements taken at the building line). The number of dwellings in Sub-Areas IA and IIA shall not exceed 200 units total.

d) In Sub-Area IB, IIB and IIC, the minimum lot size shall be no less than 8,450 SF. The minimum lot width at the building line shall be 65 feet. The number of dwellings in Sub-Areas IB, IIB, IIC shall not exceed 466 units total.

3. Setbacks, Building Sizes, and Height

a) Setbacks: For Sub-Areas IA, IB, IIA, IIB, and IIC minimum building setbacks from property lines shall be established as follows:

i) Cheshire Road & Winterbourne Drive: Setbacks shall be that as identified on the Preliminary Development Plan.

ii) All other proposed public streets, which shall be measured from existing and planned road rights-of-way:
- 25 feet building setback for all streets
iii) Side and rear yards:
- side yards shall be 10 feet per side (20 feet minimum between homes), except in Sub-Areas IB, IIB and IIC, where side yards shall be a total of 20 percent of lot width and no less than 6 feet on either side
- rear yards shall be 30 feet minimum (decks and patios may encroach into the setback, but not closer than 15’ from the lot line)
- the projection of fireplaces, chimneys, bay windows, egress windows and/or other architectural projections of not more than 3 feet shall be allowed

b) Building Height: Buildings shall be a maximum of 40 feet (measured from the average elevation of the finished grade at the front of the building to the highest point of the roof) in height in Sub-Areas IA, IB, IIA, IIB, and IIC.

c) Home Sizes:

i) In Sub-Area IB, IIB, and IIC no building shall be constructed unless the finished living space (exclusive of porches, garages, and basements) has no less than 1800 square feet for multi-story dwellings and 1600 square feet for single-story dwellings.

ii) In Sub-Area IA and IIA, no building shall be constructed unless the finished living space (exclusive of porches, garages, and basements) has no less than 2000 square feet.

4. Architectural & Other Standards

a) Sub-Area IB, IIB, & IIC

At least 40% of the front facade elevation of each building (excluding garage doors, entrance doors, gutters, downspouts and windows) shall consist of brick, stone, or cultured stone. All vinyl siding shall have a minimum thickness of .044 mils. Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass. No concrete or split face block shall be permitted, except for the basement or foundation walls. The roofs of all homes shall have dimensional shingles.

Not withstanding the above, Lots Numbers 10569-10577 as shown on the Final Subdivision Plats for Section 2 Part A and Section 2 Part B shall
meet the architectural requirements of the Glenross Planned Residential Development (PRD) Zoning Text.

b) Sub-Area IA and IIA

100% of all elevations of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of natural materials such as brick, stone, cultured stone, wood, stucco, and engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware, e.g. HardiPlank™) (collectively “Natural Materials”). Not less than 50% of the front elevation (excluding doors, windows shutters, gutters and downspouts) shall consist of a natural material other than stucco. Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass. No concrete or split face block shall be permitted, except for the basement or foundation walls. The roofs of all homes shall have dimensional shingles.

c) Color Palette

For Sub-Areas IA, IB, IIA, IIB, and IIC, the color palette shall consist of earth tones including white. Additional colors may be used as accents but may not be high gloss or high-chroma colors.

d) Lighting

Street lights shall achieve compliance with the then current Chapter 1158 Lighting Plan requirements.

e) Parking

Parking will be provided at a minimum of 2 spaces per dwelling unit in an attached garage.

f) Roof Pitches

All primary roof pitches on front and rear facing gabled elevations shall be a minimum of 5:12. All primary roof pitches on side facing gabled elevations shall be a minimum of 6:12. All other accessory elevations shall be a minimum roof pitch of 3-1/2:12.
g) Other Standards

Except as specifically set forth in this PMU Development Text or as set forth on the accompanying Development Plan, R-2 Residential District regulations together with standards set forth in Chapter 1171 of the Delaware Zoning Code, as if attached and as made a part of this Development Text by reference, shall apply in Sub-Areas IA, IB, IIA, IIB, and IIC.

F. Sub-Area III Development Standards

1. Density & Type

In Sub-Area III, no more than 106 detached single family condominium dwelling units shall be built. Although not legally restricted, Sub-Area III is intended to provide an area of single-family detached condominiums that is targeted to independent seniors and “empty nesters” seeking low exterior maintenance and a community association lifestyle with high end units which have high quality details, fit, finish, and materials not inconsistent with Pulte Homes Age Targeted Single Family Residential series product line up as attached. Sub-Area III is also intended to provide for the same minimum house sizes and quality of single family homes required in Sub-Areas IB, IIB, and IIC on smaller lots with more lot coverage and smaller yards that will have a common maintenance plan for lawn, landscaping and snow removal on each owner’s lot.

2. Lot Size

a. The minimum size shall be 6,500 square feet with a minimum lot width of 50 feet at building line and minimum lot depth of 130 feet.

3. Setbacks & Building Separation

a) Streets: A minimum building and accessory use setback of 50 feet shall be provided along Winterbourne Drive. The minimum setback from all other streets shall be 25 feet from right-of-way or roadway easement line.

b) Side: The minimum side setback shall be 5 feet per side and 10 feet combined.

c) Rear: The minimum rear setback shall be 15 feet.

d) The minimum setbacks described above shall not cause any off-street parking area to impede a sidewalk or multi-use path.

e) Setbacks from streets shall be from the right-of-way.
CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

Project # _________________ Case # _________________

Planning Commission
☐ Amended Final Development Plan
☐ Amended Final Subdivision Plat
☐ Amended Preliminary Development Plan
☐ Amended Preliminary Subdivision Plat
☐ Annexation Review
☐ Combined Preliminary & Final Development Plan
☐ Comprehensive Plan Amendment
☐ Concept Plan
☐ Conditional Use Permit
☐ Determination of Similar Use
☐ Development Plan Exemption
☒ Final Development Plan

Final Development Plan Extension
☐ Final Subdivision Plat
☐ Final Subdivision Plat Extension
☐ Floodplain Permit
☐ Lot Split
☐ Pre-annexation Agreement
☐ Preliminary Development Plan
☐ Preliminary Dev Plan Extension
☐ Preliminary Sub Plat
☐ Preliminary Sub Plat Extension
☐ Rezoning
☐ Subdivision Variance
☐ Substitution of a Non-Conforming Use
☐ Vacation-Alley
☐ Vacation-Easement
☐ Vacation-Street

Board of Zoning Appeals
☐ Appeal Administrative Decision or Interpretation
☐ Conditional Use Permit
☐ Substitution of Equal or Less Non-Conforming Use
☐ Variance

Subdivision/Project Name Communities at Glenross Section 15 Address South of Cheshire Road & East of Glenn Parkway
Acreage 22.835 Square Footage __________ Number of Lots 52 Number of Units N/A

Zoning District/Land Use PMU/R-2 Proposed Zoning/Land Use N/A Parcel # 41832001040000/41832001040000
41832001040001

Applicant Name Pulte Group Contact Person Joel West
Applicant Address 475 Metro Place South, Suite 200 Dublin, Ohio 43017
Phone (614) 376-1122 Fax __________ E-mail Joel.West@PulteGroup.com
Owner Name Pulte Homes of Ohio, LLC Contact Person Matthew Callahan
Owner Address 475 Metro Place South, Suite 200 Dublin, Ohio 43017
Phone (614) 376-1018 Fax __________ E-mail Matthew.Callahan@Pulte.com
Engineer/Architect/Attorney EMH&T Contact Person Jeffrey Strung
Address 5500 New Albany Road Columbus, Ohio 43054
Phone (614) 775-4700 Fax __________ 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.

Owner Signature Owner Printed Name

Agent Signature Agent Printed Name

Sworn to before me and subscribed in my presence this __________ day of __________, 20 .

Notary Stamp Notary Public

s/planning/forms
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 FOR PULTE HOMES APPROVING A FINAL SUBDIVISION PLAT FOR THE COMMUNITIES AT GLENROSS SECTION 15 FOR 52 SINGLE FAMILY LOTS ON 23.835 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF CHESHIRE ROAD AND EAST OF WINTERBOURNE DRIVE ON MARBLE SLAB ROAD, WINTER SHADOW LOOP AND BALD EAGLE DRIVE.

BACKGROUND:
See attached report

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1111.04 Final Plat requirements of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on April 4, 2018.

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)**
See attached
ORDINANCE NO. 18-31

AN ORDINANCE FOR PULTE HOMES APPROVING A FINAL SUBDIVISION PLAT FOR THE COMMUNITIES AT GLENROSS SECTION 15 FOR 52 SINGLE FAMILY LOTS ON 23.835 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF CHESIRE ROAD AND EAST OF WINTERBOURNE DRIVE ON MARBLE SLAB ROAD, WINTER SHADOW LOOP AND BALD EAGLE DRIVE.

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of a Final Subdivision Plat for Pulte Homes for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle Drive (PC 2018-0447).

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

SECTION 1. That the Final Subdivision Plat for Pulte Homes for the Communities at Glenross Section 15 for 52 single family lots on 23.835 acres on property zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located south of Cheshire Road and east of Winterbourne Drive on Marble Slab Road, Winter Shadow Loop and Bald Eagle 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. A safety barrier adjacent to the retention pond along Winterbourne Drive, Marble Slab Road and Winter Shadow Loop shall be installed per the City Engineer.

3. A sanitary easement shall be provided for a potential sanitary service connection to the current county residential lot along Cheshire Road (currently Vance property) located just northeast of Section 15.
4. An emergency access point from Cheshire Road to Winter Shadow Loop shall be constructed just east of the retention pond in Section 15. As approved by the City Engineer, the emergency drive shall be a minimum of 12 feet wide with a concrete apron approach at Cheshire Road and which may be constructed out of gravel given its temporary nature and use by emergency vehicles only. It shall be removed and the area landscaped in accordance with the approved plans in the future when adequate alternative secondary emergency access is provided with future development sections as approved by the city.

5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.

6. 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.

7. The Cheshire Road and Winterbourne Drive buffering shall match 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.

8. The mounding and buffering required adjacent to the railroad tracks and adjacent to this section shall be installed concurrent with the site improvements for this section. Future development sections shall continue this required mounding and buffering along the railroad tracks when brought forward for 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.

9. A street tree plan shall be submitted and approved by the Shade Tree Commission.

10. The bike path along Winterbourne Drive shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner’s Association.

11. This section of the Communities at Glenross Subdivision is in the Delaware South New Community Authority, subject to a per dwelling unit additional transportation fee of $1,000 per unit due 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 unit.

12. All signage shall achieve compliance with the graphics and signage requirements in the development text and the previously approved wayfinding system and plan for the community.
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: _________________________, 2018  
YEAS___ NAYS___  
ABSTAIN ___

ATTEST: _______________________________       ________________________  
CITY CLERK    MAYOR
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 FOR ZAREMBA GROUP LLC FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) TO ALLOW A 9.7 ACRE LAND ADDITION (PARCELS 11, 12 AND A PORTION OF PARCEL 5) TO THE GLENWOOD COMMONS SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD.

**BACKGROUND:**
See attached staff report.

**REASON WHY LEGISLATION IS NEEDED:**
To achieve compliance with Chapter 1130 Amendments of the Codified Ordinances.

**COMMITTEE RECOMMENDATION:**
Planning Commission approved this case 6-0 on April 4, 2018

**FISCAL IMPACT(S):**
N/A
POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached
ORDINANCE NO. 18-32

AN ORDINANCE FOR ZAREMBA GROUP LLC FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) TO ALLOW A 9.7 ACRE LAND ADDITION (PARCELS 11, 12 AND A PORTION OF PARCEL 5) TO THE GLENWOOD COMMONS SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD.

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of a Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road (PC Case 2018-0442).

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

SECTION 1. That the Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road, is hereby confirmed, approved, and accepted with the following condition that:

1. Any change or revisions to the lot layout and/or, road alignment(s) shall require conformance to all provisions of the Development Text.
2. The development shall participate in the Delaware North New Community Authority and Mill Run Commercial TIF District and shall execute the required documents prior to the issuance of any building permits.

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:  _________________________, 2018  YEAS____NAYS____
                              ABSTAIN ___

ATTEST:  _________________________
          _________________________
          CITY CLERK                MAYOR
APPLICANT/OWNER
Zaremba Group LLC
14600 Detroit Street, Suite 1500
Lakewood, Ohio 44107

REQUEST
2018-0442: A request by Zaremba Group LLC for approval of a Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road.

2018-0443: A request by Zaremba Group LLC for approval of a Conditional Use Permit allowing the placement of PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District).

2018-0444: A request by Zaremba Group LLC for approval of an Amended Preliminary Development Plan for Glenwood Commons Shopping Center on approximately 82.9 acres located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU.

2018-0445: A request by Zaremba Group LLC for approval of a Comprehensive Plan Amendment on the Future Land Use Map from Commercial to Mixed Use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/36 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU.

PROPERTY LOCATION & DESCRIPTION
The Glenwood Commons Shopping Center is located on the south side of US 36/37 between Mill Run Crossing and Glenn Road while the Reserve at Quail Pass apartment development and the City Wetland Park are located on the south side of Mill Run Crossing and extend south to the railroad track and west to Glenn Road. The proposed land addition to the Glenwood Commons Shopping Center encompasses 9.7 acres (parcels 11, 12 and a portion of parcel 5) that are located at the southeastern corner of US 36/37 and Glenn Road. The Glenwood Commons Shopping Center and the Wetland Park are zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) while The Reserve at Quail Pass is zoned M-1PMU (Light Manufacturing with a Planned Mixed Use Overlay District). The properties to the north, east and west are zoned B-3 while the properties across the rail road tracks are located in the township.

BACKGROUND/PROPOSAL
In January 2006 City Council approved a mixed use commercial, office and residential rezoning for approximately 150 acres which included Glenwood Commons Shopping Center and what is today The Reserve at Quail Pass. Now the developer is proposing a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) located east of the existing shopping center and bordering Glenn Rd. With the land addition, the Glenwood Commons Shopping Center, the Preserve at Quail Pass and the City Wetland Park would encompass approximately 183 acres including right-of-way.

STAFF ANALYSIS
- COMPREHENSIVE PLAN: The Comprehensive Plan Future Land Use Map recommends a future land use of Commercial for the subject three parcels (parcels 11, 12 and a portion of parcel 5) in the Delaware East Sub-Area while the applicant is proposing a Mixed Use designation to be consistent with the remainder of the Glenwood Commons Shopping Center.

- ZONING: As previously mentioned, the zoning for the subject site is B-3 while the developer is proposing a rezoning to B-3 PMU to be consistent with remainder of the Glenwood Common Shopping Center and for the developer to market the type of uses permitted in the most recent approved revised development text while cleaning up the subject corner properties from a planning, zoning and land use plan perspective. Along with the zoning amendment to a PMU, the zoning process would also require Conditional Use Permit, Amended
Preliminary Development Plan and Comprehensive Plan Amendment approval by the Planning Commission and City Council.

- **GENERAL ENGINEERING:** Because this is an Amended Preliminary Development Plan and the main infrastructure has been constructed for the Glenwood Commons Shopping Center, final engineering plans would be required when each out lot is developed per the Final Development Plan approval process.

- **ROADS AND ACCESS:** The internal and external road network would remain the same with the proposed 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) in the Amendment Preliminary Development Plan with the infrastructure already constructed in the Glenwood Commons Shopping Center. An existing private drive accesses Glenn Road from the Meijer Grocery Store between parcels 11 and 12 of the land addition while parcel 5 (including the portion in the land addition) is accessed from a private access drive from US 36/37 just west of the Meijer gas station.

- **PEDESTRIAN CONNECTIVITY:** The future expansion of Glenn Road would have a bike path and sidewalk respectively along the widened road. Any other internal connectivity would be vetted during the Final Development Plan process for each out lot.

- **SITE CONFIGURATION:** The land addition includes parcels 11, 12 and a portion of 5 that would be consolidated with existing parcel 5. The development of any of these out lots would require Final Development Plan approval that achieves compliance with the adopted development text for the Glenwood Commons Shopping Center, the minimum current zoning code requirements and all other City development requirements.

- **LANDSCAPING & SCREENING:** When Glenwood Commons Shopping Center was constructed, the typical landscaping requirements which included street trees, front yard trees and other landscaping were installed. Therefore, the out lots would now only require parking lot and foundation landscaping when they come in for Final Development Plan approval except for the frontage of Glenn Road and the northeast corner of US 36/37 which would require the appropriate mounding and landscaping to be consistent with the existing mounding and landscaping along US 36/37 since this area has not been constructed yet because it was not part of Glenwood Commons Shopping Center until this application. Any landscaping plans shall be reviewed and approved by the Shade Tree Commission during the Final Development Plan approval process.

- **TREE REMOVAL & REPLACEMENT:** Any qualifying trees on the subject out lots would have to be identified and documented to achieve compliance with Chapter 1168 Tree Preservation Requirements during the Final Development Plan approval process, though the Applicant planted approximately 10,000 plants and trees initially which included the wetland park site and which satisfied replanting requirements for the initial development.

- **SIGNAGE/GATEWAYS & CORRIDORS PLAN:** Any proposed ground and building signage would need to achieve compliance with the approved development text and approved comprehensive sign plan for subject development and be approved during the Final Development Plan process.

- **LIGHTING:** Any lighting for the out lots would need to be reviewed and approved during the Final Development Plan process. All lighting plans would need to be submitted, reviewed and approved by the Chief Building Official and achieve compliance with the minimum zoning requirements and requirements for the shopping center per the approved text and plans and in keeping with the existing lighting.

- **CONDITIONAL USE PERMIT:** The proposed development achieves compliance with Conditional Use Permit requirements to establish a PMU over the subject three parcels per the zoning code and approved development text.

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**STAFF RECOMMENDATION (2018-0442 – REZONING AMENDMENT)**

Staff recommends approval of a request by Zaremba Group LLC of a Rezoning Amendment from B-3 (Community Business District) to B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) to allow a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road, with the following conditions that:

1. Any change or revisions to the lot layout and/or, road alignment(s) shall require conformance to all provisions
of the Development Text.

2. The development shall participate in the Delaware North New Community Authority and Mill Run Commercial TIF District and shall execute the required documents prior to the issuance of any building permits.

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**STAFF RECOMMENDATION (2018-0443 – CONDITIONAL USE PERMIT)**

Staff recommends approval of a request by Zaremba Group LLC of a Conditional Use Permit allowing the placement of PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District).

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**STAFF RECOMMENDATION (2017-0444—AMENDED PRELIMINARY DEVELOPMENT PLAN)**

Staff recommends approval of a request by Zaremba Group LLC of an Amended Preliminary Development Plan for Glenwood Commons Shopping Center on approximately 82.9 acres located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU, with the following conditions that:

1. Final Engineering Plans shall be required when each out lot is developed per the Final Development Plan process.
2. All out lots shall require Final Development Plan approval and achieve compliance with the Glenwood Commons Shopping Center development text, the current zoning code and all other City development requirements.
3. A mound with landscaping, consistent with the existing mound and landscaping along US 36/37 along the frontage of the Glenwood Commons Shopping Center, shall be installed along the frontage of Glenn Road (parcels 11 and 12) and the northeast corner of US 36/37 and Glenn Road (parcel 5) during the development of the first subject out lot.
4. The development shall participate in the Delaware North New Community Authority and Mill Run Commercial TIF District and shall execute the required documents prior to the issuance of any building permits.

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**STAFF RECOMMENDATION (2017-0445 – COMPREHENSIVE PLAN AMENDMENT)**

Staff recommends approval of a request by Zaremba Group LLC of a Comprehensive Plan Amendment on the Future Land Use Map from Commercial to Mixed Use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/36 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU.
ORDINANCE 18-32
GLENWOOD COMMONS & THE RESERVE AT QUAIL PASS
PLANNED MIXED USE DEVELOPMENT TEXT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Zaremba Group, LLC and Zaremba Inc. are proposing to construct a commercial development while Redwood Acquisition LLC, are proposing single story luxury apartments in the City of Delaware. The 159 ± gross acre project site (145± net acres less right-of-way) is located on the east side of the City, on the south side of US 36/SR 37 and west of Glenn Road. The Penn Central railroad track borders the site to the south and west. The site is easily accessed from I-71, US 36/SR 37, and Glenn Road.
2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this development to provide a mixed use development with compatible and common architectural design, streetscape, signage, lighting, and pedestrian amenities to be compatible throughout the entire development. Prototypical design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

   (1) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.
   (2) Major change in the approved location of land uses or land use sub-areas.
   (3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

   (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
   (2) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 5% in the total number of dwelling units or any increase less than 10% in the non-residential building area.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the building.

f. Tree Removal and Replacement. Tree removal and replacement shall meet all requirements of Chapter 1168 with the following replacement schedule:

(1) Trees in poor condition shall not be replaced.
(2) Trees in fair condition shall be replaced at 50%.
(3) Trees in good condition shall be replaced at 100%.
(4) Ash trees shall not be replaced and must be removed from the site.
(5) As determined at the time of approval of the Final Development Plan, up to 100% replacement credit may be given towards the provision of parkland tree plantings (including any wetland plant species), pedestrian pathways throughout the parkland, and any other structural amenities.
(6) Once the Final Development Plan is approved and trees/landscaping is installed per plan, all trees/landscaping shall be required to be maintained and replaced as needed in perpetuity.

g. Wetland Park. The developer had initially contributed a portion of the land toward the city owned wetland park. The developer had initially constructed the improvements in the wetland park, a portion of which were for a portion of the required storm water management of the Planned Mixed Use Overlay area. The developer shall maintain the storm water components of the park as previously required.

3. SUB-AREAS A & B

The project is separated into two main sub-areas to represent the distinct areas of development. Sub-Area A (89.2 net acres), known as Glenwood Commons (to the centerline of Mill Run Crossing), is to be developed generally with a mix of commercial and retail uses. Sub-Area B (55.826 net acres), known as The Reserve at Quail Pass (to the centerline of Mill Run Crossing), is to be developed with single story luxury apartment units with attached garages.

4. SUB-AREA A – GLENNWOOD COMMONS DEVELOPMENT STANDARDS

a. Uses. The following uses shall be considered permitted, conditionally permitted, or limited uses in Sub-Area A as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.
(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Glennwood Commons Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Office and Professional Services</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Offices – administrative, business and professional</td>
<td>P</td>
</tr>
<tr>
<td>(2) Financial institutions, banks</td>
<td>P</td>
</tr>
<tr>
<td>(3) Medical and dental offices, health and allied services</td>
<td>P</td>
</tr>
<tr>
<td><strong>(b) Retail and Services</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Retail and service establishments with a minimum gross floor area of 100,000 square feet or greater (ORD 04-42 Passed 03/22/04)</td>
<td>L</td>
</tr>
<tr>
<td>(2) Retail and service establishments in completely enclosed buildings with a minimum gross floor area of less than 100,000 square feet.</td>
<td>P</td>
</tr>
<tr>
<td>(3) Restaurant – table service</td>
<td>P</td>
</tr>
<tr>
<td>(4) Restaurant – counter service</td>
<td>P</td>
</tr>
<tr>
<td>(5) Veterinary office (no outside run or outside kennel)</td>
<td>L</td>
</tr>
<tr>
<td>(6) Veterinary hospital (no outside run or outside kennel)</td>
<td>L</td>
</tr>
<tr>
<td><strong>(c) Automotive and Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Gasoline station with or without convenience store</td>
<td>L</td>
</tr>
<tr>
<td>Land Use Category</td>
<td>Glenwood Commons Uses</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>(2) Automotive service station</td>
<td>L</td>
</tr>
<tr>
<td>(3) Stand-Alone ATM Facility</td>
<td>L</td>
</tr>
<tr>
<td>(4) Drive-thru facility associated with any principal permitted, limited, or conditionally permitted use</td>
<td>L</td>
</tr>
<tr>
<td>(5) Car wash (accessory to principal use)</td>
<td>L</td>
</tr>
<tr>
<td><strong>(d) Outdoor Display/Storage</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Outdoor display</td>
<td>L</td>
</tr>
<tr>
<td>(2) Outdoor storage</td>
<td>L</td>
</tr>
<tr>
<td>(3) Garden Center</td>
<td>L</td>
</tr>
<tr>
<td><strong>(e) Community Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Schools, trade, business or cultural arts</td>
<td>C</td>
</tr>
<tr>
<td>(1) Public cultural institutions and art galleries</td>
<td>P</td>
</tr>
<tr>
<td>(2) Day care center, child/adult</td>
<td>P</td>
</tr>
<tr>
<td>(3) Public safety &amp; service facility</td>
<td>P</td>
</tr>
<tr>
<td>(4) Public Parks &amp; Playgrounds</td>
<td>P</td>
</tr>
<tr>
<td>(5) Public utility substation or distribution facility</td>
<td>L</td>
</tr>
<tr>
<td><strong>(b) Recreation and Entertainment</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)</td>
<td>C</td>
</tr>
<tr>
<td>(2) Public parks and playgrounds</td>
<td>P</td>
</tr>
<tr>
<td>(3) Health club</td>
<td>P</td>
</tr>
<tr>
<td><strong>(c) Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Hotel/motel</td>
<td>P</td>
</tr>
</tbody>
</table>

**Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.
A. Retail or Service Establishment with a Minimum Gross Floor Area of 100,000 Square Feet or Greater. Unless modified within this text all requirements of Chapter 1148, as attached to this text, shall be met.

1. Sections 1148.05(bb)(2). Only if all requirements of the Landscaping and Screening Section of this text are fulfilled as they relate to the mounding and landscaping along Mill Run Crossing, these provisions shall not apply.

2. Sections 1148.05(bb)(3) and 1148.05(bb)(5). Only if all requirements of the Landscaping and Screening Section of this text are fulfilled as they relate to the mounding and landscaping along Mill Run Crossing, these provisions shall not apply to the rear elevation facing Mill Run Crossing except that visual interest and undulating roof heights shall be incorporated for any portions of the rear elevation not screened from view at the time of the landscaping installation.

3. Section 1148.05(bb)(12). Only if all requirements of the Stream Relocation Section of this text are fulfilled, this provision shall not apply.

4. Section 1148.05(bb)(17). This Section shall be fulfilled by the development of outlots along US 36/SR 37 as depicted on the Preliminary Development Plan and Preliminary Subdivision Plat and through the provision of landscaping and other elements described in the Gateways & Corridors Plan and as approved with any Final Development Plan.

B. Veterinary Office (with no outside run or outside kennel) and Veterinary Hospital (with no outside run or outside kennel). Such uses shall meet all requirements of the then current Zoning Code and be limited to household pets prohibiting on-site services to livestock, goats, equine, and other non-domesticated animals.

C. Gasoline Station (with or without convenience store). Such use shall meet all requirements of the then current Zoning Code and be designed in a manner that substantially limits the view of fueling pumps from the public right-of-way. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development of Glennwood Commons, the principal building, and shall not include exposed metal support columns.

D. Automotive Service Station. Such use shall meet all requirements of the then current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building if accessory to a principal use or building. The building whether detached or attached to the building containing the principal use shall be designed in a manner that is substantially similar with the overall development of Glennwood Commons and the provision of 100% transparent vehicular doors.

E. Stand-Alone ATM Facility. Such use shall not be located along any public right-of-way and limited to areas interior to the overall development. The use shall be located in a manner that does not unreasonably disrupt traffic or pedestrian circulation. The building housing the ATM shall be designed and
landscaped in a manner consistent with overall design and to minimize its presence.

F. Drive-Thru Facility Associated with any Principal Permitted, Limited, or Conditionally Permitted Use. Such use shall meet all requirements of the then current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building. A covered pick-up area may be permitted in the front of the principal building. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development of Glennwood Commons, the principal building, and shall not include exposed metal support columns.

G. Car Wash (accessory to principal use). Such use shall meet all requirements of the then current Zoning Code and be located in the side or rear (opposite the public right-of-way) of the principal building (Gasoline Station). The building whether detached or attached to the building containing the principal use shall be designed in a manner that is substantially similar with the overall development of Glennwood Commons including the provision of 100% transparent vehicular doors.

H. Outdoor Storage & Outdoor Display. The following standards shall apply for outdoor storage and outdoor display.

1. Permanent outdoor storage and outdoor display in any parking area in front of the building is prohibited.
2. For businesses larger than 100,000 square feet in gross floor area, seasonal outdoor display is permitted in parking areas to the front of the building for live vegetation only (mulch, soil, seeds, or other items may be permitted in the parking area on the side of the building with Final Development Plan approval) and all areas limited to the time period between March 1 and July 31. Such area shall be limited to area determined with the Final Development and in no case exceed 15,000 square feet in aggregate area per business, not unreasonably disrupt traffic or parking, be generally located in front of the Garden Center, or on the side of the Garden Center, be enclosed by decorative fencing to be approved with the Final Development Plan, bound on both ends by landscaped parking islands, and all pricing signs oriented towards the interior of the area.
3. Outdoor display of seasonal merchandise is permitted in the walkway area in front of and to the side of the building in limited areas defined on the Final Development Plan provided a minimum pedestrian walkway of 5 feet in width is maintained between the front of the building and parking spaces or drive aisle. Such areas shall be limited to such seasonal for sale merchandise such as lawnmowers, grills, sheds, snowblowers, and other items defined on the Final Development Plan. In no case shall any vending machines, ice boxes, palletized items, bulk material, or other similar items be permitted in such outdoor display areas. Additionally, no items may be mounted to the side of the building and display heights shall not exceed 6 feet in height.
4. Outdoor storage of palettes, appliances to be recycled, or other items that are not for sale is permitted only at the rear of the building provided the outdoor storage area is limited to an area defined on the Final Development Plan, is demarcated in a manner that adequately contains the item(s) to be stored, and is screened from view of any public right-of-way or private access drive with mounding and landscaping providing year round 100% opacity.

I. Garden Center. Garden Centers are considered structures, which are attached to the principal building and enclosed on four sides for the purposes of displaying garden related items, vegetation, bulk materials, or other items. Such structures shall be substantially similar in design with the overall development of Glennwood Commons including being fully integrated into the principal building design. The enclosures shall be designed in a manner that substantially limits the view of any item within the Garden Center. In no case shall any item contained with the Garden Center extend above the height of the enclosure.

J. Public Utility Substation or Distribution Facility. Such use shall meet all requirements of the then current Zoning Code and shall be landscaped to block all public views.

b. Lot Standards. The following standards shall apply for lot standards and coverage.

<table>
<thead>
<tr>
<th>Lot Standards</th>
<th>Glennwood Commons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Minimum lot area</td>
<td>1 acre</td>
</tr>
<tr>
<td>(b) Minimum lot width and frontage*</td>
<td>120 ft.</td>
</tr>
<tr>
<td>(c) Maximum building coverage</td>
<td>40%</td>
</tr>
<tr>
<td>(d) Maximum lot coverage**</td>
<td>70%</td>
</tr>
</tbody>
</table>

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area A and converted to a percentage. Collectively, lot coverage on all parcels in the Sub-Area shall average 70%.

c. Building Setback Standards. The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

<table>
<thead>
<tr>
<th>Minimum Building Setbacks</th>
<th>Glenwood Commons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Setback from US36/SR 37</td>
<td>40 ft.</td>
</tr>
</tbody>
</table>
(b) Setback from Mill Run Crossing
20 ft.

(c) Side setback for lots along US 36/SR 37
20 ft.

(d) Rear setback
20 ft.

d. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

<table>
<thead>
<tr>
<th>Minimum Parking Setbacks</th>
<th>Glenwood Commons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Setback from US 36/SR 37</td>
<td>15 ft.</td>
</tr>
<tr>
<td>(2) Setback from Mill Run Crossing</td>
<td>15 ft.</td>
</tr>
<tr>
<td>(3) Setback from any private access drive or street</td>
<td>10 ft.</td>
</tr>
<tr>
<td>(4) Setback from interior property lines</td>
<td>As approved on the Final Development Plan</td>
</tr>
</tbody>
</table>

e. **Maximum Building Height.** The maximum height of any building or structure shall be 55 feet as measured from finished floor elevation to the highest point of the roof.

f. **Building Design.** All buildings regardless of use shall meet the building design requirements of Section 1143.11 and consist of brick and stone or similar approved products as the exterior material. Stucco and EIFS may be used as accent material only. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern and include similar and/or repeating a pattern of design elements such as cupolas, wind vanes, dormers, detailed and well defined cornices on flat roof structures, columns, awnings, or other elements as determined through the Final Development Plan review process.

(1) Any building 100,000 square feet or greater in gross floor area shall meet the following design requirements of Chapter 1143.

A. When the wall of a building faces a public right-of-way, or the main parking area, or is within 45 degrees of facing a public right-of-way, a minimum of forty percent (40%) of such wall area, on the ground floor, shall have the appearance of display-type windows. The bottom edge of such windows shall not be higher than three (3) feet above grade. All such windows may be opaque.

B. Walls shall have no more than twenty (20) feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.
C. Walls that meet the following criteria shall be exempt from the requirements of A and B above:
1. Two walls of adjacent business uses face one another and are separated by not more than 40 feet, or, two walls face one another, are separated by not more than 40 feet and the space between the two walls is used for servicing the buildings.
2. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas, and abutting residential areas.
3. Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick and stone or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
4. Rooftop Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate.

g. Parking. The amount of parking provided shall not be more than that shown on the approved Preliminary Development Plan. Parcels 1, 2, 3, 4, 5, and 6 shall meet the minimum parking requirements of the current Zoning Code, however the Planning Commission encourages the reduction of the required amount of parking by up to 30% and encourages shared parking opportunities where the locations and uses make sense in order to minimize the overall amount of parking on-site. Where necessary for connectivity and access management throughout the development and to adjacent properties, cross access easements shall be provided. No overnight parking (10:00pm to 7:00am), except employees and trucks docked in the loading facility, which shall not have their engines or cooling units running, shall be allowed. This includes, but is not limited to, RVs and thru-trucks. Overnight parking is defined as any qualifying vehicle parked on-site longer than 4 hours.

h. Landscaping and Screening. All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan unless modified herein.

1. Low, undulating earth mounds measuring 2 to 3 feet in height shall be provided along the US 36/SR 37 frontage.
2. Along Mill Run Crossing beginning at the end of the undisturbed Mill Run stream extending east to the eastern property line, including to the north along the eastern property line to block views of the loading and service facilities, an undulating earth mound no less than 12 feet in height as measured from the proposed Mill Run Crossing road elevation with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 18 feet shall be provided.
3. Street trees placed every 40 feet on center shall be provided along all private access drives and wherever such drives are adjacent to parking spaces landscaping in conformance with Section 1166.09(b) shall be provided. Street trees shall also be provided in any median and placed every 40 feet on center.
(4) Parking lots will be landscaped in a manner that minimizes the direct views of expanses of parking spaces and encourages safe vehicular movement, at a minimum, as depicted on the approved Preliminary Development Plan. Each landscaped island within the parking lot shall be planted with two trees.

(5) Wherever possible along building frontages with a pedestrian walkway a mix of year-round and seasonal foundation plantings shall be provided as well as tree wells or planters of other similar plantings included in the pedestrian walkway.

(6) Ground mounted equipment shall be screened from view using plant materials, opaque decorative fencing, or mounding providing 100% year round opacity.

i. **Stream Relocation.** Upon authorization by the applicable State and Federal agencies, Mill Run stream shall be relocated with the minimum necessary conservation and/or preservation easements placed over the relocated and remaining stream corridor. Additionally, to offset the local impact of the stream relocation, the applicant shall complete the development of a passive park on City owned land adjacent to this development including the construction and expansion of ponds and opportunities for the development of wetland areas, provision of multi-use paths and/or boardwalks, and other amenities as agreed to and approved through the Final Development Plan review process and dedicate any conservation and/or preservation easement placed over the remaining Mill Run stream to the City.

j. **Pedestrian Connectivity.** Pedestrian connectivity will be provided throughout the sub-area with stub connections to other sub-areas and future development. Sidewalks and bikepaths shall be provided as shown on the Preliminary Development Plan. Sidewalks, a minimum 8 feet in width, will also be provided along all storefronts and leading to any side and rear customer entrances. Different materials, colors, pavers, patterns, and other techniques shall be used in front of principal uses at major pedestrian crossings leading to the parking areas.

k. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current Zoning Code. All lighting fixtures, except those located in loading or service areas and not visible by the general public, shall be decorative fixtures that are appropriate and consistent with the overall design of the development. Standard shoebox type fixtures and standard wall packs may only be used in loading or service areas that are not visible by the general public. No lighting fixture shall be mounted higher than 28 feet in height. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility. All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant’s operational requirements. Any use with a 24 operation shall provide a lighting plan that minimizes site and building lighting during non-peak nighttime hours.

l. **Signs.** A comprehensive sign plan shall be provided and approved in conformance Section 1165.16(c) and the Final Development Plan. All signs in the sub-area shall be in conformance with the approved comprehensive sign plan. The comprehensive sign plan shall meet the following requirements. Unless noted below, all signs shall meet the current Zoning Code.
(1) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area and the Gateways & Corridors Plan. Unless noted otherwise, externally illuminated and reverse channel letter signs are preferred. For the purposes of this text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. The illumination creates a soft glow or "halo" behind the letter. Changeable copy and changeable face signs are prohibited except for gas pricing signs as approved with a Final Development Plan. Businesses located within a business shall not be permitted any free-standing signs, be limited to one non-illuminated wall sign not exceeding 2 square feet in area located in a sign band, and no building shall have more than 2 such signs.

(2) **Free-Standing Signs.** Except for development identification and directional signs, free standing signs are prohibited.

A. Development identification signs shall be of the highest quality and design and serve as part of overall entry features to the development. Development identification signs may be provided at areas depicted on the comprehensive sign plan. One development identification sign may be permitted to include up to 3 accessory tenant panel signs as approved on the comprehensive sign plan.

(3) **Wall Signs.** As a result of the limitations placed on free-standing signs, flexibility shall be allowed for wall sign area. Wall signs shall be integrated into the overall design of the building on which the sign is attached in an area established as part of the building design approval for the purpose of mounting a wall sign. Only one wall sign is permitted per primary tenant per frontage of a public or private street except that there shall be no more than 2 such signs per primary tenant per building. In addition, one ancillary or directional sign may be granted at the discretion of Planning Staff. Except along US 36/SR 37 no signs shall be permitted facing a residential district or use.

A. Retail buildings J and K and Outparcels 1, 2, 3, 4, 5, and 6. Reverse channel letters (halo glow) signs, as previously defined, and gooseneck down lighting are preferred.

(4) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of the comprehensive sign plan for the development. All other signs shall meet the current Zoning Code. Except for 7 days and only for a grand opening (initial opening of the business), no streamers, balloons, spinners, other air activated devices, billboards, search lights, or other temporary or permanent signs or attraction devices shall be permitted.

5. **SUB-AREA B – THE PRESERVE AT QUAIL PASS DEVELOPMENT STANDARDS**
a. **Uses.** The following uses shall be considered to be permitted, conditionally permitted, or limited uses in Sub-Area B as represented in the chart below by P, C, or L, respectively. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all Zoning Code standards for approval of a conditional use permit current at the time of application for a conditional use permit as well as any other regulations contained within the Zoning Code.

(3) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of the land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, and off-street parking areas.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Quail Pass Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Residential</td>
<td></td>
</tr>
<tr>
<td>(1) Single Story Apartments as approved on PDP &amp; subsequent FDP’s (minimum 3 unit buildings and maximum 6 unit buildings)</td>
<td>P</td>
</tr>
<tr>
<td>(2) Minor home occupation</td>
<td>P</td>
</tr>
<tr>
<td>(b) Recreational/Open Space</td>
<td></td>
</tr>
<tr>
<td>(1) Park, playground</td>
<td>P</td>
</tr>
<tr>
<td>(2) Non-commercial recreation facility (including homeowner association controlled facilities)</td>
<td>P</td>
</tr>
</tbody>
</table>

b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area B density and mix of dwelling unit types shall not exceed that approved on the Preliminary Development Plan which is 340 apartment units at 6.1 units per acre.

c. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.
(1) Single Story Apartments (Perimeter Setbacks)

<table>
<thead>
<tr>
<th>Minimum Building Setbacks</th>
<th>Single Story Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) North property line</td>
<td>50 ft.</td>
</tr>
<tr>
<td>(b) South property line</td>
<td>40 ft.</td>
</tr>
<tr>
<td>(c) East property line</td>
<td>50 ft.</td>
</tr>
<tr>
<td>(d) West property line</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

(2) Single Story Apartments (Internal Setbacks)

<table>
<thead>
<tr>
<th>Minimum Building Setbacks</th>
<th>Single Story Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Front setback from the private street</td>
<td>20 ft.</td>
</tr>
<tr>
<td>(b) Minimum Building Separation</td>
<td>10 ft.</td>
</tr>
<tr>
<td>(c) Side setback for end unit adjacent to street</td>
<td>15 ft.</td>
</tr>
<tr>
<td>(d) Rear patio or porch encroachment into required perimeter building setback</td>
<td>9 ft.</td>
</tr>
</tbody>
</table>

d. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements unless walk-out units, unfinished attic spaces, garages, and any attached or detached accessory buildings.

   (1) Single Story Apartment: 1,250 square feet
   (2) Leasing office: 300 square feet

e. **Maximum Building Height.** The maximum height of any building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

f. **Building Design.** Unless otherwise modified within this text, all dwellings shall meet the building design requirements of Chapter 1171 R-5 and R-6 District multi-family standards for apartments or per the final development plan:

   (1) To create a cohesive and unified design throughout the entire development with each building being consistent in overall design, color, material, and architectural pattern and include similar and/or repeating a pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

   (2) All apartment building elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan.
(3) The proposed building mix shall consist of two types: 1) 3, 4, and 6 unit buildings that are 28 feet wide units with all front loaded garages. 2) 4 and 5 unit buildings that have 42 feet wide middle units (front loaded garages) and 28 feet wide ends that have side loaded garages.

(4) Exterior Material and Trim Standards.

A. All multi-family buildings shall be permitted to utilize Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
B. The front elevations shall have limestone veneer wainscoting.
C. The side elevations that face a street, open space or other prominent locations at staff’s and/or Planning Commission’s discretion shall have limestone veneer wainscoting and vinyl shake siding on the gables per the approved Preliminary Develop Plan architectural plans plan exhibit.
D. All front elevations shall include a variety of styles, colors, and/or materials types of materials including, but not limited to, dormers, vinyl shake siding, etc.
E. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
F. All building overhangs/soffits shall be a minimum 8 inches.
G. EIFS, stucco, or similar products are prohibited as an exterior material.
H. All apartment building elevations shall be reviewed and approved by the Director of Planning & Community Development.

(5) Design Standards

A. Primary roofs shall have a minimum pitch of 5:12.
B. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
C. Windows shall be of vertical or square proportion. Accent windows may be circular, half-round, or octagonal and limited to one per elevation unless used in a pair. Rear elevations shall have a minimum of one window.
D. Treated lumber shall be painted or stained.
E. All apartments shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater.
F. All garages shall be attached. Front elevations shall be designed to de-emphasize the visual impact of the garage. All Garage doors facing a street shall be architecturally upgraded to include design elements consistent with the design of the apartment buildings. Garages of front loaded apartments shall be permitted to extend closer to the street than the primary wall facing the street as shown in architectural plans.
G. Side elevations shall include multiple windows and design elements that provide visual interest.
g. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street and shade tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this text.

(2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.

(3) Along Mill Run Crossing, the revised buffer shall consist of an earth mound between 4 to 6 feet high as measured from the finish floor elevation of the adjacent buildings with a mix of deciduous and coniferous plants providing, at the time of installation, a minimum 60% year round opacity and landscaping height of no less than 10 feet shall be provided. Such landscaping plan shall provide an aesthetic and safety buffer for the yard area of the adjacent apartment buildings while maintaining an aesthetic and consistent buffer along Mill Run Crossing.

(4) Along the railroad tracks, an earth mound, no less than 4 feet in height as measured from the proposed finish grade elevations of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 10 feet shall be provided.

(5) Along Glenn Road an earth mound no less than 6 feet in height as measured from the proposed finish floor elevation of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 12 feet shall be provided as approved on the Final Development Plan.

(6) Along the property known as the Nutter property an undulating earth mound no less than 6 feet in height as measured from the proposed finish floor elevation of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 12 feet shall be provided as approved on the Final Development Plan.

(7) A typical landscaping plan for each apartment building and/or street shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each apartment building and/or street at the time of building of each structure prior to the issuance of a Certificate of Occupancy.

(8) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the private streets and the public right-of-way.

(9) The landscape plans shall be reviewed and approved by the City Shade Tree Commission.

(10) All landscaping shall be maintained and/or reinstalled as required by the City in perpetuity by the developer.

h. **Pedestrian Connectivity.** Pedestrian connectivity will be provided throughout the sub-area with stub connections to other sub-areas and future development. Concrete
sidewalks, 5 feet in width, and/or multi-use paths shall be provided as shown on approved Final Development Plan. Where a multi-use path takes the place of a required public sidewalk, asphalt multi-use paths a minimum 10 feet wide shall be provided.

i. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

1. Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent private street and provide active recreation throughout. Path network shall provide connections to the existing public sidewalk along Mill Run Crossing, to future Glenn Road improvements and to the City Wetland Park.

2. Amenities such as benches, gazebos, community gardens, active gathering places or other such features shall be required in the open spaces.

3. All open spaces shall be constructed with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting.

4. A split rail wood fence shall be installed between the City Wetland Park and subject development. The fence shall be privately maintained and/or reinstalled as required by the City in perpetuity by the developer. The fence location and specification shall be submitted and approved on the Final Development Plan.

j. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature with landscaping and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area. Internally illuminated signs are prohibited.

k. **Lighting.** Site and building lighting shall achieve compliance with the minimum zoning code requirements. Light poles and fixtures shall be decorative in style and be maintained by the apartment complex management. No lighting fixture shall be mounted higher than the adjacent apartment building height or subject to Final Development Plan approval. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility.

l. **Refuse Collection Services** - The apartment complex shall be serviced by City provided tip carts for each individual apartment. The details of the service would have to be negotiated with the City Public Works Department.

m. **Leasing Office/Maintenance.** The apartment complex management shall provide 24 hour/seven day a week on site maintenance and security service.

n. **Private Street Requirements.** The interior streets shall be private but would have to be constructed to public standards as approved by the City Engineer. The proposed street would be 24 feet wide with the pavement inverted to the centerline for drainage. The
Concrete typical street section is illustrated below but subject to final approval by the City Engineer:

CONCRETE TYPICAL SECTION
NOT TO SCALE

- NO. 8 OR NO. 57 AGGREGATE
- ITEM 605 - 4" UNDERDRAIN
- ITEM 204 - SUBGRADE COMPACTION
- SEE CONCRETE WEDGE CURB DETAIL (THIS SHEET)
- ITEM 452 - 7" PORTLAND CEMENT CONCRETE PAVEMENT
- ITEM 304 - 3" AGGREGATE BASE

o. **Utilities.** The water and sewer lines within the development are to be private but would have to be approved by the City Engineer pertaining to locations, details and specifications.

p. **Construction Phases.** The development is to be divided into three phases with construction proposed upon market conditions. Phase I would be located in the northwest quadrant of the site with two access points from Mill Run Crossing and would consist of 94 apartment units in 19 buildings. Phase II would be located in the northeast quadrant of the site utilizing the existing access points from Mill Run Crossing and would consist of 137 apartment units in 27 buildings. Phase III would be located south of the farm ditch with a new access point from Glenn Road and would consist of 109 apartment units in 22 buildings.

q. **School Districts.** The developer shall attempt to conform the two school district boundary’s the subject development is located within into one school district for the entire development.
2018-0442-0445
Rezoning Amendment, Conditional Use Permit, Amended
Preliminary Development Plan, and Comprehensive Plan Amendment
Glennwood Commons Shopping Center - Parcels 11, 12, and 5
Comprehensive Plan Map
Rezoning Amendment, Conditional Use Permit, Amended Preliminary Development Plan, and Comprehensive Plan Amendment - Glennwood Commons Shopping Center - Parcels 11, 12, and 5 Aerial (2016) Map
MEMO

Date: January 26, 2018
To: Dave Efland, AICP - City of Delaware
From: Doug Turner, PE, CFM, LEED AP
Subject: Glennwood Commons - Nutter Parcel
Copies: Patricia Brown, PE

The following narrative has been provided to explain the stormwater management associated with the Glennwood Commons - Nutter Parcel in the City of Delaware, Ohio. The site is located south of US36/SR37 and west of Glenn Road.

The site currently discharges to existing storm sewer and an existing detention basin (002) designed for the storm plan for the Glennwood Commons Development. Runoff from the proposed site will be conveyed through onsite storm sewer before discharging to the aforementioned basin. The Stormwater Management Plan for Glennwood Commons, prepared and revised by EMHT in 2007, took into account the proposed Nutter Parcel project area into the detention and water quality calculations therefore no additional water quality or quantity treatment will be required. A copy of the Pre and Post-Developed Tributary Area Maps respective to the above referenced stormwater management plan can be found within Attachment A.

As can be seen on the Pre and Post-Development Tributary Area Maps, composite Runoff Curve Numbers of 80 and 94 were used for the pre-developed and post-developed condition, respectively. The proposed Nutter Parcel site is proposed as a Planned Mixed Use development which is constant with the post development Runoff Curve Number of 94 in the referenced exhibits.

The water quality calculations and drawdown within the above referenced report also took into the account the proposed Nutter Parcel site and water quality for the entire tributary area to the basin is achieved by the outlet structure within Basin 001.

The revised stormwater management plan for the Glennwood Commons Development took into account the proposed Nutter Parcel development. The stormwater management detention and water quality for the Nutter Parcel should be re-verified during final engineering to ensure the site meets all the requirements for detention and water quality as set forth by the City of Delaware and the Ohio EPA.

ATTACHMENTS

A- Pre-Developed Tributary Area Map and Post-Developed Tributary Area Map
9.719 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 18, Quarter Township 3, Township 5, Range 18, United States Military Lands, being comprised of part of Lots 12000 and 12003, all of Lots 12004 and 12005, and part of the right of way of State Route 37/U.S. Route 36, all being part of the subdivision entitled "Glenwood Commons Phase 2", of record in Official Record 1552, Page 2744 (all references are to the records of the Recorder’s Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of said Lot 12005, in the northerly right of way line of Mill Run Crossing, the southeasterly corner of Lot 10275 of the subdivision entitled "Glenwood Commons", of record in Official Record 814, Page 229;

Thence North 03° 00' 59" East, partly with the easterly line of said Lot 10275, partly crossing said Lots 12000 and 12003, and partly crossing said S.R. 37/U.S. 36, a distance of 1284.85 feet to a point in the centerline of said S.R. 37/U.S. 36;

Thence South 69° 21' 11" East, with said centerline, a distance of 136.60 feet to a point;

Thence South 69° 22' 42" East, with said centerline, a distance of 337.02 feet to a point in the westerly right of way line of Glenn Road;

Thence with said westerly right of way line the following courses and distances:

South 12° 30' 10" West, a distance of 69.85 feet to a point;

South 69° 22' 53" East, a distance of 8.62 feet to a point of curvature to the right;

With the arc of said curve, having a central angle of 81° 53' 03", a radius of 25.00 feet, an arc length of 35.73 feet, a chord bearing of South 28° 26' 21" East and chord distance of 32.76 feet to a point;

South 12° 30' 10" West, a distance of 155.58 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of 04° 32' 51"", a radius of 11534.00 feet, an arc length of 915.44 feet, a chord bearing of South 18° 25' 35" West and chord distance of 915.20 feet to a point of reverse curvature; and

With the arc of said curve, having a central angle of 80° 40' 26", a radius of 17.00 feet, an arc length of 23.94 feet, a chord bearing of South 56° 29' 22" West and chord distance of 22.01 feet to a point in the northerly right of way line of said Mill Run Crossing;

Thence with said northerly right of way line the following courses and distances:

North 83° 10' 25" West, a distance of 129.48 feet to a point;

South 12° 32' 16" West, a distance of 10.00 feet to a point; and

North 77° 28' 27" West, a distance of 48.51 feet to the POINT OF BEGINNING, containing 9.719 acres of land, more or less.

This description is to be used for zoning purposes only, not for transfer.
82.910 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 18, Quarter Township 3, Township 5, Range 18, and Farm Lots 28 and 29, Quarter Township 4, Township 5, Range 19, United States Military Lands, being comprised of Lots 10269 through 10279 and 10281 of the subdivision entitled "Glenwood Commons," of record in Official Record 814, Page 229, that 10.344 acre tract conveyed to Zarcai Delaware LLC by deed of record in Official Record 1017, Page 2303, that 1.500 acre tract conveyed to The Huntington National Bank by deed of record in Official Record 1345, Page 1810 (all references are to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northwesterly corner of said 10.344 acre tract in the centerline of State Route 37 and U.S. 36;

Thence South 69° 21' 11" East, with said centerline, a distance of 136.60 feet to a point;

Thence South 69° 22' 42" East, with said centerline, a distance of 337.02 feet to a point in the westerly right of way line of Glenn Road;

Thence with said westerly right of way line the following courses and distances:

South 12° 30' 10" West, a distance of 69.85 feet to a point;

South 69° 22' 53" East, a distance of 8.62 feet to a point of curvature to the right;

With the arc of said curve, having a central angle of 81° 53' 03", a radius of 25.00 feet, an arc length of 35.73 feet, a chord bearing of South 28° 26' 21" East and chord distance of 32.76 feet to a point;

South 12° 30' 10" West, a distance of 155.58 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of 04° 32' 51", a radius of 11534.00 feet, an arc length of 915.44 feet, a chord bearing of South 18° 25' 35" West and chord distance of 915.20 feet to a point of reverse curvature; and

With the arc of said curve, having a central angle of 80° 40' 26", a radius of 17.00 feet, an arc length of 23.94 feet, a chord bearing of South 56° 29' 22" West and chord distance of 22.01 feet to a point in the northerly right of way line of Mill Run Crossing;

Thence with said northerly right of way line the following courses and distances:

North 83° 10' 25" West, a distance of 129.48 feet to a point;

South 12° 32' 16" West, a distance of 10.00 feet to a point;

North 77° 28' 27" West, a distance of 293.91 feet to a point of curvature to the right;

With the arc of said curve, having a central angle of 09° 42' 20", a radius of 460.94 feet, an arc length of 78.08 feet, a chord bearing of North 72° 18' 50" West and chord distance of 77.99 feet to a point;

South 67° 32' 41" West, a distance of 14.14 feet to a point;

North 67° 27' 19" West, a distance of 1367.56 feet to a point;

North 15° 58' 51" West, a distance of 98.79 feet to a point;

North 67° 27' 19" West, a distance of 157.43 feet to a point;

South 54° 58' 47" West, a distance of 62.20 feet to a point;

North 77° 18' 48" West, a distance of 144.84 feet to a point;

North 67° 27' 19" West, a distance of 224.20 feet to a point of curvature to the right;
CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

Project # __________________  Case # __________________

- Planning Commission
  - Amended Final Development Plan
  - Amended Final Subdivision Plat
  - Amended Preliminary Development Plan
  - Amended Preliminary Subdivision Plat
  - Annexation Review
  - Combined Preliminary & Final Development Plan
  - Comprehensive Plan Amendment
  - Concept Plan
  - Conditional Use Permit
  - Determination of Similar Use
  - Development Plan Exemption
  - Final Development Plan

- Final Development Plan Extension
  - Final Subdivision Plat
  - Final Subdivision Plat Extension
  - Floodplain Permit
  - Lot Split
  - Pre-annexation Agreement
  - Preliminary Development Plan
  - Preliminary Dev Plan Extension
  - Preliminary Sub Plat
  - Preliminary Sub Plat Extension
  - Rezoning
  - Subdivision Variance

Subdivision/Project Name: Glennwood Commons  Address: State Route 37 E Delaware Ohio

Acreage: 9.7  Square Footage: ______  Number of Lots: 3  Number of Units: Commercial/Retail

Zoning District/Land Use: B-3  Proposed Zoning/Land Use: B-3  Parcel #: 51830001105001

Applicant Name: Zaremba Group, LLC  Contact Person: Christopher Herzner

Applicant Address: 14600 Detroit Avenue, Suite 1500 Lakewood, Ohio 44107

Phone: (216) 221-6170  Fax: (216) 221-1031  E-mail: CHerzner@zarembagroup.com

Owner Name: Zoccol Delaware, LLC  Contact Person: Christopher Herzner

Owner Address: 14600 Detroit Avenue, Suite 1500 Lakewood, Ohio 44107

Phone: (216) 221-6170  Fax: (216) 221-1031  E-mail: CHerzner@zarembagroup.com

Engineer/Architect/Attorney: EMH&T  Contact Person: Jeffrey A. Strung

Address: 5400 New Albany Road, Columbus, Ohio 43051

Phone: (614) 775-4700  Fax: ____________  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.

Owner Signature: ____________________________  Owner Printed Name: Al Suline

Agent Signature: ____________________________  Agent Printed Name: Jeffrey A. Strung

Sworn to before me and subscribed in my presence this 28th day of February, 2018.

Doris E. Ardo
Notary Public

State of Ohio
Comm. Expires: October 31, 2018
Recorded in Medina County
FACT SHEET

AGENDA ITEM NO:  23    DATE: 04/09/2018
ORDINANCE NO:  18-33    RESOLUTION NO:
READING:  FIRST    PUBLIC HEARING: YES
        April 23, 2018 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 FOR ZAREMBA GROUP LLC FOR APPROVAL OF A
CONDITIONAL USE PERMIT REQUEST ALLOWING THE PLACEMENT OF
PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED ON
A 9.7 ACRE LAND ADDITION (PARCELS 11, 12 AND A PORTION OF PARCEL
5) TO THE GLENWOOD COMMONS SHOPPING CENTER LOCATED ON THE
SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN
ROAD ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1148 Conditional Use Regulations of the
zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on April 4, 2018

FISCAL IMPACT(S):
N/A
POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached
ORDINANCE NO. 18-33

AN ORDINANCE FOR ZAREMBA GROUP LLC FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST ALLOWING THE PLACEMENT OF PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED ON A 9.7 ACRE LAND ADDITION (PARCELS 11, 12 AND A PORTION OF PARCEL 5) TO THE GLENWOOD COMMONS SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of a Conditional Use Permit request allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District) (PC Case 2018-0443).

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

SECTION 1. That the Conditional Use Permit request allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 (Community Business District), 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: _________________________, 2018 

YEAS___ NAYS___
ABSTAIN ___

ATTEST: 

__________________________ ________________________
CITY CLERK MAYOR
FACT SHEET

AGENDA ITEM NO: 24   DATE: 04/09/2018
ORDINANCE NO: 18-34   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 FOR ZAREMBA GROUP LLC FOR APPROVAL OF AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR GLENWOOD COMMONS SHOPPING CENTER ON APPROXIMATELY 82.9 ACRES LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD ON PROPERTY ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

BACKGROUND:
See attached staff report.

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 April 4, 2018

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

**PRESENTER(S):**
David Efland, Planning and Community Development Director

**RECOMMENDATION:**
Staff recommends approval

**ATTACHMENT(S)**
See attached
ORDINANCE NO. 18-34

AN ORDINANCE FOR ZAREMBA GROUP LLC FOR APPROVAL OF AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR GLENWOOD COMMONS SHOPPING CENTER ON APPROXIMATELY 82.9 ACRES LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD ON PROPERTY ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of an Amended Preliminary Development Plan for Glenwood Commons Shopping Center on approximately 82.9 acre located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) (PC Case 2018-0444).

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

SECTION 1. That the Amended Preliminary Development Plan for Glenwood Commons Shopping Center on approximately 82.9 acre located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District), is hereby confirmed, approved, and accepted with the following conditions that:

1. Final Engineering Plans shall be required when each out lot is developed per the Final Development Plan process.

2. All out lots shall require Final Development Plan approval and achieve compliance with the Glenwood Commons Shopping Center development text, the current zoning code and all other City development requirements.

3. A mound with landscaping, consistent with the existing mound and landscaping along US 36/37 along the frontage of the Glenwood Commons Shopping Center, shall be installed along the frontage of Glenn Road (parcels 11 and 12) and the northeast corner of US 36/37 and Glenn Road (parcel 5) during the development of the first subject out lot.

4. The development shall participate in the Delaware North New Community Authority and Mill Run Commercial TIF District and shall
execute the required documents prior to the issuance of any building permits.

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: _________________________, 2018 

YEAS___ NAYS___

ABSTAIN ___

ATTEST: _______________________________ ________________________

CITY CLERK MAYOR
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 FOR ZAREMBA GROUP LLC FOR APPROVAL OF A
COMPREHENSIVE PLAN AMENDMENT ON THE FUTURE LAND USE PLAN
MAP FROM COMMERCIAL TO MIXED USE ON A 9.7 ACRE LAND ADDITION
(PARCELS 11, 12 AND A PORTION OF PARCEL 5) TO THE GLENWOOD
COMMONS SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF US
36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD ON PROPERTY
ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED
MIXED USE OVERLAY DISTRICT).

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1130 Amendments of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on April 4, 2018

FISCAL IMPACT(S):
N/A
POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached
ORDINANCE NO. 18-35

AN ORDINANCE FOR ZAREMBA GROUP LLC FOR APPROVAL OF A COMPREHENSIVE PLAN AMENDMENT ON THE FUTURE LAND USE PLAN MAP FROM COMMERCIAL TO MIXED USE ON A 9.7 ACRE LAND ADDITION (PARCELS 11, 12 AND A PORTION OF PARCEL 5) TO THE GLENWOOD COMMONS SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF US 36/37 BETWEEN MILL RUN CROSSING AND GLENN ROAD ON PROPERTY ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 4, 2018 recommended approval of a Comprehensive Plan Amendment on the future land use plan map from commercial to mixed use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District) (PC Case 2018-0445).

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

SECTION 1. That the Comprehensive Plan Amendment on the future land use plan map from commercial to mixed use on a 9.7 acre land addition (parcels 11, 12 and a portion of parcel 5) to the Glenwood Commons Shopping Center located on the south side of US 36/37 between Mill Run Crossing and Glenn Road on property zoned B-3 PMU (Community Business District with a Planned Mixed Use Overlay District), 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:  _________________________, 2018  
YEAS____NAYS____  
ABSTAIN ___

ATTEST:  
_____________________________  
_____________________________  
CITY CLERK  
MAYOR
TO: Mayor Riggle and Members of Council
FROM: R. Thomas Homan, City Manager
SUBJECT: Miscellaneous Matters
DATE: April 5, 2018

1. Calendar
   See Attached

2. Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements
   See Attached

3. Bi-Weekly Meetings

   March 20
   * Stand Board Meeting
   March 26
   * Rotary
   * City Council
   March 28
   * OWU Environmental Politics Course Presentation
   * MORPC Video-Delaware YMCA
   April 2
   * Rotary
   April 4
   * Project Tide Tour
# Meeting Schedule

**Council, Boards, Commissions, & Committees**

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<tr>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
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<th>Saturday</th>
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<td>Easter</td>
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<td>Civil Service Commission 3 pm Planning Commission 7 pm</td>
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<td>Council 7 pm</td>
<td>Sister City 6pm</td>
<td>BZA 7pm</td>
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<tr>
<td>Parking &amp; Safety 6 p.m.</td>
<td>Parks &amp; Recreation Advisory Board 7 pm</td>
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<td>Airport Commission 7pm</td>
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<td>Council 7 pm</td>
<td>Shade Tree Commission 7pm</td>
<td>Finance, 3pm Historic Preservation Commission 7pm</td>
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<td>VENDOR</td>
<td>EXPLANATION OF AGREEMENT</td>
<td>2018 AMOUNT</td>
<td>DEPARTMENT</td>
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<td>Fire</td>
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<td>$116.20/hr</td>
<td>Fire</td>
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