

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 21 2018

6:30 EXECUTIVE SESSION: Mr. Rohrer motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Jones 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 7:00 p.m., it was moved by Mayor Riggle that Council move into Open session, seconded by Mr. Browning and approved by a 7-0 vote.

The special meeting of Council held May 21, 2018 was called to order at 7:03 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. Mayor Riggle led the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, John Donahue, Fire Chief, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

ITEM 3: ORDINANCE NO. 18-21 (REVISED) [Public Hearing and Fifth Reading]

AN ORDINANCE FOR MEDROCK, LLC FOR APPROVAL OF A (REVISED) 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 38 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PUD (PLANNED UNIT DEVELOPMENT) OVERLAY.

The Clerk read the ordinance for the fifth time.

Mr. Efland reviewed the staff report from the May 2, 2018 Planning Commission Meeting. He reviewed the revised proposal with Area 3 to have an increase of units from 140 to 180, and in Area 4 to have a decrease of 65 units. This would be an overall reduction of 25 units between both parcels. Mr. Efland discussed the future location of Boulder Drive and discussed 2 rows of landscaping and buffering on each side of Boulder Drive. He discussed the revised landscaping plan.

APPLICANTS:

Jeffrey Lewis
Jeffrey M. Lewis Co., LPA

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Delaware City Council

Meeting

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1560 Lake Shore Drive, Suite 150  
Columbus, Ohio 43204

Tammy Potts  
T&R Properties, Chief Operating Officer  
44 Tinley Park Circle  
Delaware, Ohio 43015

Robert Vogt  
775 Park Street  
Columbus, Ohio 43215

Ronald Sabatino  
3895 Stoneridge Lane  
Delaware, Ohio

Mr. Sabatino discussed the changes to the dumpster and mounding. He was agreeable to put a 5 foot mounding along Boulder Drive and plant trees. Mr. Sabatino discussed the shifting of Building 7 away from Boulder Drive. He discussed the building setback line of being 25 feet from the right a way from Boulder Drive.

Ms. Potts discussed the cost to operate and maintain the property and amenities and the need to have 180 units to make the complex financially feasible.

Mr. Vogt discussed the market study that was completed in Delaware for a tax credit application and 3,600 apartments were surveyed in the area. The results showed a vacancy rate of 2.1%, which he explained meant that the supply doesn't meet the demand. He recommended a 5% vacancy rate. He discussed that the larger size of the project is necessary to allow for luxury amenities.

#### PUBLIC PARTICIPATION:

Debra Logan  
102 Diverston Way  
Delaware, Ohio 43015

Ms. Logan read into the record a letter written by herself to Council voicing concerns over the density and the impact the development will have on her return on investment. Ms. Logan discussed concerns over the allowance of pets at the development and that deed restrictions in which Medrock has a 25' deep landscaping easement across the back edge of her property. She requested additional landscaping to occur in the area by the developer.

Karen Kaufman  
107 Diverston Way  
Delaware, Ohio 43015

Ms. Kaufman presented pictures regarding the current property conditions. She requested information on the proposed amenities. Pictures and diagrams were presented to the public of amenities.

Scott Kinslow  
107 Diverston Way

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Mr. Kinslow voiced a concern over the current conditions of the pond at the northwest location of the property and the problem of mosquitos. Mr. Kinslow requested that the applicant have an additional condition to help with better buffering to have the applicant provide funds to the Adalee Park HOA for fence and tree program. He requested \$7,000 for the properties adjacent to Boulder Drive for more mature trees and a common fence.

Bob Cantu  
356 Braxton Street  
Delaware, Ohio 43015

Mr. Cantu voiced concerns over the increase in traffic and vehicles on Houk Road with the additional units.

Kathy Trotter  
524 Lehner Woods Blvd.  
Delaware, Ohio 43015

Ms. Trotter voiced concerns over the increase traffic surrounding the YMCA and safety of the young families and children that utilize the trail to access the YMCA.

Mr. Sabatino addressed the density concerns and that the plan will have an overall decrease in density between the two parcels of property, which will have an overall decrease in the potential traffic impact. He discussed the ability build at the setback line. He informed Council that indoor pets will be allowed, and that no pets will be allowed to remain outdoors or be tethered.

Scott Kinslow  
107 Diverston Way  
Delaware, Ohio

Mr. Kinslow requested clarification from Mr. Vogt regarding the higher density projects and if these developments are 3 or four story buildings.

Ms. Logan requested to clarify her earlier statements to have mature trees and landscaping placed in the easement area of her property to allow for more property.

Mr. Sabatino voiced that there was no difference of a second floor balcony than a window. Mr. Sabatino requested a recess to allow for an opportunity to discuss concerns with the residents present at the meeting. Mayor Riggle requested a break at 8:05 p.m. and reconvened the meeting at 8:14 p.m.

Mr. Sabatino summarized that he just met with three of the property owners that are adjacent to the development and that they agreed to meet with them and staff to be part of the design of the mound and the trees that will go along their border to allow for passage of 180 dwelling units. Mayor Riggle closed the public hearing. Mr. Jones asked the applicant if there is any compromise for the density. A discussion was held on if the applicant would like to return the project back to the Planning

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Commission at a lower density. Mr. Sabatino requested that a decision be made tonight with the proposed 180 units. Mr. Shulman discussed alternative option that staff worked on in which 8 units on the right of Building 7 be removed and 8 units off Building 8 to reduce the total dwelling units to 164.

Mrs. Keller requested a break at 8:26 p.m. and Mayor Riggle reconvened the meeting at 8:28 p.m.

Vice-Mayor Shafer motioned to enter back into executive session at 8:30 p.m. This motion was seconded by Mr. Jones 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. Council conducted a discussion of this item 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 8:41 p.m., it was moved by Mayor Riggle that Council move into Open session and the meeting was reconvened.

Mr. Browning discussed that the City was provided a sketch up of the development that 172 units would be agreeable. Council had discussed an amendment to allow 168 units.

**Motion:** Mr. Browning motioned to amend Ordinance 18-21 and Ordinance 18-22 to eliminate the east half of Building Number 7 and remove 4 units from the north side of Building 8 and to keep to the promises the applicant discussed with the neighbors regarding additional landscaping and having residents involved in the committee. Mr. Efland clarified this would include mounding and landscaping on the north side of Boulder Drive on the Medrock LLC property, the remainder piece of the subject property and the Logan property with the easement. This motion was seconded by Vice-Mayor Shafer, and approved by a 6-1 (Hellinger) vote.

**Motion:** Mr. Browning motioned to adopt Ordinance 18-21, as amended, seconded by Vice-Mayor Shafer. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 4: ORDINANCE NO. 18-22 (REVISED)** [Fifth Reading]  
AN ORDINANCE FOR MEDROCK, LLC FOR APPROVAL OF A (REVISED) COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN TO MULTI-FAMILY AREA 3 (FLATS ON HOUK) 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).

The Clerk read the ordinance for the fifth time.

**Motion:** Mr. Browning motioned to adopt Ordinance 18-22, as amended, seconded by Vice-Mayor Shafer. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 5: CITY MANAGER'S REPORT**  
There was no updates provided by the City Manager.

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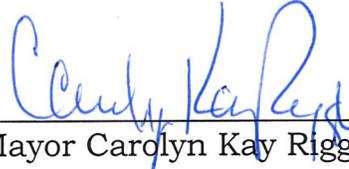
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**ITEM 6: COUNCIL COMMENTS**

There was no comments by Council.

**ITEM 7: ADJOURNMENT**

**Motion:** Mr. Rohrer motioned to adjourn the meeting. The meeting adjourned at 8:46 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk