ORDINANCE NO. 98- 93

AN ORDINANCE AMENDING SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING THE AREA LOCATED AT THE NORTHEAST CORNER OF HOUK ROAD AND US 36 OF APPROXIMATELY 14.66 ACRES FROM PO/I, PLANNED OFFICE/INSTITUTIONAL DISTRICT AND R-4, MEDIUM DENSITY RESIDENTIAL DISTRICT TO R-5, MULTI-FAMILY RESIDENTIAL DISTRICT PLUS TO PUD, PLANNED UNIT DEVELOPMENT FOR DESIGN FLEXIBILITY.

WHEREAS, the City Planning Commission, at its meeting of September 23, 1998, recommended the approval of the rezoning of the area located at the northeast corner of Houk Road and US 36 of approximately 14.66 acres, submitted by Bob Darragh of Willow Run Enterprises (PC 98-44), from PO/I, Planned Office/Institutional District and R-4, Medium Density Residential District to R-5, Multi-Family Residential District plus to PUD, Planned Unit Development for design flexibility, and

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

SECTION 1. That the zoning district boundaries be changed to reflect the adjusted boundaries of the attached drawing and legal descriptions (exhibit A), rezoning the area located at the northeast corner of Houk Road and US 36, submitted by Bob Darragh of Willow Run Enterprises, of approximately 14.66 acres from PO/I, Planned Office/Institutional District and R-4, Medium Density Residential District to R-5, Multi-Family Residential District plus to PUD, Planned Unit Development for design flexibility and not to exceed 71 attached dwelling units, and

SECTION 2. That the clerk is hereby instructed to endorse upon said plat the approval of this council and to certify copies of this ordinance to the County Recorder, County Auditor, and the Director of Regional Planning.

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.

VOTE ON RULE SUSPENSION: Yeas 5 Nays 2

PASSED January 25 ~~1998~~ 1999 Yeas 5 Nays 2

ATTEST: s/Elizabeth F. Speese
City Clerk

s/Juliann Secrest
Mayor

Consideration of Application PC 98-44 – PROPOSED DISTRICT CHANGE - A request by Willow Run Enterprises to rezone approximately 14.66 acres located on the northeast corner of Houk Road and US 36 from R-4 (Medium Density Residential District) and Planned Office/Institutional to R-5 (Multi-Family Residential District) and Planned Unit Development.

Jennings presented the review (printed italic text is from written staff report, which Jennings summarized):

BACKGROUND: The Applicant intends to build 71 condominium units. At about 4.8 units/gross acre, this would be permissible under the PUD maximum of 8 units per acre, as well as under the R-4 limitation of 8 units per acre. However, because most of the proposed structures are 3- and 4-family Townhouse units, a rezoning to R-5 is necessary.

This is the third development proposal for this corner in the last 4 years. An approved Final Subdivision Plat for Willow Run Estates (PC94-21) would have permitted 12 single-family residences on 4.59 acres (2.6 units/acre). In Case PC96-29, the Planning Commission approved a Final Development Plan for a 69-unit condominium project on 12.46 acres (5.5 units/acre). According to the information available, the project was never submitted for Council approval, apparently because engineering approvals could not be obtained or engineering problems could not be overcome.

There are a number of differences between then and now. The current project is larger than PC96-29 because the 3.4-acre parcel of real estate at the corner of US 36 & Houk Road has been added. In addition, a rezoning is being sought, now, compared to only the R-4, previously. Finally, the Planning Commission's Development Plan approval appears to have expired, as provided in Section 1169.

STAFF REVIEW: The Comprehensive Plan shows this property as Commercial (a much more intense land use category) and Moderate Density Residential (the Plan's highest-density residential classification). Because Moderate Density Residential includes townhouse complexes and apartment developments, this residential development is compatible with the Plan's vision for this area. ***This suggests that the requested rezoning to R-5 and PUD is generally supported by the Comprehensive Plan, even though no Retail or Office use is proposed.***

In addition, the current land uses in the area should undergo relatively few adverse impacts, especially when considering the veterinarian's office to the west plus the low level of existing development on the other surrounding properties. And, if the land to the north along SR 37 at Houk is developed in the future at R-3 Densities, the permitted density is similar to what is proposed here (6 units per acre compared to the 8 units per acre allowed under a PUD) plus there is the separation provided by Delaware Run. ***So, compatibility with current and future development seems to be a reasonable likelihood, if the rezoning is approved.***

However, Staff has fundamental concerns about this project in relation to several aspects of the Planned Unit Development Ordinance. This Condominium project, like the others that have come before the Planning Commission this year, needs to comply (to the extent practical) with the PUD requirements, particularly those relating to minimum parcel size and open space acreage (see the Report on PC98-45).

The Zoning Code calls for each PUD to be at least 25 acres in size. Because this project is less than 25 acres in size, the Planning Commission must determine if "the tract involves or demonstrates unusual topography or exceptional character" that warrants an adjustment of the minimum size requirement, as provided for in Section 1169.07. This minimum size was a concern of some members of the Planning Commission during the proposed Stratford Road R-5/PUD rezoning hearing for 10± acres, though Staff suggested that perhaps that size was adequate for a waiver of the size requirements. ***Staff would agree that the flood plain and steep slopes "demonstrate unusual topographic features" that probably warrant, in this case, a reduction in the minimum site size requirement.***

Section 1169.10 requires that at least 15 % of a PUD be in Open Space, with no single space being less than 2.5 contiguous acres. The Applicant has recalculated its contiguous common open space at 3.26 acres and, thus, now meets the minimum size requirement.

In this particular project, as with several recent projects, a good deal of potential open space is actually taken up with the detention ponds and related stormwater management areas. As a result, the only green space with any value for this project is the ravine corridor through the middle of the condominiums, ending at Delaware Run. Section 1169.10 clearly states that "Public utility and similar easements, rights-of-way for

streets and roads, and rights-of-way for water courses and similar channels are not acceptable for common open space dedication ...". Normally, the Planning Commission has considered detention ponds and related stormwater management areas to be included in this definition. However, because that part of the Code continues by saying "... unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Planning Commission.". Staff would recommend that, if the Applicant were to agree to place a pathway that looped from the western curve of Downs Chapel Drive to Cool Springs Lane (in order to take advantage of the Delaware Run scenery), as well as a connector path along the full length of the west side of the ravine from Little Creek Drive to Downs Chapel Drive and on to Delaware Run (so that the pathways are reasonably accessible to most residences and "go somewhere"), the watercourses and flood plains would more clearly qualify as open space. If the Planning Commission agrees, this would permit the PUD to meet the Open Space requirements of Section 1169.10.

Because of all of the preceding factors, it is apparent that the project is not in total compliance with the PUD Ordinance and, therefore, will require a waiver by the Planning Commission.

The Applicant has now provided a brief narrative as to how the proposed amendment relates to the Comprehensive Plan.

STAFF RECOMMENDATION: Subject to meeting the above-listed Staff concerns (namely, the site size waiver plus the provision of additional pathways to qualify the drainageways as open space), as well as those identified by the Planning Commission, Staff recommends approval.

Consideration of Application PC 98-45 – A request by Willow Run Enterprises for the approval of Preliminary and Final Development Plans for the proposed Willow Run Condominiums located on the northeast corner of Houk Road and US 36, a 71-unit development on about 14.66 acres.

Jennings presented the review (printed italic text is from written staff report, which Jennings summarized):

BACKGROUND: The Applicant intends to build 71 condominium units (about 4.8 units/gross acre) plus construct a community building. First, however, Case PC98-44 would need to be approved because the Applicant needs to secure rezoning to R-5 in order to build more than 2-family units at that density and to PUD so as to gain project design flexibility.

As was stated in PC98-44 , this is the third development proposal for this corner in the last 4 years. An approved Final Subdivision Plat for Willow Run Estates (PC94-21) would have permitted 12 single-family residences on 4.59 acres (2.6 units/acre). In Case PC96-29, a Final Development Plan was approved by the Planning Commission for a 69-unit condominium project on 12.46 acres (5.5 units/acre). According to the information available, the project was never submitted for Council approval, apparently because engineering approvals could not be obtained or engineering problems could not be overcome.

There are a number of differences between then and now. The current project is larger than PC96-29 because the 3.4-acre parcel of real estate at the corner of US 36 and Houk Road has been added. In addition, a rezoning to R-5 is being sought, now, compared to R-4, previously. The recreation facilities for residents are much less extensive, now, plus a relationship to the attributes of Delaware Run is suggested, currently, where none was previously. The circulation system plus the style and placements of the buildings are importantly different, now. Finally, the Planning Commission's approval for the previous case appears to have expired, as provided in Section 1169. ***In summary, any previous approvals have expired but, even if they have not, the proposed project is enough different from PC96-29 that PC98-45 must be considered to be a new undertaking, without any carry-over of approvals or understandings from PC96-29.***

STAFF REVIEW: The primary planning-related and policy-type issues that will be important to the Planning Commission, as well as City Council, are listed below. The PUD requirements, land coverage, traffic impacts, utilities (especially stormwater), and recreation/open space topics will be particularly significant.

As was discussed in PC98-44, Staff has fundamental concerns about this project in relation to several aspects of the Planned Unit Development Ordinance. It would appear that those concerns have been addressed if the Preliminary and Final Development Plans are now being considered.

At 4.8 units/acre (compared to the PUD maximum of 8 dwellings per acre), this project is not overly developed in terms of the number of dwelling units that are proposed. However, it does suffer from having a high percentage of the area being covered with building footprints and asphalt paving. As a result, only about 2.2 acres of open space (including all of the ravine plus the Delaware Run Detention Area/Flood Plain) are being provided, somewhat less than the 2.5-acre PUD minimum, while including areas not normally included in the open space calculations. ***This suggests that the project would come closer to the open space expectations of the PUD Ordinance, if there was some rearrangement of these residential units and the related impervious surfaces. For instance, selected building footprints might be consolidated or split up and reallocated to other structures so that there are fewer 30-foot side yards and more, larger green space areas. The street patterns might be revised so that less open space is wasted in unbuildable and unuseful curves and corners, making more available for green space. The parking areas might be reworked so that smaller, but still meaningful, open space areas are not unnecessarily broken up. Finally, the number of dwelling units might be reduced, as was recommended by Staff in a recent PUD proposal.***

If the above-listed suggestions are used, Staff would suggest that there are a number of inexpensive opportunities to create additional, meaningful open space. In addition, the Staff recommendation in PC98-44 for the provision of pathways to and along Delaware Run would also satisfy the Open Space requirements.

However, it should be noted that the Planning Commission did approve a Final Development Plan in PC96-29 that had 2 fewer units on 3.4 fewer acres. ***It might be said that, if the open space was acceptable, then, more green space should be acceptable, now, even if it still does not meet the PUD minimums.***

In other respects, Staff finds that the project has several useful characteristics. First, the overall density of the project is relatively low and continues a pattern that was established when this area had originally been approved by the Planning Commission. Second, this project puts the access at Houk Road only and places it at the farthest possible point from the Houk Road/US 36 intersection plus has no access along US 36. ***These are highly desirable characteristics.***

ROADS: Staff is particularly concerned about the impact of this particular project on the intersection of Houk Road and William Street. The more than 70 apartments in this development will have important impacts on the US 36/Houk Road intersection and William Street, not to mention the SR 37/Houk Road intersection. ***The Applicant needs to be prepared to contribute to a portion of the costs of the needed intersection improvements.***

The agreed-upon rights-of-way dedications are not shown on the Development Plan. Particularly important are those along Houk Road that will be needed for that street's future widening. ***The Applicant needs to provide the City with the legal descriptions for the dedications. The Little Creek detention area has been removed and the Applicant now states that the roadways are all above the 100-year flood elevation.***

Larger projects are normally required to have two access points for fire safety, traffic impact, and related reasons. Staff had considered, and believes that the Planning Commission may still be interested in, an emergency exit to this project, which had been proposed for the William Street side of the project. After review with Staff from the Fire Department and other departments, it was determined that the proposed street pattern and sizes probably made this particular type of access unnecessary. That is, soon after any vehicle enters the project, that traffic can go either straight or to the right and, then, circle back to any location within the project. That situation, coupled with the entryway leading up to this dividing point being constructed with extra width, would greatly lessen the chance that an accident/break-down could block access to and from the project. ***Thus, Staff does not feel it is necessary to provide an additional emergency entrance to the property in the short-term but that a long-term answer might be to extend Yorklyn Lane (or ~~Taylor Bridge~~ Downs Chapel Drive) as a stub street to the eastern property boundary for eventual connection to the adjacent property. That is, despite Applicant's contention that these are private streets and are not designed as public throughways, sound, long-term transportation planning is founded upon providing routing alternatives (usually in the form of at least two access points), whether streets are public or not. This means that, wherever possible and feasible, traffic is widely dispersed (rather than highly-concentrated) because drivers have routing choices. For instance, anyone in Willow Run wishing to go Downtown will first have to go west, make two left-hand turns across traffic (or go even further to the north to make a right-hand turn), and then double-back to go east. Planning ahead (such as paving an additional 30' of Yorklyn Lane as a stub street) might allow that resident to travel a short distance south and turn to the east by traveling through an adjacent future development. Similar benefits would accrue to all subsequent developments eastward along US 36, as they became interlinked.***

PARKING AND DUMPSTERS: Only two Handicapped parking spaces are shown. ***The Applicant has agreed to provide at least the 6 required Handicapped spaces (well-distributed).***

Chapter 929 of the Codified Ordinances requires that all residential premises utilize the City's refuse collection services. Development along dead-end types of streets generally requires dumpsters and no

dumpsters are shown. ***The Applicant needs to indicate well-situated locations (coordinated with the Public Works Department) for more dumpsters, as well as the proposed screening for each.***

PEDESTRIAN CIRCULATION: As a safety issue, as well as a transportation issue, Staff recommends off-site sidewalks. Staff is again concerned that there is a the long-term need to develop a sidewalk system along William Street (plus potentially Houk Road) and that this may be an appropriate opportunity to construct such sidewalks, even though these facilities cannot be connected to any other area sidewalks at the present time. ***The Applicant needs to install sidewalks along the US 36 and Houk Road frontages plus connect those to the internal walkways.***

Again, as a safety issue and a transportation issue, Staff recommends on-site sidewalks. Other than walking in the various roadways or the path shown for a short distance along the middle ditch, there is no formal means for walkers to get from place to place in the complex or to walk anywhere outside of the project. This means there is no safe way for pedestrians to move about the area. The Applicant's suggestion that the roadways, the pathway from Christiana Lane to Downs Chapel Drive, and the grassways are adequate (let alone appropriate) for the Project's pedestrian traffic is unacceptable. ***The Applicant needs to show an expanded internal circulation system for pedestrians, preferably incorporating a pathway from each corner of the property to the Community Center (or a sidewalk along at least one side of each block face).***

Staff believes that there is potential, in the long-term, for a pathway along Delaware Run. It is possible that such a bikeway/walkway system might mesh with the corner of this project near Delaware Run. ***The Applicant needs to dedicate a 15' right-of-way to the City along the south side of Delaware Run from property line to property line plus provide an 8' wide asphalt-paved bike path. If there are site limitations that preclude this exact placement, then a location further south is probably acceptable.***

LIGHTING: This project should consider facilities for street lighting, though this will be very difficult along the US 36 type of rural cross-section. ***The Applicant needs to provide a complete Street Lighting Plan that shows lighting levels plus fixture types and locations (including along all pathways).***

WATER: Staff usually recommends that water lines be oversized, where needed to serve additional usage, such as known nearby developments. ***The Applicant needs to provide a 12" line along Houk Road, as recommended by the Utilities Department.*** *Water pressure in the area may not be adequate for fire fighting.* ***The Applicant needs to provide fire flow calculations to the Engineering and Public Utility Departments.***

SEWER: Staff is aware that the Applicant has been working with the potential developers of the mixed-use project (discussed at the Commission's July meeting) that would be located on the south side of US 36. and that a sanitary sewer probably will be extended from Delaware Run to and under US 36 to the other property. ***Staff strongly supports this type of oversizing and cooperation. If that agreement is not completed, Staff recommends that the oversizing be constructed through an agreement with the City.***

Sanitary sewer line sizes are not shown on the Development Plan. ***The Applicant needs to provide information on all sewer lines and easements plus locate all structures so that they are at least 20' from the centerline of the easement. The Applicant needs to provide an 18" line to US 36, as recommended by the Utilities Department.***

STORMWATER: The Planning Commission has not received any information as to compliance with the terms of the Water Pollution and Sediment Runoff Control Ordinance. ***The Applicant needs to provide a Stormwater Management Plan to the Engineering Department and a copy of the approved Plan to the Planning Commission for its files.***

TREES AND LANDSCAPING: Important information on trees and landscaping has not been provided to the Planning Commission. ***The Applicant needs to provide a Tree Count and 2-for-1 Tree Replacement Plan, plus information on dumpster locations and screening.***

MISCELLANEOUS: A previous development proposal for this site was turned down previously, one reason being that it was not sufficiently buffered from the property to the east. Accordingly, Staff would suggest that, at a 25' rear yard, the condominiums along the eastern boundary are not sufficiently buffered and separated from the adjacent property. ***The Applicant needs to show a greater separation from the eastern property line and/or provide more detailed information about the adequacy of proposed screening and/or mounding.***

CODE ISSUES: Sections 1169.14(a) and 1169.15(b) require certain information for the Preliminary and Final Development Plans that still has not been provided to the Planning Commission. Most of the missing facts could be considered to be minor issues. All topics are listed in the Attachment as direct quotes from the Code. However, only minor issues remain.

STAFF RECOMMENDATION: Contingent upon Final Engineering approvals plus subject to meeting the above-listed Staff concerns (including the Code Issues Attachment) and those identified by the Planning Commission, Staff recommends approval of the Preliminary Development Plan and Tabling of the Final Development Plan.

CODE ISSUES ATTACHMENT

Section 1169.14(A) requires the following information for the Preliminary Development Plan that is still missing (the first two are minor). ***The Applicant needs to provide these Preliminary Development Plan elements before the project can proceed to the Final Development Plan stage.***

C. The proposed location, size, and use of nonresidential portions of the project, including usable open space, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership of such areas. [Are there to be no use areas around the Community Building or elsewhere... basketball, horseshoes, picnicking, etc.?]

D. Proposed Parking (Number, Plantings, etc.). [Note Code Sec. 1161]

Halter asked and Jennings responded that it is a possibility to extend greenspace up to Houk Road and staff would like to see sidewalks along that area also. Gunderman said to keep in mind that Delaware Run doesn't stay along the north edge of this property when it comes into Houk Road, but it is further north. VanGundy and Halter said they are concerned about adding any more development to this area before Houk Road and 36 are improved and Jennings said one of the issues of the Staff Recommendation is for the applicant to provide a traffic study for this area and make a contribution towards these improvements to this intersection. Thompson asked and Jennings responded that staff believes that there is enough right-of-way to extend and/or improve Houk Road and 36 and Thompson said that there needs to be new ways of funding these issues so they get done. He suggested increased taxes in this area or maybe grants to pay for the improvements. Long asked and Gunderman responded that SR36 is a State Route and half of it is in the township. Long said he is concerned that the improvements will be harder to get done because part of it is in Delaware Township and has a problem approving this many living spaces at this intersection because of the possible danger of the intersection.

Robert Darragh, representing Willow Run Enterprises, LLC, said they are requesting medium density and are in compliance with the Comprehensive Plan and will have less than 5 units per acre and said the open space issues will be addressed in the development plan. He said there is substantial right-of-way on the north side of 36 that belongs to the State of Ohio and there is also a State of Ohio right-of-way near the intersection of Houk Road and 36 which will likely allow realignment of Houk Road to square up the intersection at 36. He said their buildings would be single-story, ranch-style condominiums, all with 2 car garages and basements. Thompson asked and Gunderman responded that staff discussed a second access with the applicant and came to the conclusion that a second access and even an emergency access was not desirable and that the access at Houk Road would be adequate. Morrison said an emergency access is necessary and has been an issue in the past and Robert Darragh said the City Fire Department said this is a gated property and they do not intend any gates on this property at Houk Road. Long said he is concerned about the traffic in the area and Denise Crews of Bauer, Davidson & Merchant, Inc. said they expanded the entrance road so it is equivalent to three lanes and hired an engineering firm to do a traffic study and they found that there is actually less traffic on the road than there has historically been in the past. Long asked and Denise Crews responded that it was also found that there is an 8% increase in traffic at peak hours, but the plan presented is sufficient to accommodate this increase according to the traffic study. Long said he is concerned about the condition of the road and Denise Crews said the engineering firm that did the traffic study did not inform her of any problems with Houk Road not being sufficient for the traffic generated from the development. Thompson asked and Gunderman responded that there is a concept plan for the extension of Houk Road itself, but there is no concept for the redesign or rebuilding of the intersection at Houk Road and SR 36 and the intersection improvements were planned to take place when Houk Road was extended to the south across SR 36. Thompson asked and Gunderman responded that at that time signalization would be

constructed.

David Shade, Attorney for Plighty Williams said people buying condominiums in this area and at this price range are going to be empty-nesters and not family people. He said there is a difference between infrastructure and traffic and Gunderman said the code does use different language for highways. Morrison said that with the roadways, it is backwards because it takes some kind of an issue to force improvement and feels there is every opportunity to take Houk Road to the south. Halter asked and Jennings responded that for this to qualify for a rezoning it has to have open space and the only way for the open space to qualify is if it has pathways in it. Jennings said it is more of an extension to the Houk Road and SR 36 intersection within the project so that more units have access to it as well as a looping along Downs Chapel Drive so that they would have a loop in that northeast corner that would allow people to circulate and use the open space. Denise Crews said under the open space regulations, it says open space can be used to preserve natural characteristics. She said they are trying to do this with the flood plains and would move this path, but requires a bridge over the flood plain. Jennings said the Code requires pathways for this to qualify as open space. Thompson asked and Robert Darragh responded that they have been asked to grant an easement along their north property line for a future Delaware Run pathway and they have agreed to do this. Robert Darragh said they do not anticipate any vehicle/pedestrian conflict for people who want to walk down the street because they have increased the size of the roadways to an equivalent of three lanes and the current plan does show a pathway and if there are any engineering reasons for additional pathways they are not against adding those to the plan. He said that if fewer trees have to be cut down to get this pathway on the north side of the stream he is willing to do so and they have 3.26 acres of open space and should qualify as open space because it doesn't have any buildings on it, but only detention areas and wouldn't have the detention areas if they weren't required. Denise Crews said that flood plains are natural and should be a qualifying factor for open space. Morrison said that most of the time flood plains are dried up and can be considered as open space most of the time. Morrison said she is concerned about there not being any way for pedestrians living in the developments on SR 36 to get to the City sidewalks to the east to go downtown without having to walk in the road. Robert Darragh said that he agrees with sidewalks along the side of the road, but they have to be safe for the pedestrians. Denise Crews said SR 36 is currently 45 mph and eventually turns into 55 mph and people essentially go 65 mph, which is not safe for any pedestrians. She said if sidewalks were put in they would have to be right adjacent to the street because there is a deep ravine along SR 36 up to where the proposed development is planned and there are no curbs to protect the pedestrian from the street. She said there are no sidewalks along any of the other developments in the area so their sidewalks would just start and end nowhere and there are no sidewalks on SR 37, which would be a corresponding section. Jeff Feltz, the Assistant City Engineer for Development, said he agrees with Denise Crew's views on the sidewalks. Morrison said the City has to start somewhere for putting in sidewalks and can't not do it because nobody else has. VanGundy asked and Gunderman responded that they could theoretically put curb cuts in, but the type of road on SR 36 doesn't allow for them.

Motion: Halter/Morrison moved to approve Application PC 98-44 for the rezoning, subject to resolving the open space issues as identified by staff. (6 in favor, 0 opposed) MOTION PASSED

Michael Sherry of 1798 Marysville Road said his property abuts this development and he hasn't had any correspondence with the developers to assure him of privacy and said he is

DELAWARE PLANNING COMMISSION
UPDATED
REZONING REVIEW
Willow Run Condominiums

CASE NUMBER: PC98-44 MEETING DATE: September 23, 1998

APPLICANT/OWNER: Bob Darragh
Willow Run Enterprises
834 Skylark Lane
Columbus, Ohio 43235

REQUEST: Rezone to R-5 to permit multi-family housing densities plus to PUD for design flexibility.

PROPERTY LOCATION & DESCRIPTION: Two lots totaling about 14.66 acres located on the northeast corner of Houk Road and US 36. The surrounding land uses include primarily vacant and agricultural lands, with some large-lot residential areas to the south, east, and west. Delaware Run borders the property to the north.

ZONING DISTRICT: The 3.4-acre corner lot is PO/I (Planned Office/Institutional), while the remainder is R-4 (Medium-Density Residential). The tract is bounded by R-3 (One-Family Residential) on the north across Delaware Run, A-1 (Agriculture) to the east, plus the Township to the west and south. The Township zoning is for Farm Residential land uses.

BACKGROUND: The Applicant intends to build 71 condominium units. At about 4.8 units/gross acre, this would be permissible under the PUD maximum of 8 units per acre, as well as under the R-4 limitation of 8 units per acre. However, because most of the proposed structures are 3- and 4-family Townhouse units, a rezoning to R-5 is necessary.

This is the third development proposal for this corner in the last 4 years. An approved Final Subdivision Plat for Willow Run Estates (PC94-21) would have permitted 12 single-family residences on 4.59 acres (2.6 units/acre). In Case PC96-29, the Planning Commission approved a Final Development Plan for a 69-unit condominium project on 12.46 acres (5.5 units/acre). According to the information available, the project was never submitted for Council approval, apparently because engineering approvals could not be obtained or engineering problems could not be overcome.

There are a number of differences between then and now. The current project is larger than PC96-29 because the 3.4-acre parcel of real estate at the corner of US 36 & Houk Road has been added. In addition, a rezoning is being sought, now, compared to only the R-4, previously. Finally, the Planning Commission's Development Plan approval appears to have expired, as provided in Section 1169.

STAFF REVIEW: The Comprehensive Plan shows this property as Commercial (a much more intense land use category) and Moderate Density Residential (the Plan's highest-density residential classification). Because Moderate Density Residential includes townhouse complexes and apartment developments, this residential development is compatible with the Plan's vision for this area. **This suggests that the requested rezoning to R-5 and PUD is generally supported by the Comprehensive Plan, even though no Retail or Office use is proposed.**

In addition, the current land uses in the area should undergo relatively few adverse impacts, especially when considering the veterinarian's office to the west plus the low level of existing development on the other surrounding properties. And, if the land to the north along SR 37 at Houk is developed in the future at R-3 Densities, the permitted density is similar to what is proposed here (6 units per acre compared to the 8 units per acre allowed under a PUD) plus there is the separation provided by Delaware Run. **So, compatibility with current and future development seems to be a reasonable likelihood, if the rezoning is approved.**

However, Staff has fundamental concerns about this project in relation to several aspects of the Planned Unit Development Ordinance. This Condominium project, like the others that have come before the Planning

Commission this year, needs to comply (to the extent practical) with the PUD requirements, particularly those relating to minimum parcel size and open space acreage (see the Report on PC98-45).

The Zoning Code calls for each PUD to be at least 25 acres in size. Because this project is less than 25 acres in size, the Planning Commission must determine if "the tract involves or demonstrates unusual topography or exceptional character" that warrants an adjustment of the minimum size requirement, as provided for in Section 1169.07. This minimum size was a concern of some members of the Planning Commission during the proposed Stratford Road R-5/PUD rezoning hearing for 10± acres, though Staff suggested that perhaps that size was adequate for a waiver of the size requirements. **Staff would agree that the flood plain and steep slopes "demonstrate unusual topographic features" that probably warrant, in this case, a reduction in the minimum site size requirement.**

Section 1169.10 requires that at least 15 % of a PUD be in Open Space, with no single space being less than 2.5 contiguous acres. ~~Because this project is less than 25 acres in size, providing all of the needed open space required of a PUD is more difficult (14.66 acres x 15% = 2.2 acres of open space ... the total is less than the minimum).~~ The Applicant has recalculated its contiguous common open space at 3.26 acres and, thus, now meets the minimum size requirement.

In this particular project, as with several recent projects, a good deal of potential open space is actually taken up with the detention ponds and related stormwater management areas. As a result, the only green space with any value for this project is the ravine corridor through the middle of the condominiums, ending at Delaware Run. Section 1169.10 clearly states that "Public utility and similar easements, rights-of-way for streets and roads, and rights-of-way for water courses and similar channels are not acceptable for common open space dedication ...". Normally, the Planning Commission has considered detention ponds and related stormwater management areas to be included in this definition. However, because that part of the Code continues by saying "... unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Planning Commission.". Staff would recommend that, if the Applicant were to agree to place a pathway that looped from the western curve of Downs Chapel Drive to Cool Springs Lane (in order to take advantage of the Delaware Run scenery), as well as a connector path along the full length of the west side of the ravine from Little Creek Drive to Downs Chapel Drive and on to Delaware Run (so that the pathways are reasonably accessible to most residences and "go somewhere"), the watercourses and flood plains would more clearly qualify as open space. If the Planning Commission agrees, this would permit the PUD to meet the Open Space requirements of Section 1169.10.

Because of all of the preceding factors, it is apparent that the project is not in total compliance with the PUD Ordinance and, therefore, will require a waiver by the Planning Commission.

~~CODE ISSUES: Section 1130.02 contains a relatively minor requirement that still must be met, namely a statement on the ways in which the proposed amendment relates to the Comprehensive Plan. This narrative needs to be received prior to approval of the rezoning request.~~ The Applicant has now provided a brief narrative as to how the proposed amendment relates to the Comprehensive Plan.

STAFF RECOMMENDATION: Subject to meeting the above-listed Staff concerns (namely, the site size waiver plus the provision of additional pathways to qualify the drainageways as open space), as well as those identified by the Planning Commission, Staff recommends approval.

PC98-44

APPLICATION FOR ZONING CHANGE

CITY OF DELAWARE, OHIO

AUG 27

I/WE Willow Run Enterprises BEING OWNERS/LESSEES

OF _____ Houk Rd & US 36 Delaware OH
NO. STREET CITY STATE

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE, FOR THE

CHANGE OF LOT/LOTS _____ DESCRIBED AS FOLLOWS:

Being four tracts owned by Wilow Run Enterprises at the northeast corner of Houk Road and US 36 West. Tract A being 2.2024 Ac, Tract B 4.597 A Tract C is 7.866 Ac for a total of 14.66 Ac.

LOCATED ON Houk Road and U.S. 36 FROM R-4 and Office
present zoning

TO R-5 PUD CLASSIFICATION.

IN THE SPACE BELOW GIVE DETAILED ACCOUNT OF INTENDED USE OF LOT OR LOTS, LISTING ALL PERTINENT FACTORS SUCH AS NUMBER OF EMPLOYEES, PRODUCT AND METHOD OF PRODUCTION, AUTOMOBILE OR TRUCK FACILITIES REQUIRED, OPERATING HOURS, WASTES, AND REASONS WHY YOU WISH THIS CHANGE CONSIDERED:

Construction of a 71 Unit Condominium project.

DATE APPLICATION RECEIVED _____

COUNCIL ACTION - REFERRED TO PLANNING COMMISSION _____

PLANNING COMMISSION ACTION: FAVORABLE ____ UNFAVORABLE ____ AYES NAYS

COUNCIL ACTION: ADOPT PLAN. COMM. RECOMMENDATIONS _____ AYES NAYS

REJECT PLAN. COMM. RECOMMENDATIONS _____ AYES NAYS

REQUEST GRANTED BY ORD. NO. _____ PASSED _____

I/WE _____ BEING OWNERS/LESSEES

OF _____ _____ _____ _____
NO. STREET CITY STATE

Do hereby verify the truth and correctness of all facts and information presented with this application.

Denise L. Crews
Witness
DENISE C. CREWS

Ronald N. Leonard
Witness
RONALD H. LEONARD

MATT TRUCCO
Owners/lessee signature

834 Skylark Ln.
Mailing Address
Col. Oh. 43235

614-~~4~~736.7182
Phone

Sworn to before me and subscribed in my presence this 27th day of August 1998.

GATIS ERENPREISS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 20, 2003

Notary Public

LIST OF PROPERTY OWNERS WITHIN 150 FT.	ADDRESS
See Attached	

1129.08 FILING FEES FOR PLANNED UNIT DEVELOPMENTS, MAJOR SUBDIVISION, MINOR SUBDIVISIONS AND REZONING; AMENDMENT FEES FOR PLANNED UNIT DEVELOPMENTS AND MAJOR SUBDIVISIONS.

Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the Director of Finance or a cash payment sufficient in the amount to cover the costs of reviewing the application by City staff, publishing, posting and/or mailing notices of hearing and shall be payable in the following manner:

Planned Unit Developments, Major Subdivisions and Rezonings

FIRST ACRE.....	$250.00
NEXT 4 ACRES.....	$100.00/ACRE
NEXT 5 ACRES.....	$50.00/ACRE
EACH ADDITIONAL ACRE.....	$25.00/ACRE

FILED WITH THE CITY OF DELAWARE, OHIO THIS 27 DAY OF 8 19 98

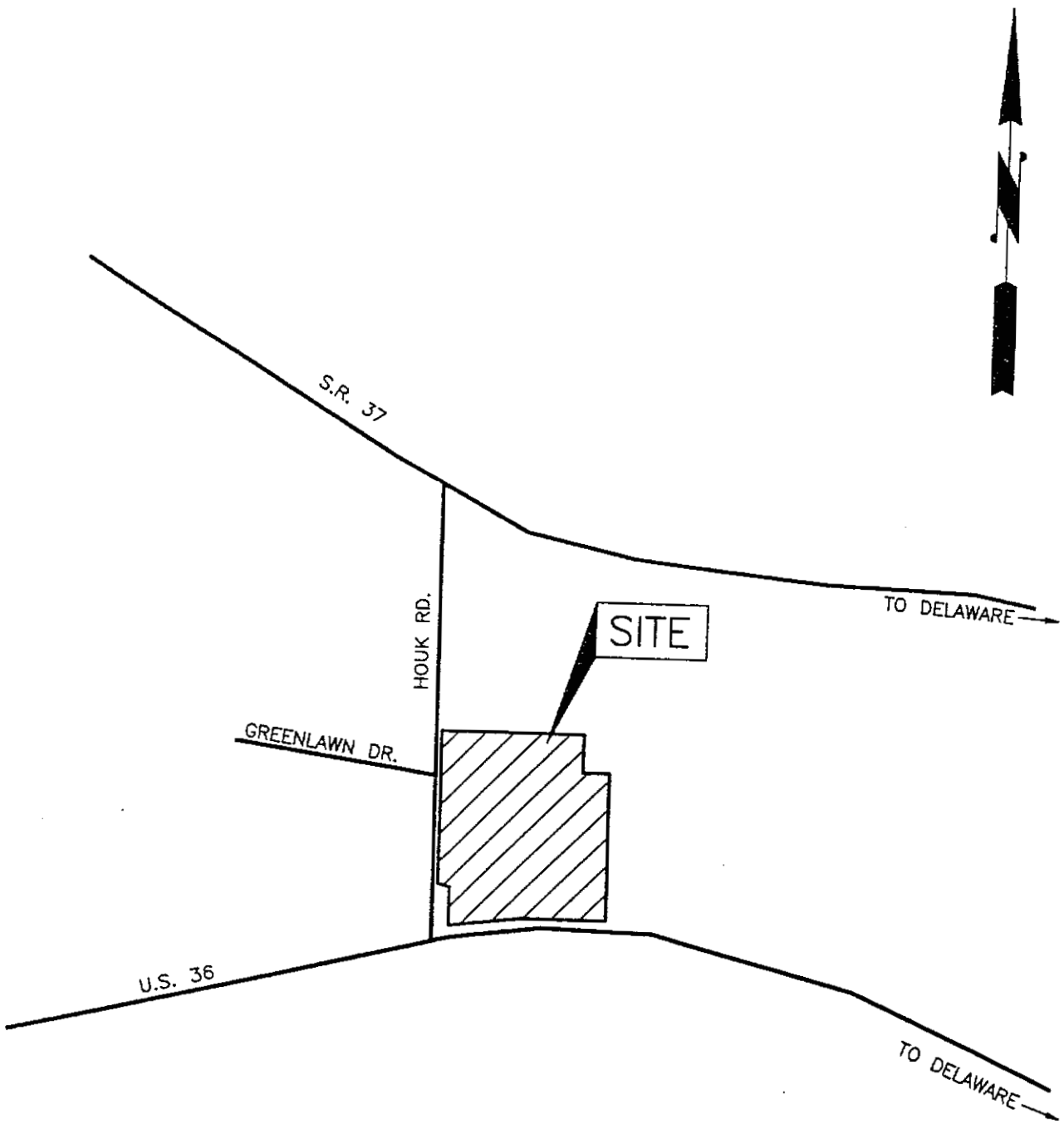
DEPOSIT FEE $2,050—

RECEIVED BY MP

Willow Run Enterprises
Rezoning Application
August 27, 1998

Property Owners within 150 Feet

Name	Mailing Address
Michael Sherry	1798 Marysville Rd, Delaware OH 43015
Nettie Fogle	1706 Marysville Rd, Delaware OH 43015
Locust Curve Inc.	95 Elizabeth St #217, Delaware OH 43015
Dale & Darlene Nelson	305 Houk Rd, Delaware OH 43015
Scott & Sharron Spradlin	258 Houk Rd, Delaware OH 43015
Neal & Mary Hetrick	414 Houk Rd, Delaware OH 43015
George & Martha Hansel	245 Troy Rd, Delaware OH 43015
Willowbrook Farms	1853 Marysville Rd, Delaware OH 43015
William & Sylvia Cooney	1807 Marysville Rd, Delaware OH 43015
Douglas & Shelly Graves	358 Houk Road, Delaware OH 43015
Jacueline Shaw	390 Houk Road, Delaware OH 43015
Asa & Geralkine Dunlap	2049 Greenlawn Drive, Delaware OH 43015
Pauline Miller	336 Houk Road, Delaware OH 43015
Wesson & Sandra Barrows	1695 Marysville Road, Delaware OH 43015
Robert & Carolyn Smith	1763 Marysville Road, Delaware OH 43015



CEWA
CLYDE E. WILLIAMS & ASSOCIATES, INC.
130 E. WILSON BRIDGE ROAD
WORTHINGTON, OHIO 43085

WILLOW RUN CONDOMINIUMS
VICINITY MAP

FIGURE
1

City of Delaware

Planning and Community Development Department

MEMO

TO: Mayor Secrest and members of the City Council

FROM: Gary P. Gunderman, Director-Planning and Community Development

DATE: 10 December 1998

RE: Willow Run Condominiums

The rezoning and the Final Development Plan for Willow Run have been on the last 3 City Council Agendas for consideration. The Final Development Plan has not been ready for approval but there has been a good deal of discussion of these items, principally involving the potential of sidewalks along US 36.

The developer has concluded that the design and construction of a sidewalk on US 36 can be completed and is currently in the process of doing this design and having it reviewed by the city engineering department. The engineering work will not be complete for the council meeting on 14 December.

These items have been included in the agenda for the city council meeting on 14 December, since it was read at the last city council meeting and should not be taken off of a regular city council agenda unless action is completed.

Accordingly, Staff would recommend that no action be taken on these items and that they be held over to the next city council meeting.