ORDINANCE NO. 99- 74

AN ORDINANCE AMENDING SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING THE AREA RUNNING FROM US 36 ON THE NORTH TO THE ABANDONED RAILROAD LINE NORTH OF PITTSBURGH DRIVE ON THE SOUTH, OF APPROXIMATELY 281.978 ACRES FROM A-1, AGRICULTURAL DISTRICT TO PLANNED UNIT DEVELOPMENT.

WHEREAS, the City Planning Commission, at its meeting of July 29, 1999, recommended the approval of the rezoning of the area running from US 36 on the north to the abandoned railroad line north of Pittsburgh Drive on the south, of approximately 281.978 acres, submitted by Medrock LLC and Medco Group, an Ohio Partnership (PC 99-24) from A-1, Agricultural District to Planned Unit Development.

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 (exhibit A), rezoning the area running from US 36 on the north to the abandoned railroad line north of Pittsburgh Drive on the south, of approximately 281.978 acres, submitted by Medrock LLC and Medco Group, an Ohio Partnership (PC 99-24) from A-1, Agricultural District to Planned Unit Development.

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~~ _____ ~~Nays~~ _____

PASSED October 11, 1999 Yeas 6 Nays 1

ATTEST: Lori Vance City Clerk  Julianne Seerest Mayor

City of Delaware Ohio

FILE COPY

September 16, 1999

Dan Horne
Medco Group
7464 Badenoch Drive
Dublin, OH 43017

SENT VIA FAX 9-16-99

SUBJECT: Additional refined comments for Preliminary Development Plan for Willowbrook.

Dear Dan:

This is just a short note as a follow-up to our previous discussions regarding the Preliminary Development Plan. In the past meetings at City Council, it was suggested that you would be adding additional comments to the multi-family area, which would give clarification on some of the types of structures or, in one instance, potential condominium ownership pattern of the project. As of this time, I have not seen a revised notation on the plan drawing to this effect, nor have I seen a text draft of what the notations might be. It appeared, from the tone of the comments that were made at the last City Council meeting, that this was of interest to at least some City Council members and it appeared that this may be of importance to them when the item is reconsidered at the next City Council meeting. In addition to this, I had also spoken with you concerning a refinement of the notations that currently exist on the plan regarding single family homes and the ability to use those notations to clearly understand where the homes of over 1800-square feet would be located so that they total 55% of the project as your final note in this area indicates.

Please also remove the direct access point to US 36 west of Houk Road as noted in the Planning Commission review. We will reconsider this item at a later date when the commercial development is before us.

Please forward to me by letter or fax the draft language you would like to include regarding these items so that they may be clearly known by the time of the next City Council meeting. If you have any questions on this matter, please feel free to contact me at your convenience at 740/368-1650.

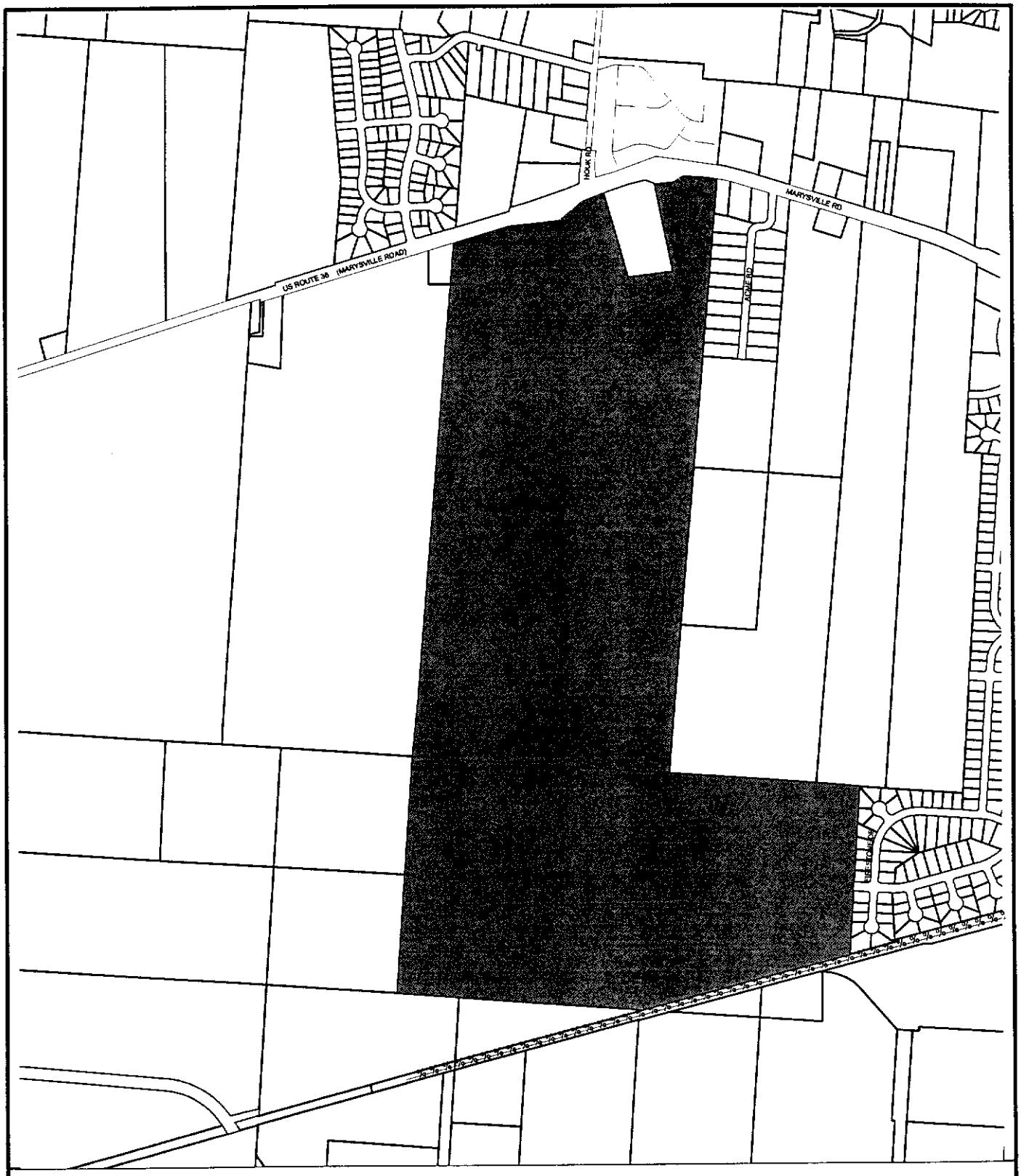
Sincerely,

Gary P. Gunderman
Director of Planning and Community Development

cc: Mike Shannon
Ron Sabatino

# PC 99-24
# MEDROCK Rezoning

**Exhibit A**




N
W E
S

1000 0 1000 Feet

Parcel Data Aquired from the Delaware County Auditor, DALIS Project, April 1999.

The Information from which this Map was Compiled is Constantly being Updated and is Subject to Change.

City of Delaware
GIS
Planning & Community Development
August 1999

MINUTES
DELAWARE PLANNING COMMISSION
July 29, 1999 – 7:00 p.m.
Special Continued Meeting

Chairman Tom Thompson called the meeting to order at 7:06 p.m.

**ROLL CALL**

**Members Present:** Dan Halter, Chuck VanGundy, Lea Morrison, Ross Long and Tom Thompson and Bob Hoffman (late).

**Member Absent:** John Dickson.

**Motion:** Long/VanGundy moved to excuse Dickson from the meeting and that Hoffman is going to be late.

Members discussed the possibility of hearing Application PC 91-27 tonight after it was tabled last night and unanimously concluded that the item is to continue to be tabled until the August meeting.

**Motion:** Long/VanGundy moved to leave Application PC 91-27 on the table and not consider it this evening (5 in favor, 0 opposed) ITEM TO REMAIN ON TABLE.

**Consideration of Application PC99-24** – A request by Medrock LLC & Medco Group for the approval of a Rezoning from A-1 (Agricultural District) to Planned Unit Development for the 282± acres located on the south side of US 36, across from Houk Road.

**Consideration of Application PC99-25** – A request by Medrock LLC & Medco Group for the approval of a Preliminary Development Plan for the proposed Willowbrook Farms PUD for the 282± acres located on the south side of US 36, across from Houk Road.

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

*REQUEST: Applicants have filed two applications with the city. The first is a rezoning from the current A-1, Agricultural District to Planned Unit Development for the entirety of the site.*
*The applicants have also simultaneously filed a preliminary development plan for the Planned Unit Development, The entire tract under consideration is approximately 281.978 acres. This area stretches from US 36 on the north to the abandoned railroad line north of Pittsburgh Drive on the south. The Carson Farm property on the east and the Lehner proposal on the west generally border the project.*

*Some of the issues in last month's report have been resolved. The developer has left some of the issues unchanged that were discussed at last months Planning Commission meeting. Planning Commission should consider if direct access should be permitted to Houk Road for Multi Family areas that have access to a local street as is currently shown on the plan. Staff other concerns and recommendations for approval are as follows:*

*1. Make the number and acreage proposed for the Multi Family sites clear. Staff would suggest that if the Planning Commission is comfortable with detail of description for the Multi Family Site, as it appears they were at last months meeting, then the basic densities should be set for the actual areas not including Right of Way at not greater than 8 dwelling units per acre. Staff would make the project otherwise conditioned on the other written explanations made with the application.*

*2. The development Plan should contain a note that the Right of Way and paving requirements may be expanded for Houk Road in the area of the Retail Commercial at the time of a final development plan for this area. The plan should show the pavement of 40 feet on Houk and 36 feet on Cobblestone and Boulder and those Rights of Way should be mark as 100 feet on Houk and 60 feet on the other two. Right of Way on US 36 to be determined at the time of Final Plan review.*

*3. The plan needs to clearly show a Bike Path across the US 36 ROW as well the other proposed locations.*

*4. Need to eliminate the access to US 36 for the Commercial west of the Houk intersection and state that the access point east of the Houk Road intersection will be considered when final development plans for the area are reviewed.*

*5. Show a connection between the Cul-de-sac at the north end of the project and the and the single family loop street just south of the area.*

*6. Need face of the development Plan to indicate housing size information and ID the lots. The total number of lots with 2 story elevations of 1800 square feet and above needs to be revised to at least 55% of the total area.*

*7. Bike path on Boulder should now come as far as the Single Family Street cul-de-sac on south side of Boulder.*

*8. Need to show a R-O-W for the street going SW from the southern curve in the Houk Road alignment.*

*9. Need to add comment similar to Carson Farms indicating that 2/3s of all SF homes will have at least partial Natural Fronts.*

*10. Face of the Plan should indicate that development will include the addition of turn lanes and traffic signalization at developers expense at Houk and US 36.*

*11. The approval be subject to the commercial conditions and information submitted in the project or revision the Planning Commission desires.*

*12. Approval should include those drawings more recently completed showing the cross section and landscape proposals on Houk Road.*

Gunderman covered each of the twelve concerns stated in the staff report and discussed the issues of the applicant and the members of the Planning Commission.

Members expressed their concern with the density in item #1 and Dan Horne, Medrock/Medco Group, said he has an issue with the method used to calculate the density. Horne said he believes that, since the Planning Commission required an excessive amount of right-of-way for Houk Road, the right-of-way should be included in the total acreage for density calculation. Long said the density is just one of many different measuring sticks to determine the quality of the project and the Planning Commission may be overemphasizing the density and should focus on the other items that would benefit this project and balance out the fact that the density is higher than desired by the Planning Commission. Horne said he is providing 56 acres of open space in parkland and 35 acres of total right-of-way for the project. He said the densities on the plan are at their maximum, so what is proposed may actually be higher than what will be built and Long said he wants assurance that the densities will not go over what is

proposed. Horne reviewed the different densities proposed for each set of multi-family sections and what type of housing is proposed in each development.

Horne said he is in agreement with items #2 and #3 on the staff report as written.

Perry Morgan, Traffic Department Project Manager with R.D. Zande said the concern with item #4 is if the site is developed retail, there would only be one way in and out of the site and the right in right out movement would not change the capacity on US 36 if it is designed properly. Thompson asked and Morgan responded that the right in right out movement could be excluded from the preliminary plan and addressed in the final plan and members were in agreement with this arrangement. Gunderman asked and Jeff Baker, Project Manager with R.D. Zande responded that they were not proposing vehicular access from the residential areas to the commercial/retail area, but possibly only a pedestrian walkway.

Gunderman addressed item #5 on the staff report and Horne said he does not want the connection between the multi-family and single family residential areas because he believes them to be separate neighborhoods and markets with very different types of people and housing. Gunderman said cul-de-sacs cause difficulties to the city when services are to be performed on these types of streets and Halter said the city is trying to get back into the grid system and have one big neighborhood instead of a variety of separate neighborhoods. Horne said he would rather make this section a condominium project and make the cul-de-sac private before making the connection. The Planning Commission concluded that the connection should not be required and the cul-de-sacs should remain on the plan.

Gunderman said item #6 requires that 55% of the houses in each development be 1800 square feet or larger and the plan has dropped to require only 40% of these homes. Horne said he is trying to conform to the Carson project and Baker said they are swapping land with the Carson property to create a continuation throughout the two projects. Horne said he would get 55% 1800 square foot or larger.

Horne said he is in agreement with item #7.

Gunderman mentioned item #8 and Horne said he is concerned about providing the stub because it would open this project to industrial traffic. Long said he does not feel the stub is necessary at this time and shown on the preliminary for now, but believes that it should be addressed in the final plan

Gunderman reviewed item #9 and Baker said simpler is better when it comes to fronts and should be all one type of material. Horne said he would work with his plan and find an arrangement that would get what the Planning Commission wants with respect to type and design integrity of the houses. Hoffman expressed his concern about cost to the developer to guarantee the 2/3 natural fronts and said it should be up to the consumer on what they want their house to look like. Thompson said there needs to be a combination between all three projects to get a good mix of houses. Hoffman was concerned that the

type of issue is micromanaging these projects. Morrison asked and Gunderman responded that 55% of the houses are to 1800 square feet or larger if they are two-story and the wording in the staff report should be amended to read as such. Horne agreed to work with the developers of the Lehner and Carson projects to come up with a solution to this issue so that there is a good mix of fronts across all three projects.

Horne said he agrees with all of item #10 with the exception of total responsibility to developer for the traffic signal at Houk Road and US 36 because other developments along US 36 would benefit from it also. Members agreed that the signal is needed, but should only require partial responsibility of the developer and possibly partial payment by the Lehner and Carson developers. Members and the developer pondered several possibilities and realized that more information needs to be provided about the necessity of the traffic light utilization by each development before decisions on payment responsibility can be made and concluded that this item be dealt with before City Council.

Horne agreed to items #11 and #12 as written.

**Motion:** Long/Hoffman moved to approve Application PC 99-24 for the rezoning of the Willow Brook Tract from A-1, Agricultural District to Planned Unit Development (6 in favor, 0 opposed) MOTION PASSED.

**Motion:** Long/Hoffman moved to approve Application PC 99-25 for the Preliminary Development Plan and Planned Unit Development subject to the twelve items listed on the staff report as written with the following amendments: (a) that item #1 be amended so that the first two sentences be deleted and the densities are to not be greater than indicated on the Preliminary Plat, (b) item #5 not be required at all, (c) item #6 be amended to be 55% 1800 square feet only if they are 2-story elevations, (d) item #8 not be required in the preliminary plan, but addressed in the final plan, (e) item #9 not required, but the developer will be required to develop a quality development appearance concept with the Lehner and Carson property developers for the final development plan and is to be approved by the Planning Commission, (f) item #10 not required for the Preliminary Plan, except that the developer bear costs of the turn lanes, and the traffic signal costs are to be worked out at City Council, and (g) remaining items to be required as they are written (6 in favor, 0 opposed) MOTION PASSED.

**Consideration of Application PC99-22** – A request by David R. and Ethel L. Lehner for the approval of a Rezoning from A-1 (Agricultural District) to Planned Unit Development for the 139± acres located on the south side of US 36, across from Grand Circuit Blvd.

**Consideration of Application PC99-34** – A request by Dominion Homes, representing David R. and Ethel L. Lehner, for the approval of a

# DELAWARE PLANNING COMMISSION

## Medrock PUD Rezoning and Preliminary Development Plan

CASE NUMBER: PC 99-24 and PC 99-25 MEETING DATE: July 28, 1999

APPLICANT: Medrock LLC and Medco Group, an Ohio Partnership

LOCATION: Willow Brook Farm tract See previous reports

REQUEST: Applicants have filed two applications with the city. The first is a rezoning from the current A-1, Agricultural District to Planned Unit Development for the entirety of the site.

The applicants have also simultaneously filed a preliminary development plan for the Planned Unit Development, The entire tract under consideration is approximately 281.978 acres. This area stretches from US 36 on the north to the abandoned railroad line north of Pittsburgh Drive on the south. The Carson Farm property on the east and the Lehner proposal on the west generally border the project.

Some of the issues in last month's report have been resolved. The developer has left some of the issues unchanged that were discussed at last months Planning Commission meeting. Planning Commission should consider if direct access should be permitted to Houk Road for Multi Family areas that have access to a local street as is currently shown on the plan. Staff other concerns and recommendations for approval are as follows:

1. Make the number and acreage proposed for the Multi Family sites clear. Staff would suggest that if the Planning Commission is comfortable with detail of description for the Multi Family Site, as it appears they were at last months meeting, then the basic densities should be set for the actual areas not including Right of Way at not greater than 8 dwelling units per acre. Staff would make the project otherwise conditioned on the other written explanations made with the application.
2. The development Plan should contain a note that the Right of Way and paving requirements may be expanded for Houk Road in the area of the Retail Commercial at the time of a final development plan for this area. The plan should show the pavement of 40 feet on Houk and 36 feet on Cobblestone and Boulder and those Rights of Way should be mark as 100 feet on Houk and 60 feet on the other two. Right of Way on US 36 to be determined at the time of Final Plan review.
3. The plan needs to clearly show a Bike Path across the US 36 ROW as well the other proposed locations.
4. Need to eliminate the access to US 36 for the Commercial west of the Houk intersection and state that the access point east of the Houk Road intersection will be considered when final development plans for the area are reviewed.
5. Show a connection between the Cul-de-sac at the north end of the project and the and the single family loop street just south of the area.
6. Need face of the development Plan to indicate housing size information and ID the lots. The total number of lots with 2 story elevations of 1800 square feet and above needs to be revised to at least 55% of the total area.
7. Bike path on Boulder should now come as far as the Single Family Street cul-de-sac on south side of Boulder.
8. Need to show a R-O-W for the street going SW from the southern curve in the Houk Road alignment.
9. Need to add comment similar to Carson Farms indicating that 2/3s of all SF homes will have at least partial Natural Fronts.
10. Face of the Plan should indicate that development will include the addition of turn lanes and traffic signalization at developers expense at Houk and US 36.
11. The approval be subject to the commercial conditions and information submitted in the project or revision the Planning Commission desires.
12. Approval should include those drawings more recently completed showing the cross section and landscape proposals on Houk Road.

# CITY OF DELAWARE, OHIO
# PLANNING AND COMMUNITY DEVELOPMENT
(740) 368-1650

## APPLICATION FOR ZONING CHANGE

PC 99-24

I/WE MEDROCK LLC & MEDCO GROUP, AN OH. PARTNERSHIP BEING OWNERS/LESSEES OF

7464 (No.) BADENOCH DR. (Street) DUBLIN, (City) OHIO (State) 43017

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

~~LOT/LOTS~~ +/- 281.978 ACRES

LOCATED AT SOUTH OF US ROUTE 36 W (FORMER WILLOWBROOK FARM TRACT)

FROM A-1 (Present Zoning) TO PUD (Proposed Zoning) CLASSIFICATION.

IN THE SPACE PROVIDED BELOW, GIVE A DETAILED ACCOUNT OF THE INTENDED US OF LOT/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:

REZONE ACREAGE TO MIXED-USE PUD. FOR DEVELOPMENT. PROPOSED USES TO INCLUDE: +/- 37.1 ACS - COMMERCIAL; +/- 22.14 ACS. - LIGHT INDUSTRIAL; +/- 106.31 ACS - SINGLE FAMILY RESIDENTIAL; +/- 79.2 ACS - MULTI-FAMILY RESIDENTIAL; +/- 6.07 ACS. - TWO-FAMILY RESIDENTIAL; 49.74 ACS. PARK & OPEN SPACE.

I/WE DANIEL B. HORNE OF MEDROCK LLC & MEDCO GROUP BEING OWNERS/LESSEES OF 7464 BADENOCH DR. DUBLIN, OH. 43017

DO HEREBY VERIFY THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION.

Witness

Witness

Owners/Lessee Signature

7464 BADENOCH DR.
Mailing Address

DUBLIN, OH 43017

(614) 792-3760
Phone

OVER

Revised 1/99

Sworn to before me and subscribed in my presence this 23rd day of April 1999.

Catherine R Saporito
Notary Public

CATHERINE R SAPORITO
Notary Public, State of Ohio
My Commission Expires March 18, 2003

| LIST OF PROPERTY OWNERS WITHIN 150 FT. | ADDRESS |
|---|---|
| <SEE ATTACHED LIST> | |

Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the City of Delaware 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 hearings and shall be payable in the following manner:

Planned Unit Development, 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 23rd April 1999 DAY OF 23 April 1999.

FEE: $ 7,200 RECEIVED BY:

Revised 1/99