ORDINANCE NO. 01-141

AN ORDINANCE ACCEPTING THE AMENDMENT OF SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING THE 139± ACRES THAT WOULD COMPRISE THE PROPOSED LEHNER WOODS DEVELOPMENT TO BE LOCATED ON THE SOUTH SIDE OF US 36, JUST WEST OF HOUK ROAD AND ACROSS FROM THE NEW SPRINGER WOODS SUBDIVISION, FROM R-2, ONE-FAMILY RESIDENTIAL DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD) AND R-6, MULTI-FAMILY RESIDENTIAL DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD) TO R-3, ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DISTRICT (PRD) OVERLAY.

WHEREAS, the City Planning Commission, at its meeting of October 24, 2001, recommended the approval of the rezoning for the 139± acres that would comprise the Lehner Woods development to be located on the south side of US 36, just west of Houk Road and across from the new Springer Woods Subdivision, from R-2 PUD (Single-Family Residential District and Planned Unit Development) and R-6 PUD (Multi-Family Residential District and Planned Unit Development) to R-3 (Single-Family Residential District) with a Planned Residential District (PRD) Overlay (PC 01-077), 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, namely by rezoning the 139± acres that would comprise the Lehner Woods development to be located on the south side of US 36, just west of Houk Road and across from the new Springer Woods Subdivision, from R-2 PUD (Single-Family Residential District and Planned Unit Development) and R-6 PUD (Multi-Family Residential District and Planned Unit Development) to R-3 (Single-Family Residential District) with Planned Residential District (PRD) Overlay, 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 6 NAYS 0
ABSTAIN ____

PASSED: November 26, 2001 YEAS 6 NAYS 0
ABSTAIN ____

ATTEST: Robyn Mackin
CITY CLERK

Tommy L. Thompson
MAYOR

Motion: Godsil/Long moved to approve PC 01-080, with the conditions that the a letter of agency be in place from the City Manager's Office and resolving the issues of the Airport Manager (7 in favor, 0 opposed) MOTION PASSED.
Motion: Long/Hall moved to approve PC 99-40, with the conditions that the a letter of agency be in place from the City Manager's Office and resolving the issues of the Airport Manager (7 in favor, 0 opposed) MOTION PASSED.

Application PC 01-013 – A request by the City of Delaware to amend the Transportation Plan portion of the Comprehensive Plan by adoption of a new Transportation Plan Map as an amendment to the current Land Use and Major Facilities Plan Map.

PC 01-013 TRANSPORTATION PLAN MAP AMENDMENT

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

APPROVED

BACKGROUND: In July, the Planning Commission recommended approval of 2 maps ("Delaware Thoroughfare Plan Functional Classification of Roadways-City of Delaware Region") to update the Thoroughfare Plan map ("Land Use and Major Facilities Plan"), with the clarification revision that the Braumiller Road Minor Arterial needed to be shown as connecting with the relocated Cheshire Road Major Arterial.

While the City Council was acting upon the adoption of the 2 Maps, the Delaware County Regional Planning Commission was holding a series of additional Public Hearings, primarily because of the intense interest in Alternative 1 – the US 23-US 42 Connector (aka the Delaware City South By-Pass).

STAFF REVIEW: At its September 27, 2001 Meeting, the Delaware County RPC acted to approve the County versions of the 2 maps that were approved by the Transportation Thoroughfare Task Force and the Planning Commission, earlier ... with the modification that the portion of Alternative 1 that goes from Section Line Road west to US 42 be deleted to discourage cut-through traffic (see enclosed maps).

City Council has asked that the Planning Commission review and act upon this modification.

STAFF RECOMMENDATION: Staff recommends adoption of the amended revised Transportation Plan Maps "Delaware Thoroughfare Plan Functional Classification of Roadways-City of Delaware Region" plus "Delaware Thoroughfare Plan 2020 City Road Network Alternatives-City of Delaware Region " as amendments to the "Comprehensive Plan for the City of Delaware, Ohio".

Morrison stated that she was unclear on the language text used by Mr. Bauserman used regarding the Cheshire Road connection that this could not be considered until #16 is built and Jennings replied that they are not considering text issues at this time but #16 is a high priority project is how they will recommendation to Council.

Godsil stated that #1 should be called a cross county connector instead. Long stated they he voted against this plan the first time because he does not like the idea of crossing the Olentangy anywhere. Godsil stated that we have to start planning for the future traffic in the right way and get working on them.

Hanks asked what was Delaware County's thought on road #16. John Main, 100 Wagner Way, Delaware County Trustee, stated there is no good place to cross the Olentangy, but this is the least path to follow to uproot people.

Motion: Godsil/VanGundy moved to approve PC 01-13 as presented (5 in favor, 1 opposed - Long) MOTION PASSED.

Application PC 01-077 – A request by Dominion Homes for approval of a Rezoning from PUD (Planned Unit Development) to R-3 (Single-Family Residential District), with a Planned Residential District (PRD) Overlay for the 139-acre Lehner Woods development on the south side of US 36W, just west of Houk Road and across from the new Springer Woods Subdivision.

PC 01-077 AND PC01-078

LEHNER WOODS REZONING AND CONDO'S

Application PC 01-078 - A request by Dominion Homes for approval of a Preliminary Development Plan for the construction of 220 clustered single-family condominiums plus 228 single-family homes for the 139-acre Lehner Woods development on the south side of US 36W, just west of Houk Road

US 36/HOUK RI

APPROVED

and across from the new Springer Woods Subdivision.

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

PC01-077

BACKGROUND: The Developer proposes to amend the previously approved Lehner Woods development (PC 99-22 and PC 99-34). The revisions are primarily intended to change the former Multi-Family area to single-family condominiums, although there are some minor changes to the conventional single-family areas.

There would be 448 total units ... 220 clustered single-family condominiums (5.65 du/ac = 39± acres) and 228 single-family homes (with a 7,200-square foot minimum lot size) on 68± acres (3.35 du/ac). The 15±-acre school site is included in the project acreage, as is the 17±-acre park site. Including the park and school lands, the overall density is 3.22 du/ac.

The original PUD provided for 329 single-family homes and 150 apartments or 479 dwelling units total, a gross density of 3.45 du/ac.

STAFF REVIEW: Staff considers this to be a fairly straightforward project with few major problems. Staff concerns are listed below in regular type-style. ***The current status of those issues is shown in bold.***

Staff believes that a high-quality, niche housing development, such as is proposed, could be a valuable addition to the overall housing market. However, the proposed R-3 PRD zoning is potentially much denser (maximum density of 4.2 du/ac) than the previous R-2 PUD approval (3.45 du/ac). Staff would suggest that the R-2 PRD zoning (3.1 du/ac) is much closer to that previous approval. ***The Applicant needs to amend the rezoning request to the R-2 (Single-Family Residential District) to more closely reflect the previous proposal.***

Because the R-2 PRD allows only 3.1 du/ac, this site could have only 437 residences, 11 fewer than proposed and 42 less than originally approved. If the Planning Commission and Council agree that the spirit of the R-2 PRD would be met by having all lots be 65 feet or larger (nearly 10% wider than the R-3 60-foot minimum), only as many as 4 more lots would have to be reallocated. The remaining 444 residences would represent a density of 3.19 du/ac, virtually the same as the 3.1 maximum. ***If the Planning Commission agrees that the R-2 PRD is preferable, the PC needs to agree that having all 65-foot and wider lots and 444 dwellings is essentially equivalent to the R-2 PRD requirements.***

STAFF RECOMMENDATION: Staff recommends rezoning the site to R-2 with a PRD Overlay.

PC01-078

BACKGROUND: The Developer proposes to replace the previously-approved Lehner Woods Development Plan PUD (PC 99-22 and PC 99-34) with a mix of single-family lots and a neo-traditional condominium project. The revisions primarily change the former Multi-Family area to single-family condominiums, although there are some minor changes to the conventional single-family areas.

There would be 448 total units ... 220 clustered single-family condominiums (5.65 du/ac = 39± acres) and 228 single-family homes (with a 7,200-square foot minimum lot size) on 68± acres (3.35 du/ac). The 15±-acre school site is included in the project acreage, as is the 17±-acre park site. Including the park and school lands, the overall density is 3.22 du/ac.

The original PUD provided for 329 single-family homes and 150 apartments or 479 dwelling units total, a gross density of 3.45 du/ac.

25% of the house sizes would be 1,200-1,400 square feet or larger, one-half would be 1,400 square feet or larger, and 25% of the homes would be at least 2,000 square feet. Two-thirds would have partial natural fronts.

Parking would include two off-street parking spaces per dwelling minimum enclosed in a two-car garage for the single-family areas and a minimum of three spaces per unit (with at least one enclosed space) for the condominiums. An expansive entry feature is proposed along US 36.

STAFF REVIEW: Staff considers this to be a fairly straightforward project with few major problems. The Applicant has resolved the majority of the issues from the earlier Staff Report. Staff concerns are listed below in regular type-style. ***The current status of those issues is shown in bold.***

ROADS: While Code calls for a minimum 28-foot pavement width, that either requires unwarranted and unpopular NO PARKING or difficulties in providing City services. Last week, the Directors of Engineering, Planning, and Public Works studied the issue and have determined that new City streets need to be a minimum of 32 feet (back-to-back of curb) in a 56-foot right-of-way so that on-street parking is allowed everywhere, while allowing City, emergency, and other large vehicles can maneuver with adequate safety. ***The Applicant needs to show the remaining public streets as 32 feet in a 56-foot r-o-w.***

PEDESTRIAN ACCESS: The ***Final Development Plan needs to show a sidewalk or bike path along the proposed southward extension of Grand Circuit Boulevard.***

STAFF RECOMMENDATION: Contingent upon any needed Engineering approvals and subject to meeting the above-listed Staff concerns, as well as those identified by the Planning Commission, Staff recommends approval of the Preliminary Development Plan.

Don Plank, 145 E. Rich Street, Columbus, Ohio, representing Dominion Homes, stated the original request was PUD zoning with apartments and single family homes, now we would like to do the single unit condo development so R-3 would better accommodate the project. The R-3 will allow 4.2 dwelling units per acre with 60-foot lot width and R-2 will allow 3.1 dwelling units per acre with 70-foot lot width. With the number of dwelling units proposed we are asking for the rezoning of R-3 so that there is no need in the future for variances. With the new proposal this does lessen the number of dwelling units by 31 then the initial approved development plan. Plank stated that they would comply with the bike-path plan. Plank also stated that currently the right-of-way is 28-foot pavement width and new code requires 32-foot pavement width on a 56-foot right-of-way and they would comply with the 32-feet pavement width with a 50-foot right-of-way with 3-foot easement on each side.

Long clarified that if approved with R-2 zoning they could potentially need variances in the future and with R-3 zoning they would be no need for variances and Plank replied yes this was their case.

Jeff Feltz, City Engineering, stated that he was not happy with the 3-foot easement because easements easily get lost of forgot about, and Plank replied that the easements would be listed on the final plat

Motion: Godsil/Hanks moved to approve application PC 01-077 with R-3 zoning (5 in favor, 1 opposed) MOTION PASSED.

Motion: Godsil/VanGundy moved to approve application PC 01-078 as presented (5 in favor, 1 opposed) MOTION PASSED.

PC 01-81, PC0 082, PC01-088

SHELBOURN FOREST APT REZONING, COND. USE AND PRELIMINAR DEV. PLAN

459 PINECRE DR.

TABLED

Application PC 01-081 – Application PC 01-081- A request by American Home Building Corporation for approval of a Rezoning from A-1 (Agricultural District to R-7 (Multiple-Family Residential District) with PMFD (Planned Multiple-Family District) Overlay for the 3.339-acre Shelbourne Forest Apartments development located on the west side of US 23N and south of Pinecrest Drive (1459 US 23N).

Application PC01-082 – Application PC 01-082 - A request by American Home Building Corporation for approval of a Conditional Use Permit for the proposed 36-unit Shelbourne Forest Apartments development located on the west side of US 23N and south of Pinecrest Drive (1459 US 23N).

Application PC01-088 - Application PC 01-088 - A request by American Home Building Corporation for approval of a Preliminary Development Plan for the proposed 36-unit Shelbourne Forest Apartments development located on the west side of US 23N and south of Pinecrest Drive (1459 US 23N).

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

Jennings stated that the property has not been annexed yet at this time, City Council will be acting on the annexation in at least two weeks. Staff feels that this is a legitimate reason to table this application as well as PC01-082 and PC01-088 since the applications all go hand and hand.

John Hopfinger, 5695 Avery Road, Northwest Capital Corporation, introduced the idea of condos instead of the apartments, and showed pictures of the trailer court that currently exists in the location now. Hopfinger stated that the condos would be more attractive and add more value to the homes than what currently sits on the site. Hopfinger stated the they would comply with the parking lot and landscaping requirements and would work with the City on the issues listed in the staff report.

Long asked why the density change. Godsil stated to rezone from A-1 to R-6 against R-1 homes would not be a good recommendation. Morrison questioned if the land is not annexed into the City if it would stay in the County and remain a trailer court, allowing condo's or apartments

DELAWARE PLANNING COMMISSION

Lehner Woods Resubmission

REZONING REVIEW

CASE NUMBER: PC 01-077 MEETING DATE: October 24, 2001

OWNER & APPLICANT:	Dominion Homes	Schmidt Land Design	Shuler, Plank & Brahm
	Robert Meyer	Gary Schmidt	Donald Plank
	5501 Frantz Road	3763 N. High Street	145 E. Rich Street
	Dublin, OH 43017	Columbus, OH 43214	Columbus, OH 43215

Changes from the October 10 Report are HIGHLIGHTED

REQUEST: Rezoning from R-2 PUD (Single-Family Residential District and Planned Unit Development) and R-6 PUD (Multi-family Residential District and Planned Unit Development) to R-3 (Single-Family Residential District) with a Planned Residential District (PRD) Overlay for the 139-acre Lehner Woods development on the south side of US 36, just west of Houk Road and across from the new Springer Woods Subdivision.

PROPERTY LOCATION & DESCRIPTION: The Lehner Woods development is located on the south side of US 36, just west of the Troy Farms Subdivision. This project is proposed to be zoned to R-3 (with a Planned Residential District Overlay) and is bounded by R-3 zoning to the north, a mix of R-3, R-6, and B-4 zoning to the east (Willowbrook Farms), and by Delaware Township's Farm Residential zoning on the west and south sides.

BACKGROUND: The Developer proposes to amend the previously approved Lehner Woods development (PC 99-22 and PC 99-34). The revisions are primarily intended to change the former Multi-Family area to single-family condominiums, although there are some minor changes to the conventional single-family areas.

There would be 448 total units ... 220 clustered single-family condominiums (5.65 du/ac = 39± acres) and 228 single-family homes (with a 7,200-square foot minimum lot size) on 68± acres (3.35 du/ac). The 15±-acre school site is included in the project acreage, as is the 17±-acre park site. Including the park and school lands, the overall density is 3.22 du/ac.

The original PUD provided for 329 single-family homes and 150 apartments or 479 dwelling units total, a gross density of 3.45 du/ac.

STAFF REVIEW: Staff considers this to be a fairly straightforward project with few major problems. Staff concerns are listed below in regular type-style. **The current status of those issues is shown in bold.**

Staff believes that a high-quality, niche housing development, such as is proposed, could be a valuable addition to the overall housing market. However, the proposed R-3 PRD zoning is potentially much denser (maximum density of 4.2 du/ac) than the previous R-2 PUD approval (3.45 du/ac). Staff would suggest that the R-2 PRD zoning (3.1 du/ac) is much closer to that previous approval. **The Applicant needs to amend the rezoning request to the R-2 (Single-Family Residential District) *to more closely reflect the previous proposal.***

Because the R-2 PRD allows only 3.1 du/ac, this site could have only 437 residences, 11 fewer than proposed and 42 less than originally approved. If the Planning Commission and Council agree that the spirit of the R-2 PRD would be met by having all lots be 65 feet or larger (nearly 10% wider than the R-3 60-foot minimum), only as many as 4 more lots would have to be reallocated. The remaining 444 residences would represent a density of 3.19 du/ac, virtually the same as the 3.1 maximum. **If the Planning Commission agrees that the R-2 PRD is preferable, the PC needs to agree that having all 65-foot and wider lots and 444 dwellings is *essentially equivalent* to the R-2 PRD requirements.**

STAFF RECOMMENDATION: Staff recommends rezoning the site to R-2 with a PRD Overlay.

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

APPLICATION FOR ZONING CHANGE

PC 01-077

I/WE Dominion Homes, Inc. BEING OWNERS/LESSEES OF

2304 US 36 West (No.) (Street) Delaware (City) Ohio (State)

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

LOT NUMBER(S) see legal description attached hereto FOR 139 ACRES

LOCATED AT State Route 36, Delaware, Ohio

FROM Planned Unit Development District (Present Zoning) TO Planned Unit District (Proposed Zoning) CLASSIFICATION.

NOTE: Please attach a legal description for each proposed zoning district and please detail if multiple zoning districts.

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 (You may use a separate sheet if necessary):

the property will be developed with single-family residential homes and single-family condominium homes with land reserved for parkland and a school site

Applicant Name: Dominion Homes, Inc. c/o Donald Plank, Shuler, Plank & Brahm

Applicant Address: 5501 Frantz Road Dublin, OH 43017 145 East Rich Street Columbus, OH 43215

Contact Person: Donald Plank Phone: (614) 228-4546

Owner Name: Dominion Homes, Inc.

Owner Address: 5501 Frantz Road, Dublin, OH 43017

Contact Person: Robert Meyer Phone: (614) 761-6196

RECEIVED AUG 17 2001

Revised 11/99

On the lines provided, please list all property owners that are within 150 feet of EACH property line for the property in question. Also, list the TAX MAILING ADDRESSES for each of these property owners so that they may be notified of this request. You may use a separate sheet if necessary.

PROPERTY OWNER	TAX MAILING ADDRESS
Exhibit A attached hereto	

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

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.

Donald Plank
Witness

Michael F. Ryan
Witness

Dominion Homes, Inc.

By: Robert A. Mayer Jr.
Owners/Lessee Signature

5501 Frantz Road, P.O. Box 7166
Mailing Address

Dublin, OH 43017

(614) 761-6196
Phone

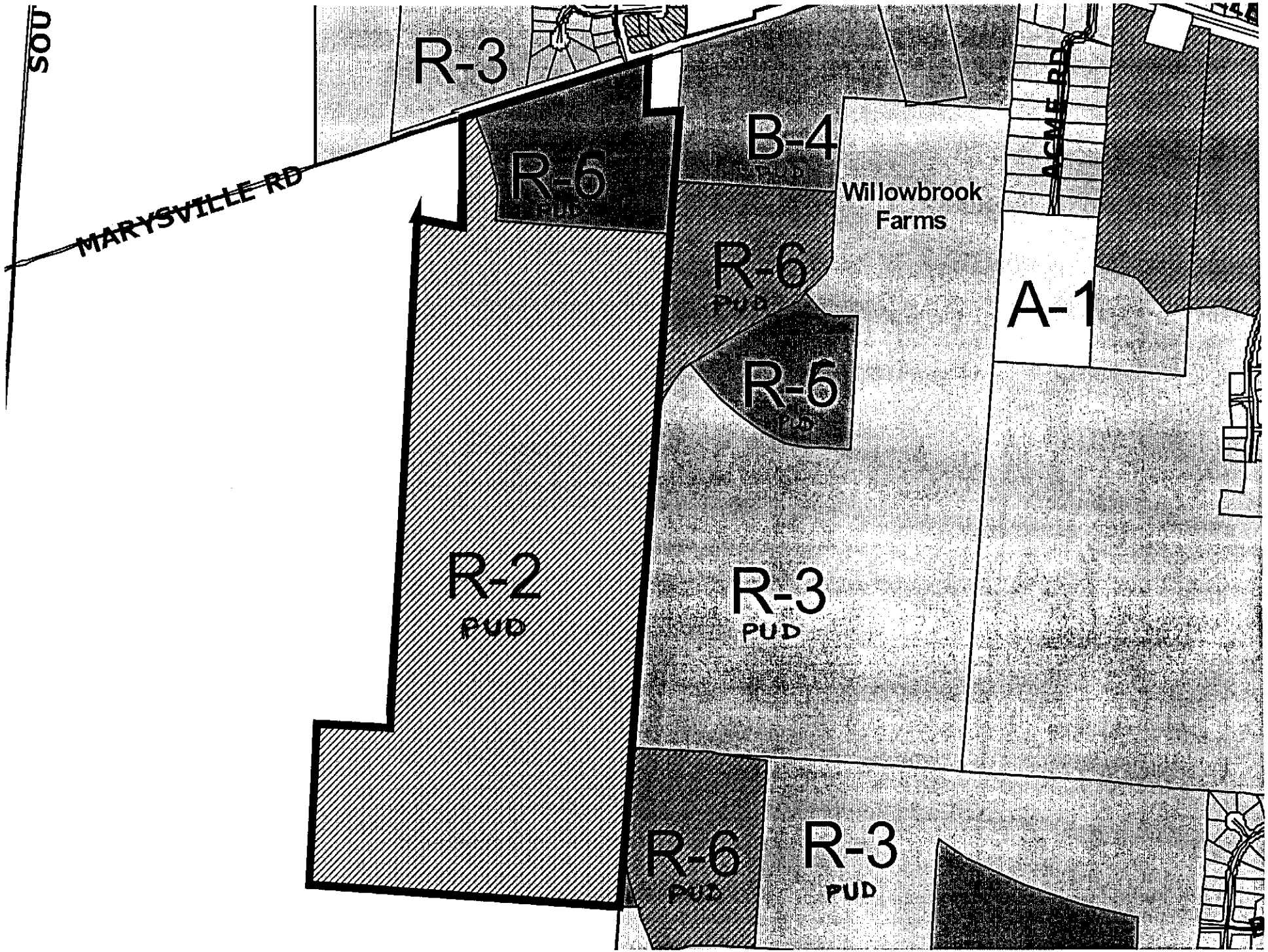
Sworn to before me and subscribed in my presence this 17th day of August, 2001.

Michael F. Ryan
Notary Public

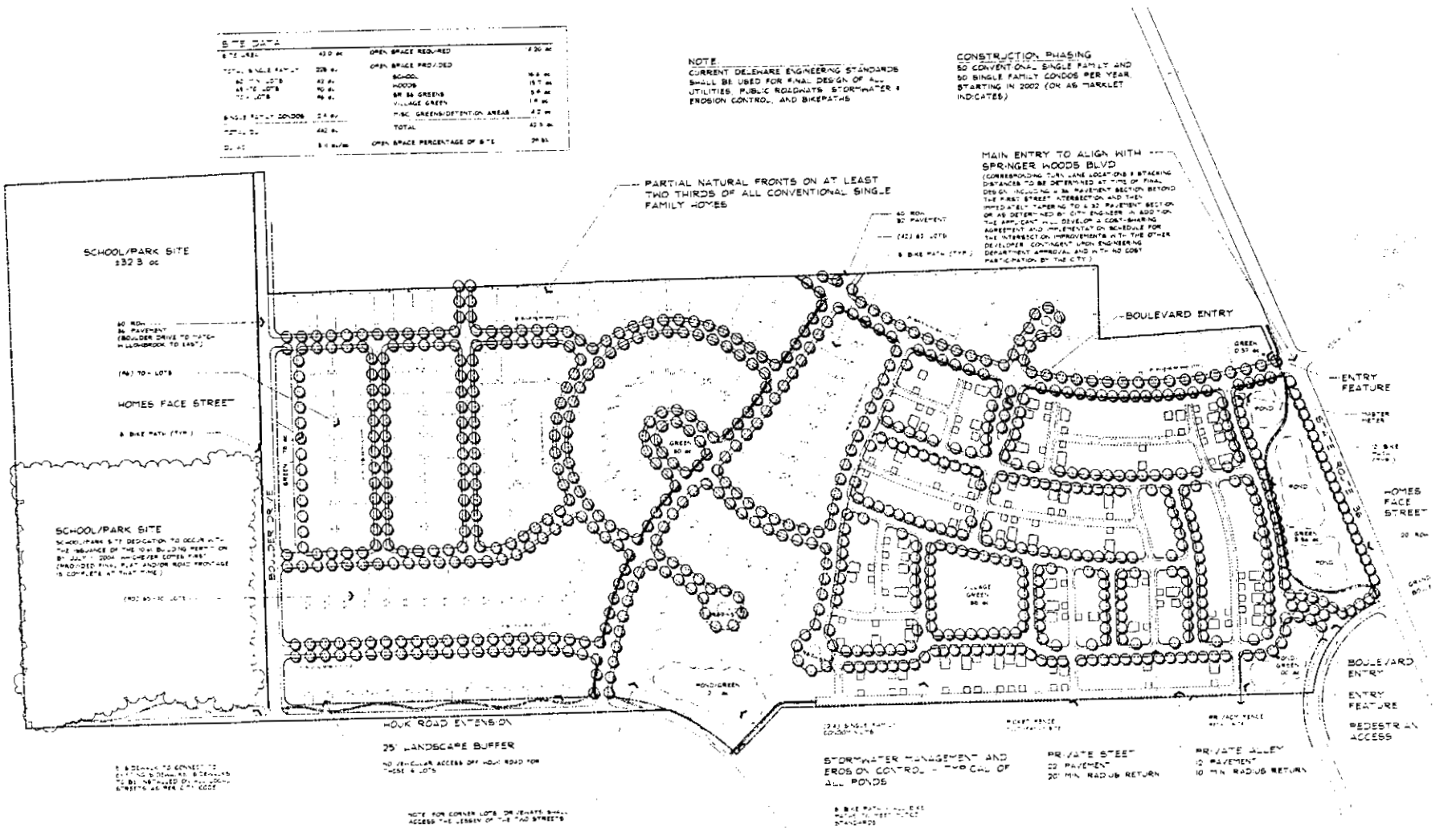
MICHAEL F. RYAN, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration date
SEC. 147.03 R.C.

FEE: $ 1125.00 RECEIVED BY: DMC DATE: 8-17-01

Revised 11/99 PD



EXISTING ZONING



Development Plan

LEHNER WOODS