PLANNED MIXED USE DEVELOPMENT TEXT
DEL-MOR DWELLINGS CORPORATION
CURTIS STREET AND FIRESTONE DRIVE PROJECT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Del-Mor Dwellings Corporation, which builds and manages high quality public financed apartments for low income residents with disabilities, is proposing to rezone the approximate 3.64 acre site at 250 Curtis Street on the north side of Firestone Drive from PO/I (Planned Office/Institutional District) to PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Development District) for a 40 unit apartment development which would require the razing of the existing house.



2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent of the developer to provide a planned multi-family development with high quality site improvements and architectural design. This Development Text represents the zoning requirements for this development.

B. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

C. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

D. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major change in the use or occupancy other than those uses specifically listed in this text.
(2) Major change in the approved location of land uses and/or buildings and building sizes of more than 10%.
(3) Substantial alteration of the basic geometry of the road layout and/or operation characteristics of any element of the approved access points and parking facilities that result in a change in operating characteristics or character.

E. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor change to the use or occupancy of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.
(3) Minor alteration of the basic geometry of the road layout and/or operation characteristics of any element of the approved access points and parking facilities that result in a change in operating characteristics or character.
(4) Minor structural alterations that do not alter the overall design intent of the building.

F. **Preliminary & Final Development Plan**

1. The proposed site plan and building elevations require Preliminary and Final Development Plan approval by the Planning Commission and City Council.

G. **Tree Removal and Replacement.** Tree removal and replacement shall meet all requirements of Chapter 1168 along with the following replacement schedule:

(1) Trees in poor condition shall not be replaced (dead, damaged or diseased).
(2) Trees in fair condition shall be replaced at 50%.
(3) Trees in good condition shall be replaced at 100%
(4) Ash trees shall not be replaced and must be removed from the site, except in the permanently preserved areas.
(5) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
(6) The tree survey documented 486 caliper inches of trees that would be permanently preserved in the tree preservation area along the western portion of the property but the owner at this point could not determine which trees would be removed in the construction of the apartment development.
(7) The schedule above shall be applied to the proposed Final Development Plan and tree survey for preservation and removal of trees. This shall be done prior to or concurrent with the Final Development Plan submission. Trees proposed to be permanently preserved shall be given credit based upon their caliper inches per the tree survey and the schedule above calculated against the total caliper inches proposed to be removed (again in accordance with the schedule above and the tree survey). If there still remains a balance of caliper inches due, the developer shall replant this on site in addition to any required or proposed trees, shall make a payment in lieu of replanting these trees at $100 per caliper inch, or any such combination that achieves a zero balance.

3. SITE PLAN

The project is located on the north side of Firestone Drive on a 3.64 acre parcel at 250 Curtis Street. The existing house and detached garage at 250 Curtis Street would be razed while a one story eight unit building (main building) and four two-story, eight unit buildings would be constructed on the site which would total 40 single bedroom apartment units. The site would have two curb cuts from Firestone Drive that extends and loops into a 48 space parking lot. The looped internal road network would be private but would have to be constructed to public standards. The one story building (main building) would contain eight units that would encompass 450 square feet each and would have approximately 3,000 square feet of space allocated to social and recreational use by residents, kitchen/community dining area, on-site office space for property management staff and space designated for service providing agencies delivering on site wellness, educational and support services to the residents. The two buildings just east and west of the main building along Curtis Street and Firestone Drive respectively would be two stories in height and contain eight apartment units that would encompass 650 square feet each. A retention basin would be located along Firestone Drive in front of the main building while a tree preserve would be located just west of the two-two-story buildings along the western property line.

4. SITE USES

A. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Uses**
(a) Residential	
(1) Single-Family Dwelling	P
(2) Multi-Family – Del-Mor Dwellings Corporation owned and actively managed development for low and moderate income affordable units for tenants with disabilities (not to exceed 40 dwelling units)	L
(b) Office Professional Services	
(1) Offices – Administrative, Business and Professional	P
(2) Medical/Dental Offices health and allied services	P
(3) Research and development facilities within entirely enclosed buildings	P

Land Use Category	Uses
(c) Community Facilities	
(1) Day Care Center – child/adult	C
(2) Library	P
(3) Public Safety and Service Facility	C
(d) Recreation	
(1) Public parks and playgrounds	C

L – Limited Use Requirements:

(1) Multi-Family – Del-Mor Dwellings Corporation owned and actively managed development for low and moderate income affordable units for tenants with disabilities (not to exceed 40 dwelling units) is permitted as may be allowed herein and per Development Plan approvals. However, should Del-Mor Dwellings Corporation fail to secure their requested Ohio Housing Finance Agency (OHFA) grant for this proposed project or should Del-Mor Dwellings ever sell the property or fail to be the management authority for the property in the future, this use shall immediately revert to the currently Conditionally Permitted Multi-Family Use in the underlying PO/I District and would require authorization to establish such use (either continuance or new) under the rules and regulations for Conditional Use Permits and Development Plans in effect at the time of application.

(5) **Prohibited Uses**.

i) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.

ii) **Wireless telecommunication facilities including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development site or immediately adjacent to the site. Small cell sites, DAS, antennas, and/or amplifiers may be permitted so long as they are completely camouflaged so as to be not visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

iii) **Outdoor Storage:** No outdoor storage is permitted on the site which includes open dumps, mineral extraction, etc.

iv) **Medical Marijuana**: No medical marijuana principal or accessory uses are permitted on the subject site.

v) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster's, Magic Mountain, and Chuck E. Cheese

B. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	Per approved FDP
(2) Minimum lot width and frontage	Per approved FDP
(3) Maximum building coverage	Per approved FDP
(4) Maximum lot coverage	Per approved FDP

C. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from Firestone Drive and Curtis Street	25 ft.
(2) Setback from private street/parking lot	10 ft.
(3) Setback from adjacent property line (perimeter setback) a. Adjacent to residentially zoned property to the west b. Adjacent to multi-family zoned property to the north	 150 ft. 25 ft.

D. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from Firestone Drive and Curtis Street	25 ft.
(2) Setback from adjacent property line a. Adjacent to residentially zoned property to the west b. Adjacent to multi-family zoned property to the north	 150 ft. 10 ft.

E. **Maximum Building Height.** The maximum height of any building or structure shall be 38 feet and a maximum of two stories in height except for architectural details such as towers, spires or roof cupulas.

F. **Building Design.** The intent of this regulation is to create a cohesive and unified design throughout the entire development, each building (single and two story buildings) shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process that is not dissimilar from the preliminary architectural renderings and that achieves compliance with the following requirements:

(1) Architectural Elements
   A. Similar architectural design elements and details shall be consistent throughout all elevations of the primary structure.
   B. Windows, doors and/or other details must be present on all four sides of the structure in a manner that is consistent but secondary to the treatment used on the front elevation of the primary structure.
   C. Side elevations shall have a minimum wrap of 2 feet of materials used on the front elevations of the building corners. No brick or stone shall be required on the rear elevation (this elevation shall not be visible to the public) of any buildings.

(2) Exterior Building Materials
   A. Brick
   B. Cultured Stone
   C. Cementitious siding (hardie plank)
   D. Vinyl shakes in gables and accent area only
   E. Horizontal or vertical siding shall be permitted as a finish material however no vinyl siding (except item D) shall be permitted.
   F. Vinyl or metal window or wood windows
   G. Vinyl or plastic detail pieces (i.e. brackets, dentil blocks, etc.)
   H. Other materials used as minor accents with administrative approval of Planning and Community Development Director
   I. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
   J. Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.

(3) Roof Structures/Materials
   A. Gable, hip shed roof structures or combination thereof is permitted
   B. All structures shall have a primary roof structure having a 6-1/2 minimum pitch
   C. Secondary roof structures shall have a 3-1/2 minimum pitch

D. Eave overhangs shall be a minimum of 12 inches and rake shall be a minimum 6 inches
E. Minimum 30 year, 3 tab roof shingles
F. Standing seam accent roof (minimal use)
G. Dormers (active and inactive)
H. Shingle colors shall be from the color range of natural materials; such as but not limited to wood shakes, slate, etc.

(4) Exterior Colors
A. Siding Colors – applicant shall supply color pallet to be used for review with Final Development Plan
1. Natural earth tones and/or warm neutral colors including white
2. High chroma colors are not permitted
B. Trim Colors - applicant shall supply color pallet to be used for review with Final Development Plan
1. Natural earth tones and/or warm neutral colors including white
2. Complementary or contrasting to siding color
3. High-chroma colors are not permitted





G. **Parking.** The amount of parking shall be as approved on the Final Development Plan and not inconsistent with the Preliminary Development Plan.

(1) The zoning code requires two spaces per unit while the applicant is providing 48 parking spaces which equal 1.0 space per unit. .

(2) The applicant is proposing a 50% reduction based on the current 39% percent of car ownership of existing Del-Mor Dwelling Corporation tenants per a survey the applicant recently completed. Given the subject tenants have a very low car ownership rate, the parking ratio would likely remain at current levels of 39%. Therefore, the proposed 48 parking spaces should be more than enough for the subject development.

(3) Designated on the site is space reserved for additional parking construction in the future should the City allow the use and occupancy of the property to be altered following the required 30 year affordability period (tax credit affordability compliance by the state and federal funding sources) or in the event the proposed constructed spaces prove to be inadequate (approximately 25 spaces which would yield 73 total spaces which would be a 8.75 reduction of the required 80 parking spaces which is within the threshold of a 30% reduction permitted per code with Planning and Zoning Commission approval).

H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan.

(1) Street trees shall be required along Firestone Drive and Curtis Street per the zoning code.

(2) Front yard trees shall be required along Firestone Drive and Curtis Street per the zoning code.

(3) Building foundation landscaping shall be required per the zoning code.

(4) The applicant is maintaining a minimum 150 foot setback to the west property line while encumbering the existing trees in this area in a permanent preservation easement.

(5) The existing tree line along the northern property line shall be preserved as much as possible.

A. Additional trees and shrubs shall be installed to supplement screening along northern property line.

I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current zoning and building code

k. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165 Signs of the zoning code and adopted Gateways and Corridor Plan and shall be provided as part of the Final Development Plan.

l. **Roads.** The private roads shall be constructed to public standards within the development as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan. In addition, a monetary

contribution of $40,000 toward the Curtis Street/Firestone Drive intersection improvements shall be required per the City Engineer.

m**. Pedestrian/Bike Path**. Firestone Drive currently has a sidewalk which is designated as a bike path per the adopted Bicycle and Pedestrian Master Plan 2027. There is currently a sidewalk along Curtis Street which would be maintained..

n. **Utilities.** All new utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan.

ORDINANCE NO. 18-11

AN ORDINANCE FOR DEL-MOR DWELLING CORPORATION FOR APPROVAL OF A REZONING AMENDMENT TO ALLOW A PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 250 CURTIS STREET ON THE NORTH SIDE OF FIRESTONE DRIVE ON APPROXIMATELY 3.64 ACRES ON PROPERTY ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT) FOR AN ACTIVELY OWNED AND MANAGED 40 DWELLING UNIT LOW AND MODERATE INCOME AFFORDABLE HOUSING DEVELOPMENT.

WHEREAS, the Planning Commission at its meeting of February 7, 2018 recommended approval of a Rezoning Amendment to allow a PMU (Planned Mixed Use Overlay District) at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for an actively owned and managed 40 dwelling unit low and moderate income affordable housing development (2017-3115).

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

SECTION 1. That the Rezoning Amendment to allow a PMU (Planned Mixed Use Overlay District) at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for an actively owned and managed 40 dwelling unit low and moderate income affordable housing development, is hereby confirmed, approved, and accepted with the following condition that:

1. Any new structure(s) or any change of land use shall require conformance to all provisions of the Development Text and any conditions of approval.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

PASSED: March 12, 2018 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Elaine Meeske
CITY CLERK

Carol Kay Rego
MAYOR

EST 1808

CITY OF DELAWARE OHIO

MEMORANDUM

TO: Planning Commission
FROM: David M. Efland, AICP DE
DATE: 01/31/2018
RE: Del-Mor Dwellings Cases

Commissioners. I wanted to offer the following update given the information you have received at your last meeting and work session, through public comment, and the applicant presentation.

1. **Proposal Update:** The applicant has revised the proposal based upon the input of citizens and questions raised by the Planning Commission during the hearing processes to date. In summary, the revised proposal would remove building 'C' (the middle building on the west side of the property) in favor of adding some green space and outside patio area for residents. The proposal would be developed in a single phase, as opposed to the originally proposed two phases, as a result. This would yield a gross density of 10.98 dwelling units per acre, a 17% reduction from the originally proposed 13.18 dwelling units per acre.
2. **Zoning History:** A specific question of the zoning history of the site came up at your work session of January 29, 2018. To that I offer the following;
    a. The site in question was zoned from R-3 Single Family Residential District to PO/I (Planned Office / Institutional) in the year 2000 via Ordinance 00-70. Accompanying this request were requests for Conditional Use Permit and Preliminary Development Plan. Subsequently, a Final Development Plan was approved. In summary, the zone change, CUP, and development plans were in support of almost a 10,000 sq. ft. AmVets Post 102 project which included a meeting hall and facilities for its stated 200 members and employees. The standard club operating hours were to be 10AM until 11 PM Monday through Saturday and 10 AM to 8 PM Sunday.
    b. The approved site plan included the nearly 10,000 square foot facility, approximately 53 parking spaces, and clustered the development more toward the western portion of the site but before the existing tree line.
    c. At the time of rezoning, the Hidden Ridge Apartments were already zoned and the first phase was developed to the north as it sits today.
    d. At the time of rezoning, the site to the south was zoned R-3 Single Family Residential District and occupied by the Salvation Army, a church, and a

single family home along Curtis Street.

e. At the time of rezoning the area to the west including what is Curtis Farms Subdivision today was zoned A-1 agricultural and included just a few pre-existing single family homes immediately to the west of the current project site.

f. According to records, Curtis Farms Subdivision was itself considered at the time an in-fill development and was rezoned from A-1 Agricultural to R-4 Medium Density Single Family Residential on June 23, 2003 amid some controversy according to records as there were lower density subdivisions located to the west (Sunnyview Farms dating to the mid to late 1990's) and slightly higher density though zoned R-3 to the north (Delaware Meadows dating to the 1970's). The higher density R-4 Zoning as opposed to R-3 Zoning was thought to be warranted, in part, to allow enough units to justify the expense and complication of connecting what is today Firestone Dr. and to provide a logical land use and density transition between the two existing subdivisions.

Additional Information and Guidance:

3. I would advise that the extent of determination and decision making authority in these cases goes to the reasonableness of the rezoning request and Comprehensive Plan amendment as well as, and most principally in these cases, the Conditional Use decision criteria for the Conditional Use Permit and decision criteria for the Preliminary Development Plan. These criteria are attached as a reference to use in making a decision in these cases. I would highly recommend that to the extent you make formal findings of fact or conclusions, you ground those including any discussions within these criteria on the record and cite specifics. This could include, but is not limited to, the sometimes competing goals, objectives, and strategies contained within our Comprehensive Plan and why, on balance and after a careful weighing of all factors, you might conclude either in the affirmative, the affirmative with changes and conditions, or the negative overall in each case.
4. The cases in front of you and Federal Fair Housing law, which prohibits discrimination based on color, race, religion, sex, disability, familial status, or national origin, really do not allow for an examination of the clientele that might or might not occupy the units in this development (if the cases are approved). This has been confirmed by the City Attorney. The Applicant's attorney has supplied the attached 'Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act' for consideration of these factors. The first

6 questions would, in the judgement of Staff, likely be the most germane to the cases in question under the Del-Mor proposal.

5. The decision criteria certainly allow for our normal and customary examination of density, intensity, overall number of dwelling units, arrangement of the units, site plan, parking, unit sizes, landscaping, and the like.
6. Staff would reiterate that the Comprehensive Plan Amendment in this case is simply to be consistent with past decisions of City Council when applying a PMU (Planned Mixed-Use) overlay district whereby in most cases making the Comprehensive Plan's future land use map reflect a designation of mixed use thereby making it consistent with the PMU Zoning. This does not necessarily have to be done in every case based upon the particular set of facts in each case and does not have to be done in this case. This case could be denied or withdrawn by the applicant removing the need to consider this amendment at this time and leaving the proposal to revolve around the possible more restrictive and controlling overlay zoning district (as proposed) than the current PO/I District and the Conditional Use Permit to allow the proposed overlay district and the proposed development plan.

Density Calculations

7. A more complicated question has been discussed related to density. To that staff offers the following summary in addition to comments previously made during the hearing process.
    a. The current PO/I zoning of the property does NOT have, per say, a specific zoning density requirement. The PO/I Zoning District is the controlling regulation related to density at this point in time. Developments in the PO/I District are governed by several factors including lot coverage, building coverage, setbacks, and Conditional Use processes and criteria should they apply to a particular proposed use.
    b. The Delaware Zoning Code typically calls for an analysis of gross density calculated by the number of dwelling units per acre.
        i. Under the original proposal, the applicant's density is calculated as 13.18 dwelling units per acre for 48 total units.
        ii. Under the revised proposal, the applicant's density is calculated as 10.98 dwelling units per acre for 40 total units.
        iii. The Hidden Ridge Apartments density is calculated as 10.14 dwelling units per acre as developed.
        iv. Curtis Farms Subdivision's density is calculated as 3.84 dwelling units per acre as developed.
        v. The industrially zoned land on the east side of Curtis St. across from

the subject site has no maximum density and does not allow dwelling units.

vi. The previously used Salvation Army property to the south of the subject site is zoned R-3 Single Family District (Future Land Use Map designation of Institutional) but could accommodate a gross density under current code of between 4.96 dwelling units per acre and 6.2 dwelling units per acre with a Planned Residential Development granted under Conditional Use Permit Requirements.

vii. The A-1 Agricultural zoned land used for 4 single family homes immediately to the west of the subject site and between it and Curtis Farms Subdivision has a calculated density of 0.81 Dwelling Units per acre.

viii. If the subject property were zoned as R-3 or R-4 Single Family District as suggested by the Comprehensive Plan's Future Land Use Map, the gross density could range depending upon exactly what use(es) might be applied for. The R-3 and R-4 Districts have single family densities as well as the provision to allow for requesting Planned Residential Developments for two-family dwellings and Cluster Single Family dwellings under Conditional Use Permit proceedings.

1. This allows the density to potentially range from 4.96 dwelling units per acre to 7.563 dwelling units per acre.

c. Density can be calculated in a number of ways. Another typical way is to calculate people per acre. In the proposal for this site, given the arrangement of uses, sizes of units, and overall proposal Staff finds this a relevant consideration. To that end:

i. Under the original proposal, given the applicant's stated and anticipated occupancy rates, virtually all units will likely accommodate 1 person. This equates to approximately 14 people per acre.

ii. Under the revised proposal, given the applicant's stated and anticipated occupancy rates, virtually all units will likely accommodate 1 person. This equates to approximately 11 people per acre.

iii. The Hidden Ridge Apartments accommodates 60 dwelling units. These are 1 and 2 bedroom rental units. Under current zoning code provisions this could be a density of up to 51 people per acre. Using the latest Census estimate for household size yields 26 people per acre.

iv. Curtis Farms Subdivision's density in this regard could range from the Zoning Code allowable maximum of 5 unrelated individuals of 20 people per acre to the Census estimated household size of 10 people per acre.

v. The industrially zoned land on the east side of Curtis St. across from the subject site has no maximum density and does not allow dwelling units and therefore a person per acre calculation is impossible.

vi. The previously used Salvation Army property to the south of the subject site is zoned R-3 Single Family District (Future Land Use Map designation of Institutional) but could accommodate a range of 13-25 people per acre under the Census household size and Zoning Code maximum for unrelated individuals to 16-31 people per acre if a Planned Residential Development were approved.

vii. The A-1 Agricultural zoned land used for 4 single family homes immediately to the west of the subject site and between it and Curtis Farms Subdivision could accommodate a range of 2 people per acre under the Census estimate of household size to 4 people per acre under the Zoning Code maximum allowable for unrelated individuals.

viii. If the subject property were zoned as R-3 or R-4 Single Family District as suggested by the Comprehensive Plan's Future Land Use Map, the gross density could range depending upon exactly what use(es) might be applied for. The R-3 and R-4 Districts have single family densities as well as the provision to allow for requesting Planned Residential Developments for two-family dwellings and Cluster Single Family dwellings under Conditional Use Permit proceedings.

    1. This allows the density to potentially range from 13 people per acre to 38 people per acre depending upon the approval and if the Census estimate of household size is used or the maximum Zoning Code allowable for unrelated individuals is used.

David M. Efland

From: Jim Wilson <jwilson@delmordwellings.org>
Sent: Friday, February 02, 2018 10:42 AM
To: David M. Efland
Cc: Lance Schultz; Mike Shade
Subject: Curtis Street Revision
Attachments: Curtis Street Revision re - density.pdf

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

Dave & Lance,
Please see attached proposed revision to our Curtis St. application. We are hopeful that this revision is viewed as evidence of our desire to be responsive to neighborhood concerns regarding density, and to the comments of the Planning Commission acting as citizen representatives. Del-Mor Dwellings has a long history of acting responsibly in this community in property development, property management, and collaborating with both public and private agencies in our community to help make Delaware a great place to call home for all of us. We hope to have the opportunity to continue that tradition by offering a new supportive housing resource on Curtis St. to benefit members of our community.
Thank you.

Jim Wilson, Executive Director
Del-Mor Dwellings Corp.
30 N. Franklin Street
P.O. Box 1495
Delaware, Ohio 43015
Ph: 740-363-5562/877-295-0844
Fax: 740-363-6736
jwilson@delmordwellings.org

REVISION TO APPLICATION/SUBMISSION OF
DEL MOR DWELLINGS INC.
250 CURTIS STREET PROJECT

After receiving the input and comments from the neighbors, Applicant wishes to revise its submission based upon comments of both the neighbors and the members of the Planning Commission.

1) Applicant would reduce its dwelling unit request from 48 units to 40 units. This represents an approximate 17% reduction in units requested.

2) The middle eight (8) unit structure (Building C) at the west end of the project will be removed from the submission, thereby providing additional green space for an outside patio area for resident social gatherings as suggested by Commission members.

3) Applicant will revise its Application to build all forty (40) Units at one time.

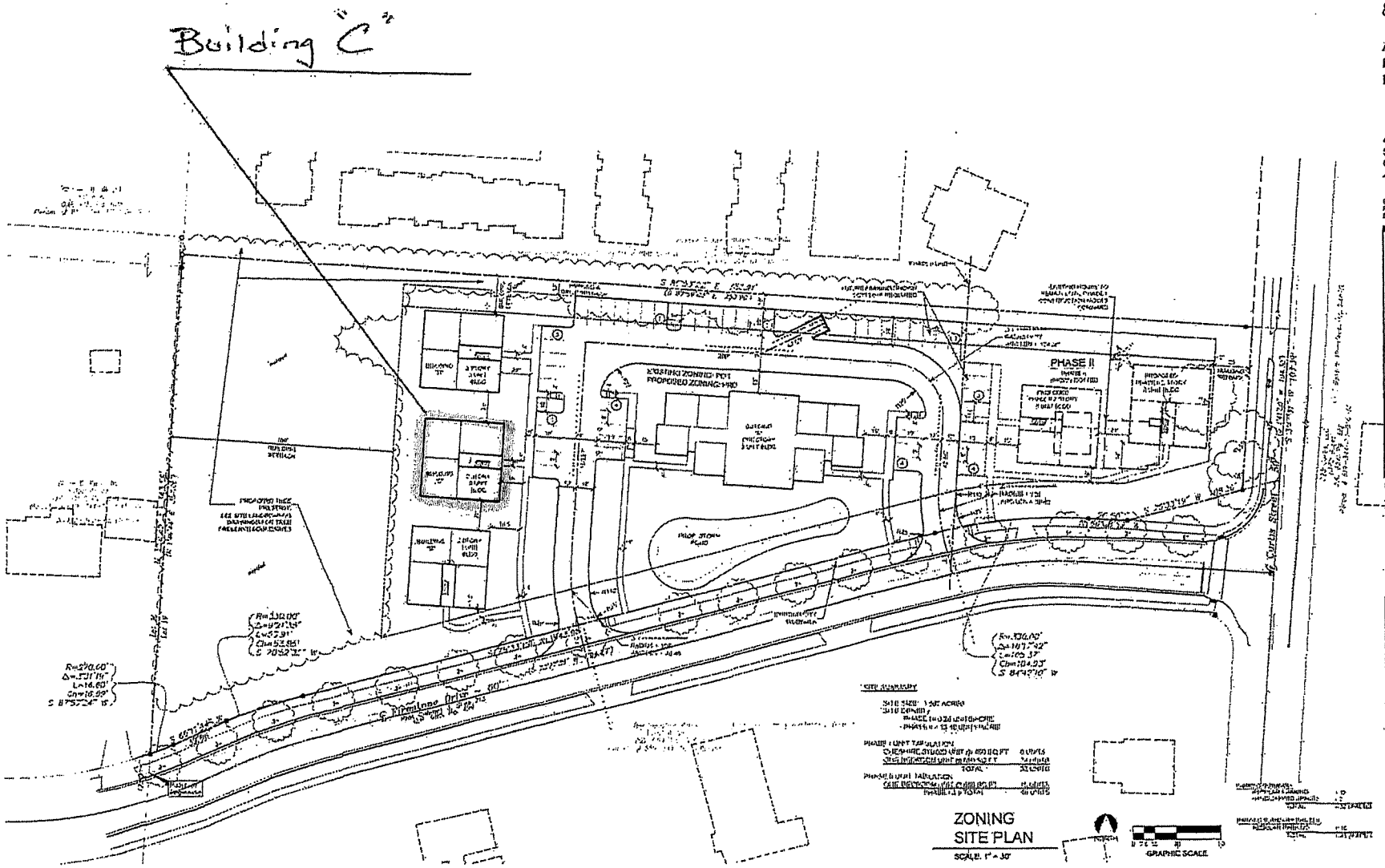
4) Applicant's contribution for intersection improvements at Curtis Street and Firestone Drive of $40,000.00 will remain.

5) If the application is recommended by Planning Commission and approved by City Council, Applicant will comply with terms and conditions recommended by Staff and/or Planning Commission as approved by City Council.

For: Del-Mor Dwellings

By: _____
James R. Wilson

Date: 2/2/2018



KONTOGIANNIS
& ASSOCIATES

ARCHITECTURE
PLANNING
DESIGN

400 SOUTH FIFTH ST
SUITE 400
COLUMBUS, OHIO
43215-5492

PROJECT:

DEL-MOR
DWELLINGS
250 CURTIS ST.

250 CURTIS STREET
DELAWARE, OH 43015

DRAWING TITLE:

ZONING
SITE PLAN

DATE: 12/14/2017
REVISED:

ZSP-1

EST 1808

CITY OF

DELAWARE

OHIO

DEVELOPMENT REVIEW CRITERIA AND CONDITION USE PERMIT CRITERIA

SECTION 1129.09 REVIEW CRITERIA.

(a) Development Plan Review Criteria. In reviewing a development plan, the Planning Commission shall consider the location of buildings, parking areas and other features with respect to the topography of the lot and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the location of the green areas provided, considering the possible effects of irregularly shaped lots; the adequacy of the location, landscaping and screening of the parking lots; and such other matters as the Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations. In approving a development plan, the Planning Commission shall determine that the development plan complies with the following criteria:

(1) The proposed plan is consistent with any plan or policy statement for the orderly development of the City.

(2) The appropriate use and value of property within and adjacent to the area will be safeguarded.

(3) The development plan indicates that the proposed development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

(4) The development, when completed, will have adequate public service, parking and open spaces.

(5) The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site.

(6) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

(7) Adequate provision is made for emergency vehicle access and circulation.

(8) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with any applicable regulation or design criteria established by the City.

(9) Site lighting is designed to minimize direct light, glare, and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property. If it is determined that, once the project is completed, the lighting does have unreasonable adverse impact on adjacent property, the Planning Commission may order reasonable alterations to the site lighting (such as reduced illumination, shielding, landscaping, etc.) to mitigate such unreasonable impacts.

(b) Planned Residential Development Review Criteria. In reviewing development plans for planned residential developments, the Planning Commission shall determine that development plans comply with the criteria of this Section and the planned residential development review criteria set forth in Chapter 1135.

(c) Conditional Use Review Criteria. In reviewing a development plan for conditional uses, the Planning Commission shall determine that the plan complies with the criteria of this Section and the general conditional use criteria set forth in Chapter 1148.

SECTION 1148.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, and the specific conditions, standards and regulations set forth in Sections 1148.03 through 1148.06.

The Director of Planning and Community Development shall review each submitted application to determine compliance with the submission requirements, namely these general criteria, the specific standards, and the supplemental regulations for specific uses. If the application is deemed insufficient, the Director of Planning and Community Development shall notify the applicant within ten (10) business days of receiving such application of necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Director of Planning and Community Development shall officially accept the application for consideration of the action(s) requested on the date such determination is made. (ORD 02-107 Passed August 26, 2002)

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed satisfies the following criteria:

(a) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.

(b) Will not be detrimental to property values in the immediate vicinity.

(c) Will not restrict or adversely affect the existing use of the adjacent property owners.

(d) Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.

(e) Will be properly landscaped in accordance with Chapter 1166.

(f) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

(g) That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(h) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

(i) That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.

(j) That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.

(k) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

SECTION 1148.03 SPECIFIC STANDARDS FOR CONDITIONAL USES.

In addition to the general criteria established in Section 1148.02, the following specific conditions pertaining to each use or group of uses shall apply.

(a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to the requirements of this Chapter, including limiting hours of operation, in order to ensure compliance with the criteria set forth in Section 1148.02.

(b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Ordinance, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever the provisions of the conditional use regulations differ from the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations. When no standard has been specified in this Chapter, the applicable district regulation shall govern.

(c) Re-Application Waiting Period: If a conditional use permit expires or is denied, an application for the same conditional use category may not be submitted for a period of at least six (6) months after the date of the expiration or denial. (ORD 04-91 Passed 6-14-04)

(d) Automatic Expiration of a Conditional Use Permit: If the approval conditions of a conditional use permit are not met or are violated, the conditional use permit shall expire automatically as of the moment that the approval conditions are not met or are violated. (ORD 04-91 Passed 6-14-04)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Washington, D.C.
November 10, 2016

JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF JUSTICE

STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT

INTRODUCTION

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the Federal Fair Housing Act ("the Act"),[1] which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.[2] The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act's requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ's and HUD's Joint

[1] The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

[2] The Act uses the term "handicap" instead of "disability." Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of "disability" in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act's requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD's and DOJ's enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act ("ADA"),[3] Section 504 of the Rehabilitation Act of 1973 ("Section 504"),[4] and Title VI of the Civil Rights Act of 1964.[5] In addition, the Joint Statement does not address a state or local government's duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

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is drawn almost verbatim "from the definition of 'handicap' contained in the Fair Housing Amendments Act of 1988"). This document uses the term "disability," which is more generally accepted.

[3] 42 U.S.C. §12132.

[4] 29 U.S.C. § 794.

[5] 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the "impact" of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the "historical background" of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the "specific sequence of events," such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the "normal procedural sequence," such as whether a municipality deviated from normal application or zoning requirements; (5) "substantive departures," such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the "legislative or administrative history," such as any statements by members of the state or local decision-making body.[6]

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*[7] The Court stated that "[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification."[8]

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[6] *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

[7] ___ U.S. ___, 135 S. Ct. 2507 (2015).

[8] *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. **Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?**

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. **Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?**

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the "housing for older persons" exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

Questions and Answers on the Fair Housing Act and Local Land Use and Zoning Regulation of Group Homes

7. **Who qualifies as a person with a disability under the Fair Housing Act?**

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term "major life activity" includes activities such as seeing, hearing, walking breathing, performing manual tasks, caring for one's self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a "direct threat" to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a "direct threat" to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual's recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual's tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.[9]

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,[10] the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

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[9] Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

[10] 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A "spacing" or "dispersal" requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction's intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction's stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors' stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

Questions and Answers on Fair Housing Act Enforcement of Complaints Involving Land Use and Zoning

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0 or http://www.hud.gov/offices/fheo/library/huddojstatement.pdf.

- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0 or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov./olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead, available at* http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* http://www.hud.gov/offices/fheo/images/fhpg.pdf.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf.

Written Public Comment Received To Date

Del-Mor Property	Year Purchased	1996 Value	Current Value	Note
36 S. Washington St.	**1995**	**$167,300**	**$171,100**	
adj - 104 Spring St.		$240,400	$286,600	
adj - 34 S. Washington St.		$76,600	$93,400	
adj - 92 Spring St.		$51,100	$163,600	
adj - 50 S. Washington St.		$65,400	$147,400	
adj - 37 S. Washington St.		$43,700	$97,700	
adj - 33 S. Washington St.		$39,000	$73,100	
adj - NE cor Spring/S. Wash		**$51,300**	**$23,600**	**Building demolished in 2007**

	Year Purchased	1996 Value	Current Value
102 Potter St.	**1991**	**$20,000**	**$23,400**
adj - 98 Potter St.		$33,000	$70,300
adj - 16 Oak St.		$38,500	$73,900
adj - 108 Potter St.		$39,700	$72,000
adj - RR right-of-way		n/a	n/a

	Year Purchased	1996 Value	Current Value
167 Lake St.	**1992**	**$69,900**	**$114,300**
adj - 171 Lake St.		$49,500	$84,800
adj - Nutter property		$4,700	$5,400
adj - Nutter property		$2,600	$6,400

adj - 165 Lake St.	$45,500	$101,100
adj - 174 Lake St.	$48,300	$111,600
adj - 172 Lake St.	$53,100	$118,700

	Year Purchased	2002 Value	Current Value
241 Park Ave.	**2000**	**$132,000**	**$228,900**
adj - 239 Park Ave.		$57,500	$59,000
adj - 62 Liberty St.		#########	$15,164,100
adj - 102 Eaton St.		$67,600	$81,400
adj - 108 Eaton St.		$71,700	$92,600

	Year Purchased	2002 Value	Current Value
243 Park Ave.	**2000**	**$132,000**	**$228,900**
adj - 108 Eaton St.		$71,700	$92,600
adj - 62 Liberty St.		#########	$15,164,100

	Year Purchased	2005 Value	Current Value	
245 Park Ave.	**2004**	**$228,900**	**$240,000**	
adj - 249 Park Ave.		$579,900	$684,300	
adj - 62 Liberty St.		#########	$15,164,100	
adj - 120 Eaton St.		$121,700	$125,500	
adj - 112/114 Eaton St.		**$79,000**	**$76,000**	**-$3,000**

	Year Purchased	2011 Value	Current Value
129 Cheshire St.	**2012**	**$16,200**	**$268,600**
adj - 121 Cheshire St.		$81,900	$97,200
adj - 17 Vine St.		$73,000	$85,500
adj - 114 Cheshire St.		$103,800	$116,300
adj - 134 Cheshire St.		$73,600	$85,400
adj - 126 Cheshire St.		$101,200	$120,800
adj - 27 Vine St.		$99,500	$118,400
adj - 30 Vine St.		$97,500	$104,800
adj - 34 North St.		$106,700	$124,500

	Year Purchased	1996 Value	Current Value
131 Cheshire St.	**1992**	**$68,700**	**$268,100**
adj - 34 North St.		$68,200	$124,500
adj - 30 Vine St.		$75,200	$104,800
adj - 22 North St.		$39,000	$151,500
adj - 139 Cheshire St.		$53,300	$113,400
adj - 126 Cheshire St.		$35,900	$120,800
adj - 134 Cheshire St.		$47,400	$85,400
adj - 138 Cheshire St.		$101,900	$180,000

	Year Purchased	1996 Value	Current Value	
201 E. Winter St.	**1991**	**$34,400**	**$58,800**	
adj - 193 E. Winter St.		$45,700	$107,900	
adj - 203 E. Winter St.		$39,800	$99,000	
adj - 196 E. Winter St.		$46,700	$95,000	
adj - 204 E. Winter St.		$46,700	$101,700	
adj - 208 E. Central Ave.		$30,700	$82,600	
adj - 204 E. Central St.		$40,900	$181,200	
adj - 200 E. Central St.		**$20,900**	**$15,700**	**Building demolished in 1998**

	Year Purchased	1996 Value	Current Value
231 S. Franklin St.	**1989**	**$25,400**	**$35,400**
adj - 227 S. Franklin St.		$64,700	$71,700
adj - 233 S. Franklin St.		$37,500	$63,700
adj - 228 S. Franklin St.		$54,100	$83,700
adj - 236 S. Franklin St.		$45,700	$71,200
adj - 216 S. Sandusky St.		$209,800	$968,300
adj - 226 S. Sandusky St.		$178,500	$206,500

	Year Purchased	2017 Value	Current Value
231 S. Washington St.	**2017**	**$60,000**	**$93,800**
adj - 83.5 W. Harrison St.		n/a	$98,200

adj - 77 W. Harrison St.	n/a	$74,400
adj - 73 W. Harrison St.	n/a	$61,600
adj - 67 W. Harrison St.	n/a	$74,700
adj - 228 S. Franklin St.	n/a	$83,700
adj - 236 S. Franklin St.	n/a	$71,200
adj - 93 W. Harrison St.	n/a	$121,700
adj - 230 S. Washington St.	n/a	$37,000
adj - Mitchell property	n/a	$12,300
adj - 237 S. Washington St.	n/a	$84,200

	Year Purchased	1996 Value	Current Value
28 Columbus Ave.	**1996**	**$54,600**	**$108,600**
adj. - 20 Columbus Ave.		$66,200	$129,400
adj. - 30 Columbus Ave.		$81,000	$141,400
adj. - 21 Toledo St.		$55,700	$118,200
adj. - 23 Toledo St.		$45,500	$92,900
adj. - 25 Toledo St.		$54,500	$118,600
adj. - 29 Columbus Ave.		$71,900	$109,100
adj. - 25 Columbus Ave.		$62,100	$114,000
adj. - 13 Columbus Ave.		$86,600	$136,300

	Year Purchased	1999 Value	Current Value

44-46 Flax St.	**1998**	**$64,000**	**$59,500**	**-$4,500**
adj - Bailey property		$3,300	$10,800	
adj - 14 Milo St.		$53,100	$70,800	
adj - 41 Flax St.		$57,400	$71,000	
adj - 45 Flax St.		$45,500	$105,100	
adj - 54 Flax St.		$63,700	$76,600	
adj - 8 Milo St.		$56,300	$75,900	
adj - 123 E. Central St.		$38,500	$82,800	
adj - 127 E. Central St.		$39,900	$85,200	
adj - O 'Brien property		$12,200	$12,300	
adj - 145 E. Central St.		$84,300	$131,600	

	Year Purchased	02-03 Value	Current Value	
800-822 Ravine Ridge Dr.	**2002**	**$479,000**	**$509,100**	
adj - 675 Fern Dr.		$1,195,338	$1,220,800	
adj - 200 Lone Pine Rd.		$73,400	$83,500	
adj - 205 Lone Pine Rd.		$81,300	$91,600	
adj - 210 Freedom Ln.		$269,500	$273,800	
adj - 761 Fern Dr.		$369,600	$467,900	
adj - 1 Ravine Ridge Dr.		**$1,975,100**	**$1,972,600**	**-$2,500**
adj - 746 Fern Dr.		$77,100	$85,700	

	Year Purchased	96-99 Value	Current Value	
76 David St.	**1993**	**$77,000**	**$96,600**	
78 David St.	**1993**	**$90,300**	**$108,900**	
adj - 62 David St.		$35,200	$64,300	
adj - 320 London Rd.		$329,400	$2,244,800	
adj - howald property		**$49,200**	**$12,500**	**Buildings demolished in 2005**
adj - 308 London Rd.		$9,400	$13,400	
adj - 304 London Rd.		$24,900	$35,000	
adj - 110 David St.		$10,800	$15,400	
adj - 115 David St.		$17,800	$62,500	
adj - Clark/Broadnax property		$3,500	$13,500	
adj - 61 David St.		$72,100	$96,500	
adj - 59 David St.		$7,100	$61,100	
adj - 58 David St.		$35,900	$67,800	

	Year Purchased	98-99 Value	Current Value
31-33 Ross St.	**1998**	**$42,000**	**$113,100**
35-37 Ross St.	**1998**	**$42,000**	**$113,100**
adj - 41 Ross St.		$44,600	$82,600
adj - City of Delaware		$28,000	$96,800
adj - City of Delaware		$8,700	$27,500
adj - City of Delaware		$8,700	$20,500

adj - 25 Ross St.	$30,600	$45,600
adj - 26 Ohio St.	$64,600	$85,700
adj - 32 Ohio St.	$63,400	$92,900

	Year Purchased	98-99 Value	Current Value
40-42 Ohio St.	**1998**	**$42,000**	**$121,200**
Parcel 51943321053000	**1998**	**$1,100**	**$7,400**
Parcel 51943321054000	**1998**	**$1,100**	**$7,400**
adj - 52 Ohio St.		$32,000	$140,300
adj - 45 Ohio St.		$20,000	$82,300
adj - 43 Ohio St.		$20,000	$97,900
adj - 41 Ohio St.		$20,000	$82,000
adj - 39 Ohio St.		$20,000	$97,300
adj - 32 Ohio St.		$63,400	$92,900
adj - 41 Ross St.		$44,600	$82,600

SUMMARY (NOT INCLUDING 231 S. WASHINGTON ST. --- 2017 PURCHASE)

96 DIFFERENT ADJOINING PROPERTIES EVALUATED

5 ADJOINING PROPERTIES DEPRECIATED (3 DUE TO DEMOLISHED BUILDINGS)

2% OF ADJOINING PROPERTIES DEPRECIATED IN THE CITY OF DELAWARE

TOTAL VALUE OF ADJOINING PROPERTIES DEPRECIATED = $5,500 IN DEL-MOR'S 28 YEARS

SOURCE IS DELAWARE COUNTY AUDITOR: http://www.delco-gis.org/Auditor/

39 West Winter Street | Delaware Ohio 43015
740.369.4520 | 740.369.5252 (fax)

ANDREWS HOUSE
PEOPLE STRENGTHENING PEOPLE

22 February 2018

City Council
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Ladies and Gentlemen of City Council,

I write to you in support of DelMor Dwellings supportive housing development on Curtis Street. In my role as director of Andrews House I was delighted to learn that 40-48 affordable, supportive housing units could possibly become available to our community in the near future. In my work as director of Andrews House, a non-profit agency whose mission is to "provide a place for hospitality, healing, and education and to advocate for individuals and families in the community," I see a great need for this housing in our community.

Andrews House was created by the community in response to find resources, solutions, and programs to support those who have fallen through our community's safety net. Sometimes a person needs a supportive hand to help them thrive. There are many churches, individuals, and organizations involved in this work. DelMor Dwellings is one of them. They have provided supportive housing to our community for 40 years. They have helped hundreds of people thrive in a way that would have been impossible without them. Their housing is attractive and well-managed.

I attended the Planning Commission meeting on January 17th and was impressed with the report given by Dave Efland. The position of the DelMor property is near a bus stop, which would be beneficial to the residents, and is surrounded by a diverse zoning environment. The architectural plans presented by DelMor are well-thought and attractive. Personally, I live in the Historic Northwest neighborhood of Delaware and ½ block from my house is a cluster of 3 densely-populated apartment buildings. Unfortunately, 2 of the 3 buildings are not well-managed nor attractive. Equally as unfortunate to the residents who live there, there is not enough high-quality, affordable housing options in Delaware for them to find a better place to live. As a resident, I would be happy to have a good neighbor like DelMor Dwellings and the folks who live in their buildings.

I think we can all agree that there is comfort in having a clean, safe place to live. I hope that you will vote to create 40-48 units of this type of housing for our neighbors in our community.

Sincerely yours,
Melinda Corroto
Melinda Corroto
Executive Director, Andrews House, Inc.
mcorroto@andrewshouse.org

Del-Mor Proposed Housing Project
250 Curtis St.

Presented by Craig Campbell

Dear City Counsel,

I Craig Campbell do come before you to present this issues I believe the City must address before the Del-Mor Corporation is ready to receive residents. These issues do not constitute any type of discrimination or ill feelings toward anyone in our City. Most of my presentation is based on law and professional study that has been accredited by our own legislature at every level.

Ohio Revised Code
5119.07 Businesses located near institutions.

A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of mental health and addiction services is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

Renumbered from § 5119.42 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Former section renumbered as § 5119.11 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Effective Date: 07-01-1980.

This state law suggests that a mentally disabled person is best to reside in a quite atmosphere. I live four doors from the proposed site. This area is not exactly safe and quite. As referenced in the attached map there are multiple heavy industry businesses in close proximity.

Ohio Revised Code

5119.01 Definitions.

(A) As used in this chapter:

14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Amended by 131st General Assembly File No. TBD, SB 319, §1, eff. 7/1/2017.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Renumbered from § 3793.01 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Former section renumbered as § 5119.10 by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

I know from personal experiences that Curtis St. can be very dangerous at times. There are no sidewalks from Firestone Dr. to London Ave. Pedestrians and bicyclers must use the roadway. The roadway holds allot of water and the s-curves are dangerous. I have been passed by other cars at least three times in the past couple years.

In short do we really want to locate some people as described above to this environment? Pretty risky if we did.

5122-24-01 Certification definitions.

The following definitions apply to Chapters 5122-24 to 5122-29 of the Administrative Code:

(49) "Person with severe mental disability" means a person eighteen years of age or older with a severe mental or emotional disability who meets at least two of the three following criteria of diagnosis, duration, and disability:

(a) Diagnosis: the current primary diagnosis is delusional disorders (DSM IIIR 297.10); dissociative disorders (DSM IIIR 300.14); eating disorders (DSM IIIR 307.10, 307.51, 307.52); mood disorders (DSM IIIR 296.3 x, 296.4 x, 296.5 x, 296.6 x, 296.70, 300.40, 301.13, 311.00); organic mental disorders (DSM IIIR 290.0, 290.10, 290.1 x, 290.4 x, 294.10, 294.80); personality disorders (DSM IIIR 301.00, 301.20, 301.22, 301.40, 301.50, 301.60, 301.70, 301.81, 301.82, 301.83, 301.84, 301.90), psychotic disorders (DSM IIIR 395.40, 295.40, 295.70, 298.90); schizophrenia (DSM IIIR 295.1 x, 295.2 x, 295.3 x, 295.6 x, 295.9 x); somatoform disorder (DSM IIIR 307.80); other disorders (DSM IIIR 313.23, 313.81, 313.82); or other specified.

(b) Duration: the length of the problem can be assessed by either inpatient or outpatient use of service history, reported length of time of impairment, or some combination, including at least two prior hospitalizations of more than twenty-one days or any number of hospitalizations (more than

one) totaling at least forty-two days prior to the assessment, or ninety to three hundred sixty-five days in a hospital or nursing home within three prior years, or major functional impairment lasting more than two years, resulting in utilization of outpatient mental health services on an intermittent and/or continuous basis.

(c) Disability/functional impairment: severity of disability can be established by disruption in two or more life activities, including but not limited to: employment, contributing substantially to one's own financial support (not to be entitlements), independent residence, self-care, perception and cognition, stress management/coping skills, interpersonal and social relations.

Effective: 08/01/2013
R.C. 119.032 review dates: 04/16/2013 and 08/01/2018
Promulgated Under: 119.03
Statutory Authority: 5119.61(A), 5119.611(E)
Rule Amplifies: 5119.61(A), 5119.611(E)
Prior Effective Dates: 9/24/1984, 8/9/1985, 1/1/1991, 6/30/1995 (Emer.), 9/24/1995, 7/15/2001, 10/1/2003, 11/15/2004, 1/9/2006, 8/23/2007, 12/13/2007, 7/1/2009, 3/4/2010

Delaware City Code

1123.03. - Purpose.

The purpose of this Zoning Ordinance is to promote and uphold the public health, safety, general welfare and morals of the City through regulation of the use of land and of the type, size and use of structures. More specific purposes are to:

(a)

Establish districts of such classification and number to implement any applicable plans, including the City's Comprehensive Master Plan and Thoroughfare Plan, that encourages the most appropriate uses of the land and guides the future development of the City.

(b)

Ensure and encourage the most appropriate use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to guarantee adequate light and air and open space to all residents of the City.

(c)

Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.

Our own City code would suggest that new construction in older neighborhoods like mine should emulate the surrounding homes or structures. A building that is 38 feet tall does not mesh in with the mostly single floor houses of Curtis St. The footprint of the buildings are larger than the homes of Curtis Farms. The Hidden Ridge Apartments may be tall and big but they are actually hardly noticeable these days, the trees have grown tremendously.

Again our "Purpose" is to provide a safe environment for our "new residents"

City's Planning Commission Staff report page 2 Para. 5

"5. Neighborhoods will continue to integrate a mix of people and housing; development in older neighborhoods will be consistent with the type and density of the neighborhood; new developments will include a mix of housing types and will encourage connectivity and walking.

We need sidewalks installed on Curtis St. and sidewalks connecting Park Ave. to Curtis.

It has been suggested that this is a "transitional area." I suggest not.

The west side of Curtis. St. is completely residential single family houses, except for the Hidden Ridge Apartments. Their road frontage is similar to the houses; they are shrouded by trees. On the east side of Curtis St. there are a couple of businesses in the area but the vast majority of the neighborhood is small single family housing and has been for generations.

CHAPTER 17 SPECIAL HOUSING TYPES

17.4. GROUP HOMES

HQS

Site and Neighborhood: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as: - Dangerous walks or steps - Instability - Flooding, poor drainage - Septic tank back-ups - Sewage hazards - Mud slides - Abnormal air pollution - Smoke or dust - Excessive noise - Vibrations or vehicular traffic - Excessive accumulations of trash - Vermin or rodent infestation, and - Fire hazards.

Again, Curtis St. has allot of heavy traffic.

Please reference our map

A) **Buckeye Ready Mix**
B) **BKM Construction**
C) **Baureleye Automotive**
D) **Sargent Dumpsters**
E) **Ernst. Concrete**
F) **Habitat for Humanity**
G) **Liberty Casting**

Please not how the Del-Mor corporation describes itself to the IRS:

"The organization provides rent assisted permanent supportive housing to persons living with severe, persistent disabling mental illness....."

The size of the "apartments" in the center building have me worried.

I think the building can be defined as a group home. I have found a few studies that would suggest putting a group home on the same site as typical supportive housing is a bad idea and may be against the law. The City Attorney may want to look into it.

The "apartments themselves are very small. The Applicant has suggested that he has built similar apartments in the community. He is referencing the Cheshire St. location. The Cheshire St. location is over 2 ½ miles away. That would be like comparing my 1952 ranch style home to the older homes of the North end. We should expect anything other than what our City Charter and Ordnances have guaranteed us, to have structures built that fit in with our neighborhood.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION Washington, D.C. November 10, 2016

JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF JUSTICE STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT:

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government. Questions and Answers on Fair Housing Act Enforcement.

This statement would suggest that the fair housing act along with all applicable federal law allows for the City to not grant the Application and not to be discriminatory. The city does not have to grant Del-Mor's requests if doing so will cause a heavy burden i.e. new sidewalks.

In conclusion I hope that this Counsel will turn down the Applicant's request because his buildings do not match our layout and the area is not safe for anyone that is not one hundred percent on their toes.

Thank you for your time,

Craig Campbell
183 Curtis St.

Planning Commission 01/11/18

PLANNED MIXED USE DEVELOPMENT TEXT
DEL-MOR DWELLINGS CORPORATION
CURTIS STREET AND FIRESTONE DRIVE PROJECT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Del-Mor Dwellings Corporation, which builds and manages high quality public financed apartments for low income residents with disabilities, is proposing to rezone the approximate 3.64 acre site at 250 Curtis Street on the north side of Firestone Drive from PO/I (Planned Office/Institutional District) to PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Development District) for a 48 unit apartment development in two phases. Phase 1 would consist of 32 apartment units while maintaining the existing house at 250 Curtis Street and Phase 2 would consist of the remaining 16 apartment units which would require the razing of the existing house.



February 16, 2018

Open Letter to City Council and Delaware Community

Community and City Leaders:

Delaware STEP has been working with our citizens who live in the culture of poverty in our community. Our mission and goals revolve around enabling willing individuals to move from dependence to independence through education, collaboration and partnerships. It is in that spirit that we are grateful to participate in the discussion surrounding the Del-Mor project on 250 Curtis Street.

We at STEP feel deeply that the sign of a healthy and vibrant community is the success and care for its least able members, ideally allowing for those individual to lead full and independent lives. Del-More has been helping our disabled populations for over 20 years without incident and without praise. They have provided permanent and compassionate solutions for those who would not otherwise have independent options. It is easy to see how this project aids the citizens who will be able to live within its walls, but the benefits go far beyond those individual benefits.

We at STEP believe that increasing the independence and care for our least able members has direct and tangible benefits to the community as a whole. We believe it not only helps the individuals, but it enriches the community by reducing emergency interventions, lowering public health costs and increasing ability to participate in the economics of the community.

Citizens with mental illness will not disappear if this project does not move forward. They will move to less supportive options and outcomes that cannot be measured or improved. This project and these hearings allow much more community control over the use of this land and the outcomes than could be expected from a for-profit developer and does not remove any of the needs of those suffering from mental disabilities.

It is with this understanding that Delaware STEP supports the Del-Mor project and urges the community to rally behind this effective organization to continue its amazing and successful work on behalf of our vulnerable citizens.

With respect for our community leaders and for all our citizens,

Mindy Leitwein
President

• • •

David M. Efland

From: David M. Efland
Sent: Wednesday, January 31, 2018 8:56 AM
To: R Thomas Homan; Carolyn Riggle
Cc: Lance Schultz; Jordan Selmek; Darren Shulman
Subject: RE: rezoning meeting

Lance spoke with this individual later in the day yesterday and went over her questions and concerns regarding Willowbrook PUD.

(1) Her written characterizations regarding the conversations on the Curtis Street property are inaccurate from Staff's perspective. There have been any number of inquiries through the years I have been here for the piece in question but none of which have been brought forward for formal request until the present one. The most recent inquiry prior to Del-Mor's purchase of the property was actually for a very small lot single family subdivision but the individuals apparently could not make the finance numbers and development work for what they wanted to do as they never pursued it past general inquiries and understanding infrastructure, layout, and process requirements. Obviously, staff is willing to work with and giving of our time toward anyone bringing forward questions, proposals, and the like on this or any property as is our mandate and as we have done with the present applicant.

(2) As to Willowbrook PUD sub-area 3 and 4 amendments currently proposed, Lance discussed the timing, hearing process, and nature of the request as we understand it. Staff is still analyzing the case. She seemed to understand the reduction in units near where she lives in multi-family area 4 of the Willowbrook PUD as currently proposed by the applicant and seemed to be supportive of this near her home.

No further action or follow up is required as a result at this time. This and her correspondence will be placed within the requisite case files correspondence folders.

Thank you.

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

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

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

From: Julie Mannon **On Behalf Of** PlanningAndDevelopment
Sent: Wednesday, January 31, 2018 7:57 AM
To: Lance Schultz; David M. Efland; Jordan Selmek
Subject: FW: rezoning meeting

Thank you,
Julie Mannon
City of Delaware
Planning and Community Development
1 South Sandusky Street
Delaware, Ohio 43015
Website: www.delawareohio.net
Email: jmannon@delawareohio.net
Phone: 740-203-1602
Fax: 740-203-1699
Hours: Monday – Friday 8:00 a.m. to 5:00 p.m.

From: Buckeyebasements@columbus.rr.com [mailto:Buckeyebasements@columbus.rr.com]
Sent: Tuesday, January 30, 2018 2:43 PM
To: R Thomas Homan
Cc: Carolyn Riggle; PlanningAndDevelopment
Subject: rezoning meeting

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

Good afternoon,

As a resident of Sunnyview Farms off of Firestone Drive and Curtis Street, and as a 20 year business owner in the community, I have questions as to the upcoming rezoning meeting scheduled for this area. I have left various messages with different departments, as to the upcoming rezoning meeting on February 7th for two different areas. I appreciate any insight you can offer in this regard.

As to the Curtis Street property rezoning, please note that I find this quite frustrating, as my husband and I originally offered to buy this property of 3+ acres and build 3 beautiful homes on it, which would have beautified the neighborhood and been in keeping with the look of the subdivision. Or added 3 lovely, high end townhouse units that would be rented to 6 tenants. We were told by a zoning rep in the City of Delaware that it would require rezoning and none of the neighbors would want duplexes there and it would be "too difficult" for it to be rezoned to have 3 nice houses there, as it was set up for more of a doctor's office or a building like that. We feel we were misled. We see the rezoning meeting is set for February 7th at 7 p.m. Sounds like this could possibly go through.

Also, which is very important to us, we are wondering what they have in store when it comes to trying to re-zone behind Firestone Drive at the other of Sunnyview Farms, in the open field connecting to the back of the YMCA? That's on the table as well. That is literally our backyard. Right now, we have no neighbors and can see all of the way to the YMCA. We have lived here for 19

years and invested greatly into our home. This truly impacts our investment and our future staying within the limits of the City of Delaware. Do you have a link as to the nature of the proposed rezoning?

Any help in this regard is most appreciated. Thank you very much for your time.

Sincerely,

Leah Y. Smith
Buckeye Basements, Inc.
www.buckeyebasements.com
Office: 740.368.5888
Fax: 740.368.8999
Mobile: 740.972.3207
Email: Leah@buckeyebasements.com

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

Opposition to proposal to rezone 250 Curtis Street



Why This Location?

- Why is 250 Curtis Street considered the right location to build the proposed housing?
- Who's best interest is it in?
- Were any other properties considered, and if so, what lead to the conclusion that this is the best choice?

What is our Focus?

- In a letter to the Commissioners from Mr. Efland dated 1/31/18, he states:

> 1. The cases in front of you and Federal Fair Housing law, which prohibits discrimination based on color, race, religion, sex, disability, familial status, or national origin, really do not allow for an examination of the clientele that might or might not occupy the units in this development (if the cases are approved). This has been confirmed by the City Attorney. The Applicant's attorney has supplied the attached 'Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act' for consideration of these factors. The first

- Acknowledging that this is true, we would like to ask why the topic of mental illness has been brought up so many times when trying to make a decision about land use?

What is our Focus?

- No one is questioning that individuals with disabilities face a number of difficulties, stigma, etc. However, what place does any discussion of the challenges, and misfortunes of those with any kind of disability have in a meeting about zoning?
- Also in the letter from Mr. Efland:

> The decision criteria certainly allow for our normal and customary examination of density, intensity, overall number of dwelling units, arrangement of the units, site plan, parking, unit sizes, landscaping, and the like.

- Out of respect for Mr. Efland's guidance, it seems far more appropriate to focus on considerations such as the significant number of changes that are proposed and the precedent that would be set for future developers should this proposal be approved.

What is our Focus?

- We understand and, without question, respect and appreciate the protections provided under the Fair Housing Act, and are also well aware that a decision to deny this proposal cannot be made based upon the clientele who may or may not live there. We would like to make it abundantly clear that we are not asking for a decision to deny the proposal based upon any criteria other than that which is related to zoning and land use.

- **How then can it be suggested that providing a benefit to the potential clientele is a reason to make so many changes to how the land can be used in contrast to what is currently permitted?**

Land Suitability / Safety

- "If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mud slides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal **capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community,** and if from investigations conducted by the public agencies concerned, it is determined that in the best interests of the public, the land should not be developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land." – source: *City of Delaware Ordinance*

Land Suitability / Safety

There were 387 crimes reported within a 1-mile radius of the location between Feb 2, 2017 and Feb 2, 2018.

There are 14 registered sex offenders within a 1 mile radius.

How many more crimes (particularly illegal drug activity) were not reported?



Land Suitability / Safety, Cont.

- Do the statistics from the LexisNexis crime map and the proximity of 14 registered sex offenders warrant reason for concern about safety as it relates to adding another densely populated housing facility in the proposed location?

- When Sarah and Rich Lester met with Mr. Wilson, he acknowledged that crime is an issue at the neighboring Hidden Ridge apartment complex and mentioned the possibility of building a fence.

Land Suitability / Safety, Cont.

- If safety concerns are high enough to consider building a fence, doesn't that suggest this isn't the right location? How effective would a fence realistically be? Do any of the plans that have been put forth include a fence?



Density

- Current zoning would require 12+ acres to accommodate the 48 units that are proposed.
- The land at 250 Curtis Street is ~3.6 acres.
- The density at Hidden Ridge is comparable to the proposed density; however, that type of zoning is outdated. What were the factors in determining why land should no longer be zoned that way?
- What is the reason for choosing a piece of property that would lead to such a significant increase in density compared to the current zoning?

Opportunity to Purchase Property

- There were several other interested buyers at/around the time that Del-Mor Dwellings purchased the property at 250 Curtis Street. Why were other potential buyers discouraged from trying to buy the property because the re-zoning process would be "too difficult?"

Parking & Traffic

- Zoning requires 2 spaces per unit, but this proposal would only provide one per unit.
- It has been stated that the majority of residents will be non-drivers, hence, the assumption that significantly fewer parking spaces will be necessary as compared to a traditional apartment complex.
- Ohio Fair Housing law states that "Each one-bedroom apartment may have a maximum of two occupants, per local occupancy standard 123.45."
- Other Del-Mor properties have multiple people living in one unit.
- Isn't is entirely possible that family members or spouses who do drive will cohabitate, even if though they're not on the lease?

Parking & Traffic

- Do we know how many people on the waiting list drive? What's to say a resident who does not currently drive might drive in the future?
- Based on the number of units, there could be as many as 96+ cars in the parking lot for residents alone. While this is probably unlikely, it is possible.
- What about family and friends? Where will they park?
- The need for the number of parking spaces could very well be underestimated. It would make more sense to pick a piece of property big enough to allow for standard parking requirements.
- Is providing a number of parking spaces below the current standard consistent with providing equal treatment to all?
- What consideration has been given to the current street parking on Firestone and how the additional parking needs might impact it?

Property Values

The Director of Planning and Community Development shall review each submitted application to determine compliance with the submission requirements, namely these general criteria, the specific standards, and the supplemental regulations for specific uses. If the application is deemed insufficient, the Director of Planning and Community Development shall notify the applicant within ten (10) business days of receiving such application of necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Director of Planning and Community Development shall officially accept the application for consideration of the action(s) requested on the date such determination is made. (ORD 02-107 Passed August 26, 2002)

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed satisfies the following criteria:

(a) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.

(b) Will not be detrimental to property values in the immediate vicinity.

- Many people have expressed concerns about the proposal. How can we be assured and that this will not have a negative impact on the values of nearby property if approved?

Comprehensive Plan

- The "comprehensive plan' [is] one of the valuable features of zoning laws from the point of view of equity; obviously the benefit of comprehensiveness is lost in the amending process." – *Ernst Freund (noted American legal scholar and former Professor of Political Science and Professor of Law at University of Chicago)*

- What criteria justify consideration for changing the City's Comprehensive Plan?

- Is the 250 Curtis Street truly the only possible property in Delaware County on which to build supportive living for people in need?

- The Comprehensive Plan is a critical part of the City's vision for the future. What precedent will be set by changing such a fundamental document in order to serve one specific project?

Comparative Zoning

- "No petition by an interested property owner or owners or authorized agents of such owners shall be accepted by the City Planning Commission or City Council for rezoning of any land to a less restricted zone unless said land is subject [sic] to or directly across a street or alley from property which is already zoned in the same or less restricted zone as that to which said property is proposed to be rezoned." *Source: American Planning Association*

- None of the neighboring properties have less restrictive zoning than that is being proposed at 250 Curtis Street. While the Hidden Ridge apartment complex is zoned for multi-family use and does indeed border the property to the north, the additional permits, amendments, etc. that are requested for 250 Curtis Street would result in far less restrictive usage if approved. Is it typical to allow rezoning that allows less restrictive zoning than adjacent properties?

In Conclusion

- We have spent a great deal of time trying to understand what is being proposed, and how it could potentially impact our community. It came to our attention only a few days before the meeting on 2/7/18 that additional changes were being proposed. While we appreciate the efforts Del-Mor Dwellings has made to consider feedback from the community, we once again find ourselves in a position in which we are scrambling to investigate the details. We would appreciate having the opportunity to fully understand the most recent proposal with enough time to intelligently assess any potential impacts. When information is known by the developer in advance, but made available to the community at the last minute, the opportunity to fairly assess a proposal is compromised.

In Conclusion, Cont.

- In prior meetings, statements related to "misunderstanding of mental illness" and "fear of those with mental disabilities" have essentially dominated discussions. As the decision to be made is about zoning, the concerns we are raising have nothing to do with who would reside in the proposed housing.

- There is undoubtedly a need for this type of supportive living facility, but it remains unclear why 250 Curtis Street would be considered the most appropriate location to fulfill this need, or how it is appropriate to take into account who may or may not be the clientele.

Conclusion, Cont.

- Emotions are undoubtedly difficult to set aside; however, they do not have a place in determining the best/right usage of the land within our city. Focusing on specific examples of individual challenges and successes is not relevant when deciding whether or not to significantly alter the zoning of a piece of a piece of land.

- The majority of people who attend these meetings are either volunteers who sacrifice their time to represent our city, or residents who are looking after the best interest of our community. If decisions based upon emotions such as sympathy cannot be taken into account when making a decision on this proposal, could we please request that we not waste time discussing such matters?

- We do not feel that **drastically** changing the way in which existing land within the City of Delaware can be used in order to benefit one project/developer/cause does not warrant making a decision that does not take into account the greater good of the entire community. **What precedent would this set?**

Conclusion, Cont.

- Taking care of those in need is unquestionably important, and working to provide supportive housing is an honorable mission; however, the best interest of **all** involved should be taken into consideration when proposing a solution. There are other options to evaluate outside of what is currently proposed, and it seems worth investigating why the location at 250 Curtis Street would be deemed the best choice.
- Based upon consideration of the appropriateness of the location in terms of density and safety of future tenants, alternative properties, parking/traffic considerations, and significance of changing the City's Comprehensive Plan, **we would like to officially request that Del-Mor Dwellings seek out a more suitable location, and that the proposal to rezone the property at 250 Curtis Street be denied.**

Thank you very much for your time.

From: David M. Efland
To: Elaine McCloskey
Subject: FW: Del-Mor Dwellings
Date: Thursday, February 08, 2018 2:36:25 PM

fyi

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

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

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

From: Julie Mannon **On Behalf Of** PlanningAndDevelopment
Sent: Thursday, February 08, 2018 8:03 AM
To: David M. Efland; Lance Schultz; Jordan Selmek
Subject: FW: Del-Mor Dwellings

From: Ryan Maus [mailto:rdmaus@hotmail.com]
Sent: Wednesday, February 07, 2018 6:40 PM
To: PlanningAndDevelopment
Subject: Del-Mor Dwellings

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Hi,

I can't make it to the zoning meeting tonight 2/7. However, my family and I are strongly opposed to the proposal by Del-Mor dwellings to build a complex on Firestone Dr. and Curtis St. Please consider us and disapprove this project. Remember, we are constituents and our voices should be heard. Why not build it somewhere else. It is not wanted here!!!

Regards,

-Ryan Maus and Family

Sent from Mail for Windows 10

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January 26, 2018

Mr. David M. Efland, AICP
Director of Planning & Community Development
City of Delaware
1 South Sandusky Street
Delaware, OH 43015

Re: Del-Mor Dwellings Corporation Requests 2017-3115-3118

Dear Mr. Efland:

I refer to the Del-Mor Dwellings Corporation (Del-Mor) recent proposal for a 48 dwelling unit affordable housing development on a 3.64-acre parcel at 250 Curtis Street. I was personally unable to attend the public hearing on January 17, 2018. However, I have thoroughly reviewed the staff report and proposal available on the City of Delaware website, and respectfully request that the following comments be included in the official public record.

I have lived in the City of Delaware for the better part of the last 28 years, since Del-Mor was established in 1990. Over that time, I believe that what Del-Mor has done for this community is not a good thing – it is a great thing – and is one of the reasons so many find Delaware to be viable and attractive place to call home. I have seen estimates that nearly one out of five Americans has a disability of some kind. As Delaware continues to grow, I believe our community becomes that much stronger when we make room for those who commonly face a frustrating array of barriers when it comes to finding secure and affordable housing.

Del-Mor has indicated their stated mission is to create *high quality* (emphasis mine) supportive housing resources for disabled members of our community. From the land acquisition to its architectural design and landscape plan, Del-Mor has clearly made a significant investment of time and resources into the proposed housing development at 250 Curtis Street. I commend City staff for its detailed review of the Del-Mor proposal, and for noting the applicant's proven track record of building and maintaining its developments in the city in a manner that is consistent with the Planning and Community Development Department's mission to enhance our quality of life and to manage growth in accordance with the Comprehensive Plan.

I understand that area residents have expressed concerns over property values and "this type" of development in their neighborhood, with calls for a park on the site. There are at least three parks within one mile of 250 Curtis Street (e.g., Carson Farms Park, Marvin Lane Park, and Sunnyview PPG Park) available to local residents. I am not a city planner, but a park across the street from a manufacturing zone is not logical. I trust Del-Mor to address any residential concerns in their detailed final design, and urge city staff to move forward as soon as possible with formal approval of the Del-Mor proposal. There are 57 members of our community on a waiting list who are simply looking for a reasonable place to call home.

Brett Latta

Brett Latta, 376 North Sandusky Street

From: Kim Gepper on behalf of R Thomas Homan
To: Elaine McCloskey
Subject: FW: Curtis Street
Date: Wednesday, January 17, 2018 1:38:26 PM

From: Jim Dietz [mailto:jim.dietz.bear@gmail.com]
Sent: Wednesday, January 17, 2018 10:31 AM
To: R Thomas Homan <rthoman@delawareohio.net>
Cc: Carolyn Riggle <criggle@delawareohio.net>
Subject: Curtis Street

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I just read a post about a Planning and Zoning meeting tonight involving DEL- MOR Dwellings and Curtis Street (and your two emails were referenced in the posting, so I am emailing you)

As I get older, and given today's 'climate', I feel a need to start communicating with my leadership... so here goes (and I have youth group meetings from 5-8 every Wednesday, so I am unable to attend tonight)

While admittedly, I do not have any personal experience with DEL MOR, I know we need more living units referenced / described in the application for Curtis Street

I personally would be find with such a residential structure next to my house;

From a planning standpoint, they are not proposing to drop a 'high density' structure in the middle of a single family neighborhood.... there are numerous non-residential structures to the east, multi-family to the north, property owned by the Salvation Army to the south and one abutting residence to the west

I am not sure who is speaking for the future residents of this propped facility, so this is my 2 cents

Jim Dietz
248 N liberty St
Delaware, OH 43015

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From: Lisa Keller
To: Elaine McCloskey
Subject: FW: Rezoing of 250 Curtis Street
Date: Wednesday, January 17, 2018 12:41:07 PM

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

From: Travis Irvan [tirvan@gmail.com]
Sent: Tuesday, January 16, 2018 9:42 AM
To: Lisa Keller
Subject: Rezoing of 250 Curtis Street

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Councilwoman Keller,

I am writing to you to express concerns about the proposed rezoning of 250 Curtis Street. A number of people in my neighborhood, Curtis Farms, have concerns about this rezoning and would like to see this proposal be denied. I realize this request for rezoning is still at the Planning Commission level- http://www.delawareohio.net/wp-content/uploads/20180117-planning-packet.pdf- but wanted to bring it to your attention that this is a rezoning that your constituents do not want to see go through.

Thank you.

Travis Irvan

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From: Lisa Keller
To: Elaine McCloskey
Subject: FW: Re-zoning of 250 Curtis Street
Date: Wednesday, January 17, 2018 12:43:30 PM

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

From: Nick Slee [nickdslee@gmail.com]
Sent: Monday, January 15, 2018 1:18 PM
To: Lisa Keller
Subject: Re-zoning of 250 Curtis Street

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Hi Lisa,

I am a homeowner in the Curtis Farms neighborhood and live very close to the 250 Curtis Street property (Live on carolyn lane). I noticed that area is up for rezoning in order to build an affordable housing development by Del-Mor dwelling. I wanted to let you know that I am not in favor of this re-zoning and that I believe it could be detrimental to the neighborhood. The increased traffic, potential increase in crime and the impact on our home values are all reasons that this re-zoning should not be approved. Please help my family and our neighborhood in not approving the re-zoning ammendment. If it passes and this development is built, we will be looking to live elsewhere. Thank you!

Nick Slee
614-282-8402

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From: Kim Gepper on behalf of R Thomas Homan
To: Elaine McCloskey
Subject: FW: City Council Hearing Tonight
Date: Wednesday, January 17, 2018 2:13:45 PM

From: chad@curtisfarmshoa.org [mailto:chad@curtisfarmshoa.org]
Sent: Wednesday, January 17, 2018 1:46 PM
To: R Thomas Homan <rthoman@delawareohio.net>; Carolyn Riggle <criggle@delawareohio.net>
Subject: City Council Hearing Tonight

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

Good Afternoon,

I wanted to reach out and voice a few of my concerns with the rezoning of 250 Curtis Street. These concerns have been expressed to me by my community as well as my concerns for my family.

When I moved to Delaware I did my homework before investing in a new home. The comprehensive plan for this lot was for a single family. So there were no concerns that this would ever be a multi-unit development at the entrance to my development. Now I'm faced with a care facility being built right on top of me. I would like to request that a Community Impact Assessment. I know that the builder stayed just under the 50 units to require this, but see that the in **1191.01. - General provisions** section *a CIA may be required, at the discretion of the Planning Director or the Planning Commission, for projects requiring rezoning, platting or development plan review where unique site conditions or project characteristics exist or when the proposed project will significantly impact on City services or facilities.* I think that this is a slam dunk case for this. This is very unique since there are so many zoning issues that they want passed and they don't have any units over 13. This is a big undertaking and should have an assessment done to see how it would affect the community.

Del-Mor Dwellings provides housing for residents with severe, persistently disabling mental illness. They are trying to put a development on Curtis street at the entrance of a large subdivision in Delaware. This development would require staffing to be on site 24/7 to monitor the residents. These aren't your normal residents that need assistance because they have physical disabilities, but mental issues. They don't mention this in the plans anywhere. They want everyone to believe that this is just for physically disabled residents. However, their website calls out that they provide housing for residents with severe, persistently disabling mental illness. Our kids bus stop is only 3 houses down from where this development would go. That has me deeply concerned that the residents staying in the outer buildings will have zero monitoring and other residents can go as they wish. I have a family member that has schizophrenia and depending on their mood or if they have taken their meds or not will decide how they interact with others. With our children waiting for the bus just 3 doors down I fear what could happen to them.

On Del-Mor's website they state that a 13 unit facility is the "sweet"spot. So why would we try and triple this on a lot that isn't built for that many people? Is this a good mixture to put residents with mental issues next to a complex that is well known for it's crime and drug

use? That just puts these new residents at risk to be taken advantage of or even have their medications stolen and sold on the streets.

Since they have a center unit that is monitored 24/7 and the houses on the outside of the center can go to this unit to eat this sounds more like like a "care facility" than a multi family development.

They want to change the zoning requirements in which you must provide a minimum of 600 square feet for rental housing, so they can build 450 square feet housing to squeeze 48 units on this property. This is all being done to get the tax credit and Government funding because they can't fit 48 units on this small lot unless they shrink down the rooms. Is that fair to the residents living there? Is that fair to the residents that already live there? We just received a tax hike not a decrease and this will only hurt our homes value.

Changing the zoning requirements of how many people can live on 3.64 acres. Currently 2.5 - 4 units per acre to 13.18 units per acre. Tripling the zoning requirements of what is aloud today. That throws up red flags everywhere. That is way too many buildings for that small of a lot. Then you through in our large development and I worry about the amount of traffic that will increase and can our utilities handle this volume?

Change the zoning requirement on how many parking spaces you need to provide per unit in order to add 48 units in total on the lot. So when they don't have enough parking than they will park along the streets making it hard to see coming and going from our development. I think that this is all being down to squeeze 48 units into this small lot so they don't loose out on the tax credits.

Could you also forward this email to the planning commissioner and city council? I want to make sure that nobody is blind sighted by what this builder is trying to do.

Please let me know if you have any questions or would like to talk about anything that I've brought up. I look forward to a response and will see everyone tonight at the hearing.

Chad

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Lance Schultz

From: Tom Wolber <tkwolber@owu.edu>
Sent: Monday, January 22, 2018 3:26 PM
To: Bruce Pijanowski; Adam Moore
Cc: David M. Efland; Carolyn Riggle; Thomas Wolber
Subject: Del-Mor Dwellings

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

Hi Bruce:

Del-Mor Dwellings at 30 N. Franklin St. has proposed a new 48-unit development for people with disabilities at 250 Curtis St., at the corner of Curtis and Firestone. On 1/17, the Planning Commission discussed the project for almost 3 hours, only to table the decision until 2/7. Curtis Farms residents raised many objections. Reading between the lines of their statements, I sense an emotional fear of the unknown. Consciously or not, they seem to see physical, mental, and emotional disabilities as something that is potentially dangerous to the community and their children, and they don't want to see a Del-Mor facility in their neighborhood. One person mentioned the proximity of Schultz Elementary School as a safety issue, but that building is a mile away from the proposed site!

I have drafted a lengthy article about the issue, looking at it from all sides, and have a simple evidence-based question. What kind of interactions has the Delaware Police Department had with Del-Mor facilities such as the one at 241/243/245 Park Ave.? Have their been problems (e.g., crime and drugs)? Do Del-Mor occupants pose a danger to their neighborhoods or are they more likely to be victims themselves, as executive director Jim Wilson pointed out? I will also talk to Jim Wilson directly about their policies if and when someone does violate the rules; I can't imagine they would accept such an individual to the facility in the first place.

Thanks! I assume the Planning Commission (and eventually City Council) would also like to know the information you have on Del-Mor, so I would encourage you to share it with these entities as well.

Sincerely,

Tom Wolber
1/22/18

Lance Schultz

From: Carolyn Riggle
Sent: Thursday, January 18, 2018 4:36 PM
To: David M. Efland
Cc: Elaine McCloskey
Subject: Fwd: Concerned about re-zoning in my area

Sent from my iPhone

Begin forwarded message:

From: "Kurt A. Hildebrand" <kurtahildebrand@gmail.com>
Date: January 17, 2018 at 4:33:53 PM EST
To: <criggle@delawareohio.net>
Subject: Concerned about re-zoning in my area

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Dear Mayor Riggle,

My wife sent you an email earlier today expressing her concerns about the proposed re-zoning of the land on the corner of Curtis Street and Firestone Drive. I would like to second her comments (below), as I am equally worried about the potential impact to our community. We really need the assistance of legal counsel but were not aware of the proposal until very recently. Thank you for taking the time to read about the various reasons that I am so concerned.

Kind Regards,

Kurt Hildebrand
119 Firestone Dr.
Delaware, OH 43015

****
****

Dear Mayor Riggle,

I am writing to you today regarding the re-zoning proposal for the land on the corner of Firestone Drive and Curtis Street. I am a resident of the Curtis Farms subdivision and live on Firestone Drive. I have spent the past few days researching the proposal, and I have serious concerns. First, the signs announcing the Planning and Development meeting were not put up until late last week, and for 4 days the sign on Firestone was facing the opposite direction from the road from the road. Because of this, it is highly unlikely that residents driving past it knew what the sign was for or noticed it at all. We have been trying to spread the word throughout the community to make sure people have had the

opportunity to learn about the proposal and attend tonight's meeting, but there are certainly many households that are still unaware. We have been scrambling to understand the changes that are being proposed, and while I think we have uncovered a great deal, we have not had time to obtain a lawyer to assist us. We feel that the proposed use of the property would have a significant impact on our community, and would like to request an extension.

Based on the information I have learned in the short amount of time I've had to research along with other members of our HOA, I have the following concerns:

1) Parking & Density – The normal requirement for parking in an apartment complex is 2 spaces per unit. The plan being proposed indicates only 1 parking space per unit is needed. If most of the residents are unable to drive, what about their visitors? Firestone Drive already has a lot of cars parked on the street. We can't afford to have even more. With respect to density, 13 units per acre is significantly more dense than what the current zoning would allow. The comprehensive plan says that land should be for medium density single family homes. We purchased our homes with the expectation that the land would remain as such.

2) Size of facility – I understand that Del-Mor Dwellings has a very good reputation, and I have no reason to believe that isn't the case; however, what Mr. Wilson is proposing would have significantly more units than any of Del-Mor's existing properties. This endeavor cannot be compared to any of the existing properties, and the size is very concerning.

3) Additional Impacts to Community – It is interesting that the number of units in the plan is 48, which is only 2 units below the number that would require a Community Impact Assessment. Could this be intentional? We are a large, growing community, and I would like to request the a CIA be completed. The proposed property does not seem compatible with the surrounding area.

4) The plan uses the term "multi family unit," yet the plan indicates that there will be staff members living there. There will also be a shared use area providing meals and other services to all residents. That is not typical of a multi-family housing unit. It seems that it would actually be a residential care facility with 48 residents, which would require a Conditional Use Permit since it is more than 8 people.

Could I ask that you please forward this email to the Planning Commissioner as well as City Council prior to tonight's meeting?

I appreciate your time, and trust that you will take these concerns into consideration. I feel strongly that we should have the opportunity to obtain adequate legal representation.

Respectfully,

Jessica Hildebrand
119 Firestone Dr
Delaware, OH 43015

Kurt A. Hildebrand
119 Firestone Dr.
Delaware, OH 43015-4251
419-557-4515 Home
937-681-3963 Cell

614-453-8719 Fax
kurtahildebrand@gmail.com

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Lance Schultz

From: Jim Wilson <jwilson@delmordwellings.org>
Sent: Friday, January 12, 2018 4:22 PM
To: Greg Barnes
Subject: RE: Curtis and Firestone rezoning inquiry

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I'm glad for your reply Greg. I live locally and my office is in downtown Delaware. If you could offer an hour of your time, I would be glad to take you on a driving tour to see some other properties we have in Delaware. The tour would include our most recent new construction project completed in July, 2016, as well as the first new construction project I was involved in when I began my career with Del-Mor Dwellings in 1994, 23 long years ago. That project looks as good as the day it was built.

There is serious money that will be brought to the design/construction/maintenance of these very attractive/durable buildings. Some of the other neighbors I spoke with said they had confidence that we would take good care of the property because they noticed that after we purchased the property in June, 2016, the foot tall grass and weeds began to get mowed on a weekly basis and it began to look like a yard again.

I'm eager to tell you our organization's story, show you firsthand what our buildings look like, and provide you with confidence that we would be a great neighbor. Our project would great things visually for the entryway into Curtis Farms.
I look forward to your call. Again, I can be reached at 740-207-1339.

Jim Wilson, Executive Director
Del-Mor Dwellings Corp.
30 N. Franklin Street
P.O. Box 1495
Delaware, Ohio 43015
Ph: 740-363-5562/877-295-0844
Fax: 740-363-6736
jwilson@delmordwellings.org

From: Greg Barnes [mailto:Greg.Barnes@alliedmin.com]
Sent: Friday, January 12, 2018 4:01 PM
To: Jim Wilson
Subject: Re: Curtis and Firestone rezoning inquiry

Hi Jim.
I appreciate you reaching out to me.
I was originally concerned about what the property was going to be rezoned to. I really didn't want to see apartments or low income housing going in. We have a lot of pride in Curtis farms, and didn't want to see the property values decline.
I don't know much about your type of business and how it would affect our neighborhood.
Do you have any history on what you see 5+years after going in?

Thanks
Greg

Sent from OWA on Android

From: Jim Wilson <jwilson@delmordwellings.org>
Sent: Friday, January 12, 2018 3:43:53 PM
To: Greg Barnes
Cc: David M. Efland
Subject: RE: Curtis and Firestone rezoning inquiry

Hello Greg,
I would be glad to meet with you individually, or as a group with other Firestone Drive neighbors who would like to know more about Del-Mor Dwellings and this prospective project at a time convenient to you. I can be available anytime this weekend, or on Monday or Tuesday prior to the Planning Commission on Wednesday. I have already met with three neighbors most proximate to the 250 Curtis Street site.

Del-Mor Dwellings is a nonprofit organization based in Delaware, and has been providing supportive housing resources to members of the Delaware community for the past 27 years. We are an organization committed to operational excellence, and place great importance on our neighbor relationships in the communities where we have a presence.

If you would like to suggest a place and time to meet, I will be sure to make myself available. Please feel free to call my cell phone number: 740-207-1339.
Thank you for reaching out. In a large subdivision like Curtis Farms it is difficult to determine who may have an interest and who does not.

Jim Wilson, Executive Director
Del-Mor Dwellings Corp.
30 N. Franklin Street
P.O. Box 1495
Delaware, Ohio 43015
Ph: 740-363-5562/877-295-0844
Fax: 740-363-6736
jwilson@delmordwellings.org

From: David M. Efland [mailto:defland@delawareohio.net]
Sent: Friday, January 12, 2018 2:10 PM
To: 'ggb@alliedmin.com'
Cc: Jordan Selmek; Jim Wilson
Subject: Curtis and Firestone rezoning inquiry

Greg – Thank you for contacting us. We are just publishing the Planning Commission packet including this case as I write this. Once completed I will forward a completely copy or send a link where you can down load the full information. Would you kindly give me call to discuss any other questions you might have so that I might know exactly how I can serve you best and perhaps just answer any zoning related questions expeditiously? My contact information is below.

Also, copied here is Jim Wilson of Del-Mor Dwellings who is the applicant for the proposed development in this case. It might be best to discuss with him directly any questions about his development as well.

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

City of Delaware
1 S. Sandusky St.
Delaware, OH 43015
www.delawareohio.net

740-203-1600 - Phone
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Forbes Top 10 *"Best Places to Raise a Family"*
An AARP *"Livable Community"*

Dear Dave,

I just received a call from Greg, a resident on Firestone, who is inquiring about the details of the rezoning at Curtis and Firestone. He would like some of the details of the project so he and his neighbors could be better informed before the meeting. His contact e-mail is ggb@alliedmin.com

Thanks!

Jordan A. Selmek
Zoning Officer

City of Delaware
1 S. Sandusky St.
Delaware, OH 43015
www.delawareohio.net
740-203-1600 – Phone
740-206-1699 – Fax

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Lance Schultz

From: David M. Efland
Sent: Thursday, January 25, 2018 4:12 PM
To: Elaine McCloskey; Lisa Keller
Cc: 'stacy simpson'
Subject: RE: Del-Mor Complaint

Thank you Elaine. He has a call into my voice mail that I just simply have not had an opportunity to return but it sounds like you captured his issues herein.

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

City of Delaware
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From: Elaine McCloskey
Sent: Thursday, January 25, 2018 4:09 PM
To: David M. Efland; Lisa Keller
Cc: 'stacy simpson'
Subject: Del-Mor Complaint

I received a call from a Craig Campbell today regarding Del-Mor Dwellings. He lives at 183 Curtis Street and is concerned over the potential development. I provided him with information regarding the past Planning Commission meeting and he states that he did watch it on YouTube. I also let him know that the full packet was available on the website and provided him with information on the Work Session and the schedule for both Planning and Council.

Throughout the conversation he mentioned a few things:

1. He was concerned that there would be a guard rail placed on Curtis street to keep the residents that reside at Del-Mor from walking into the road.
2. He is concerned that they have a lock down period and that they could overpower staff and get lost.
3. He is worried about the safety of his family in the event that there is an incident.

I encouraged him to attend the meetings so that he could receive first hand knowledge. If you want to reach out to him his number is 614-947-9624.

Thank you,

Elaine McCloskey
City Council Clerk
City of Delaware
1 S. Sandusky St.
Delaware, Ohio 43015
740-203-1013 office
740-203-1024 fax
www.delawareohio.net

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Lance Schultz

From: David M. Efland
Sent: Friday, January 26, 2018 2:00 PM
To: 'Sarah Lester'
Subject: RE: Meeting 1/29 Del-Mor
Attachments: 20180129 planning work session.pdf

Sarah - per your request attached is the Commission Work Session packet and attached materials including the start of questions/discussion items. Have a wonderful weekend -I know I need the rest!

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

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An AARP "Livable Community"

-----Original Message-----
From: Sarah Lester [mailto:sarah.lester@rapidassemblyllc.com]
Sent: Thursday, January 25, 2018 7:38 AM
To: David M. Efland
Subject: Re: Meeting 1/29 Del-Mor

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Thank you ☺

Thank you and have a wonderful day,
Sarah Lester

> On Jan 25, 2018, at 6:40 AM, David M. Efland <defland@delawareohio.net> wrote:
>

> Hi Sarah. Thanks for the update. Glad to hear you had an opportunity to connect with Jim. Yes. We hope to have some basic questions that I received from commissioners or that I noted at the hearing. If and when finalized I will send out to Jim, you, and obviously the commission.
>
> David Efland
>
> (sent from my mobile device - please excuse typos and auto fill in
> mistakes)
>
> -----Original Message-----
> From: Sarah Lester [sarah.lester@rapidassemblyllc.com]
> Received: Wednesday, 24 Jan 2018, 10:48PM
> To: David M. Efland [defland@delawareohio.net]
> Subject: Meeting 1/29 Del-Mor
>
> _____
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>
>
> Hello Dave,
> I hope all is well. I wanted to touch base with you in regards to Curtis Farms, and Del-Mor. I met Jim today, and spent several hours touring the properties. I did ask him again how many properties he has in Delaware. He didn't know that answer, he only knew the number of total units. The properties were in good shape. Jim mentioned you would be emailing him a list of questions that will be asked or discussed in Monday's meeting. Could you send me that list as well? Also, I would like to get confirmation on the time of the meeting on 1/29. Look forward to hearing from you.
>
>
> Thank you and have a wonderful day,
> Sarah Lester
>
>
> _____
>
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From: Sarah Lester
To: Elaine McCloskey; Carolyn Riggle; Lisa Keller
Subject: [BULK] Curtis Farms HOA Part 1
Date: Friday, February 02, 2018 12:21:50 AM
Attachments: Part 1 We want to ask the committee to turn this project down on the simple fact of the Comprehensive Future Plan Map shown below.pdf
Importance: Low

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

Hello,
I hope all is well. I tried to send this attachment the morning of the work session to all the emails I could find for the commitee. The file was too large, and was rejected.There were a few things brought up at the work session meeting I would like to address as well.

~Law allows aide or friend / spouse to live in the apartments. But they are using the fact that there is only one bedroom to justify the more dense population despite the fact that two could live there because of marriage or having an aide.

On my tour with Jim he introduced me to couples in units.

~From my understanding with Park ave 4 buildings 18 units is 2 separate apartment complexes. They are neighboring complexes. The parking lot was laid out before Del-Mor took over, and is larger than what he would build for a new property.

~Jim, and I do agree that where there are people, there will always be a need that never stops. We can only do our best to help who we can.
~This apartment complex will not be helping only Delaware's needs, but surrounding county citizens as well.
~The properties I visited were well maintained, no bandaids were used that I saw. I told him that he can manage smaller buildings very well! I commend him for his work.
~ I don't believe the right amount of thought went into where these unit are proposed.
~I'm not sure why we spend the time, energy, and funds to make a Comprehensive Future Plan Map if it can be dismissed/changed/ignored by the planning and development department so easily.

Thank you for your time,
Sarah J. Lester
Curtis Farms HOA
614-787-2546
Sarah.Lester@rapidassemblyllc.com

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

Dear Committee,

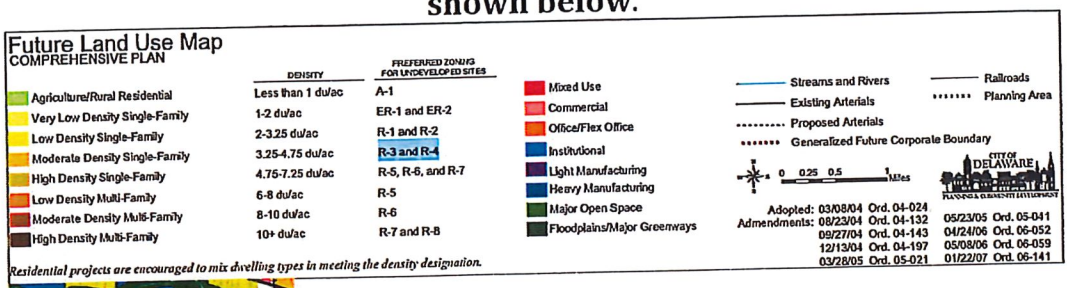
We are asking you to please read over this information before making a decision. We have been researching as much as we can while still working, and dealing with life. We will continue to research, and send all findings. Make no doubt, the surrounding areas are AGAINST the changes that are asked by Del-Mor.

1123.03. - Purpose.

The purpose of this Zoning Ordinance is to promote and uphold the public health, safety, general welfare and morals of the City through regulation of the use of land and of the type, size and use of structures. More specific purposes are to:

B. Ensure and encourage the most appropriate use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to guarantee adequate light and air and open space to all residents of the City.
E. Regulate and restrict the location, bulk, height, design and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional and recreational areas.
F. Regulate the area and dimension of lots, yards and other open spaces.
G. Regulate and limit the density of population to prevent overcrowding of the land and excessive concentration of the population.
H. Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.
I. Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands and other such public facilities.

"Comprehensive Future Plan Map", and County Auditor "Use Code" shown below.





Delaware County Auditor site

Use Code for 250 Curtis St.

"511" Meaning: Taxable residential real property

"Single Family Dwlg" A **stand-alone house** (also called a **single-detached dwelling, detached residence** or **separate house**) is a free-standing residential building. Sometimes referred to as a **single-family home**, as opposed to a multi-family residential dwelling.

Property Information		
Parcel Number	519-344-16-044-000	Property Address:
Owner Name	DEL MOR DWELLINGS CORP	250 CURTIS ST
Owner Address	250 CURTIS ST DELAWARE OH 43015	DELAWARE OH 43015
Tax District	14 DELAWARE CORP	
School District	2103 DELAWARE CSD	
Neighborhood	14187 Del Corp 187	Tax Payer Address:
Use Code	511 Single family Dwlg Unplat 0-09.99 acres	DEL MOR DWELLINGS CORP
Acres	3.63900	PO BOX 1495 DELAWARE OH 43015 USA
Description		
LANDS 19 5 3 19		

1148.02. - General criteria for all conditional uses.

B. Will not be detrimental to property values in the immediate vicinity.

Statistics Source: https://www.realtor.com/news/trends/things-that-affect-your-property-value/

High concentration of renters

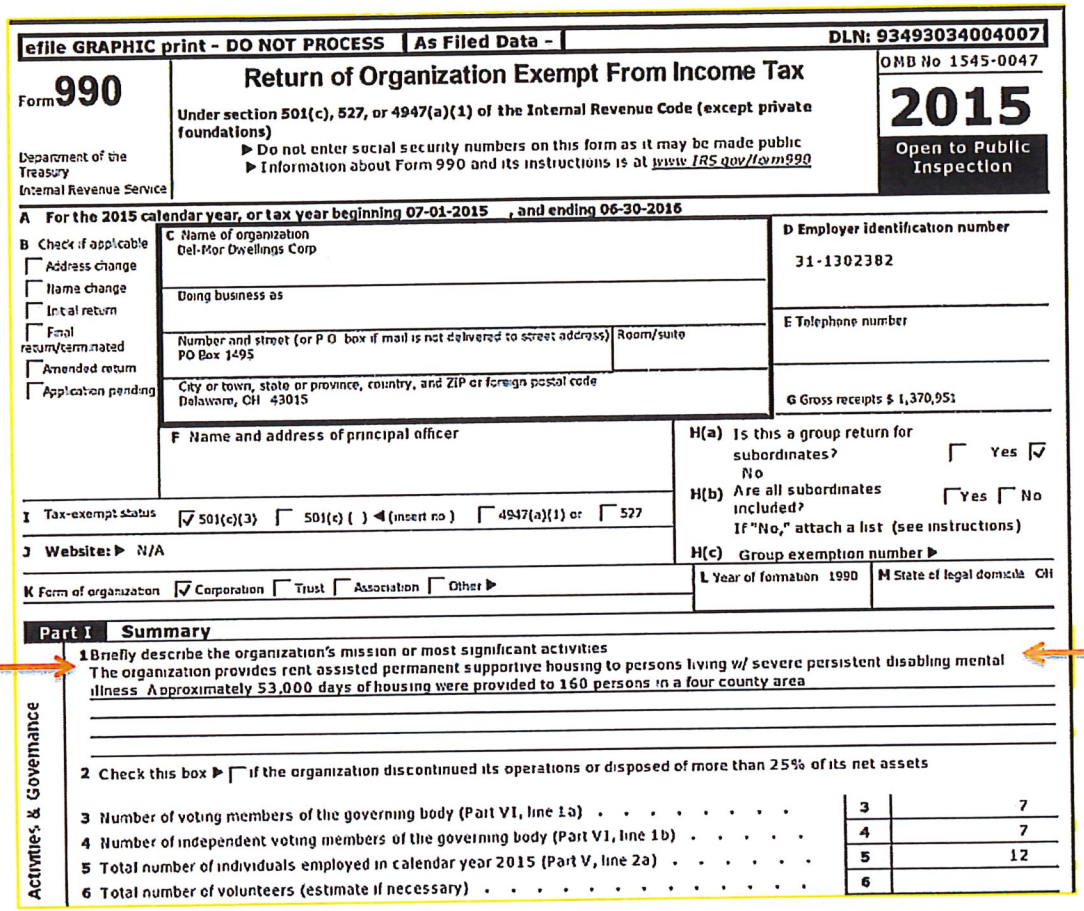
The drag: 13.8%

Does a cluster of rental buildings—or lots of them—lower the property value in a neighborhood? Many homeowners have pondered this. While it's hard to do an analysis down to every property, we found that ZIP codes with a higher-than-average concentration of renters have lower property values compared to the county they are located in—by 14%. The data are from the American Community Survey.

If a home value is $250,000 by approving this, homeowners can lose $34,500(+/-) of their investment.
(This doesn't calculate the loss due to the Stigmatism associated with mental illness)

After the first Planning meeting, we as a community were a little confused as to why the majority of what Jim Wilson, and his supporters were discussing wasn't about the current 4 proposals, but of disabilities. We wanted to understand why so much time was spent on Disability. We found Del-Mor's form 990, where we found under "Summary" the term "Severe Persistent Disabling Mental Illness"

Source: IRS



efile GRAPHIC print - DO NOT PROCESS | As Filed Data - | DLN: 93493034004007

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public
▶ Information about Form 990 and its instructions is at www.IRS.gov/form990

OMB No 1545-0047

2015

Open to Public Inspection

A For the 2015 calendar year, or tax year beginning 07-01-2015 , and ending 06-30-2016

B Check if applicable
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Final return/terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization
Del-Mor Dwellings Corp

Doing business as

Number and street (or P O box if mail is not delivered to street address) PO Box 1495

Room/suite

City or town, state or province, country, and ZIP or foreign postal code
Delaware, OH 43015

D Employer identification number
31-1302382

E Telephone number

G Gross receipts $ 1,370,951

F Name and address of principal officer

H(a) Is this a group return for subordinates? ☐ Yes ☑ No

H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list (see instructions)

H(c) Group exemption number ▶

I Tax-exempt status ☑ 501(c)(3) ☐ 501(c) ( ) ◀ (insert no) ☐ 4947(a)(1) or ☐ 527

J Website: ▶ N/A

K Form of organization ☑ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation 1990

M State of legal domicile OH

Part I Summary

1 Briefly describe the organization's mission or most significant activities
The organization provides rent assisted permanent supportive housing to persons living w/ severe persistent disabling mental illness Approximately 53,000 days of housing were provided to 160 persons in a four county area

Activities & Governance

2 Check this box ▶ ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets

3 Number of voting members of the governing body (Part VI, line 1a)	3	7
4 Number of independent voting members of the governing body (Part VI, line 1b)	4	7
5 Total number of individuals employed in calendar year 2015 (Part V, line 2a)	5	12
6 Total number of volunteers (estimate if necessary)	6	

Source for related terms:
https://nrepp.samhsa.gov/Docs/Literatures/Behind_the_Term_Serious%20%20Mental%20Illness.pdf

Related terms: chronic mental illness, severe and persistent mental illness, serious and persistent mental illness, severe mental illness, schizophrenia, schizoaffective disorders, delusional disorder, manic– depressive disorder, major depressive disorder, bipolar and related disorders, psychotic disorders, posttraumatic stress disorder, obsessive-compulsive disorder, substance use disorders, eating and feeding disorders, affective disorders, and mood disorders

Source: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2435074/

Overview of the Severe and Persistent Mental Illnesses

"Severe and persistent mental illness" is a term that is commonly used to refer to a collection of mental disorders that usually affect people in early adulthood and often have profound effects on family relations, educational attainment, occupational productivity, and social role functioning over the life course. Disorders typically subsumed under this rubric include schizophrenia, schizoaffective disorder, bipolar disorder, major depression, autism, and obsessive-compulsive disorder. Taken together, these disorders affect at least 2.8% of population, or 5 million people (National Advisory Mental Health Council [NAMHC], 1995).

When a homeowner is asked by a potential buyer "What is that place?" and reply would be "A Severe Persistent Disabling Mental Illness housing for low-income"

Stigmatizing attitudes toward people with mental illness are common, unfairly so, but common. This will be a factor that not only devalues our home, but also make it much more difficult to sell our homes if you approve development.

A. Density - the degree of compactness for such vast number of units.
    - Just too many units per acre
    - Current zoning would require 12 acres in order to build 48 units, yet proposed site is 3.64 acres.
    - In addition to density, Del-Mor does not operate any facilities that are even close to number of units proposed for the property
    - Density does not allow for any real green space for recreational activity on the property
B. Not a suitable location
    - Crime rate of area Hidden Ridge, Del-mor (Jim Wilson) acknowledged high crime there. Jim proposed building a fence to divide area between Hidden Ridge, and 250 Curtis St.
        - Where exactly would the fence be? Would it be around the entire facility?
        - How high would this fence be?
        - A DATA bus stop has been added by the entrance of Hidden Ridge, and the bus line is expected to be used by the majority of the residents, as it is believed that few will drive. How effective would a fence actually be if tenants will still spending time in close proximity, outside of the fence?
    - There isn't shopping, any outdoor space, or activities outside. There are railroad tracks across the street, ponds, and industries with heavy equipment.

- Increased traffic and need for parking
- Safety for all tenants, and neighbors!

C. Timing
   - A re-zoning proposal usually requires 3 meetings (is this 3 meetings with City Council or Commissioners?) Mr. Wilson is requesting to have an exception made to only require 1 meeting.
   - Commissioners made it clear on meeting on 1/17 that this request requires a significant amount of information to be reviewed
   - What is the justification for trying to fast-track the approval?

D. In an email to the City Officials on 1/24, Mr. Wilson asked the following question:
" If Del-Mor Dwellings and it's residents were creating public safety or any other kind of problems for our community and our neighborhoods during its 28 year operating history, then why over this extended period of time have these ill effects not been a topic of public discussion, earning the ire of our neighbors, scrutiny by law enforcement, and the critical attention of officials and opinion leaders in the community?"

   - Is it fair to imply that the 48 units Del-Mor is asking to build are a fair comparison to his existing properties? The safety of the community has been mentioned, but shouldn't the safety of the tenants be taken into account as well?

E. 1147.04. Section B states ..
   - At a minimum, the standards shall address lot size, Density
   - lot frontage, setbacks, Pond security for neighboring children is a safety concern for distance from sidewalks. Phase 2 is it set back to current standards on Curtis?
   - Building height - The height of the 3 buildings holding 8 units each will they supersede the houses in the neighborhood?
   - Parking needs to stick with the standards, due to the lack of overflow parking. 2 per unit for future purpose.
   - Signage, What type of signage and location?

F. 1171.04. - Performance standards.
   - No land or structure in any district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in

Source: http://www.newgeography.com/content/003945-health-happiness-and-density

A significant health issue relates to the scourge of Mental Illness. There is convincing evidence showing adverse mental health consequences from increasing density.

A monumental Swedish study of over four million Swedes examined whether a high level of urbanization (which correlates with density) is associated with an increased risk of developing psychosis and depression. Adjustments were made to cater for individual demographic and socio-economic characteristics. It was found that the rates for psychosis (such as the major brain disorder schizophrenia) were 70% greater for the denser areas. There was also a 16% greater risk of developing depression. The paper discusses various reasons for this finding but the conclusion states: "A high level of urbanisation is associated with increased risk of psychosis and depression".

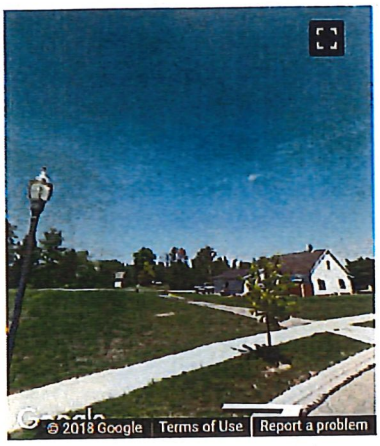
Another analysis, in the prestigious journal Nature, discusses urban neural social stress. It states that the incidence of schizophrenia is twice as high in cities. Brain area activity differences associated with urbanisation have been found. There is evidence of a dose-response relationship that probably reflects causation.

There are adverse mental (and other) health consequences resulting from an absence of green space. After allowing for demographic and socio-economic characteristics, a study of three hundred and fifty thousand people in Holland found that the prevalence of depression and anxiety was significantly greater for those living in areas with only 10% green space in their surroundings compared to those with 90% green space.

I looked up a few Del-Mor Dwelling locations, surrounding SFH value, and Walk Scores. All sources for this data is found on Zillow.com

250 Curtis St Walk Score 13 out of 100.

About this Location



250 Curtis Street has a Walk Score of 13 out of 100. This location is a Car-Dependent neighborhood so almost all errands require a car.

This location is in Delaware. Nearby parks include Marvin Lane Park, Roy Rike Field and Blue Limestone Park.

This isn't a good option for people that don't drive.



241 Park Avenue

Delaware, Ohio, 43015

Commute to Downtown Delaware

2 min 3 min 14 min View Routes

Favorite | Map | Nearby Apartments

More about 241 Park Avenue

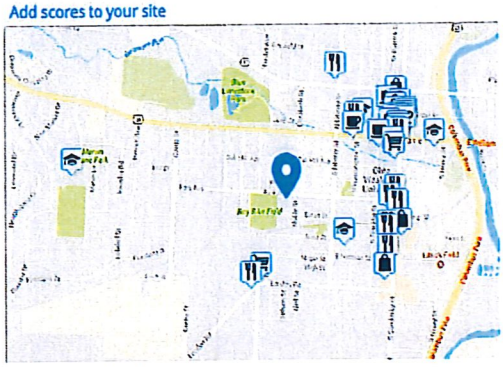
Walk Score 57

Somewhat Walkable

Some errands can be accomplished on foot.

About your score

Add scores to your site



241 Park Avenue



167 Lake Street

Delaware, Ohio, 43015

Commute to Downtown Delaware

2 min 4 min 17 min View Routes

Favorite | Map | Nearby Apartments

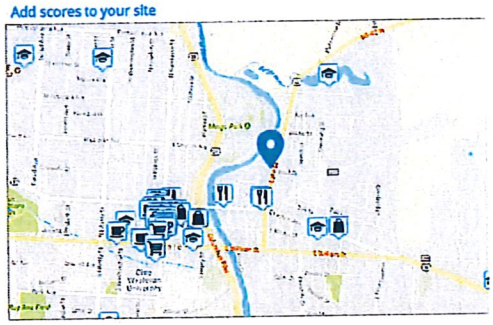
Looking for a home for sale in Delaware?

Walk Score 49 **Car-Dependent**

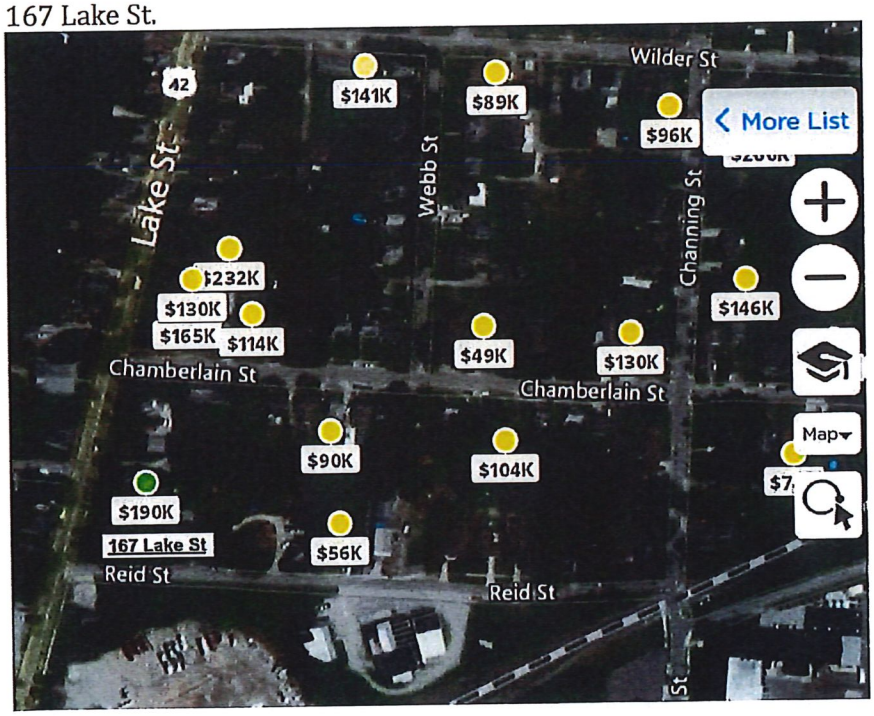
Most errands require a car.

About your score

Add scores to your site



167 Lake St.



102 Potter Street

Delaware, Ohio, 43015

Commute to Downtown Delaware

2 min 4 min 17 min View Routes

Favorite | Map | Nearby Apartments

Looking for a home for sale in Delaware?

Walk Score 53

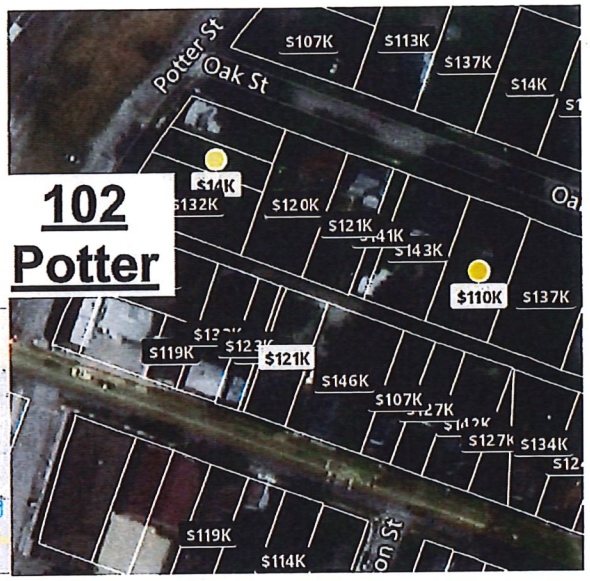
Somewhat Walkable

Some errands can be accomplished on foot.

About your score

Add scores to your site





36 South Washington Street

Delaware, Ohio, 43015

Commute to Downtown Delaware

1 min 3 min 1 min 5 min View Routes

Favorite | Map | Nearby Apartments

Looking for a home for sale in Delaware?

Walk Score 88

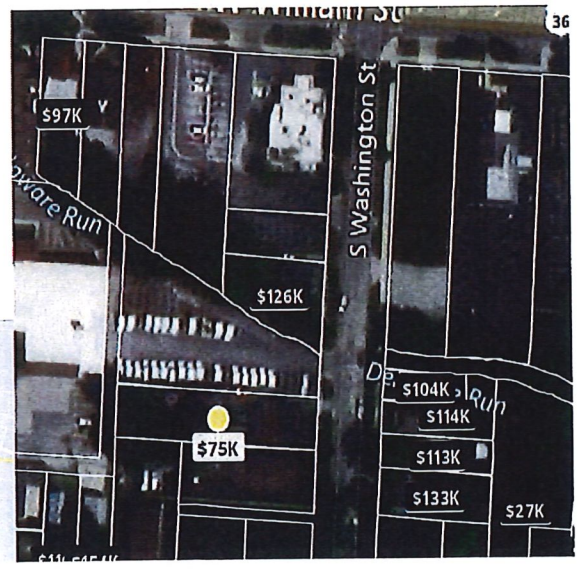
Very Walkable

Most errands can be accomplished on foot.

About your score

Add scores to your site





https://www.zillow.com

In closing, the majorities of the surrounding areas are against the changes that are proposed by Del-Mor for 250 Curtis St Delaware, Ohio 43015.

EST 1808
CITY OF
DELAWARE
OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2017-3115-3118
REQUEST: Multiple Requests
PROJECT: Del-Mor Dwelling Corporation
MEETING DATE: January 17, 2018

APPLICANT/OWNER
Del-Mor Dwellings Corporation
30 North Franklin Street
Delaware, Ohio 43015

REQUEST
2017-3115: A request by Del-Mor Dwellings Corporation for approval of a Rezoning Amendment to allow a PMU (Planned Mixed Use Overlay District) at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for an actively owned and managed 48 dwelling unit affordable housing development.
2017-3116: A request by Del-Mor Dwellings Corporation for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for an actively owned and managed 48 dwelling unit affordable housing development.
2017-3117: A request by Del-Mor Dwellings Corporation for approval of a Preliminary Development Plan for an actively owned and managed 48 dwelling unit affordable housing development at 250 Curtis Street on the north side of Firestone Drive approximately 3.64 acres on property zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District).
2017-3118: A request by Del-Mor Dwellings Corporation for approval of a Comprehensive Plan Amendment on the Future Land Use Map from Medium Density Single Family to Mixed Use at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District) for an actively owned and managed 48 dwelling unit affordable housing development.

PROPERTY LOCATION & DESCRIPTION
The subject 3.64 acre site is located at 250 Curtis Street and just north of Firestone Drive. The subject site is zoned PO/I Planned Office/Institutional). The property to the north is zoned R-5 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District), the property to the south is zoned R-3 (One-Family Residential District), the property to the east is zoned M-2 (General Manufacturing District) and the property to the west is zoned A-1 (Agricultural District).

BACKGROUND/PROPOSAL
The project is located on the north side of Firestone Drive on a 3.64 acre parcel at 250 Curtis Street. The parcel is owned by Del-Mor Dwellings Corporation, a charitable nonprofit organization established in 1990 with a mission to create high quality supportive housing resources in partnership with other community organizations. They have successfully acted upon this mission through development of several housing sites within the City of Delaware. Del-Mor Dwellings housing sites are developed and actively managed by them offering the opportunity for vulnerable, disabled members of the community to establish safe, decent and affordable housing designed to meet their needs as well as providing supportive services. Del-Mor Dwelling has owned the subject parcel since June 2016 acquiring it from the previous owner Amvets Post 102 according to County records.
The proposed development would be divided into two phases for a total of 48 single bedroom rental units for a technical dwelling unit density of 13.18 units per acre at full build out. However, it is important to realize due to the nature of the use proposed, the development, and the needs of the future occupants, each unit is a small studio or one bedroom unit (450 to 650 square feet). Each of the stand-alone buildings therefore is only slightly larger in building footprint than a typical single family house. The express purpose of the development is not traditional market rate rental units but rather rental units expressly established to provide high quality yet affordable housing opportunities and supportive services for Del-Mor Dwellings clients who generally are disabled members of our community and of lower income.
In Phase 1 the existing house and detached garage at 250 Curtis Street would remain while a one story, eight unit building and three, two-story, eight unit buildings would be constructed just west of the existing house. There would be a total of 32 small single bedroom units in Phase 1, averaging about 600 sq. ft. per unit. Phase 2 would require the existing house and garage to be razed along with eliminating the curb cut on Curtis Street. Two eight unit apartment buildings that would be two-stories each would be constructed in this area east of the main

building along with 14 additional parking spaces. Phase 2 would be likely constructed in 3 to 5 years after Phase 1 is constructed and would include small one bedroom units of approximately 650 sq. ft. each.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map recommends a future land use of Medium Density Single Family for the subject site in the Delaware Run Sub-Area while the applicant is proposing a Mixed Use designation to allow the multi-family use, office use, wellness area and educational and support services uses within the main building. The medium density single family designation definition indicates single family housing in subdivisions at a gross density between 2.5 to 4 units per acre which includes landscaped entries and private open space is the suggested development type while a mixed use designation is defined as a mix of land uses on an individual site that provides a transition to adjacent land uses, using creative site design approaches.

Specific to the Comprehensive Plan sub-area in which the property is located, the Delaware Run Sub-Area, the Comprehensive Plan contains the following land use recommendations that are applicable to this site:

- LU27.1 The completion of current residential developments is supported. The construction of new residential developments is supported if the densities are consistent with the recommendations of the Future Land Use Map.
- LU27.5 Institutional uses, such as senior residential, are supported in the subarea.

The Comprehensive Plan has several other particularly relevant goals, objectives, and strategies related to this unique case as listed below for consideration.

Land Use Element – Supporting Principals

5. Neighborhoods will continue to integrate a mix of people and housing; development in older neighborhoods will be consistent with the type and density of the neighborhood; new developments will include a mix of housing types and will encourage connectivity and walking.
6. Mixed use, traditional development and clustered patterns will be emphasized; transit-oriented development will be promoted concurrently with the extension of commuter or light rail.
7. Natural systems, such as the Olentangy River system and woodlands, will be conserved and integrated into adjacent development in ways that minimize negative impacts and provide for a healthy ecosystem.
8. As the City grows outward to accommodate new growth, it will also strongly encourage growing inward through redevelopment and reinvestment in older areas.

Table M. Land Use Locational Criteria – City of Delaware

- Single-Family Residential - Locate on level to rolling landscape; Buffer from arterials with landscaping buffers 50 feet in width; Serve by civic and institutional uses; Incorporate neighborhood parks and playgrounds; Interconnect with adjacent neighborhoods, neighborhood-scale retail, schools, parks, and civic uses.
- Multi-Family Residential – Use as transition between single family and other uses; May incorporate into single family developments to provide land use transition; residential in character.
- Mixed Use - Locate in Downtown and adjacent areas; Locate at major intersections; Incorporate a mix of residential, retail, services, office, and civic uses; Interconnect with adjacent residential, retail, and industrial areas; Residential-style architecture (e.g. gables, masonry exterior, shingled roofs).
- Civic and Institutional - Use as transition between residential and non-residential areas; Locate along major arterials; Place at prominent locations within developments when appropriately scaled.

Land Use Objective – LU8. Continue to Require Appropriate Land Use Transitions to Ensure New Development is Compatible with Existing Areas. Land use transitions – at the community, neighborhood, or property level– must be appropriate to minimize negative impacts and to provide for a well-integrated

community. Proper transitions ensure a rational land use pattern that is consistent with the City's vision of itself.

LU8.1 Land use transitions will be consistent with the Future Land Use Map.

LU8.2 Appropriate land use transitions that successfully buffer single-family neighborhoods include multi-family uses, office uses, institutional uses, parks and recreation, open space, and landscape buffers.

LU8.3 Appropriate land uses that successfully buffer multi-family developments include two-family uses, office uses, parks and recreation, open space, and landscape buffers.

LU8.5 Mixed uses are located in the Downtown, at major intersections, and at transit-supported locations, and provide land use transitions to adjacent areas by lowering the density and matching or complementing the land use pattern of adjacent properties.

Community Character Objective – CC18. Promote Effective Edges for Developments. Residential developments along major arterials and railroad tracks must include landscaped and mounded buffers (privacy fencing is insufficient). Multi-family housing or office uses as transitions between residential and non-residential development. Non-residential developments must provide significant buffers along residential properties. Zoning Code provisions are a starting point.

Housing Element – Goal and Principals

The City's goal for Housing is: A full range of housing choices will be provided that meet the needs of all current and future residents.

The supporting principles for Housing are the following:

1. A diversity of housing choices will be provided, both owner- and renter-occupied and in all price ranges.
2. An emphasis will be placed on affordable housing, "move-up" housing, higher valued renter- and owner-occupied housing, and market rate housing in the Downtown.
3. An emphasis will be placed on homeownership to create an appropriate balance between renter- and owner-occupied housing.
4. New developments that integrate a mix of housing types and values will be supported.
5. Non-traditional approaches to neighborhood development will be encouraged, such as neo-traditionalism, open space subdivisions, and clustering on sites with outstanding natural features.

The Planning Commission, City Council, and community are encouraged to review the totality of the Comprehensive Plan in this regard rather than relying upon only the summary of major items noted above.

In conclusion, the subject site is a quintessential "transition area" with densely built, low and moderate income apartments to the north (medium density multi-family land use designation, zoned PUD), intensive manufacturing and automotive uses to the east (light manufacturing land use designation, zoned General Manufacturing), a single family house zoned Agricultural (and single family subdivisions beyond that zoned single family) to the east (medium density single family land use designation) and vacant land to the south that recently housed a Salvation Army Worship, Supportive Service, and Educational Center (institutional land use designation, zoned single-family). This is perhaps one of the more complex and completely mixed use areas of our community incorporating in close proximity to this site industrial, institutional, single family and multi-family residential, and rental and owner occupied land uses. It is important to note that the current PO/I zoning designation allows multi-family uses as a condition use. The proposed applicant is a non-profit entity that builds and maintains affordable housing opportunities together with supportive services for those with disabilities and low incomes. In this case, the first phase is planned to be financed through state and federal tax programs with a minimum 15 year ownership and affordability requirement which is typically extended to 30 years. The applicant has submitted an application with the Ohio Housing Finance Agency (OHFA) for tax credits that will help fund this development but also require management, oversight, affordability periods, and the like. Thus, this is more like an institutional use than a traditional multi-family development. The applicant has developed and currently owns several such sites throughout the City over the years with a good track record of building and maintaining their properties in addition to being responsive to surrounding neighbors. Therefore, it appears the proposed development would likely be more compatible

with the Comprehensive Plan taken in total and applying the very specific PMU zoning text than typical private apartment projects that currently are allowed as a conditional use on the PO/I zoned property (the current zoning of the site). Ensuring that this development is of appropriate size, scale, buffering and building materials to the adjacent single family residential development to the west is of paramount importance to ensuring an appropriate transitional use in this complex and mixed used area of the City.

- **ZONING:** As previously mentioned, the zoning for the subject site is PO/I which permits a wide variety of uses including multi-family residential as a Conditional Use, but the applicant, to their credit, requested a Planned Mixed Use Overlay (PMU) District to prepare a specific plan and zoning text that is compatible with and provides a reasonable transition to the adjacent myriad land uses as discussed above. The PMU Overlay ultimately gives the City the most control of the proposed uses and plan now and into the future while providing some flexibility to the applicant to cluster the proposed development on a portion of the site while permanently preserving the heavily wooded portion of the site. This has the added benefit of orienting the use toward the more intensive uses to the north and east (and potentially south) as well as the Curtis St. and Firestone Dr. intersection. The PMU is the only true planned district in the City of Delaware zoning toolbox that allows an Applicant and the City to craft a zoning solution unique to the site and needs of this particular development. In this instance, the preservation of a wooded portion of the site and required buffering adjacent to single family residential uses can be most effectively achieved by using a PMU Overlay rather than simply applying a different base or overlay district available for consideration under the current Zoning Code and rather than simply proceeding through a Conditional Use Permit review. The PMU approach, through a negotiated process, allows the applicant to craft a zoning text that is able to support a different development pattern while ensuring the City has retained, and in many cases gained, control of the development to ensure a very specific and higher quality development than which could otherwise be achieved through a base zoning district. The applicant does have certain rights of use and development available under the current PO/I district which permits several as-of-right and conditional commercial, office, community facility and recreational uses and multi-family uses as a conditional use only. Along with the zoning amendment to a PMU, the zoning process would also require Conditional Use Permit, Preliminary Development Plan and Final Development Plan and Comprehensive Plan Amendment approval by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** The proposed 48 unit development would not generate enough traffic to require a traffic impact study per the City Engineer. The subject development would have two curb cuts from Firestone Drive that would access a 48 space parking lot (32 parking spaces in Phase 1 and 16 parking spaces in Phase 2). The existing curb cut that accesses the existing house fronting Curtis Street would remain in Phase 1 while in Phase 2 the house would be razed with the associated curb cut eliminated per City Engineering requirements. The looped internal road would be private but would have to be constructed to public standards. In addition, a guardrail or equivalent as approved by the City Engineer shall be installed along Firestone Drive adjacent to the proposed retention pond. Furthermore, the City would require a contribution of $40,000 for the proposed Curtis Street north bound left hand turn lane onto Firestone Drive along with the applicant dedicating the appropriate right-of-way. Previous developments in the area have also contributed to the future intersection improvements as well. Ultimately, the entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements.
- **PEDESTRIAN CONNECTIVITY:** Firestone Drive has an existing sidewalk along the frontage of the site which also serves as a sidewalk connection between two proposed bikeways per the adopted Bicycle and Pedestrian Master Plan 2017. Also, there is a sidewalk along the frontage of Curtis Street adjacent to the subject site.
- **SITE CONFIGURATION:** In Phase 1 the existing house and detached garage at 250 Curtis Street would remain while a one-story, eight unit building and three, two-story, eight unit buildings would be constructed just west of the existing house. There would be a total of 32 small single bedroom rental units in Phase 1.

Phase 1 would have two curb cuts from Firestone Drive that extends and loops into a 32 space parking lot. The looped internal road network would be private but would have to be constructed to public standards. The one story building would contain eight units and would have approximately 3,000 square feet of space allocated to social and recreational use by residents, kitchen/community dining area, on-site office space for property management staff and space designated for service providing agencies delivering on site wellness, educational and support services to the residents. The remaining 24 apartment units would be located in three buildings just west of the main building. Each building would be two stories in height and contain eight small rental units. A retention basin would be located along Firestone Drive in front of the main building while a tree preserve would be located just west of the three-two unit buildings along the western property line. A guard rail or equivalent as approved by the City Engineer would be required adjacent to the retention pond. A dumpster, to be enclosed by a brick or stone wall that matches the building with wood doors painted or stained to match, is located just north of the one story building along the northern property line.
Phase 2 would require the existing house and garage to be razed along with eliminating the curb cut on Curtis Street. Two eight unit apartment buildings that would be two stories each would be constructed in this area east of the main building along with 16 additional parking spaces. These building would be likely constructed in 3 to 5 years after Phase 1 is constructed. From a parking perspective, the zoning code requires two spaces per unit while the applicant is providing 48 parking spaces which equal 1.0 space per unit. Phase 1 would consist of 32 parking spaces while Phase 2 would consist of 16 parking spaces. The applicant is proposing a 50% reduction based on the current 39% percent of car ownership of existing Del-Mor Dwelling Corporation tenants per a survey the applicant recently completed. Given the subject tenants have a very low car ownership rate, the parking ratio would likely remain at current levels of 39%. Therefore, the proposed 48 parking spaces should be more than enough for the subject development. Designated on the site is space reserved for additional parking construction in the future should use and occupancy of the property be altered following the likely 30 year period of affordability compliance by the state and federal funding sources, or in the event the proposed constructed spaces prove to be inadequate (approximately 25 potential new spaces which would yield 73 total spaces for the subject development which would be a 24% reduction of the required 96 parking spaces which is within the threshold of a 30% reduction permitted per code with Planning Commission approval).

- **BUILDING DESIGN:** While the PMU Overlay has many benefits for both the City and the Applicants, perhaps the most significant benefits are the control upon the use and the architectural and building material design control it allows the City and negotiated flexibility it offers the applicants to produce a development that is better than one that would be executed under a base zoning designation. The developer's proposed elevations would have the following architectural elements and building materials: 1.Similar architectural design elements and details shall be consistent throughout all elevations of the primary structure; windows, doors and/or other details must be present on all four sides of the structure in a manner that is consistent but secondary to the treatment used on the front elevation of the primary structure; side elevations shall have (wrap) a minimum 2 feet of materials used on the front elevations of the building to wrap around the corners. No brick or stone shall be required on the rear elevation of any building; 2. Exterior building materials include, brick, cultured stone, cementations siding, vinyl shakes in gables and accent area only, vinyl or metal window or wood windows, vinyl or plastic detail pieces (i.e. brackets, dentil blocks, etc.), and other materials used as minor accents with administrative approval of Planning and Community Development Director – brick, stone, and cement fiber siding shall be prominently used with brick or stone prominently upon the front elevation; 3. Roof structures and materials include, gable, hip shed roof structures or combination thereof, primary roof structures shall have a 6-1/2 minimum pitch, secondary roof structures shall have a 3-1/2 minimum pitch, eave overhangs shall be a minimum of 12 inches and rake shall be a minimum 6 inches, 30 year 3 tab shingles, standing seam accent roof (minimal use), dormers (active and inactive), shingle colors shall be from the color range of natural materials; such as but not limited to wood shakes, slate, etc; 3. Exterior colors for siding and trim colors shall be natural earth tones and/or warm neutral colors including white with no high chroma colors permitted; 4. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building it serves; 5. Mechanical equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent

to the height of the highest mechanical equipment. In conclusion, the proposed building materials appear to be consistent with other recently approved multi-family developments as well as newer single family dwellings in the vicinity of this site with compliance of the approved development text.

- **LANDSCAPING & SCREENING:** The applicant is proposing a comprehensive landscape plan that includes street trees, front yard trees, foundation landscaping and perimeter buffering. There are existing street trees along Firestone Drive that would need to be maintained in Phase 1 while street trees along Curtis Street would need to be planted per code in Phase 2. The proposed landscape plan appears to have the required amount of front yard trees. The applicant is proposing a 150 foot permanent wooded buffer to the west property line while encumbering the existing trees in this area in a tree preservation easement. The existing tree line along the northern property line shall be preserved as much as possible while planting additional trees and shrubs to supplement the screening along the northern property line. The exact type and location of screening shall be determined during the Final Development Plan approval process. All landscaping plans shall be reviewed and approved by the Shade Tree Commission.
- **TREE REMOVAL & REPLACEMENT:** The site has a wooded area along the western part of the site along with scattered trees throughout the site. The applicant provided a tree survey for the entire site that documents the total of trees and caliper inches which yields 106 trees with 1,182 caliper inches. The applicant indicated 486 caliper inches of trees would be located in the proposed tree preservation easement along the western portion of the site. At this time the applicant is not sure how many trees would be removed in the proposed development and this would be determined prior to the Final Development Plan submittal. The tree preservation areas shall be located within an easement with the appropriate language that would need to be reviewed and approved by staff and then be recorded at the county. The Final Development Plan would need to identify which trees are being preserved and which trees are being eliminated and any removal and replacement would need to achieve compliance with Chapter 1168 Tree Preservation Requirements or the schedule in the proposed development text as approved. The schedule is similar to other approved PMU developments.
- **GATEWAYS & CORRIDORS PLAN:** Any proposed signage would need to be documented during the Final Development Plan approval process. Also, any monument signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways & Corridors Plan.
- **LIGHTING:** A lighting plan that identifies light poles and building lights with an illumination plan would need to be submitted during the Final Development Plan approval process. Any light poles would need to be black with a maximum height of 25 feet and have fully recessed and cut off-style fixtures. All lighting plans would need to be submitted, reviewed and approved by the Chief Building Official and achieve compliance with the minimum zoning requirements.
- **REFUSE SERVICE:** The Public Works Department indicated refuse collection could be public or private. If public, it would have to meet the minimum City requirements for refuse pick-up.
- **CONDITIONAL USE PERMIT:** The proposed development achieves compliance with conditional use permit requirements per the zoning code and approved development text.

STAFF RECOMMENDATION (2017-3115 – REZONING AMENDMENT)

Staff recommends approval of a request by Del-Mor Dwelling Corporation of a Rezoning Amendment to allow a PMU (Planned Mixed Use Overlay District) at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for a 48 dwelling unit affordable housing development, with following condition that:

1. Any new structure(s) or any change of land use shall require conformance to all provisions of the Development Text and any conditions of approval.

STAFF RECOMMENDATION (2017-3116 – CONDITIONAL USE PERMIT)
Staff recommends approval of a request by Del-Mor Dwelling Corporation of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I (Planned Office/Institutional District) for a 48 dwelling unit affordable housing development.

STAFF RECOMMENDATION (2017-3117– PRELIMIMARY DEVELOPMENT PLAN)
Staff recommends approval of a request by Del-Mor Dwelling Corporation of a Preliminary Development Plan for a 48 dwelling unit affordable housing development at 250 Curtis Street on the north side of Firestone Drive approximately 3.64 acres on property zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District), with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The applicant shall contribute $40,000 for the proposed Curtis Street north bound left hand turn lane onto Firestone Drive along with dedicating the appropriate amount of right-of-way per the City Engineer.
3. A guardrail or equivalent as approved by the City Engineer shall be installed along Firestone Drive adjacent to the proposed retention pond.
4. The number of required parking spaces shall be reduced to 48 from the base Zoning Code requirement of 96 parking spaces in accordance with the Zoning Text and development plan.
5. The dumpster shall be enclosed by brick or stone that matches the building with wood doors painted or stained to match.
6. The proposed apartment buildings shall achieve compliance with the design standards of the approved development text.
7. A tree preservation area shall be located on the western 150 feet of the property within an easement with the appropriate language that would need to be reviewed and approved by staff and then be recorded at the county.
8. The Tree Preservation Regulations in Chapter 1168 pertaining to tree replacement and preservation shall be in accordance with the Zoning Text and shall be addressed prior to or concurrent with the Final Development Plan approval.
9. The existing tree line along the northern property line shall be preserved as much as possible while planting additional trees and shrubs to supplement the screening along the northern property line. The exact type and location of screening shall be determined during the Final Development Plan approval process
10. Street trees shall be installed along Curtis Street in Phase 2 of the development.
11. Any streets trees in Phase 1 damaged by construction shall be replaced.
12. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
13. A lighting plan shall be reviewed and approved by the Chief Building Official.
14. Any signage shall be documented on the Final Development Plan and achieve compliance with the adopted Gateways and Corridor Plan.
15. The entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements.

STAFF RECOMMENDATION (2017-3118 – COMPREHENSIVE PLAN AMENDMENT)
Staff recommends approval of a request by Del-Mor Dwelling Corporation of a Comprehensive Plan Amendment on the Future Land Use Map from Medium Density Single Family to Mixed Use at 250 Curtis Street on the north side of Firestone Drive on approximately 3.64 acres on property zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District) for a 48 dwelling unit affordable housing development.

COMMISSION NOTES:

FILE:
ORIGINAL: 1/12/18
REVISED:

Planning Commission Approved Text 02/7/18

PLANNED MIXED USE DEVELOPMENT TEXT
DEL-MOR DWELLINGS CORPORATION
CURTIS STREET AND FIRESTONE DRIVE PROJECT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Del-Mor Dwellings Corporation, which builds and manages high quality public financed apartments for low income residents with disabilities, is proposing to rezone the approximate 3.64 acre site at 250 Curtis Street on the north side of Firestone Drive from PO/I (Planned Office/Institutional District) to PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Development District) for a 40 unit apartment development which would require the razing of the existing house.



2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent of the developer to provide a planned multi-family development with high quality site improvements and architectural design. This Development Text represents the zoning requirements for this development.

B. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

C. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

D. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major change in the use or occupancy other than those uses specifically listed in this text.
(2) Major change in the approved location of land uses and/or buildings and building sizes of more than 10%.
(3) Substantial alteration of the basic geometry of the road layout and/or operation characteristics of any element of the approved access points and parking facilities that result in a change in operating characteristics or character.

E. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor change to the use or occupancy of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.
(3) Minor alteration of the basic geometry of the road layout and/or operation characteristics of any element of the approved access points and parking facilities that result in a change in operating characteristics or character.
(4) Minor structural alterations that do not alter the overall design intent of the building.

F. **Preliminary & Final Development Plan**
1. The proposed site plan and building elevations require Preliminary and Final Development Plan approval by the Planning Commission and City Council.

G. **Tree Removal and Replacement.** Tree removal and replacement shall meet all requirements of Chapter 1168 along with the following replacement schedule:
(1) Trees in poor condition shall not be replaced (dead, damaged or diseased).
(2) Trees in fair condition shall be replaced at 50%.
(3) Trees in good condition shall be replaced at 100%
(4) Ash trees shall not be replaced and must be removed from the site, except in the permanently preserved areas.
(5) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
(6) The tree survey documented 486 caliper inches of trees that would be permanently preserved in the tree preservation area along the western portion of the property but the owner at this point could not determine which trees would be removed in the construction of the apartment development.
(7) The schedule above shall be applied to the proposed Final Development Plan and tree survey for preservation and removal of trees. This shall be done prior to or concurrent with the Final Development Plan submission. Trees proposed to be permanently preserved shall be given credit based upon their caliper inches per the tree survey and the schedule above calculated against the total caliper inches proposed to be removed (again in accordance with the schedule above and the tree survey). If there still remains a balance of caliper inches due, the developer shall replant this on site in addition to any required or proposed trees, shall make a payment in lieu of replanting these trees at $100 per caliper inch, or any such combination that achieves a zero balance.

3. SITE PLAN

The project is located on the north side of Firestone Drive on a 3.64 acre parcel at 250 Curtis Street. The existing house and detached garage at 250 Curtis Street would be razed while a one story eight unit building (main building) and four two-story, eight unit buildings would be constructed on the site which would total 40 single bedroom apartment units. The site would have two curb cuts from Firestone Drive that extends and loops into a 48 space parking lot. The looped internal road network would be private but would have to be constructed to public standards. The one story building (main building) would contain eight units that would encompass 450 square feet each and would have approximately 3,000 square feet of space allocated to social and recreational use by residents, kitchen/community dining area, on-site office space for property management staff and space designated for service providing agencies delivering on site wellness, educational and support services to the residents. The two buildings just east and west of the main building along Curtis Street and Firestone Drive respectively would be two stories in height and contain eight apartment units that would encompass 650 square feet each. A retention basin would be located along Firestone Drive in front of the main building while a tree preserve would be located just west of the two-two-story buildings along the western property line.

4. SITE USES

A. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Uses**
(a) Residential	
(1) Single-Family Dwelling	P
(2) Multi-Family – Del-Mor Dwellings Corporation owned and actively managed development for low and moderate income affordable units for tenants with disabilities (not to exceed 40 dwelling units)	L
(b) Office Professional Services	
(1) Offices – Administrative, Business and Professional	P
(2) Medical/Dental Offices health and allied services	P
(3) Research and development facilities within entirely enclosed buildings	P

Land Use Category	Uses
(c) Community Facilities	
(1) Day Care Center – child/adult	C
(2) Library	P
(3) Public Safety and Service Facility	C
(d) Recreation	
(1) Public parks and playgrounds	C

L – Limited Use Requirements:

(1) Multi-Family – Del-Mor Dwellings Corporation owned and actively managed development for low and moderate income affordable units for tenants with disabilities (not to exceed 40 dwelling units) is permitted as may be allowed herein and per Development Plan approvals. However, should Del-Mor Dwellings Corporation fail to secure their requested Ohio Housing Finance Agency (OHFA) grant for this proposed project or should Del-Mor Dwellings ever sell the property or fail to be the management authority for the property in the future, this use shall immediately revert to the currently Conditionally Permitted Multi-Family Use in the underlying PO/I District and would require authorization to establish such use (either continuance or new) under the rules and regulations for Conditional Use Permits and Development Plans in effect at the time of application.

(5) **Prohibited Uses.**

i) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.

ii) **Wireless telecommunication facilities including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development site or immediately adjacent to the site. Small cell sites, DAS, antennas, and/or amplifiers may be permitted so long as they are completely camouflaged so as to be not visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

iii) **Outdoor Storage:** No outdoor storage is permitted on the site which includes open dumps, mineral extraction, etc.

iv) **Medical Marijuana**: No medical marijuana principal or accessory uses are permitted on the subject site.

v) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster's, Magic Mountain, and Chuck E. Cheese

B. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	Per approved FDP
(2) Minimum lot width and frontage	Per approved FDP
(3) Maximum building coverage	Per approved FDP
(4) Maximum lot coverage	Per approved FDP

C. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from Firestone Drive and Curtis Street	25 ft.
(2) Setback from private street/parking lot	10 ft.
(3) Setback from adjacent property line (perimeter setback) a. Adjacent to residentially zoned property to the west b. Adjacent to multi-family zoned property to the north	 150 ft. 25 ft.

D. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from Firestone Drive and Curtis Street	25 ft.
(2) Setback from adjacent property line a. Adjacent to residentially zoned property to the west b. Adjacent to multi-family zoned property to the north	 150 ft. 10 ft.

E. **Maximum Building Height.** The maximum height of any building or structure shall be 38 feet and a maximum of two stories in height except for architectural details such as towers, spires or roof cupulas.

F. **Building Design.** The intent of this regulation is to create a cohesive and unified design throughout the entire development, each building (single and two story buildings) shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process that is not dissimilar from the preliminary architectural renderings and that achieves compliance with the following requirements:

(1) Architectural Elements
   A. Similar architectural design elements and details shall be consistent throughout all elevations of the primary structure.
   B. Windows, doors and/or other details must be present on all four sides of the structure in a manner that is consistent but secondary to the treatment used on the front elevation of the primary structure.
   C. Side elevations shall have a minimum wrap of 2 feet of materials used on the front elevations of the building corners. No brick or stone shall be required on the rear elevation (this elevation shall not be visible to the public) of any buildings.

(2) Exterior Building Materials
   A. Brick
   B. Cultured Stone
   C. Cementitious siding (hardie plank)
   D. Vinyl shakes in gables and accent area only
   E. Horizontal or vertical siding shall be permitted as a finish material however no vinyl siding (except item D) shall be permitted.
   F. Vinyl or metal window or wood windows
   G. Vinyl or plastic detail pieces (i.e. brackets, dentil blocks, etc.)
   H. Other materials used as minor accents with administrative approval of Planning and Community Development Director
   I. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
   J. Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.

(3) Roof Structures/Materials
   A. Gable, hip shed roof structures or combination thereof is permitted
   B. All structures shall have a primary roof structure having a 6-1/2 minimum pitch
   C. Secondary roof structures shall have a 3-1/2 minimum pitch

D. Eave overhangs shall be a minimum of 12 inches and rake shall be a minimum 6 inches
E. Minimum 30 year, 3 tab roof shingles
F. Standing seam accent roof (minimal use)
G. Dormers (active and inactive)
H. Shingle colors shall be from the color range of natural materials; such as but not limited to wood shakes, slate, etc.

(4) Exterior Colors
A. Siding Colors – applicant shall supply color pallet to be used for review with Final Development Plan
   1. Natural earth tones and/or warm neutral colors including white
   2. High chroma colors are not permitted
B. Trim Colors - applicant shall supply color pallet to be used for review with Final Development Plan
   1. Natural earth tones and/or warm neutral colors including white
   2. Complementary or contrasting to siding color
   3. High-chroma colors are not permitted



FIRESTONE DRIVE ELEVATION BUILDING B

SIDE ELEVATION BUILDING B



FRONT ELEVATION BUILDING C

FRONT ELEVATION BUILDING D

G. **Parking.** The amount of parking shall be as approved on the Final Development Plan and not inconsistent with the Preliminary Development Plan.

(1) The zoning code requires two spaces per unit while the applicant is providing 48 parking spaces which equal 1.0 space per unit. .

(2) The applicant is proposing a 50% reduction based on the current 39% percent of car ownership of existing Del-Mor Dwelling Corporation tenants per a survey the applicant recently completed. Given the subject tenants have a very low car ownership rate, the parking ratio would likely remain at current levels of 39%. Therefore, the proposed 48 parking spaces should be more than enough for the subject development.

(3) Designated on the site is space reserved for additional parking construction in the future should the City allow the use and occupancy of the property to be altered following the required 30 year affordability period (tax credit affordability compliance by the state and federal funding sources) or in the event the proposed constructed spaces prove to be inadequate (approximately 25 spaces which would yield 73 total spaces which would be a 8.75 reduction of the required 80 parking spaces which is within the threshold of a 30% reduction permitted per code with Planning and Zoning Commission approval).

H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan.

(1) Street trees shall be required along Firestone Drive and Curtis Street per the zoning code.

(2) Front yard trees shall be required along Firestone Drive and Curtis Street per the zoning code.

(3) Building foundation landscaping shall be required per the zoning code.

(4) The applicant is maintaining a minimum 150 foot setback to the west property line while encumbering the existing trees in this area in a permanent preservation easement.

(5) The existing tree line along the northern property line shall be preserved as much as possible.

A. Additional trees and shrubs shall be installed to supplement screening along northern property line.

I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current zoning and building code

k. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165 Signs of the zoning code and adopted Gateways and Corridor Plan and shall be provided as part of the Final Development Plan.

l. **Roads.** The private roads shall be constructed to public standards within the development as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan. In addition, a monetary

contribution of $40,000 toward the Curtis Street/Firestone Drive intersection improvements shall be required per the City Engineer.

m. **Pedestrian/Bike Path**. Firestone Drive currently has a sidewalk which is designated as a bike path per the adopted Bicycle and Pedestrian Master Plan 2027. There is currently a sidewalk along Curtis Street which would be maintained..

n. **Utilities.** All new utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan.