

CASE 2: 16-0239LR – Norwich Cottages – 5154 Norwich Street

PARCEL NUMBER: 050-000252, 050-000364, 050-000268

APPICANT: Billie Rosnagle c/o Steven Rosnagle and Eric Ward, 7075 Riverside Drive, Dublin, Ohio 43016.

REQUEST: Review & approval of a rezoning application under the provisions of Hilliard Code Chapter 1117 for a PUD Concept Plan consisting of 16 single-family residences on 2.52 acres.

Mr. Talentino presented the staff report with power point slides of the site.

On March 10, 2016, the Planning and Zoning Commission postponed this application until the April 14, 2016 meeting. On April 4, 2016, the applicant met with six neighboring property owners and members of City staff to discuss development options associated with the proposal.

The site consists of three parcels totaling 2.85 acres located on the northeast side of Norwich Street approximately 200 feet northwest of Linda Road. The site was rezoned OH-RD, Old Hilliard Residential District on November 27, 2014 (Ord. 14-29). The applicant is requesting approval of a PUD Concept Plan consisting of 16 single-family detached condominiums on approximately 2.52 acres. Two parcels fronting Norwich Street and totaling 0.33 acre will be excluded from the PUD Concept Plan and will be developed independently from the proposed development.

The Commission is to review the proposal for conformance to the Hilliard Comprehensive Plan and Chapter 1117 of the Zoning Code and then forward a recommendation to City Council. The Commission may recommend that the application be approved, disapproved, or it may recommend a modification of the PUD Zoning Development Plan.

Staff finds that the proposal is generally consistent with the recommendations in the Comprehensive Plan concerning land use. Staff finds that the proposal will provide a distinct housing option in the area. Staff finds that PUD is the appropriate zoning district for this site. Based on these findings, staff recommends that proposed PUD Zoning Development Plan and Text be approved with nine conditions listed in the staff report.

Chairman Lewie asked if there were questions for staff.

Mayor Schonhardt stated we typically require some kind of homeowners association in an area like this. It gives them the ability to access or accumulate funds to ensure that things like the private access road are properly maintained. I don't see that as a requirement of our approval and I think it should be because we've done that in the past with similar developments. I want to make certain that this is something we're able to do and include in the conditions.

Ms. Clodfelder replied I believe it's something you can require as part of the conditions. Mr. Talentino, was there something in the previous application that said something about that with the developer starting a condo?

Mr. Talentino replied there's normally some language that says something like a forced and funded association of the owners be established. When it's forced and funded there's that legal mechanism that establishes it for any owner and we've had those in the past.

Mayor Schonhardt stated from my perspective it's important to add that because it's a private street. I don't want years down the road for residents to believe that we're ignoring them when the fact is that isn't our street.

Mr. Talentino stated Condition 10 can state "that a forced and funded owners of these dwelling units be established subject to approval of the Law Director." Those details usually get worked out in that effort. There are things that allow the City to step in if the association is not performing how it should.

Ms. Clodfelder stated the language should also be added to the development text.

Chairman Lewie asked if the applicant would like to speak.

Mr. Eric Ward, Riverside Mill Development, was present and stated we met with several of the representing neighbors and discussed many of the issues. I think we agreed on quite of few of them and most of them are covered in the revised text.

Chairman Lewie asked did you read the staff report and do you agree with the nine conditions listed?

Mr. Ward replied yes and we agree with all the conditions and the tenth one. This is set up as detached condos so there will be an association to account for future expenses and maintenance.

Chairman Lewie stated I appreciate you meeting with everyone on April 4, 2016.

Chairman Lewie asked for public comments.

Mr. Colin Knell, 5180 Norwich Street, was present and asked has the developer had engineering calculations done on the additional water that will come off the roofs, paths, and roads from this development? If they have, can they provide the residents with a copy because there's a similar development that was attempted in Dublin and it failed because it was significantly detrimental to the existing problems that we residents have on Norwich Street with water retention.

Mr. Talentino replied that information is provided with the final development application which comes if this goes through the process and the zoning gets adopted. Before anything can get built the applicant has to come through with a final development plan that shows that it can meet everything including engineering.

Mr. Knell asked if you approve this and there's a problem, how does it get fixed? The chairman at the last meeting asked the developer to reduce the number of dwellings and I haven't heard anything yet from the developer if that's going to be done.

Mr. Seidle replied the storm water management including water quality and quantity are subject to the city engineer's review. We've had many cases where engineering standards fly in the face of what density is allowed and they don't get that approval without complying with that. If they need more for a detention basin then they have to give up a unit. The zoning puts a maximum on there and they don't always get every lot that they want. Some of those things fall out for a variety of reasons from storm water drainage to other things that are required as you get into the details. Mr. Talentino is absolutely right including they have to obtain a storm water notice of intent permit from the Ohio EPA that would be required as they move forward which looks at the same things. The calculations are done at the engineering stage and not the zoning stage.

Mr. Knell stated what you're telling me is that if it fails and they actually have to reduce the number, it will be a decision made afterwards and not before. It sounds backwards.

Mr. Seidle replied it deals with what's allowed under the zoning and engineering process and they have to comply with both. We have specifically seen a loss of lots because of engineering issues from access, utilities that can't be relocated, and storm water management. The zoning establishes the maximum they can do but they never get seventeen units because they can squeeze it in and still meet all the engineering; they get sixteen.

Mr. Knell asked the second part of that question was that the chairman asked for the developer to look at reducing the 16 downwards and I don't think you've heard if that has happened.

Chairman Lewie replied he is still maintaining the 16 single-family units. I made a lot of suggestions last month and he can respond or not respond. He's sticking with the 16 units in the back and the 2 residential in the front. I can't dictate to him how it should be.

Mr. Knell stated it seems to me that this Commission completely ignores the residents' wishes. We have a neighbor here, Lisa Vroom, and her property is directly next to where this development is going to occur. Are any of you interested in buying it before the valuation of that property goes down because you people decide to agree to put multi-density housing? We've all bought properties on that street and the values of them are going to diminish with this proposal. You don't seem to bother to listen to what the residents want and it's a disgrace.

Mr. Nate Millison, 5155 Norwich Street, was present and stated I live two properties to the left of the development. Do we have numbers on traffic and property value degradation? We already have Norwich Street as a cut through from Main Street to Hilliard Cemetery. My wife works the third shift and shuts down a bar four nights a week. She comes home at 4:00 a.m. and there will be construction going on at 8:00 a.m. and she won't get any rest. These are the three things my wife and I are really concerned about. I agree with Mr. Knell on if you approve this will you purchase my house?

Alissa Knell, 5180 Norwich Street, was present and stated if this is a zoning request, do you have to yes? I get what the developer's trying to do but is it a given that anytime someone comes with an idea for a development that you have to say yes? What I've understood from Mr. Talentino is that this is the lesser of evils. There have been other proposals for this space that

have been apartment buildings. Since this is aesthetically more appealing, we're just supposed to accept that. How about just saying no and letting someone buy it and build a house on it.

Mr. Talentino replied we don't have to say yes and the cases and applications that you don't see are the ones that we turn down before they get here. I'm not calling this the lesser of any evils. I think this has merit and value consistent with the Code and the plan by itself. When you compare to what it could be then I think it's more valuable. It has some value in providing different types of housing product and fitting in with the characteristics which is in the Comprehensive Plan.

Ms. Knell stated the building may look in character but there are sixteen of them. I think everybody's opinion is that if this was eight then most would be able to live with that. We asked for a reduction and it's still showing sixteen. This makes it more difficult for us to stomach. Do you have to say yes just because that's what he's coming with? What can this actually benefit to the community? How does it enhance the living conditions of the people living in the area?

Ms. Linda Lutz, 5160 Norwich Street, was present and stated there has been a clear statement presented that this is not what the community wants. We're residents, taxpayers, and families that have history in this area. It is grossly over-populated and over-dense for that area. If this goes through and there is an engineering problem, will you at that point reduce the houses? If they're going to move forward with this plan then why can't we make it better from the beginning? We're fine with development and appreciate the effort but as a community we would rather sit and wait for something better.

Ms. Lisa McLaughlin, 5185 Norwich Street, was present and stated as a person who has Landmark Lofts growing in my backyard; I appreciate the petite, pretty, and lovely design to these houses. I did do a cut and paste to show how the housing size compares to other homes on the street. I see that the footprints for them are similar to the footprints of the cul-de-sac on Hamilton and the houses on Linda. My only concern is that in item 5 of the information sent out regarding this, it talked about maximum lot coverage by buildings or structures shall be 30 percent. I wasn't at the last meeting but I wanted to confirm that the front two lots that are on Norwich are taken off the 5 acres to figure out that 30 percent of structures are on the back of the development because if that's not developed as part of that I want to make sure that that's not included.

Mr. Talentino replied the text only covers the PUD portion which is 2.52 acres and doesn't include the two lots. We figure out how many square feet that and the houses are and make the lot coverage at 30 percent.

Ms. McLaughlin asked does the street count in the math for the plan?

Mr. Talentino replied yes, the drive is covered in the acreage.

Ms. McLaughlin stated I understand my neighbors aren't thrilled to have that many houses in there. Personally, I think losing one on the front part and the back part would look nice. Obviously, the person presenting this has chosen not to do that despite the concerns raised by the neighbors. I hope that the engineer decides that land is to wet because my backyard is and I'm on

the other side of the street. I also know that they're not going to talk about screening or trees until it gets past you and I'm certain that the developers will definitely make sure to put screening on the back because that goes up against section 8 housing. I only hope they pay the same consideration to my neighbor whose lot goes the entire other side of the property.

Mr. Erich Keller, 5137 Hamilton Road, was present and stated I am a ten year resident of Hamilton Road. Mayor Schonhardt, what is your vision for Norwich Street?

Mayor Schonhardt replied we've made tremendous improvements on Norwich Street from what it was with the landscaping, the off-street parking, and drainage. I think right now Norwich Street is a very nice street.

Mr. Keller stated I agree. What would you like it to be in the future?

Mayor Schonhardt replied what it is today.

Mr. Keller stated I also think that Norwich Street is a beautiful street and I greatly appreciate the work and the money that the city has invested in the infrastructure, lighting, curbing, and sidewalks. Norwich Street is a particularly distinctive street in Hilliard and I know of no other street that looks like it. It seems like Norwich Street should be afforded the proper protection and care. Those first two lots have a certain zoning that protect what can go into those future lots. Is that correct?

Mr. Talentino replied that's not correct. There are standards for development on those two lots and nothing is protected.

Mr. Keller asked in other words you couldn't put that high density development on those first two lots?

Mr. Talentino replied correct.

Mr. Keller stated the character Norwich Street is distinctive and larger than average homes with deep lots. While the quality of each dwelling that the developer is proposing is of high quality, it's a clever play to get behind the standards on Norwich Street to put those in. I'm opposed to the change of the standards of the zoning and the density of the development behind it.

Ms. Lisa Vroom, 5156 Norwich Street, was present and stated my property is north of this development. I wasn't contacted by the developer to meet with him and I've noticed he chose not to come back with a different plan. We were all in agreement that if this development happens then there would have to be sidewalks but there still not in the plan. Furthermore, I did ask the developer at the end of the March meeting about a street that dead end's right into my property and he said the City asked him to do that. Why did you ask for him to do that?

Mr. Talentino replied typically, when there's an adjacent development that could be developable we provide an access to that. When we had our meeting with the neighbors we told him to put drives to those houses and not have that access unless you wanted a connection.

Ms. Vroom asked what were these meetings with the property owners?

Mr. Talentino replied this was a meeting based on two neighbors that backed up to this property on Hamilton, one was across the street, one was a few lots down, and those who came to the March meeting and made comments. I called them and the idea was to see if there was some design considerations that we can discuss and agree to with a small group. I didn't want forty people coming to a meeting because larger groups don't work in that setting. We had that meeting to look at what the possibilities were and the applicant chose to keep this plan but there are some conditions for development.

Ms. Vroom asked when was that meeting?

Mr. Talentino replied Monday, April 4th.

Ms. Vroom stated Dr. Strickland is also here who owns a property to the south and I think it's very interesting that neither of us were contacted. All the neighbors have a wonderful relationship and we can work together on that a business or residential that needs to fit in with the street. Leaving us out of the meeting should be noted.

Mr. Ben Buoni, 5199 Norwich Street, was present and stated at the first introduction of this project at last month's P&Z meeting I clearly expressed then that the numbers needed to be reduced. However, the City ordinances and zonings allow this property developer to present the current project at the amounts that he wants. I was invited by the City to meet with the developer and fellow neighbors for the project to see if a common ground could be met. As a result of this meeting the developer intends to move forward with this plan with the amount of units. I do believe these public meetings do have purpose even though it seems we don't get heard at times. We live in Old Hilliard and I'm starting to feel that the direction is high density and the studies seem to support it. Who knows what five years from now it might produce, it may be an assistant care living. Here's what I understand as a result of that meeting. The owner has proposed the maximum amount and according to Mr. Talentino it could be reduced if engineering can't be met. The property owners at the meeting felt that unit twelve needed to be removed because it impacted a resident on Hamilton because of the way it's designed at the end of the cul-de-sac. There was just a small space between her backyard and the proposed property. If it's going to be reduced we would like to see some courteousness in that area. We clearly stated that this project must have sidewalks and this is something that the City seems to promote in friendly streets so people can walk up Norwich Street and visit the business core. Natural screening must be met according to City Code. The two properties that are off Norwich should be of historical style according to the Old Hilliard guidelines. The proposed don't fit the character of Norwich Street. As a result of that we felt that those need to stay in character as Norwich. A homeowners association needs to be part of this as said earlier. Our city recognizes an area with boundaries that are called Old Hilliard and these guidelines are unique to this area as opposed to the rest of Hilliard. The Original Old Hilliard Commission had seven members who were property owners for the area. Since Planning and Zoning took this over we don't have any representation other than Mayor Schonhardt who has a property on Franklin. I would like to see at least one property

owner from Old Hilliard sit on this board because Main and Norwich Streets are constantly changing.

Chairman Lewie stated we do recommend a 5-foot sidewalk on Condition 5.

Jo Jo Strickler, 5138 Norwich Street, was present and stated I own the property south of the proposed development. I love change but ten years ago I was in the same position as the developer. We wanted to come into Hilliard and have a rezoning to build the practice that I'm in now. It was an old home built in 1957 and I wanted to make it prettier, bigger, and wider. I couldn't understand why Hilliard wanted me to keep it historic and have the same porch, patio, trees, and windows as it was from a long time ago. I didn't enjoy Hilliard or the Commission until after the beautiful Norwich Street that we see now. There's only one thing I ask is to keep the word historic in mind when you vote on this.

Chairman Lewie asked for any further comments.

Mr. Ward stated I wanted to thank you for your comments. Most of the comments that were made by the neighbors at the meeting are in the text for the sidewalks, the street that stops to the north, and the deeper setback. The neighbors sometimes couldn't agree on certain things such as having a business use in the front when we anticipated those lots being residential. But nonetheless we're happy to put that deed restriction there. The big issue is density and I mentioned last week with the neighbors and last month at the March meeting that I don't think we will get sixteen on there. At this point we are proposing that to make the numbers work and for economic reasons. When the engineering comes out I expect that to be reduced. It's easy to throw a house out now but we're not prepared to do that financially until we get this project to engineering.

Chairman Lewie asked for any further comments, hearing none he called for a motion.

MOTION: Mr. Movshin made a motion to approve CASE 2: 16-0239LR – Norwich Cottages – 5154 Norwich Street for a rezoning application under the provisions of Hilliard Code Chapter 1117 for a PUD Concept Plan consisting of 16 single-family residences on 2.52 acres with the following ten conditions:

- 1) That a legal description and exhibit for the two parcels that will be excluded from the PUD Concept Plan are submitted, subject to staff approval, prior to the application being scheduled on a Council agenda;
- 2) That the PUD site is limited to not more than 16 dwelling units;
- 3) That the two proposed out lots are limited by deed restrictions to single-family residential use only;
- 4) That the plan is revised to specify a minimum 25-foot building setback along the north property line;
- 5) That the design and location of the private drive meets the requirements of the City Engineer and Norwich Township Fire Department;
- 6) That a 5-foot-wide sidewalk is provided along both sides of proposed streets;

- 7) That the proposed color renderings of dwellings are included as part of the PUD Concept Plan;
- 8) That a fee in lieu of park land dedication is provided consistent with the Code; and
- 9) That the development plan and text are revised consistent with the recommendations listed in bold in the staff report prior to the application being scheduled on a Council agenda.
- 10) That the development text is revised to include a forced and funded association of the owners be established and reviewed by the law director.

Mr. Robertson seconded the motion.

VOTE: Mr. Muether, No; Mr. Movshin, No; Chairman Lewie, Yes; Mr. Robertson, Yes; Mayor Schonhardt, No.

STATUS: The motion failed 3-2 and CASE 2: 16-0239LR – Norwich Cottages – 5154 Norwich Street was denied a rezoning application under the provisions of Hilliard Code Chapter 1117 for a PUD Concept Plan consisting of 16 single-family residences on 2.52 acres.