



## Report for Council – June 27, 2016

---

### **Planning & Development Department Agenda Items:**

#### **Darling Road Pre-Annexation Agreement UPDATED**

Based upon the discussions from the previous City Council meeting, email correspondence from individual Councilmembers, additional feedback from various departments within the City Administration and dialogue with M/I Homes of Central Ohio (“Developer”), the Department has modified the Pre-Annexation Agreement in the following ways:

- Section 3: added language to clarify that there will be sufficient turn radius for emergency vehicles on the north access point of Darling Road.
- Section 3: added language to clarify that there will be sufficient pedestrian connectivity via a multi-purpose path from the south access point on Darling Road.
- Section 4: added language that requires the Developer to establish a zoning classification that includes limitation overlay text covering the type of construction materials to be used on the exterior façade of the proposed homes.
- Section 4: added language that requires the Developer to establish a zoning classification that includes limitation overlay text requiring that homes have a minimum square footage of 1,800 in order to ensure a consistent building type throughout the project.
- Section 4: added language that requires the Developer to create a Homeowner’s Association (HOA) that allows for the City to access and maintain the non-public open space areas in the case the HOA fails to fulfill its maintenance obligations. In addition, it will allow the City to assess the HOA for any maintenance expenses incurred. The limitation overlay text will delineate the maintenance obligations.
- Section 5: added language that requires the Developer to give the City the +/- 5 acre open space area that is adjacent to Hannah Park. The ownership of the remaining open space area is still to be determined.
- Section 9: added language that refers to Gahanna Codified Ordinance Chapter 1195.05 (Post Construction Runoff Control); specifies the Developer’s obligation to adhere to Gahanna Codified Ordinance Chapter 913.10 (Street Tree Planting Requirements); and requires the Developer to make a good faith effort to preserve existing mature trees that are located within the open space areas of the project.
- Section 9: clarifies that the Developer must have a Stormwater Management Plan as part of their Zoning submission to City Council. The previous version required it with the Final Plat. This change clarifies that the Stormwater Management Plan must be complete at the time Gahanna City Council considers the Zoning submission.
- Exhibit B: the Project is modified to exclude the existing home on Reynoldsburg/New Albany Road. This change required the roadway access to move slightly north.

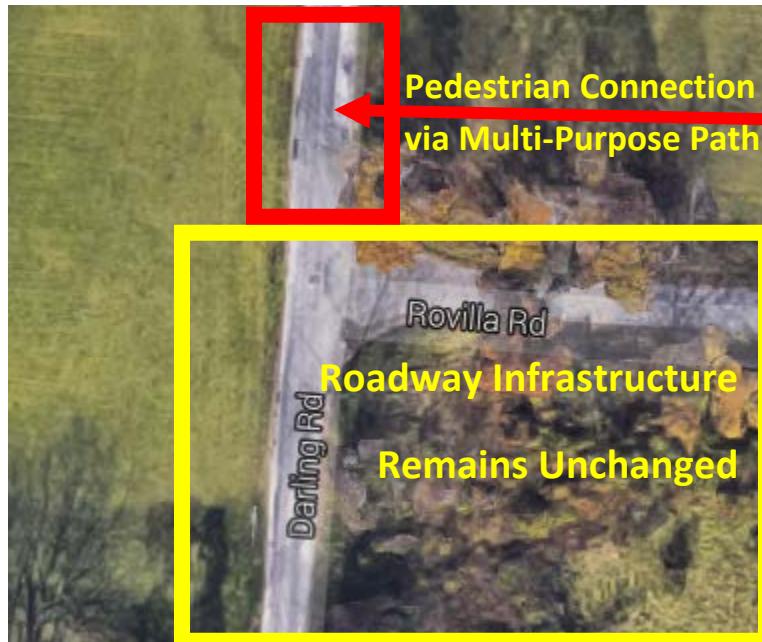
In addition to these modifications, the Department also received the following questions from Councilwoman McGregor:

- 1) What is the density that would have been acceptable to Jefferson Township to allow the MI Development to go forward?

The Department does not have information on what would have been acceptable to Jefferson Township. However, the current zoning of the property is Restricted Suburban, which allows for 1 residential unit per 5 acres.

- 2) How is Darling Road going to be changed? Will it be the standard Gahanna Street?

The portion of Darling Road south of Rovilla will remain unchanged (see the area within the yellow below). The portion of Darling Road immediately north of Rovilla will be removed, vacated and deeded over to the City as future right of way. In addition, this portion will have a multi-purpose path constructed to allow for pedestrian connectivity to the project site (see the area within the red below).



The portion of Darling Road west of the 90 degree bend will remain unchanged (see the area within the yellow below). The portion of Darling Road at the 90 degree bend will be modified to provide an access point and turnaround for emergency vehicles (see the area within the red below).



The center section of Darling Road will be removed from its current Franklin County ownership and deeded over to the City as a public right of way (see the area in yellow below). The Project will improve this portion of the roadway and build it to the City's current roadway standards as required by the Engineering Division.



- 3) Who is giving permission to close Darling Road?  
Franklin County will have to provide permission to close Darling Road.
- 4) Will the closure affect response time for medics and fire?

There will be two locations for emergency access for the Project. A full access from Reynoldsburg/New Albany Road and from west Darling Road. It is my understanding that the Developer has already met with the emergency services staff in order to ensure that there is sufficient emergency assess for the Project.

- 5) What are the protections on the open space should the HOA fail? Can there be a clause that it comes to the City? What protections can be placed on these open spaces?

The modified language of the Pre-Annexation Agreement has a clause in Section 4 that requires the HOA to give the City access to the property if they fail to properly maintain the area. The City will have the authority to maintain and assess the Project for any expenses incurred in properly maintaining the area.

- 6) What about parkland dedication?

The City Administration has not determined whether to accept the open space area in the Project. The City will have the option to either accept the open space property or accept park fees. Further review will be had by the Parks Department when the park fee calculations are made at a later point in the project. This option is stated within Section 5 of the Pre-Annexation Agreement.

### **Tree Code Modification UPDATED**

At the June 13 Committee meeting, Council provided feedback related to the proposed tree code. Two code changes have been made to address the requested changes. An additional question was related to performing an analysis of an existing site, the Shops at Rocky Fork, to see if the site would meet the proposed code. A review of their approved plans and a site inspection was performed. The findings for the Shops at Rocky Fork are included below. Staff also looked at another recently constructed commercial project, Kemba Financial Credit Union. The findings are dramatically different than those of the Shops at Rocky Fork as the Kemba site had a substantial amount of tree preservation.

1. 914.05(c) – The \$200 fee for offsite planting was replaced with a reference to the Building and Zoning fee schedule. This language should be sufficient to address the concerns of inflation as fee schedules are typically evaluated every year.
2. 914.07(b) – Changed language from “replanted” to “replaced” as requested.
3. Performed an evaluation of Shops at Rocky Fork and for the new Kemba Financial Credit Union on Hamilton Road. Council requested that we look at the Rocky Fork site to see if it meets code. I also wanted to look at the new Kemba site on Hamilton Road as it was built during the same time but had an element of tree preservation.
  - a. Please note that there is existing tree code that governs the amount of trees that are planted within commercial parking areas. This requirement would be in addition to the proposed code changes. This existing tree standard is also included in the analysis below.

Site	Trees Required under existing code covering parking areas	Tree Inches Required under proposed code being considered by City Council	Provided	Compliant with Proposed Code
Shops at Rocky Fork	45 trees in parking area	117" based on impervious plus 45 trees for the parking area	55 trees	No, approximately 97" which equals approximately 48 additional trees to be planted
Kemba	12 trees in parking area	26" based on impervious plus 12 trees for the parking area	12 new trees plus 109" of tree preservation	Yes, tree preservation more than sufficient to meet proposed code