City Council Meeting Agenda

Tuesday, February 17, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tem
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

Matthew H. Greeson, City Manager
D. Kay Thress, Clerk of Council

If you have questions regarding this agenda please contact the Clerk of Council at 614-786-7347. This agenda and amendments that may be made to it can be found at www.worthington.org
CALL TO ORDER

Roll Call

Pledge of Allegiance

VISITOR COMMENTS

APPROVAL OF MINUTES

1) January 20, 2015 – Regular Meeting

NEW LEGISLATION TO BE INTRODUCED

2) Ordinance No. 07-2015
   Amending Ordinance Nos. 47-2010 And 03-2013; Approving And Authorizing The Execution Of An Acknowledgement Of Termination Of A Compensation Agreement; Authorizing The Execution Of A Second Amended Development Agreement; And Providing For Related Authorizations Pursuant To Ohio Revised Code Sections 5709.41, 5709.42, And 5709.43

REPORTS OF CITY OFFICIALS

Discussion Item(s)

3) Bike & Pedestrian Committee Creation

4) Appeal – Architectural Review Board Action – 138 W. Clearview Avenue

Policy Item(s)

5) Liquor Permit Request – George T VIII LLC (dba Aladdins Eatery)

REPORTS OF COUNCIL MEMBERS

OTHER

EXECUTIVE SESSION

ADJOURNMENT
City Manager Report to City Council for the Meeting of Tuesday, February 17, 2015

APPROVAL OF MINUTES

1) January 20, 2015 – Regular Meeting

Recommendation: Approval of Minutes as Presented

NEW LEGISLATION TO BE INTRODUCED

2) Ordinance No. 07-2015 – TIF Amendment – Shops at Worthington Place

In 2011, the City authorized Tax Increment Financing (TIF) for the property that was formerly Worthington Square Mall and is now the Shops at Worthington Place. Since that time, the property has been redeveloped, the parcel formerly containing Dalt’s Restaurant has been sold and redeveloped into First Financial Bank, and the property formerly housing the James Tavern along with the northwest parking area were sold resulting in the new apartments and office space that is nearing completion. The parcels that were sold are not a part of the Shops at Worthington Place TIF. The TIF-related agreements that are in place no longer fit the project. Staff recommends the TIF be changed to eliminate the existing school compensation agreement and amend the TIF to create a “hold harmless” treatment of the Worthington Schools. This Ordinance implements those recommendations. Worthington Schools has approved a resolution in support of the changes, pending City Council approval. A memorandum from the Economic Development Manager provides additional information and background on the TIF and the proposed changes.

REPORTS OF CITY OFFICIALS

Discussion Item(s)

3) Bike & Pedestrian Committee Creation

Recently, the City Council received and accepted a Bicycle and Pedestrian Plan. One of the recommendations of the plan, and the Steering Committee that created it, was to create an ongoing group (advisory board/committee or commission type group) to make recommendations to the City on bicycle and pedestrian issues and implementation of the plan. This agenda item is scheduled to consider whether the City Council wants to create such a group, and if it does want to create the group, have a discussion about its form and function. To help guide this discussion, staff has prepared a matrix of questions that need to be answered regarding the formation of such a group, included feedback from the former committee on these subjects, provided a summary of research that was conducted on how other cities have formed such groups, and provided a summary of how other City of Worthington Boards and Commissions are formed. These items are attached.

4) Appeal – Architectural Review Board Action – 138 W. Clearview Avenue

An appeal of the Architectural Review Board’s action regarding 138 W. Clearview Avenue has been received. According to the Codified Ordinances of the City, the City Council may elect to hold a public hearing on the appeal or reject the application for appeal without a hearing. If Council decides to hold a public hearing, the hearing must be held within 60 days of the date on which the Board made its decision. The decision by City Council as to whether to hold the public hearing is made by motion and is decided by a majority vote.

Attached are (a) the appeal letter; (b) the application materials, (c) the staff memorandum to the members of the Architectural Review Board and Municipal Planning Commission, (d) the minutes from the January 22, 2015 meeting of the Architectural Review Board and Municipal Planning Commission, (e) Ordinance No. 13-2014 that subdivided the property located at 130 West Clearview and granted variances, and (f) the section of the City’s Codified Ordinances on appeals of decisions by the Architectural Review Board.

Policy Item(s)

5) Liquor Permit Request – New – George T VIII LLC (dba Aladdins Eatery)

This is a request for Aladdins Eatery (George T VIII LLC at 7227 N. High Street, Suite 106). The request is for a D5J which is for spirituous liquor for on premises consumption only, beer and wine for on premises, and off premises on original sealed containers, until two thirty a.m. in the Entertainment District. City Council is requested to make a motion regarding whether to object to the permit. The liquor permit request is attached.

EXECUTIVE SESSION
Meeting Minutes

Monday, January 20, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

City Council

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tempore
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, January 20, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

Members Present: Robert F. Chosy, Rachael R. Dorothy, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent:

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistance City Manager Robyn Stewart, Director of Finance Molly Roberts, City Engineer William Watterson, Director of Parks and Recreation Darren Hurley, Director of Planning and Building Lee Brown, Chief of Police James Mosic, and Chief of Fire Scott Highley

There were nineteen visitors present.

-President Michael invited those in attendance to stand and join in the recitation of the Pledge of Allegiance.

VISITOR COMMENTS

APPROVAL OF MINUTES

- December 15, 2014 – Regular Meeting

MOTION Mr. Myers made a motion to approve the aforementioned minutes as presented. The motion was seconded by Ms. Dorothy.

There being no comments, the motion carried unanimously by a voice vote to approve the minutes as amended.

PUBLIC HEARINGS ON LEGISLATION
President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 01-2015 To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from the C-3 District (Institutions and Office), AR-4.5 District (Low Density Apartment Residence) and the R-10 District (Low Density Residence), to a PUD (Planned Unit Development) (634 High Street & 41 East New England Avenue).
The foregoing Ordinance Title was read.

President Michael understands that this topic is a very emotional and very sensitive issue that has a great deal of meaning to many people in our community. She stated that the primary purpose of tonight’s meeting is to give staff, the applicant and the citizens of Worthington the opportunity to express their views on the application before council. It is council’s intention to provide an opportunity for the discussion of all the issues in an open and respectful manner. The hallmark of our community has been civility and respect. She understands that those principles have not necessarily been lived up to in some of the previous meetings on this subject. She asked that people treat everybody with respect and that the comments focus on the issues. If derogatory remarks are made towards others, she will ask those making the comments to be seating until they can come back and talk with respect for everybody. With that, she thinks we can bring this together in a way that is positive for everybody.

Ms. Michael shared that the order for the public hearing on this ordinance is as follows:

1) Staff present the application
2) Presentation from the applicant
3) Comments from a member of the Municipal Planning Commission
4) Public comments
5) Council debate

Ms. Michael commented that during Council debate, if individuals or the applicant are asked for their thoughts from the council members, they are more than welcome to give them. Once the council debate begins, it is pretty much the council debate unless you are asked to speak. She wants to make sure that the process is done in an orderly fashion. She asked Mr. Greeson to move this topic forward.

Mr. Greeson confirmed that the first ordinance of two related ordinances is a rezoning to a Planned Unit Development (PUD) for 634 High St. and 41 East New England Ave. He understands that the ordinance first needs to be amended. He asked Law Director, Pam Fox to comment.

Mrs. Fox confirmed that the amended ordinance needs to be introduced. She added that before the public speaks this evening they will need to be sworn in.

MOTION

Mr. Norstrom made a motion to introduce the amended ordinance. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

Mr. Greeson invited the Director of the Planning and Building Department, Lee Brown to overview the application.
Mr. Brown commented that the item before council has original zoning case of PUD 03-14, when it was going through the Municipal Planning process. The application is for 634 High St. and 41 East New England. The applicant is Showe Worthington LLC. The agent is Chris Peterson and the owner is the Worthington Masonic Association LLC. The request is to rezone three separate parcels of records, a C-3, an AR-4.5 and the R-10 districts to a PUD, which is a Planning Unit Development.

Mr. Brown explained a PUD as:

- PUD zoning does not automatically provide for density that wouldn’t otherwise be allowed.
- It is intended to facilitate a more integrated development which may involve a mix of uses and provides for greater control over the details of what is built on the site and maintained over time.
- With PUD zoning, the details of the development are negotiated as part of the rezoning.
- If at some point in the future, the owner wants to change those details, a renegotiation of the zoning is required.
- Greater control is in place for the future than when rezoning to a more traditional straight zoning category which is based solely on uses.
- If future changes involve the same use, there is less zoning control regarding changes. Even in the more traditional zoning categories variances can be granted to reduce setback and lot width/size requirements.
- PUD - Requires a Development Plan & Development Text – any modification would need board approval.

Mr. Brown shared that the property being discussed is located near the intersection of High St. and East New England Ave. The applicant currently owns three separate legal parcels of record.

Existing Zoning & Acreage

Parcels:
- Parcel #1: 1820’s Masonic Lodge – C-3 District – (4,574 sq. ft.) = 0.105-acres
- Parcel #2: 1957 Masonic Lodge – C-3 District – (15,072 sq. Ft.) = 0.346-acres
- Parcel #3: Vacant Parcel – AR 4.5 District (13,842 sq. ft.) & R-1- District (9,855 sq. ft.) = 0.544-acres

Mr. Brown noted that Parcel #3 actually includes two zoning categories: AR-4.5 and R-10.
Background & Request

- Convert the existing Masonic Lodge to 6 residential condominium units.
  - 1820 Building – One unit
  - 1957 Building – 5 units
    - 3 units will be handicapped accessible
    - Elevator access to all 3 levels
    - 2 – 3 bedrooms units
    - Units range from 1,346 sq. ft. – 2,993 sq. ft. in size
  - 3 units will be handicapped accessible
  - Elevator access to all 3 levels
  - 2 – 3 bedrooms units
  - Units range from 1,346 sq. ft. – 2,993 sq. ft.

- Construct 2 townhomes and a single unit along East New England Avenue.
  - 2 townhomes on the west of the access drive
  - 1 unit east of the access drive
  - 2 bedroom units
  - Approximately 2,204 sq. ft. in size

Development Plan & Text

Permitted Uses:

- Residential Uses
- C-5 District (Central Commercial) Permitted Uses
  - Adding C-5 District Uses would allow the Masonic Lodge to be used for commercial uses, possibly the Masons, Worthington Historical Society or similar social group in the future.
  - No commercial uses would permitted in the area currently zoned R-10.

Mr. Brown showed a slide with the R-10 area highlighted.

Character:

- Preserves the existing Masonic Lodge buildings will repurposing the buildings for a new use.
- Provides infill development along E. New England Ave.
- Maintains and formalizes the privately owned access drive with a lease agreement between the City and the developer. Provides:
  - 19-foot wide access drive
  - 5-foot pedestrian sidewalk along the access drive
  - Lighting along the access drive

Proposed Development:

- No exterior changes to the 1820 Masonic Lodge
  - Front façade of building will remain, existing wood windows and detail work will remain.
- New rear fire escape to replace the existing
- Minimal exterior changes to the 1957 Masonic Lodge
• Front façade of the building will remain, existing wood windows and detail work will remain.
• Additional windows along the south, east and north elevations will be added.

Mr. Brown showed the following site plan that includes the access drive:

Mr. Brown added that there will be garages (see diagram below) associated with each of the units located in the Masonic Lodge. He pointed out the two townhomes just west of the access drive that will each have a two car attached garage. Additional parking will be available in front of the garages. East of the access drive there will be the single unit with a two car attached garage.

Mr. Brown showed a number of depictions of the townhomes. He shared that some of the comments that were heard during this process were related to the setbacks and size of the buildings. The setback for the townhome along East New England was increased back
thirteen feet from the back edge of the sidewalk. The new single dwelling unit was bumped back to thirty feet.

Mr. Brown commented that there will be a lease agreement between the city and the Showe family as well as a lease agreement between the Showe’s and the church for a permanent easement for access to the units. There will be a five foot sidewalk along the western side of the drive that will run the length of the property and terminate at the church parking area. There will also be lighting throughout the corridor to help with pedestrian movement and for safety at night.

Mr. Brown showed additional drawings and depictions of the proposed development (several of which can be seen below).
Mr. Brown reiterated that the front of the 1820’s building will remain exactly the same. The connector to the 1957 building will be modified to allow for an additional door on the front. There will be two additional windows added to the south elevation and the existing windows will be replaced.

Mr. Norstrom commented that tonight council is not approving the architecture. This is just information for members. Mr. Brown agreed. He added that staff wanted members to see the same thing that Municipal Planning Commission and Architectural Review saw.

Mr. Brown assured members that the character of the building will be preserved. He added that the floor plans were included in council packets are include a variety of sizes.

Mr. Brown shared the following meeting dates:

Meetings:
1. September 11, 2014
   • MPC & ARB – Tabled
2. September 25, 2014
   • MPC & ARB – Tabled
3. October 28, 2014
   • Stakeholder Meeting – OWA, WARD & Historical Society
4. November 13, 2014
   • MPC & ARB – Tabled
5. December 11, 2014
   • MPC – Approved, recommendation sent to City Council
   • ARB – Tabled until Final Plan

Community Input:
1. Density – Lowered from 15 units to 9 units
2. Setbacks – Pushed townhomes further back from E. New England Ave.
3. Materials – Introduced stone to the townhomes to vary the materials
4. Carports to garages
5. Brick added to the garages to mimic the style of the Masonic Lodge
6. Varied architectural styling and color palettes

Land Use Plans:

Worthington Design Guidelines:
• Infill should complement the neighborhood and integrate with the surrounding buildings and land uses.
• Structures should complement the form, massing and scale.
• Building placement and orientation are key.
• Entrances to streets and garages should avoid facing the street.
**Worthington Comprehensive Plan:**
- Village centers are logical places to add residential density in and behind the main corridor.
- Adds more pedestrian activity, increases the market base for retail stores
Attracts young professionals and empty nesters.

**Worthington Area 360° Community Strategic Plan:**
- Housing – Develop a broad range of quality housing that meets the needs of all people, ages and diversity.
  - Variety of housing options
  - Walkable, dense, mixed-use housing
  - Opportunities for infill development
- Downtown – Place to connect, live, have fun, worship, dine, shop, etc.
  - Pedestrian friendly
  - Higher density, without impacting the feel
  - Mix of uses (residential, retail and office)

Mr. Brown shared that the next steps should the PUD be approved by City Council tonight are as follows:

**Next Steps:**
- Municipal Planning Commission and Architectural Review Board approval on the Final Plan.
  - Final design of buildings, lighting, landscaping, screening, etc…
  - Final Plan submitted to MPC to review for conformance with the adopted PUD.

**Recommendations:**
- Staff is recommending *approval* of the proposed development.
  - Staff believes that the proposed development is in keeping with the Comprehensive Plan and will assist in the redevelopment of the site while preserving the existing Masonic Lodge.

- Municipal Planning Commission reviewed and unanimously recommended *approval* of the proposed development to City Council on December 11, 2014.

Ms. Dorothy asked if the PUD includes the setbacks that are shown on the diagram. She is not sure how much of the architectural outline members will be approving with the PUD. Mr. Brown replied that the approval by council would include setbacks, the locations and things like that. It does not include the architecture.

Ms. Dorothy commented that the plan keeps the access way that we currently have to the municipal parking lot behind the United Methodist Church. Mr. Brown agreed.
Ms. Dorothy asked if there were any agreements at this time to keep the access way. Mr. Brown replied that Mrs. Fox is working on the lease agreement with Mr. Peterson of how that will be structured.

Mrs. Fox shared that after several different iterations, we believe that an agreement similar in form to the agreement that we currently have with the church will work best. The agreement with the property owner will be coterminous with the lease agreement with the church. If the lease agreement with the church survives then this agreement survives.

Ms. Dorothy commented that currently we have an agreement for that access way with the church. Mrs. Fox replied no, not for the access way because the church doesn’t own it. Ms. Michael added that the Mason’s do. Ms. Dorothy concluded that there are no agreements at this time to which Mrs. Fox agreed. Mr. Brown confirmed that the access drive that begins at New England and runs behind the lodge is privately owned by the Masons.

Dr. Chosy asked what the difference is between this ordinance and Ordinance No. 02-2015. Mr. Brown replied that the next item on the agenda is for the subdivision portion of this development. As part of this process, we are combining three lots of record into one lot. That ordinance will actually combine those three lots to create one lot of record.

Dr. Chosy stated that this ordinance is for the approval of a PUD. Mr. Brown agreed. He added that it rezones the property from the current commercial use along High St. and the AR-4.5 and the R-10 to a Planned Unit Development. Dr. Chosy commented that the PUD has to have with it very specific written information on what will be done. Mr. Brown agreed. Dr. Chosy asked if that was present. Mr. Brown confirmed that it was included in council packets and is part of what members are being asked to approve.

When asked by Ms. Dorothy what could currently be built on the parcel zoned AR-4.5, Mr. Brown shared that when staff originally sat down with the applicant several months ago to determine which zoning categories to go to, we felt that the portion that was zoned R-10 would allow for one unit while the portion that is zoned AR-4.5 would be the equivalent of two units on that size of a lot.

That being the end of staff’s presentation Ms. Michael invited anyone who wished to comment tonight on this topic to stand and be sworn in. Mr. Brown administered the oath.

Mikel Coulter, 686 Evening Street
Mr. Coulter commented that he serves as a member of the ARB and MPC.

Mr. Coulter shared that several times a year the Commission gets a very particular project that takes a little bit longer and has a little bit more interest in the community than most. This project is certainly one of those projects. This project has been in front
of the Commission officially since September. It is certainly a project that has not been rushed through or not thought through. It is one that has required a great deal of work.

Mr. Coulter commented that the package before council this evening not only represents the PUD piece but also contains the Architectural Review side so members can see that there has been a great deal of input. The original project that came before the MPC was much denser in terms of the number of units being proposed by Showe Development. Through conversations with the public, conversations with the Olde Worthington Association, the Historical Society and others the number has dropped significantly to what the Commission feels is a much more palatable project. The primary Masonic Lodge and the associated building with that went from twelve units down to six. The two units on the west side of the drive were initially four. The unit on the east side of the drive was always intended as one unit. In working with Showe Development and everybody else that has been involved, they have come back with a project that they think is very doable and one that they think is right.

Mr. Coulter shared that during the discussions with the public and with others there was a great deal of discussion on what else this project could be. This piece of property has been on the market for two years. The Masons have received about some eighteen proposals during that time and several projects offered more money. The Lodge finally agreed to the Showe’s proposal. From day one the Lodge stated that they didn’t want to just sell the lodge to anybody. It is important to the Masons as it is a part of their history and it is something they do not want to go away. Everyone has worked very hard to keep the integrity of the buildings. That is why it is written into the PUD that the exteriors will not change on the Masonic Lodge. The changes to the 1957 building are minor. It will add windows on the other three sides of the building and not the High Street side.

Mr. Coulter stated that many of the points have come from the community at-large. Everything that has been requested, with one exception, has been pretty much agreed to in terms of what the community wants the project to be and to look like. He knows that there are a number of people who feel like they would like to buy the Masonic Lodge and try to preserve it as something else then what is being proposed but nothing has been put in front of anybody that he is aware of that says this is what they would like to do. So the project has continued to develop the way that it is.

Mr. Coulter commented that one of the outstanding issues is the lot on the right side of the access drive. A number of people want to propose that as a pocket park. There are those that think that would be a good idea and others who do not. He thinks most of the public that has come forward to date has said that they want it to be a pocket park but it is not a unanimous decision, even within Olde Worthington Association. Many know that he serves as President of the Olde Worthington Association and he is one of several people who do not feel that it should be a pocket park. But if members look at the letter in their packets from OWA, it says that OWA thinks it should be a pocket park. That is part of our democratic process. The majority thought that it should be but not all of us feel that same way. He also thinks that reflects the thoughts out in the community. There
are a number who think that it should and a number that think that it shouldn’t be a pocket park. He thinks there are good reasons on both side of the fence.

Mr. Coulter shared that where we stand today is that MPC members feel that the packet in front of council is probably the best thing that we can get for that plan. It is a solid project. It has a good developer who is a Worthington developer. They are a part of the community. They have been here a long time and want to continue to be here a long time. We think this is good. We hope that council members give it fair consideration, good consideration as it always has in the past. He knows that there will be several people that speak tonight about the good points of the project and about some of the things that they don’t like. He hasn’t seen a project yet that meets 100% of everybody’s desires. So when we take a look at this, we look at what do we think is the best for the city of Worthington and not what we think is the best for us as an individual. He thinks that is where we stand today. If members have any questions about the process or about some of the conversations they have had, he would be glad to answer them.

When asked by Mr. Smith how many times this application was tabled, Mr. Coulter replied four. He added that the last meeting went until almost 1:00 a.m., which is why council members have coffee in front of them this evening.

Mr. Coulter added that by tabling the application four times, it gave Showe Development time to take comments from the public back each time and rework the plans. After the second tabling is when they made a concentrated effort and they pulled the Olde Worthington Association, WARD, and the Worthington Historical Society into a meeting. They all talked about and walked through the project and expressed things that they liked and things that they didn’t. It has been a lengthy process. It has been a very public process. They have had a number of people come up and talk before the MPC.

Chris Peterson, 45 N. 4th St. Columbus, Ohio

Mr. Peterson stated that his presentation is very similar to his last presentation from the last MPC meeting. The presentation will be relatively brief and will show elevations and descriptions of the architecture to help demonstrate how the development will fit within the community and on the land that they are purchasing from the Masons.

Mr. Peterson shared that the process actually began for them about fifteen months ago. They began meeting with the city in a very informal capacity to sort of figure out what they could do with this project, both in terms of density and architectural styles. Once they were able to come up with an initial plan, which was far higher in density then even the fifteen units, they informally put together a letter and sent it to all of the residents within the PUD notice area. They invited them to please join them at the Worthington Inn for a presentation, offer time for questions and answers and allow for public comment. Unfortunately only about four people showed up at the meeting. He had another opportunity to meet with one resident. A month or two later they compile a plan that they move forward with and it becomes public knowledge. The one meeting that Mr. Brown did not include on his timeline was actually a first meeting with some members of OWA where Mr. Brown and he made a presentation to four or five individuals. There
was some dialog in terms of what was being proposed but nothing was decided at that particular meeting other than they were going to move forward with the development as they had proffered it to the city. Naturally that precipitated a series of MPC meetings.

He thinks they have always been willing and showed a very concerted effort to always involve the public from the beginning of this process. So whereas they were before the MPC for over five months, he would prefer to think of this as having made this a very public process for over fifteen months.

Lodge Community Input

- Lowered density form 15 units to 9 units
- Pushed back townhomes fronting New England Avenue to reduce street impact
- Introduced stone to townhomes to vary materials
- Introduced brick on Lodge garages to mimic style of the existing Mason Lodge
- Adopted garages instead of carports
- Kept an elevator in the 1957 addition as was requested by members of OWA
- Varied architectural styling and color palettes while preserving the essence of the immediate neighbors (who are primarily commercial).

Mr. Peterson added that essentially they met every single request that has been made publically by OWA and other members but for the one, which is the pocket park.

Mr. Peterson showed several slides of the proposal from different angles. In talking about the single unit and the two townhome units along East New England he stated that by pushing the units back off the street, along with the introduction of materials and so on and so forth, there is basically a development that has almost no impact to the eye but for the fact that the fallow ground now has buildings.

Mr. Peterson showed a final view from the church parking lot that shows the addition of the two garages, the sidewalk and the two townhomes. All in all it was a long process. It was very exciting to go through it. He thinks it ended up being a very productive conversation between the public and themselves. They are incredibly happy with what they have come up with. He understands that there are going to be some public comment and a request for the city to possibly purchase from them or the Masons a bit of land where the single unit is located. He has had conversations with certain members of the public discussing this very topic over the last forty-eight hours and they are certainly willing to entertain the discussion but he wants to be very clear that they have made every effort for fifteen months to move this thing forward and listen to the public comments. They are simply asking for the council to vote its conscience up or down tonight. They are not interested in having the item tabled. They feel like they have had the opportunity to listen to the public and incorporate all of the comments that they can into the project. He added that they are way over budget in terms of their architectural and engineering since they have had to redraw the plans three times.

Dr. Chosy asked the definition of a townhouse. Mr. Peterson replied up and down. It has two floors in the interior. When asked by Dr. Chosy if it is still a condominium Mr.
Peterson replied yes. It is just the type of unit is a townhome. So you’ve got interior stairs. Condominium is a form of ownership.

Mr. Norstrom asked Mr. Peterson for clarification on his comments concerning the pocket park. Mr. Peterson stated that the pocket park concept has been introduced probably for five months or something like that. Not once in that time have they been approached with a realistic offer either from the city or from private individuals who seek to have this as a pocket park. So whereas the concept has been there, it has just been a concept as nobody has actually had the foresight to make a phone call to them and sit down with them privately and begin talking about the numbers. After all, they are spending money to purchase this land from the Masons and they are not in the business of giving away land for free. That conversation kind of got stopped once they made all of the other changes, partially because most of the letters to the city that regarded the 1820s building were conflated with the park pocket concept and at that particular time people were simply asking them to give away land for, “a tax write off”. They are not in a position to do that.

Ms. Michael encouraged those who wished to address council to fill out a Speaker Slip first and give it to the clerk. If they have not been sworn in, make sure they inform her of that and she will have them sworn in.

Sunny Allen, 665 Hartford St.
Ms. Allen wondered if it was possible for the city to acquire the two green landmark strips of land for future generations. She would like to see this East New England green space preserved for our future generations. We have preserved that green space for all of these generations, almost two hundred years old. They offered a beautiful buffer zone between business and the residential neighborhood. They kept us at peace, respectful of each other, and lived in co-existence beautifully. We always enjoy such a good relationship between business and residential and that is part of why we are a unique community character. We have this long history of respecting for each other’s rights and feelings. She would like to see her beloved city where her children were born and grew up spend a little bit of our money to preserve that for the future generations. She would like to see our city council devised a way to keep it green.

When asked by Ms. Michael if she was talking about two parcels or just one, Ms. Allen replied two parcels. She thinks they were originally zoned for single family units. It is for good reason. The lodge has done a wonderful job keeping it so beautifully manicured and taken care of. It was just a wonderful contribution to the community all these years.

Suzanne Seals, 123 East New England Ave.
Ms. Seals shared that there is a group of Old Worthington residents who have been speaking out about the Showe project. Approximately 135 have even signed petitions. Some have expressed support for OWA’s ideas and some of them have spoken at every MPC/ARB meeting with their ideas. There are many things that they are strongly in favor of protecting. They are things that have made Worthington a very desirable place to live. They are for protecting their community’s identity. Some of those aspects of our
identity are consistently adhering to community ordinances that members or their predecessors have very wisely passed. They are things like: setbacks, signage, and architecture. These are all clearly laid out in our Comprehensive Plan. They help protect green space. They hear a lot about urban villages now but they are also hearing a lot about green space and its value in contributing to quality of life. They are for saving and growing our canopy of trees. They are for buildings that have warmth and character and they are for lots that are uncrowded.

Ms. Seals commented that she talked to some of her new neighbors this fall when she was collecting signatures (there were about three families who had just moved in within the last year) who had moved from neighboring communities and they moved specifically for the unique character of Old Worthington. They spoke about being tired of plastic communities and look-alike buildings. She understands that we need to grow and develop but we need to do it without destroying the things that people love about Old Worthington. These are the elements that give Old Worthington residents a sense of pride, a sense of identity and a sense of being different from every other urban community around.

Ms. Seals shared that she has just been made aware of an Urban Design Authority that has done a Ted Talk. He makes the comment that community image is also important to a city’s economic well-being and we have a built-in image already that we just want to protect. She knows that our economic well-being is primary.

Ms. Seals said she would like to make a couple of comments about the Showe project and its impact on downtown Worthington. Visually it will look more crowded and in reality it will be more crowded. Granted the number of units have been reduced but the footprint hasn’t been markedly reduced. She thinks visually they look lighter; certainly the two condos on East New England because the garages have dropped down so it is not quite so visually but the footprint is still pretty much filling those lots. In reality it will be more crowded. The congestion and traffic will be exacerbated, which compromises the quality of life for everyone, both existing residents and new residents. Additionally, we lose our green space and we lose the canopy of trees and replacing them with almost total coverage of buildings and hardscape and with smaller trees that would have no canopy. We would be building on undersized lots, which many of us feel is a dangerous precedence to set in our historic district that is unique and that we need to protect. These concerns could be addressed in part by overriding the recommendation for a single family home on the eastern lot and putting a pocket park or a heritage park in there. It would be the perfect complement for the residents of the new condos. This change could improve the project for everyone; current residents, new residents, visitors and it might even make heroes of our city leaders and all of council if we could find a way to do that.

Ms. Seals thinks that other countries with dense downtowns have done a good job of balancing green space and pocket parks with dense building for many years. She thinks there are cities in the U.S. doing that as well. She thinks that balance is something that we need to keep in mind.
Ms. Seals closed by saying that she started by sharing the many things that the citizens of Old Worthington are for. There is much about the Showe project that they can support however; many of them are against council passing the PUD. She urged council to table it tonight so that the topic of the pocket park can be resolved. They think there is a finance/budget issue and they think it will get very muddled perhaps if everything is passed and then we try to make a change in the plan after the fact.

(Ms. Seals passed out a sheet with the URL for this Ted Talks)

Kay Keller, 670 Morning St.
Ms. Keller shared that she has lived at that address for 37 years. She shared that some of her comments are very similar to Ms. Seals. She asked that members bear with her for repeating some of those concerns. She just mainly wanted to share some of her concerns about the Showe Development project. She knows that they are just discussing the advisability of changing the zoning but to do that one really has to look at why it needs to be changed. She knows that members have been made aware of during the several months of the ARB/MPC hearings on this condo project and the one on West New England by the Snow House that residents filled this hearing room. Numerous people voiced concerns over the project. They wrote letters and signed petitions (135 people signed a petition in just one week and they were only residents that lived in the southeast quadrant of Old Worthington). There was only one person, other than the Masons who testified in total support of the plan as originally presented. Fortunately there were improvements made to the original proposal and those have already been detailed. People are supportive of many of those improvements. They like the adaptive reuse of the 1957 building. They are pleased that the exterior of the 1820s lodge is being preserved. But there is still concern over the size, the built footprint of these projects. Oversized buildings are being shoehorned into and onto small lots resulting in the loss of green space and trees and increasing the built environment in Old Worthington. The Comprehensive Plan is sited as the justification for permitting these projects. But an essential question remains; just because you can, should you? She knows the Plan calls for more multi-family housing in Worthington but where it is placed is important. In Old Worthington the Plan calls for a preference for this to be above existing retail spaces and the adaptive reuse of the 1957 lodge fits into that recommendation as well. But do the proposed newly built condos belong on those small lots on East and West New England. She doesn’t believe that is what the residents in Worthington had in mind when this Plan was crafted. Many Old Worthington residents object to the crowding and overbuilding of these small lots. What exists in Old Worthington is an authentic and unique town. It is not one that needs to be created like many suburbs are doing. We already have a walkable urban village. We don’t need to make that up. We have the real thing here. Many residents who live in Old Worthington live here for its charm and its character and as Ms. Seals pointed out, several of the people who signed the petitions were new residents who moved here because we are not a plastic cookie-cutter village. They moved from suburbs that had that feel to them to Old Worthington specifically for the reason of its character and charm. So why would we want to building something that detracts from that uniqueness or dilutes it and that will result in something that can be
found in any non-descript suburb in Columbus. Why lose our open green space that allows a canopy of trees to thrive. Just because we can doesn’t mean we should.

Ms. Keller commented that she is really concerned about the trend that she is seeing in recently approved developments in Worthington. She feels our look is being compromised, our architectural and signage standards are being deluded and now council is considering a plan to do an end run around existing zoning standards in the midst of our historic district. This plan essentially ignores setback requirements and guidelines and buildable lot size standards for what all intense and purposes is a single family house. What kind of precedent might this set for other sites in Old Worthington that might come up for redevelopment in the future? The residents rely on City Council, MPC and ARB to be their gatekeepers and their caretakers on these issues and to be in touch with the residents’ concerns and desires. After all, those that live here also have a substantial investment in our community and future. She asked that council not turn Worthington into just another non-descript suburb and to carefully consider this entire development proposal. If council approves the PUD tonight then this project returns to ARB and MPC and will likely be approved as presented. But if members believe that this development could be improved some more, such as smaller built footprint buildings and more green space then she would encourage members to table the legislation.

David Robinson, 195 E. Dublin-Granville Road
Mr. Robinson shared that he came to this project pretty late, just about three months ago. He doesn’t presume to speak about the entire project. He has had the good fortune that many have been willing to meet with him to share their thoughts about the project as he has tried to understand all of the complexities and the strong feelings that some of his neighbors hold about the project. His impression is that many have worked long and hard in ways that he can only imagine and want to see this to a successful resolution. He admires and respects that. He intends to limit his comments tonight specifically about the area of land that is being referred to as the “pocket park”. Admittedly the phrase “pocket park” is vague and not very articulate. It doesn’t really make him imagine a whole lot. But as he has begun to walk that space and think about how it might be used he has come to believe that building a single residence in that narrow space does not represent the highest and best value use of that land for the city. He thinks there is a better idea that will serve the interest of the city, not only now but for years to come. It is important to remember that this is a piece of land that once it is built on it is effectively done forever. So this is a one-time choice we have to get it right.

Mr. Robinson stated that he is not a real estate developer. He is not a city planner by trade so he thinks he can approach this best by what he is, which is a business man. He owns a manufacturing company. So when he looks at this project and when he looks at the land and the way it would shape the experience of Worthington, we want people to come here and to have an experience of Worthington that is different. We want them to leave thinking it is a charming place and someplace they would like to visit next weekend with their girlfriend. When he imagines people driving down to Worthington, parking in the parking area behind the church to go to the Farmer’s Market, he asked what their experience will be if it is built up like this. They will walk down an access road and see
new buildings of fairly high density with garages on the left. There will be a residence on
the right and a garage built kind of crowded in there. They probably wouldn’t notice it
but they will feel it. They will walk down there with new buildings and look across the
street and see the coffee house and Ravage and Dewey’s and then they will see the
Farmer’s Market and they will go over there. He asked what their experience will be. It
will just be new buildings and concrete and nothing that would help to give them an
initial impression of charm.

Mr. Robinson asked members to imagine a different scenario. On the right hand side the
city has carefully developed a historically inspired park. It is a humble little piece of
land, a little nook, and that is part of its virtue. It is not pretending to be the Village
Green or Central Park. It is a humble little park that gives character and feeling to the
city. They walk down the access road, they see this little piece of green and they feel
something inside that they like. Maybe they discover a historical marker that shares that
the Masons had a lodge there that was built in 1820. Maybe they learn about James
Kilbourne. Then they go over to the Farmer’s Market. They leave with the sense that
this is a place that is different.

Mr. Robinson believes the Showe’s have been imminently reasonable, in his brief
experience with them. He questions whether we can reconvene and try to see if there is
money to buy this land whether it’s getting the best deal we can from them and maybe a
little bit from the Masons, from the City and a little bit of private money to buy it and
come up with something that would give character to the City and wouldn’t diminish or
delude the identity that Ms. Keller, and Ms. Seals, and Ms. Allen were talking about.

Mr. Robinson appealed to Council to think imaginatively and not dismiss this idea of a
green space as being anti-development. He thinks it is a good idea from a marketing
point of view and a business point of view and would strengthen a key asset of
Worthington that is the Historic District and the Downtown area. Whether council
passes the PUD or not he would plea that we reconvene once the city looks at whether
this is feasible in any way. Let’s convene with the City, the Showes, the Masons, folks
from the OWA and have an open, transparent hearing about whether we can feasibly pull
off the creation of this Heritage Park that would honor the Masons and many of the
founders of this City.

Ms. Scherer shared that she has lived in Old Worthington since 1979. Much has already
been said and her remarks are pretty brief. Members already know the input from the
Old Worthington Association and the community. She believes the interchange between
the community and Showe LLC has been mutually beneficially and very good in many
respects. However she believes the footprint of the condo is still too big. Showe LLC has
been responsive to the suggestions and made many improvements. Mr. Peterson
explained those to members and that is all true but by adopting the Old Worthington
Association’s recommendation for green space for the smallest lot on East New England
Ave., the project becomes more attractive.
Ms. Scherer stated that her purpose in commenting though is to respond to a letter that she received from Council that explained that the PUD is meant to provide greater control over the details of what is built on a site and to facilitate a more integrated development which may involve a mix of uses. She interpreted this explanation also to mean that the PUD provides a sort of protection. But with the PUD before members tonight, it is not unreasonable for the people in areas of Old Worthington to see it as a harbinger of what is to come throughout Old Worthington. There are deep lots in some areas and also double lots and it appears to pose a threat to the unique green and spacious character of our neighborhood. They are characteristics that make living and visiting Old Worthington so attractive and pleasing to its residents and visitors. She thinks the PUD concept needs thorough review and allowance is needed to protect the Historic District of Old Worthington. She asked members to table the PUD for tonight so it can be reviewed.

Mike Cleavenger
Mr. Cleavenger stated that Mr. Strawn will speak for the Lodge. He is a back-up.

Timothy Strawn, 5938 Tetlin Field Drive, New Albany, Ohio
Mr. Strawn shared that he is a member of New England Lodge #4 and a past Master of that organization. He is a representative of the Worthington Masonic Association LLC, the owners of the property in question this evening. He also chairs the New England’s Committee to Manage and Market the former Grand Lodge building and the Historic Lodge. In that effort he has worked hand in hand with essentially the co-chairman of their committee, Worthington resident and their worshipful brother, Mike Cleavenger. He thanked Mr. Coulter for the absolutely wonderfully succinct and objective review of what happened at the MPC.

Mr. Strawn stated that they are very proud of the Lodge’s history and the way that it is closely intertwined with this city’s history. The same names: Kilbourne, Griswold, Buttes and others that are important in the Mason’s history are important in Worthington’s history. They gave their lodge guidance and structure in its early days just as they did the same for Worthington. They are proud that they are the first and oldest organization in Worthington and because of that distinction that they led the community’s Bicentennial Parade in 2003. They are proud that their historic temple was one of the first significant buildings in the center of town and that it remains today an icon in this city. They are proud that over the years they have been integrally involved in the city’s life, its growth and development, and have been a good a worthy corporate citizen. Thus today they are also proud that they have found right here at home, in Worthington, a developer worthy of their selection to respectfully and creatively repurpose their properties, especially their historic temple with genuine concern for its history, fraternally significant recognition as the oldest continuously operating Masonic Temple west of the Alleghany Mountains, just as their lodge holds that same distinction among Masonic Lodges and iconic meaning to the community. This entire process of realizing they had to sell these properties and part with the physical manifestation of their history has been gut-wrenching for their lodge and its members. Many discussions have been held in their lodge on this topic yet the financial reality is that they had to take
this action out of necessity. Not out of whim or desire. No one, including those representing other organizations in this community is more saddened and distressed at this eventuality than the members of New England Lodge #4. But just as the settlement of Worthington was progress at its time, just as the building of our historic temple was progress at its time, just as Worthington and the central district’s new buildings and changes over the years were progress at those respective times, so now we must take steps that lead to progress in our time.

Mr. Strawn reiterated that they are very proud that after nearly eighteen months of showing their property to nearly twenty different perspective buyers they have entered into a purchase agreement for their property with the Showe organization. By the way, just so members know, virtually all of those other potential buyers would have proposed to blacktop all of the green space existing on their property, including the area east of the driveway recently discussed as a possible “pocket park”. Further, they find it interesting that all of a sudden there is such an interest in this small piece of property as well as the property known as 41 East New England when since at least 2000 and probably long before, according to both men who have served as the chief operating officer of our grand lodge during that time, not one person ever inquired of our grand lodge when it occupied the building at 634 High St. if the green space property behind the lodge, which it owned, including the lot east of the driveway could be used for any kind of recreational activity, event or just play.

Mr. Strawn added that the property at 41 East New England has not always been green space. There was at least one residential structure on that property in the past and that is the location of the proposed two condo buildings. As we trust you are all aware, the Showe Organization has already proved its commitment to historic preservation by its three decades of ownership and loving care of the Worthington Inn and the Snow House, which was the meeting place for New England Lodge before it erected our historic lodge in the 1820s. Now the Showe Organization, an experienced and respected developer in many communities in our country has stepped forward to continue its commitment to both historic preservation and well thought out, respectful and creative repurposing by bringing to the historic district an upscale housing project that will not only appeal to many of Worthington’s residents but also comports with the findings of the 2005 Comprehensive Plan for the City.

Mr. Strawn commented that they are also very proud that the Showe Organization has gone to extreme lengths to listen to, hear, and respond to concerns expressed by Worthington residents. Numerous modifications have been made to its plans including a reduction in the number of units in the project from fifteen to nine to accommodate those interests. This is of course a commercial development and these changes are not made without impact on the business plan and financial aspects of the project. Accordingly, the Showe Organization sought to renegotiate its purchase agreement with the Lodge for a significant decrease as a result of those changes. Despite the financial loss to the Lodge and no one else, the Lodge voted to renegotiate and accept that lower amount, not only because the Showe Organization is the developer we chose and want to work with but because we believe in the project and its value to Worthington, our home for over 200
years. This project is certainly not a plastic cookie cutter project. We are proud of Worthington and its governing structure that provides an opportunity for public comment on projects through the Municipal Planning Commission. It was in this forum of course that the community’s concerns about the project were heard and responded to through numerous presentations made to the MPC. Many questions and concerns were resolved and many changes were voluntarily made by the Showe Organization to its plans. After all that discussion, all those comments, and all those compromises, on December 13th the MPC voted unanimously to approve this project. We believe this action speaks positively to the Showe Organization and other developers that carefully planned, respectful, and thoughtful developments can be built in Worthington. In all business proposals in life there is give and take. Ideas are put forth, comments are made, and compromises are offered. While original positions may differ, the process of discussion leads to compromise and parties accept the meeting in the middle is the best course for all and for the progress represented by the business proposal at hand.

Mr. Strawn closed by stating that he stands before members tonight on behalf of New England Lodge #4 and the Worthington Masonic Association LLC. Our lodge, an old distinguished, corporate citizen of Worthington and say to the members of City Council, it is time to move on. We have heard the discussion and comments. Many revisions and compromises have been made by the developer in response to sincere comments by concerned citizens. The project is now in its final form. He asked that members not let this creative, attractive, appealing project slip through the city’s fingers for want of one more compromise. He asked that members approve this zoning request for the project as it stands and let the project begin. He thanked council for its time and consideration.

Ms. Michael asked if there were any others who wished to address council. Mr. Houts stepped forward and was sworn in.

Ethan Houts, 433 E. North St.
Mr. Houts shared that he has been a resident for three years. He and his wife came to Worthington because of the historic nature of it, the vintage quality, and the parks. There are parks everywhere. They run to them. They play in them and hang out with others in them. Parks are a very valuable resource. Ultimately there are economics at stake in this deal so he guesses that his only comments would be if the economics are there, they are not going to run away from this. He has worked in commercial real estate and developers routinely spend five or six years getting a deal together so they are not going to walk away if council doesn’t approve this tonight. They will stick with it but he asked that council see if the economics are there. He thinks the listing price was $950 a sq. ft. on that ½ acre parcel so the city is looking at potentially a $90,000 to $100,000 investment to brand that space for Worthington and the pedestrian traffic that Mr. Robinson spoke of. He thinks it is a wonderful opportunity to brand that space for Worthington. As you get more and more business activity, more and more pedestrians walking by that space and also he thinks the intended use of those condominiums which are mostly his parents, if those get completed and listed, he doesn’t know what those price points are but they would be very interested. He thinks a key selling point is going to be where do they go? Where do they spend time with their grandchildren? Is there
anywhere to walk and spend time? That green space could be a really valuable amenity to the owners of those units. He also thinks the branding is first and foremost the most important thing. If the economics are there he thinks the city should see this through and see if there is a deal that could be put together with the developers. He knows they have come a long way but they are almost there. They are knocking on the door and will not walk away.

Mr. Peterson asked to redirect. He agreed that it takes a long time to put together commercial projects but he thinks it is presumptuous to say that they are going to stick with it for four or five years while they work out the economics. Secondly, he finds it interesting that the pricing is now being discussed publicly.

Moving into Council debate
Ms. Michael asked for thoughts from council members.

Mr. Norstrom commented that having served in this room for some sixteen years between MPC/ARB and this body, that is one of the most elegant presentations that has been made in this room. He appreciates the audience and the comments that they have made.

Mr. Smith understands that this process began fifteen months ago but this is the first time, with some intent, this is the first time that it has been in front of this body. This is the first time that he has had an opportunity to say anything. To hear some of the concerns from the community today and over the past week or so has really kind of opened his eyes to the historical preservation. He thinks he is probably one of the few on council who is actually a historical preservationist in the sense of architecture and land use. He comes speaking as a grandson of a Grand Master of the Masons, a son of the current Worshipful Master and himself having been a Mason for over ten years. So he does understand all of these components but what the community is saying, in his time on council this is the most outreach he has had from the community. He believes there is something to be said for that. If the Showe Developers are interested in going from 90 yards to the end zone, maybe we take another week or two to figure this out.

Ms. Michael asked if there was something Mr. Smith is proposing. Mr. Smith replied that he would be interested in hearing, maybe from staff’s point of view, from the developer’s point of view, and from other council members in perhaps an Executive Session what it would take to purchase that piece of land that many are referring to as a pocket park.

Ms. Michael commented that if council wants to look at whether or not to go forward or to even discussing purchase of property, she would recommend that they do that in Executive Session. She asked Mrs. Fox to explain Executive Session for members of the audience, which she did.

Mr. Norstrom commented that before this all began, this council asked staff to look at purchasing some of that property for a parking lot. It did not take an Executive Session to begin that process. We did go into Executive Session once we found out information
but based on testimony tonight it doesn’t sound like we have the information that would be required to have a meaningful discussion in Executive Session.

Ms. Michael stated that members are going to have to make a decision tonight on whether to move forward or table. One of the issues that has been raised is that tabling it due to a discussion of purchasing the property and Council Member Smith has asked if the council feels that they should look at further information moving in the direction of purchasing that property or not. Mr. Norstrom replied that he understands Mr. Smith’s comments but what the developer has indicated and his understanding of talking with staff; council can pass the motion before us and still enter into those discussions.

Ms. Michael asked Mr. Greeson or Mr. Brown to comment on if council approves the PUD today and it does not include a park. Mr. Norstrom argued that it does not exclude a park.

Mr. Brown shared that he and Mrs. Fox had a conversation earlier today about if we were going to look towards the idea of purchasing the area east of the access drive. But the way that the text in the legislation is written at this time, we would have to add in a section where we originally have under Permitted Uses, and we talked about excluding any commercial activity in what is currently zoned R-10, we would have to add in language that the portion of the property that is currently zoned R-10, east of the access drive could be used for a public park.

Ms. Michael stated that to do that members would have to table the legislation tonight. She asked if that was correct. Mr. Norstrom replied no. Mr. Brown reported that he and Mrs. Fox have gone back and forth on that.

Mrs. Fox commented that the information Mr. Brown shared certainly could be added into the PUD text however, she thinks that council needs to recognize that in doing so, what we are doing tonight is rezoning the property. We are rezoning the property to allow the developer to develop the property in the manner in which the text allows them to develop it. So if the text says “either/or” then in her opinion, the developer has the option to either build a one family dwelling or a pocket park. She just wants council to make sure they keep that in mind.

When asked by Ms. Michael if the legislation current includes “either/or”, Mrs. Fox replied no. Mr. Norstrom interjected that it could have before the meeting is over as city council could amend it. Mrs. Fox agreed that those words could be included in that text but with the understanding of what that means. That we then cannot come back and tell the developer that if it says “either/or” that means it has to be a park. It means that it is either a house or it’s the park.

Ms. Michael shared that in discussions earlier today with Mr. Brown she was told that council can’t amend the PUD on the fly. It would have to be tabled and have new drawings and text. She just wants to clarify what she had been told by staff.
Mr. Brown commented that when he and Mrs. Fox originally talked a cleaner way to do it would have been, if it is just going to go as a park, not the actual single family home, they would want to text cleaned up to reference as such and then the drawings to match up with what was proposed. He thinks the “either/or” option, they can make the change tonight, the drawings would look as they are but as Mrs. Fox mentioned it would be the “either/or” and the developer could decide which to do. The cleaner way is to have everything lined up and cleaned to reflect council’s action but as long as we document it to go forward there is that option.

Mr. Myers asked that the zoning map be displayed.

Once the zoning map was displayed Mr. Myers commented that if council does nothing tonight, tomorrow some new person that members are unaware of could come in and submit plans for two apartments where the two condominiums are currently proposed and a single family home where the single family home is being proposed. He asked if that was correct. Mr. Brown replied yes.

Mr. Myers continued by stating that is according to the zoning map that was drawn up many, many years ago. So in reality, the PUD is consistent with the current zoning on this property. He asked if that was correct. Mr. Brown again replied yes.

Mr. Myers stated that if council were to propose a park on the property zoned R-10, members would still need to change the zoning of that property since R-10 zoning does not include a park. Mr. Brown stated that there is a Public Use as a Permitted Use in the R-10 that would allow for that. Mr. Greeson added that a park is not provided for in the current PUD text, which is an example of how a PUD could be more controlling.

Mr. Myers commented that the purposed plan is consistent with how the city has zoned this property for many, many years. The R-10 lot is a lot, when he reads the plan he sees 73 feet wide. He asked if that included the 19 foot ingress. Mr. Brown replied that it did. Mr. Myers concluded that it was a 54 foot lot. Mr. Brown replied that the portion that is zoned R-10 has 73 feet in front of it. The portion that is zoned AR-4.5 is 70 so the actual lot has over 140 feet of frontage.

Mr. Myers commented that if we were to split those out in a second ordinance we are going to have a lot that is roughly 134 feet deep by 50+ wide. Mr. Brown agreed. He added that as part of the second ordinance we are combining the three parcels to all one so it is not really creating a new lot.

Mr. Myers stated that his point is that a 50 foot frontage is consistent with a significant portion of Old Worthington. Mr. Brown agreed. Mr. Myers added that it is a debate that we just had on the Clearview property. So this is a lot that is consistent with the balance of Old Worthington and tomorrow a single family home could go on that lot. Mr. Brown agreed. He added that it would just need ARB approval and as long as they could meet setback requirements they could go forward.
Mr. Myers pointed out that the properties in question have been pushed back considerably to a point where they line up with the properties to the east. He asked if that was correct. Mr. Brown agreed that it was. Mr. Myers commented that they've moved from eight feet back to thirteen feet and then they've moved back to thirty feet on the single family home. Mr. Brown again agreed.

Mr. Myers stated his concern about the park issue is that council has already decided to bond one park that we wanted to move up the schedule for improvements. So we have the issue as to whether this is cash or bonded. Then we have already passed our budget for this year, which did not include the funds for this.

Mr. Smith interrupted with a point of inquiry. He just wants to get some clarification from Mrs. Roberts about that process. Council originally went through the proposed budget for 2015 which includes $1.5M bonding (debt service) for the Kilbourne building. We shifted that, as Mr. Myers said, some money down, down to $1.2M for the Kilbourne building to accommodate the other park. He asked what the city’s current capacity to bond is based on the budget that council approved for 2015. He asked if council has anywhere between zero and $1M to bond.

Mr. Greeson acknowledged the $1.2M as just being for the Kilbourne building but there are other bonded projects. Roughly about a third of our Capital Improvements Plan is debt. About a third is equipment, another third is projects and a third is debt.

Mr. Myers stated that his question with these funds, whether it is bonded or expensed, he asked from where we move the money. What other neighborhood should sacrifice or what other capital project should be forestalled to place this park here. The discussion that we have had ongoing with the Methodist Children’s Home in regard to any park is that the purchase of the property is merely the beginning of the expense. There would then need to be plans for how the park is to be developed. There would need to be maintenance expenses to maintain the park so the purchase price is only the beginning. Then we would incur a continuing expense for quite some time. He thinks generally if you look we are a very well parked community. So it isn’t something that we are underserved and need to add to our inventory of parks.

Mr. Myers shared that his last comment on this project having sat through the MPC/ARB meetings, discussed with the developer, he has seen tremendous compromise and additional expense on the part of the developer. Again reducing it from fifteen to nine, moving the setbacks back, increasing substantially the cost of the building by changing materials and we are just talking about the east side of High Street. They have done the same thing on the west side of High Street although it isn’t before council tonight. He has seen a great deal of compromise on their side and at the end of the day he looks at a bird in the hand is worth two in the bush. It may be that we can set aside the ability to discuss a park in the future and he has just outlined some of the questions that he has about park and he thinks there may be many, many more. It is not something that could possibly be decided in one or two meetings. It is something that will take a great deal of research on the part of staff. If we can reserve that and at the same time pass the PUD,
he would feel much more comfortable because he knows tomorrow there could be a new plan, for a new building, that does exactly the same thing that we are going to get tonight but it is going to be by a developer that we don’t know and that we don’t trust and who has no connection to Worthington. He is strongly in favor of passing the PUD this evening and moving forward.

Ms. Dorothy commented that Mr. Myers touched on several of the questions that she had. She was wondering how much park space we have in regards to local municipalities. What is our proportion of overall park space to overall city size or for population? New park space as far as she knows has not been high on the priority of our council for a while. As Mr. Norstrom noted, members had talked about this space maybe becoming a parking lot.

Ms. Michael shared that council has been given the Performance Measures: Parks & Recreation Facilities document. It is a national study that Mr. Hurley will be referring to as he responds to Ms. Dorothy’s questions.

Mr. Hurley shared that staff previously provided some benchmarking during the UMCH discussions. He shared that the city participates in the International, City/County Manager’s Association (ICMA) performance measurement which basically takes cities and municipalities and tries to compare certain levels of service and/or facilities. They try to correspond to each other in terms of park acreage per resident and those sorts of things. There is a significant number of municipalities so even if you have to throw some out there are medians and things that help you benchmark.

Mr. Hurley showed a slide about developed park acreage per 1000 population. It included a variety of cities. The median is 7.8 acres and Worthington falls at 12.4 acres. The low is 0.2 and the high is 52.1. Westerville, Ohio falls at 13.7 and Pickerington, Ohio is at 8.2. There are a variety of cities so you can kind of pick and choose who you want to compare to. There is a chart regarding park acreage. There are lots of other benchmarks in the document but as far as what relates to this discussion… there are things like playgrounds and athletic fields and things.

Ms. Dorothy concludes that currently we are somewhere above average. Mr. Hurley replied that if you were to go through all of these measurements, which some of them may not apply to this lot because they relate to ball fields and playgrounds but in every case we are above the median and in most cases he would say fairly well represented above the median.

Ms. Dorothy asked if he had an average amount per park that we spend in maintenance per year or our overall budget for maintenance for all of our parks. Mr. Hurley replied that he can’t accurately tell her those numbers off the top of his head.

Dr. Chosy commented that we have recently had pretty extensive discussions about which park should be renovated first and whether we should do two in one year. Mr. Hurley shared that the Parks and Recreation Commission in kind of picking up a previous
process they were going under council’s direction, which was the Vision 2020 Plan which looked at our parks and the redevelopment of many of the amenities in the parks. It is accurate to say that they are really focused on trying to refresh and revitalize our existing parks and have not put much focus into new park acquisition.

Ms. Dorothy shared that she is very much in favor of having a more walkable community. She believes that Worthington has a great sense of presence and with the historic district, she loves the fact that people are outside at almost all hours of the day. Activating that corridor she thinks is very important. She thinks it is a good use to have the building in use since it has not been in use in quite a while and having residents downtown that will be actively walking in the community will have a very positive impact. She went back to Mr. Myers question about lot sizes in Old Worthington. She asked if the 50 foot lot is fairly standard for Old Worthington. She asked if there are examples of that.

Mr. Brown replied that he pulled together some information and slides in anticipation of that question. A uniqueness with Worthington is that we have that variety of lot sizes that range from 40 feet in width up to 45 and even 50 for a couple of lots. He showed examples throughout the areas of Clearview, North St, Hartford, Morning and Oxford, of lots that ranged anywhere from 44 feet wide to 60 feet wide. Ms. Dorothy concluded that the 50 foot lot is not unusual in Old Worthington.

Ms. Dorothy asked if the PUD indicates what trees will be preserved on the plan. Mr. Brown replied that a tree study was required as part of the PUD process. In many of the pictures members can see that many of the trees on the site are in decline. We had the city arborist go out to the site. He and Mrs. Fox walked the site and many of the trees you see are the Bradford Pears that if you look at them wrong on a windy day they kind of tip over. So throughout the process we identified the ones that could be preserved and the ones that would need to go as part of the redevelopment. New street trees will be added to the site as part of the redevelopment. [Mr. Brown showed pictures of some of the trees that will need to be removed.]

Mr. Brown shared that there is a clump of pine trees that were identified in the development plan and the development text so these trees will stay on the site. It mainly focused on the Bradford pears that were prevalent on the site as well as some crabapples and declining pines that are along the rear towards Dewey’s. Also as part of this proposal and then with the following ordinance they will be required to plant new hardier street trees. As part of this process they had to do an extensive landscaping plan that will also be approved by MPC and ARB. Street trees were also required along East New England.

Ms. Dorothy thinks staff has done a good job working with the developer in trying to preserve what the original zoning has been on these plans. She does appreciate green space and having parks and destinations for people to go to outside to interact with one another and become a stronger community. If we have a green space that is well maintained and can provide that area that would be terrific but currently those green spaces are not used. She is leaning towards the proposal that is in front of us. She would
be happy to discuss anything else about the proposed pocket park if another council member would like to but she thinks this is a very well thought out plan.

Mr. Troper thanked MPC for all of their hard work and the developers for taking into consideration the public comments into their development plan. He thinks it is a great plan. He is in favor of it but it will not preclude him from discussion of a park. He asked if council can go ahead and approve the PUD and enter into discussions about a park at some later date and then change the PUD to include the park or does council need to change this now to say potentially for a park. He would like to possibly discuss the park but he wants to go ahead and move ahead with the PUD. Mrs. Fox shared that she has been looking at the language, specifically the language in that portion of the PUD. What makes it difficult to approve the PUD with an option in the future to discuss acquisition of that piece by the city for a park, and this may be what the information President Michael was getting at earlier, that would require a lot split which would then require going back through that process. So any way we look at it, if there is going to be some serious discussion about a park, something would have to go back through for re-approval. She has been trying to come up with appropriate language that would leave it open like: “it could be used for residential use as long as the city did not pursue acquisition for purchase for a park” but that again would require going back and splitting off and re-approving so she doesn’t know how useful that language necessarily would be. If council is inclined to even discuss a park she would recommend that council table this to have some opportunity to look into all of the pieces and parts.

Mr. Norstrom interjected that the legislation will have to come back before council anyway so if it were to come back before members with a park, it is nothing more but the developer could not move forward if this isn’t passed tonight with any part of the development. Mrs. Fox agreed that under this particular plan they could not move forward. The discussion of the park has kind of thrown this into a different realm but if council needs more information about that and does not feel comfortable making that decision here this evening then you may want to table it just to get some more information.

Mr. Norstrom commented that members have heard the applicant tonight indicate that they would entertain a discussion of the park. As he just pointed out and as several members have commented on the developer has really made some major changes to make this development what we want in this community. He thinks Mr. Robinson gave a very spirited description of a park, whether or not our park could meet that description he doesn’t know but it is a good description of a park. He would like to entertain the idea of a park but not at the expense of this developer at this point in time. He thinks, based on what staff has indicated, council could amend this, not to force them to make it a park but at least to allow it to become a park. Then staff can work with the developer and bring us the answers to members’ questions to discuss in executive session about a park.

Dr. Chosy commented that from the very beginning his primary interest was to hold on to the historic old lodge. He brought up the possibility of the city purchasing the building and didn’t receive much interest from members. He is still hopeful that after the property
is purchased that there may yet be some movements by the Showes to allow an arrangement in some form to have the old lodge continue to be a lodge used by the Masons. Overall he is impressed with how much the Showes have changed and responded to what the community has asked. It is really remarkable and he would guess with the attitude they have that if members pass this that they may yet allow some continuation of discussion of a pocket park. But given the enormity of this project and the way the Showes have reacted, he thinks it is probably improper to not go forward tonight just because of the potential of that small park but recognizing that we may yet talk about it.

Ms. Michael referring back to Mrs. Fox stated that there appears to be council members that would like to have some type of amendment to the PUD or would like to approve it tonight with some sort of open-ended opportunity to further discuss park. She stated that she is looking for guidance as to how council should proceed.

Mrs. Fox said she has some thoughts and a recess may be appropriate after she shares them because if those thoughts aren’t the direction that council wants to go and she hasn’t really been able to fully think through all of the parameters of this but we currently have a section in Exhibit “D” which is the Development Plan that is actually the subject of the amended ordinance tonight. It directs the proposed use of that cross-hatched area, that R-10 area, to be used only for residential purposes. She is trying to formulate some language in that particular section that says that that area can be used only for residential purposes if it is not ultimately used by the city for park purposes and following some period of time, which gives the parties some period of time of negotiation to make that determination. If we hit that level of time when we haven’t been able to or decide not to then the area can be used for residential and only residential purposes. She asked if that is a concept that council is interested in pursuing then she might be able to be a little more particular.

Mr. Norstrom questioned “timeframe”. Mrs. Fox commented that that was her blank. She doesn’t know if there is some time period. Mr. Norstrom asked if it is necessary to have that. Mrs. Fox replied that she thinks for the developer’s purposes it is necessary to have that. She thinks they have a right to have some period of time to know when they can develop or not develop that land.

Ms. Michael declared a ten minute recess.

Ms. Michael asked Mrs. Fox for her recommendation following the recess.

Mrs. Fox directed members to the amended Ordinance No. 01-2015 that had attached to it Exhibit “D”, which is the Development Plan for this PUD zoning. She directed members to Page 1 of that exhibit.

Mrs. Fox recommended the following motion to amend Exhibit D in the third sentence under the Proposed Uses paragraph on page 1 to read as follows:
The area that is currently zoned R-10 (See shaded area on Attachment #1,) can be used for residential use, and only residential use, if purchase of that shaded area by the City is not documented in a letter of understanding within 120 days of the date of this PUD approval by City Council.

MOTION

Mr. Norstrom made a motion to amend Exhibit D as recommended by Mrs. Fox.

Dr. Chosy commented that the motion suggests that only the city can buy the area in question. He thinks there may be other alternatives such as individuals. Ms. Michael pointed out that residents can donate funds to the city because somebody is going to have to own it.

The motion was seconded by Ms. Dorothy.

There being no additional comments, the motion carried unanimously.

Mrs. Fox added that if the PUD ordinance is approved this evening, what this will do is to allow the developers to proceed after the waiting period with all other portions of this development except for that hash-marked area that will be under discussion with the city.

Mr. Greeson shared that the 120 days was selected to be able to accomplish procedures that we are required to follow for appraisal. The term “Letter of Understanding” was used because ultimately if council purchases this land it would be accomplished by an ordinance and it would have to be split from the subdivision and there would be a series of actions that will take longer than 120 days but staff wanted to create a council action that could be referenced in this PUD agreement and that would be probably a motion to authorize him to enter into a Letter of Intent, Memorandum of Understanding.

Ms. Michael commented that much of this will be discussed once council receives details. Mr. Greeson added that staff has no information that is sufficient to make decisions on this issue.

Dr. Chosy clarified that the developer can go ahead with the rest of the development. Mrs. Fox agreed provided this ordinance is approved this evening. Mr. Greeson added that they can move forward after the normal waiting period.

When asked by Dr. Chosy the length of the waiting period, Mrs. Fox replied twenty days after publication. Dr. Chosy concluded that this change will not delay the developer except for that spot. Mrs. Fox and Mrs. Greeson agreed.

Mr. Smith noted that the applicant will have to come back to council to develop that spot either way. Mrs. Fox agreed.

Dr. Chosy commented that if nothing else happens after 120 then it can be developed residential. Ms. Michael agreed.
There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 01-2015 (As Amended). The motion carried by the following vote:

    Yes 7  Troper, Norstrom, Dorothy, Smith, Myers, Chosy, Michael

    No 0

Ordinance No. 01-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 02-2015    Approving the Subdivision of Property at 634 High Street & 41 East New England Avenue, and Approving a Development Agreement (Showe Worthington, LLC).

    The foregoing Ordinance Title was read.

Mr. Greeson commented that this legislation is the subdivision that combines all of the lots that we have discussed extensively in the previous ordinance into one parcel.

Mrs. Fox added that it also authorizes a development agreement with the developer for the sidewalk and the access that will not affect anything that was just approved. It also puts the developer under contract to make those improvements.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 02-2015. The motion carried by the following vote:

    Yes 7  Norstrom, Dorothy, Smith, Myers, Chosy, Troper, Michael

    No 0

Ordinance No. 02-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 03-2015    An Ordinance to Revise the Codified Ordinances by Adopting Current Replacement Pages.

    The foregoing Ordinance Title was read.

Mr. Greeson reported this item as a routine administrative matter that is accomplished on an annual basis. The updates include changes in state law and the previously pass ordinances by City Council. Mrs. Foxed added that the information was reviewed by herself and the City Prosecutor.
There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 03-2015. The motion carried by the following vote:

Yes 7 Dorothy, Smith, Myers, Chosy, Troper, Norstrom, Michael

No 0

Ordinance No. 03-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 02-2015  Authorizing the City Manager to Execute a Contract Renewal with Capital Services, Inc. for the Cleaning and Maintenance of the Worthington Community Center.

Introduced by Mr. Troper.

MOTION  Ms. Dorothy made a motion to adopt Resolution No. 02-2015. The motion was seconded by Mr. Myers.

Mr. Hurley reported that the current cleaning contract for the community center will end on January 31st. The original one year contract was awarded through a bid process in January 2013 and then followed that with a one year renewal effective February 1, 2014. We have the ability to renew that contract for one more year and staff recommends that we do that with Capital Services. They have met the standards of the current contract and staff would like to utilize their services for another year. He added that in renewing the contract in this way the cleaning services will remain at the current rate, which is $8,325 per month. It includes nightly cleaning, seven days a week with the exception of five holidays per year.

There being no additional comments, the motion to adopt Resolution No. 02-2015 carried unanimously by a voice vote.

Resolution No. 03-2015  Authorizing the City Manager to Execute and Deliver a Grant Agreement between the City and the State of Ohio Development Services Agency for the Acceptance and Use of a $300,000 Grant for Renovations to the James Kilbourne Memorial Library Building at 752 High Street.

Introduced by Dr. Chosy.

MOTION  Mr. Smith made a motion to adopt Resolution No. 03-2015. The motion was seconded by Mr. Norstrom.
Mr. Greeson shared that there was a $300,000 appropriation added to one of the bills in the state legislature for the purposes of renovations at the James Kilbourne Memorial Library at 752 High St. in Worthington and owned by the City of Worthington. The grant is for the purpose of public improvements that would position the building for future leasing. We are pleased to report that we received the Grant Agreement from the Development Services Agency and that is before members tonight. He thinks it is also important to note that the subsequent ordinance that we are proposing for introduction would appropriate $500,000 to accomplish some of the work, particularly the center foyer area, bathrooms, mezzanine removal, some HVAC repairs and ADA improvements that would be the normal responsibilities of a landlord who is trying to position a building like this for leasing. So these are things that we think are public purposes as the public owner of the building and therefore eligible for grant reimbursement.

Dr. Chosy asked if we can get all of the work accomplished by June 30th. Mr. Greeson replied that the other things that would be accomplished, in addition to the $300,000, the estimates for accomplishing all of that are around $500,000 so we are asking for $200,000 over the grant amount. In addition to that we think it is important to have the Community Improvement Corporation (CIC) basically oversee that contract. That would allow us to avail ourselves of some construction manager processes under state law and move more expeditiously. Dr. Chosy added that the money has to be spent by June 30th in order for us to receive it. Mr. Greeson agreed. He added that it is a reimbursement basis and we could ask for a sixty day extension but we have to do that sixty day before the deadline.

Mr. Myers pointed out that this $300,000 came on the heels of the adoption of House Bill 5, which was the income tax equalization bill, which he thinks is an oxymoron, and that what the projection show that we are going to lose on an annual basis is more than this one time gift that we are being given by the State of Ohio. He thinks at the end of the day he would much prefer to give this money back and they repeal House Bill 5. We would be in a whole lot better shape.

Mr. Greeson shared that we would be using our Agency relationship with the CIC who would be overseeing this work on our behalf. He wants to make sure everybody understands that.

Mr. Norstrom understands that the city is not managing the project. Mrs. Fox added that there is one caveat in that we do need to ask the State for permission to assign this over to the CIC, which she thinks was already part of our scope of services that we included.

Mr. Norstrom asked if that were not to happen would the city still be able to spend the money under our own procedures. Mrs. Fox believes so. She thinks we could still go through the construction management services under the state law.

There being no additional comments, the motion to adopt Resolution No. 03-2015 carried by a six (6) to one (1) (Myers) voice vote.
Ordinance No. 04-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for Renovations to the James Kilbourne Memorial Library Building; Making a Contribution of Funds to the Worthington Community Improvement Corporation; and Authorizing the Worthington Community Improvement Corporation to Administer the Funds for the Kilbourne Building Renovations.

Introduced by Mr. Troper.

Ordinance No. 05-2015

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to S-1, Special (6238 Linworth Road)

Introduced by Ms. Dorothy.

MOTION

Mr. Myers made a motion to refer Ordinance No 05-2015 to the Municipal Planning Commission for consideration. The motion was seconded by Dr. Chosy.

The motion carried unanimously by a voice vote.

Ordinance No. 06-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Capital Improvements Fund Unappropriated Balances.

Introduced by Dr. Chosy.

The Clerk was instructed to give notice of a public hearing on said ordinances in accordance with the provisions of the City Charter.

REPORTS OF CITY OFFICIALS

REPORTS OF COUNCIL MEMBERS

OTHER
EXECUTIVE SESSION

MOTION Mr. Smith made a motion to meet in Executive Session to discuss economic development, board and commission appointments and land acquisition. The motion was seconded by Mr. Norstrom.

The motion carried by the following voice vote:

Yes 7 Myers, Chosy, Troper, Dorothy, Smith, Norstrom, and Michael

No 0

The motion carried unanimously by a voice vote.

Council recessed at 10:04 p.m. from the Regular meeting session.

Council came out of Executive Session at 10:30 p.m.

MOTION Mr. Norstrom made a motion to appoint Ethan Black to the Parks and Recreation Commission. The motion was seconded by Mr. Smith.

The motion carried unanimously by a voice vote.

ADJOURNMENT

President Michael declared the meeting adjourned.

____________________________________
Clerk of Council

APPROVED by the City Council, this 17th day of February, 2015.

_______________________________
Council President
ORDINANCE NO. 07-2015

Amending Ordinance Nos. 47-2010 and 03-2013; Approving and Authorizing the Execution of an Acknowledgement of Termination of a Compensation Agreement; Authorizing the Execution of a Second Amended Development Agreement; and Providing for Related Authorizations Pursuant to Ohio Revised Code Sections 5709.41, 5709.42, and 5709.43

WHEREAS, the Shops at Worthington Place project (the “Project”) entailed the redevelopment of an existing facility as a mixed use retail and entertainment development on certain parcels of real property (the “Property”), as more fully described and depicted on Exhibit A to Ordinance No. 47-2010 and as such property description was amended under Ordinance No. 14-2013 (the “TIF Ordinance”); and therefore, the Project represents a substantial economic development opportunity to the City and serves as a keystone in the City’s larger redevelopment of the Wilson Bridge Road Corridor; and,

WHEREAS, the City provided substantial financial assistance to the Project in the form of an urban redevelopment tax increment financing exemption (the “TIF Exemption”) under Ohio Revised Code (“R.C.”) Section 5709.41, as part of the TIF Ordinance; and,

WHEREAS, the TIF Ordinance, among other things, approved a 100-percent, 30-year TIF Exemption on the value of improvements made to the Property, and authorized the City Manager of the City (the “City Manager”) to enter into a development agreement (the “Development Agreement”) with Worthington Square Venture, LLC (the “Developer”) and to enter into a school district compensation agreement (the “School District Compensation Agreement”) by and among the City, the Developer and the Worthington City School District (the “School District”); and,

WHEREAS, as required by R.C. Section 5709.41, the City Council passed Ordinance No. 45-2010, which authorized the City Manager to accept, and immediately transfer back, fee title to the Property, with such transfers having occurred on January 10, 2011; and,

WHEREAS, the City Manager and the Developer entered into the Development Agreement on January 11, 2011, which set forth the various terms and conditions for the TIF Exemption, provided for the construction of the Project and for the financing of certain Designated Improvements, as defined in the Development Agreement; and,
ORDINANCE NO. 07-2015

WHEREAS, the TIF Ordinance and the Development Agreement provide for the payment of service payments in lieu of taxes (“Service Payments”), as defined in the TIF Ordinance and the Development Agreement, by the current and future owners of the Property (each an “Owner,” and collectively, the “Owners”) with respect to the Improvements, as defined in the TIF Ordinance and the Development Agreement, pursuant to R.C. 5709.42; and,

WHEREAS, the City Manager, the Developer, and the Board of Education of the School District (the “Board”) entered into the School District Compensation Agreement on January 11, 2011, which set forth the amount and manner by which the School District would be compensated as required by R.C. Section 5709.41; and,

WHEREAS, pursuant to Ordinance No. 03-2013, the Development Agreement was amended by the First Amendment to the Development Agreement, dated April 7, 2014; and,

WHEREAS, the School District Compensation Agreement was amended by the First Amendment to the School District Compensation Agreement, dated April 7, 2014; and,

WHEREAS, the First Amendment to the Development Agreement and First Amendment to the School District Compensation Agreement made adjustments with respect to the updated base valuation of the Property and finalized the scope of redevelopment costs for which the Developer would be reimbursed by this City; and,

WHEREAS, the Developer has requested further changes to the Development Agreement, as amended by the First Amendment to the Development Agreement, the termination of the School District Compensation Agreement, as amended by the First Amendment to the School District Compensation Agreement, and certain amendments to TIF Ordinance to specify, pursuant to R.C. Section 5709.41(C)(1), that Service Payments shall be paid to the School District in the amount of taxes that would have been payable to the School District if the Improvements had not been exempted from taxation; and,

WHEREAS, the Council desires to continue to make the TIF Exemption available to the Property and to further the economic development created by the Project by: (i) approving the termination of the School District Compensation Agreement, as amended, and the execution of an acknowledgement of such termination; (ii) amending the TIF Ordinance to specify, pursuant to R.C. Section 5709.41(C)(1), that Service Payments shall be paid to the School District in the amount of taxes that would have been payable to the School District if the Improvements had not been exempted from taxation; and (iii) authorizing the execution of a Second Amendment to the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Worthington, County of Franklin, State of Ohio:
SECTION 1. This Council hereby approves the termination of the School District Compensation Agreement, as amended by the First Amendment to the School District Compensation Agreement. The City Manager is hereby authorized to execute the Acknowledgement of Termination of the Amended School District Compensation Agreement (the “Acknowledgement”) in substantially the form attached hereto as Exhibit “A”, together with such revisions approved by the City Manager as are consistent with the objectives and requirements of this Ordinance, which approval shall be conclusively evidenced by the signing of the Acknowledgement. Such termination shall be effective as of the effective date of the Acknowledgment.

SECTION 2. The City Manager is hereby authorized to execute a Second Amendment to the Development Agreement on behalf of the City substantially in the form attached hereto as Exhibit “B”, which Second Amendment to the Development Agreement includes provisions regarding the payment of Service Payments with respect to the Property, together with such revisions or additions thereto approved by the City Manager as are consistent with the objectives and requirements of this Ordinance, which approval shall be conclusively evidenced by the signing of said Second Amendment to the Development Agreement. The City Manager and other appropriate City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the Second Amendment to the Development Agreement.

SECTION 3. This Council hereby amends the TIF Ordinance as follows:

(A) Section 2 of the TIF Ordinance is hereby DELETED in its entirety and REPLACED with the following:

Section 2. As provided in R.C. 5709.42, the Owner of each parcel of the Property is hereby required to, and shall make, Service Payments to the Treasurer of Franklin County (the “County Treasurer”) on or before the final dates for payment of real property taxes without penalty or interest, which Service Payments shall be remitted, but less payments made to the School District pursuant to Section 4 of this Ordinance, to the City for deposit in the Worthington Square Urban Redevelopment Tax Increment Equivalent Fund established in Section 4 hereof. Each Service Payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements (after credit for any other payments received by the City under R.C. 319.302) had the exemption from taxation not been granted pursuant to this Ordinance, and otherwise shall be in accordance with the requirements of the TIF Statutes. Any late Service Payments shall be subject to penalty and bear interest at the then current rate established under R.C. 323.121(B)(1) and R.C. 5703.47, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to
time (the payment of penalties and interest and any related amounts received by the City under R.C. 319.302 shall be considered part of the Service Payments). The Service Payments shall be allocated and deposited in accordance with Section 4 of this Ordinance.

(B) Section 4 of the TIF Ordinance is hereby DELETED in its entirety and REPLACED with the following:

Section 4. This Council hereby authorizes and directs the Director of Finance to establish pursuant to and in accordance with the provisions of R.C. 5709.43, the Worthington Square Urban Redevelopment Tax Increment Equivalent Fund (the “TIF Fund”) to be maintained in the custody of the City. The TIF Fund shall receive all Service Payments made in respect of the Improvements, but less payments made to the School District as described below, which are received by the City from the County Treasurer in accordance with this Ordinance.

The County Treasurer shall make payments to the School District from Service Payments received, in the amount equal to the real property tax payments that would have been payable to the School District from the Improvements exempted pursuant to this Ordinance had such Improvements not been exempted pursuant to this Ordinance, in accordance with R.C. Sections 5709.41(C)(1), and 5709.42.

The Service Payments received by the City (that is, after amounts are paid to the School District as described above) and deposited in the TIF Fund shall be used (i) first, to pay the City’s customary and reasonable costs related to the exercise of its rights and the discharge of its obligations under the TIF Statutes, this Ordinance, the Development Agreement, and all other related laws, agreements and undertakings, (ii) second, to pay the costs of the construction of the Designated Improvements as described in the Development Agreement, as amended from time to time, and (iii) third, if any Service Payments remain in the TIF Fund after the payments described in (i) – (ii) above, to make payments to the City to be used for any lawful purpose.

The TIF Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which the TIF Fund shall be dissolved in accordance with R.C. 5709.43(D). Upon such dissolution, any incidental surplus remaining in the TIF Fund shall be disposed as provided in R.C. 5709.43(D).
ORDINANCE NO. 07-2015

SECTION 4. This Council hereby amends Ordinance No. 03-2013 by deleting Sections 3, 4, 5 and 6 thereof.

SECTION 5. The City Manager, the Director of Finance and the Director of Law, and any other City official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this Ordinance.

SECTION 6. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the Office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed _____________________

_________________________________
President of Council

Attest:

_________________________________
Clerk of Council
ACKNOWLEDGMENT OF TERMINATION OF THE AMENDED SCHOOL DISTRICT COMPENSATION AGREEMENT

This Acknowledgment of Termination of the Amended School District Compensation Agreement (this “Acknowledgment”) is made and entered into by and among the CITY OF WORTHINGTON (the “City”), an Ohio municipal corporation with its offices at 6550 North High Street, Worthington, Ohio 43085, the WORTHINGTON CITY SCHOOL DISTRICT (the “District”), a public school district with its principal offices at 200 East Wilson Bridge Road, Worthington, Ohio 43085 and WORTHINGTON SQUARE VENTURE, LLC, an Ohio limited liability company with its principal place of business at 775 Yard Street, Suite 325, Columbus, Ohio 43212 (the “Owner”).

WITNESSETH:

WHEREAS, the City, the District, and the Owner entered into a School District Compensation Agreement, executed as of January 11, 2011 and amended by a First Amendment to the School District Compensation Agreement, executed as of April 7, 2014 (the “Amended School District Compensation Agreement”); and

WHEREAS, the City and the Owner entered into a Development Agreement, effective as of January 11, 2011 and amended by a First Amendment to the Development Agreement, dated as of April 7, 2014 (the “Amended Development Agreement”); and

WHEREAS, pursuant to the Amended Development Agreement, the Owner developed certain parcels of real property (the “Property”), as more fully described and depicted on Exhibit A to the Amended Development Agreement, as a mixed-use retail and entertainment development (the “Project”); and

WHEREAS, the City, desiring to encourage the Project, passed Ordinance No. 47-2010 (the “TIF Ordinance”), which declared improvements to certain parcels of real property to be a public purpose (the “Improvements”) thereby exempting those Improvements from real property taxation, provided for payments in lieu of taxes by the Owner and future owners with respect to the parcels (the “Service Payments”), and established an urban redevelopment tax increment equivalent fund to pay a portion of the cost of the construction of certain Designated Improvements, as defined in the Amended Development Agreement and the TIF Ordinance; and

WHEREAS, the Owner invested in and redeveloped the Property and completed the Project as contemplated by the Amended Development Agreement and Amended School District Compensation Agreement; and

WHEREAS, as a result of continuing uncertainty regarding the valuation of the Property and other economic considerations, the City, the Owner and the District have
each reevaluated its desire to continue the Amended School District Compensation Agreement, and each has concluded that the Amended School District Compensation Agreement should be terminated; and

WHEREAS, the City Council of the City passed Ordinance No. 07-2015 (the “District Hold Harmless Amendment Ordinance”) (i) amending the TIF Ordinance to specify, pursuant to Ohio Revised Code Section 5709.41(C)(1), that Service Payments shall be paid directly by Franklin County to the District in the amount of taxes that would have been payable to the District if the Improvement had not been exempted from taxation, (ii) approving the termination of the Amended School District Compensation Agreement, and (iii) authorizing the execution of this Acknowledgment; and

WHEREAS, the District passed Resolution No. ___________ on February 9, 2015, approving the termination of the Amended School District Compensation Agreement and authorizing the execution of this Acknowledgment; and

WHEREAS, the City, the District, and the Owner agree that each has fulfilled its obligations under the Amended School District Compensation Agreement as of the effective date of this Acknowledgement or that any such obligations are excused; and

WHEREAS, the City, the District and the Owner desire to execute this Acknowledgment to document the termination of the Amended School District Compensation Agreement and of all of the rights and obligations contained therein.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the parties from the termination of the Amended School District Compensation Agreement, the parties hereby agree to the following:

Section 1. The City, the District, and the Owner hereby acknowledge and agree that the Amended School District Compensation Agreement is terminated effective upon the date of this Acknowledgment, and that no provision of the Amended School District Compensation Agreement shall remain in effect after such effective date.

Section 2. The City, the District, and the Owner each agrees that the Amended School District Compensation Agreement has been fully satisfied by the parties thereto and each waives any and all rights it had or may have had under the Amended School District Compensation Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Acknowledgment to be executed by their duly authorized representatives, effective as of March 15, 2015.

CITY OF WORTHINGTON

By: ________________________________
Print Name: __________________________
Title: ________________________________

WORTHINGTON CITY SCHOOL DISTRICT

By: _________________________________
Printed Name: __________________________
Title: _________________________________

WORTHINGTON SQUARE VENTURE, LLC

By: ________________________________
Print Name: __________________________
Title: ________________________________

Approved as to form:

_______________________________
Pamela A. Fox, Director of Law
City of Worthington
EXHIBIT B

SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT

Between

THE CITY OF WORTHINGTON

And

WORTHINGTON SQUARE VENTURE, LLC

This Second Amendment to the Development Agreement (this “Second Amendment”) has been made and entered into as of the ___ day of ____________, 2015 (the “Effective Date”) between the CITY OF WORTHINGTON, OHIO, an Ohio municipal corporation, through its City Council (the “City”), acting pursuant to the authority of Ordinance No. 07-2015 passed by the City Council on March 2, 2015; and WORTHINGTON SQUARE VENTURE, LLC, an Ohio limited liability company (the “Developer”).

WITNESSETH:

WHEREAS, the Developer owns all of the real property described and/or depicted in Exhibit A to the Development Agreement by and between the City and the Developer, dated January 11, 2011, (the “Agreement”) located in the City (collectively, the “Property”), except for such portion of the Property later conveyed by the Developer, as further described herein; and

WHEREAS, the Developer has redeveloped the Property as a mixed-use retail and entertainment development (the “Project”); and

WHEREAS, the City, desiring to encourage the Project, passed Ordinance No. 47-2010 (the “TIF Ordinance”), which declared improvements to certain parcels of real property to be a public purpose (the “Improvements”) thereby exempting those Improvements from real property taxation, provided for payments in lieu of taxes by the Developer and future owners with respect to the parcels (the “Service Payments”), and established an urban redevelopment tax increment equivalent fund to pay a portion of the cost of the construction of certain Designated Improvements, as defined in the TIF Ordinance; and

WHEREAS, in the Agreement, the Developer agreed to construct the Designated Improvements, and the City agreed to reimburse the Developer for certain costs associated with those Designated Improvements, subject to the terms contained in the Agreement; and
WHEREAS, pursuant to Ordinance No. 03-2013, adopted February 4, 2013 by the Worthington City Council, the Agreement was amended by the First Amendment to the Development Agreement, dated April 7, 2014, between the City and the Developer (the “First Amendment”), which First Amendment provided for a change to the compensation structure for the Worthington City School District (“the District”), as more fully described therein; and

WHEREAS, in order to facilitate the subdivision and sale of a portion of the Property to an unrelated third party purchaser, the City passed Ordinance No. 14-2013 to remove from the Property constituting this Project, and therefore to remove any exemption thereof under the TIF Ordinance, that portion of the Property set forth as Lot 2 in Exhibit A of Ordinance No. 14-2013; and

WHEREAS, the Franklin County Auditor properly recognized the City’s revision to the Property under Ordinance No. 14-2013; and

WHEREAS, because of continuing uncertainty regarding the valuation of the Property and other economic factors associated with the Project, the City and the Developer desire to execute this Second Amendment to allow the Developer and the City to obtain the benefits contemplated under the Agreement and First Amendment and to restructure the compensation received by the District; and

WHEREAS, it is contemplated by the parties hereto that this Second Amendment will further the purpose of the Agreement to create and retain jobs in the City and will enhance the City’s current economic development efforts; and

WHEREAS, the City Council of the City passed Ordinance No. 07-2015, dated March 2, 2015, amending the TIF Ordinance to specify that Service Payments shall be paid directly by Franklin County to the District in the amount of taxes that would have been payable to the District if the Improvements had not been exempted from taxation and authorizing the execution of this Second Amendment (the “District Hold Harmless Amendment Ordinance”);

NOW, THEREFORE, in consideration of these premises and the mutual covenants and obligations of the parties hereto set forth, each of them does hereby covenant and agree with the other as follows:

Section 1. Unless otherwise noted herein, all capitalized terms in this Second Amendment have the same definition as noted in the Agreement, as amended by the First Amendment.

Section 2. DELETE the fifth recital of the Agreement, as amended by the First Amendment, and REPLACE with the following:

WHEREAS, the City passed an ordinance (the “TIF Ordinance”) to implement Ohio Revised Code (“R.C.”) Sections 5709.41, 5709.42 and
5709.43 (the “TIF Statutes”) with respect to the Property. As used in this Agreement, the TIF Ordinance includes subsequent amendments thereto, including but not limited to the District Hold Harmless Amendment Ordinance; and

Section 3. DELETE the seventh recital of the Agreement, as amended by the First Amendment, and REPLACE with the following:

WHEREAS, the City Council of the City finds that the TIF Ordinance includes provisions providing for compensation to be made, solely from the Service Payments, to the Worthington City School District (the “School District”), in accordance with the terms of the TIF Ordinance, as amended by the District Hold Harmless Amendment Ordinance; and

Section 4. DELETE Section 2(B) of the Agreement, as amended by the First Amendment, in its entirety, and REPLACE with the following:

If the Developer constructs or causes to be constructed the Designated Improvements, the Developer may elect to finance such Designated Improvements and be repaid over time by the City using Service Payments, subject to the terms and limitations contained in the TIF Ordinance. In such a case, subject to the provisions of the TIF Ordinance, the Developer shall be reimbursed for any and all costs incurred by the Developer in connection with the construction of the Designated Improvements (the “Cost of the Designated Improvements”). The Cost of the Designated Improvements shall include any and all costs incurred in order to construct or finance the construction of, or to provide financial assistance for, the Designated Improvements, including the items of “costs of permanent improvements” set forth in R.C. Section 133.15(B). Those costs include, but are not necessarily limited to: (i) cash paid; (ii) interest on cash paid by the Developer from the date of such payment until the date of reimbursement by the City, at the interest rate per annum equal to the interest rate determined by the Ohio Tax Commissioner for each year pursuant to R.C. Section 5703.47(B), less one percentage point (that is, one percentage point less than the interest rate determined for tax purposes by the Ohio Tax Commissioner [see http://tax.ohio.gov/divisions/ohio_individual/individual/interest_rates.stm] – a reduced interest rate that, for calendar year 2011, would be equal to 3%); (iii) review and inspection fees incurred in connection with the construction of the Designated Improvements; (iv) professional fees; and (v) construction management and supervisory costs and fees.

Section 5. DELETE Section 2(C) of the Agreement, as amended by the First Amendment, in its entirety, and REPLACE with the following:
(C) From time to time after commencement of construction of the Designated Improvements, the Developer shall provide a certified statement to the City setting forth and providing reasonable evidence concerning the Cost of the Designated Improvements (each a “Certified Statement”, and collectively, the “Certified Statements”). At least twice each year, subsequent to submission of the first Certified Statement by the Developer, and contingent upon the City having received funds in the Fund (as defined in the TIF Ordinance), the City shall pay to Developer, within thirty (30) business days following the City’s receipt of a Certified Statement, the lesser of (i) the Cost of the Designated Improvements, or part thereof, as shown in the Certified Statements, or (ii) the funds available at that time in the Fund, subject to the terms and limitations of the TIF Ordinance. Should insufficient funds exist in the Fund at the time of submission of a Certified Statement to reimburse the Developer for the Cost of the Designated Improvements, then the City shall maintain a record of such unpaid amounts, and the City shall pay to Developer such amounts within thirty (30) business days after such funds exist in the Fund, provided that such payment shall not exceed the available balance in the Fund. The City shall submit an accounting or record of all amounts paid to Developer out of the Fund along with each payment to Developer, including payments made by the City within thirty (30) business days of the receipt of a Certified Statement and payments made by the City within thirty (30) business days of sufficient funds being deposited into the Fund with respect to any unpaid amounts, but subject to the limitations described in this Section 2(C).

Section 6. DELETE Sections 2(D) of the Agreement, as amended by the First Amendment, in its entirety.

Section 7. RENUMBER Section 2(E) to be Section 2(D).

Section 8. DELETE Section 12(b) in its entirety and REPLACE with the following:

(b) Notices to the Developer:

Tom Carter
Worthington Square Venture, LLC
775 Yard Street, Suite 325
Columbus, Ohio 43212
Section 9. Except as otherwise noted in this Second Amendment, all other terms and provisions contained in the Agreement, as amended by the First Amendment, are unchanged, and remain in full force and effect as stated in the Agreement, as amended by the First Amendment.

IN WITNESS WHEREOF, the City and the Developer have each caused this Agreement to be executed after due authorization as of the Effective Date.

CITY OF WORTHINGTON, OHIO

By: ____________________________
Name: __________________________
Title: ____________________________

WORTHINGTON SQUARE VENTURE, LLC

By: ____________________________
Name: __________________________
Title: ____________________________

Approved as to form:

By: ____________________________
   Pamela A. Fox, Law Director
   City of Worthington
MEMORANDUM

TO: Matt Greeson

FROM: Jeffry Harris

DATE: February 10, 2015

SUBJECT: The Shops at Worthington Place TIF – changes to TIF ordinance, development & school compensation agreements

I write to provide a complete background as well as staff recommendation concerning the tax increment financing (“TIF”) exemption in place for the Shops at Worthington Place project at 7227 North High Street, Worthington. Specifically, this memo addresses requested changes to the approved TIF ordinance, the development agreement and the school compensation agreement, as such agreements are in place among the City, the developer and the Worthington City Schools.

Staff Recommendations

This memo and its related Ordinance No. 07-2015 is intended to accomplish the following related to the TIF in-place at the Shops at Worthington Place:

(1) Authorize you to sign the Acknowledgement of Termination to eliminate the TIF’s existing school compensation agreement; and

(2) Amend the existing TIF to thereby create a “hold-harmless” treatment of the Worthington City Schools under the TIF (i.e., the Schools are paid 100 percent of foregone revenues).

The original TIF arrangement was agreed upon while the development of the Shops at Worthington Place was still being conceived. Now that development has occurred and two parcels originally part of Worthington Square have been sold and developed/redeveloped outside of this TIF, the current TIF-related agreements no longer fit the expected property valuations that initially drove the structure of the TIF in this project. Staff is recommending the changes identified above so that the TIF is more in line with the development that has occurred.
**Background:**

The Shops at Worthington Place (the “Shops”) project constitutes the renovation and redevelopment of the existing 150,000 square foot retail facility formerly known as the Worthington Square Mall. Originally developed in the early 1970s as an outdoor retail center, the Shops were eventually enclosed and came to be owned, over time, by various institutional investors including an endowment fund connected to Stanford University. In early 2009, the facility was acquired by an affiliate of General Electric.

In late 2010, negotiations commenced for the Shops’ purchase by Worthington Square Venture LLC, comprised by a group of investors including City resident Tom Carter. It was proposed that the Shops would be renovated and substantially redeveloped, with work to include demolishing portions of the existing structure to create outdoor space; realigning and constructing new driveways; constructing new exterior entrances; creating and enhancing streetscapes; and constructing new disabled access points. The sale was completed in late December 2010. The name of the facility soon changed to that of the Shops at Worthington Place.

At the time of the purchase negotiation, the City was approached by Worthington Square Venture, LLC to provide financial assistance in redeveloping the site. It was determined by City staff, in conjunction with its outside counsel, that an urban redevelopment TIF would provide the best form of assistance to the redevelopment project (see Ohio Revised Code (“ORC”) §5709.41). The City executed the necessary steps to create the TIF and in January 2011, City Council approved Ordinance 47-2010 (the “TIF Ordinance”), creating an urban redevelopment TIF exemption of 100 percent of the taxes on the value of improvements made to the Shops, for a 30-year period. Under this arrangement, current and future owners of the property pay “service payments” to Franklin County in amounts equivalent to the taxes otherwise due on the improved value of the land, which funds are then redirected into a City-controlled TIF fund.

The TIF incentive with the Shops’ owners was memorialized in a development agreement executed between the City and Worthington Square Venture, LLC on January 11, 2011, and which later was amended¹ on April 7, 2014 (collectively, the “Development Agreement”). The Development Agreement was structured on a pay-as-you-go basis, with the developer reimbursed for specified redevelopment costs as revenues flowed into the TIF fund. Reimbursable costs thereunder included work at the mall’s south entry (e.g., sidewalk and grade walls; side trims and column covers); the east entry (e.g., demolition of the former gazebo-like entry structure; new storefront entrance and vestibule); and the northeast entry (e.g., demolition of existing roof and walkways).

¹ In February 2013, City Council approved Ordinance 03-2013 to accommodate several changes to the TIF related to the Shops’ property valuation and timing of payments. Among other changes, the legislation recalibrated the Shops’ base value to that of the final purchase price paid by the developer. Also included in the legislation was a clarification as to what TIF revenues may be spent on at the project site.
Also authorized under the TIF Ordinance was a school compensation agreement among the City, Worthington Square Venture, LLC and the Worthington City Schools, executed January 25, 2011, and likewise amended April 7, 2014, (collectively, the “School Compensation Agreement”). The School Compensation Agreement set forth how the Schools would be paid for foregone revenue under the TIF exemption. In particular, using an incentive-based approach, the Schools agreed to be paid lesser amounts from the City and the developer if higher value was created at the Shops. That is, the Schools offered to contribute back into the project anywhere from 15 to 20 percent of the revenues that would otherwise come to them if Worthington Square Venture, LLC made the mall property grow in higher “bands” of value. If the developer grew the Shops’ value by at least $12.5 million, then the Schools would require only 85 percent of their expected compensation payments. And if the Shops grew in value upwards of $15.5 million, the schools would require payments of only 80 percent of what they would have expected.

Critical to the immediate legislation before City Council – really, the primary reason – is the fact that the School Compensation Agreement requires the developer, for any year in which the Shops did not grow in value as expected (by $12.5 million or more), to pay the Schools as if the Shops had grown by at least $12.5 million in additional value.

Through year-end 2014, the developer had completed a substantial number of improvements to the Shops, but no revenues have yet been realized in the TIF fund for this project.

**Current Issue – Basis for Legislative Action**

As noted, the developer was required – by virtue of the School Compensation Agreement and the Development Agreement – to achieve at least $12.5 million in increased value at the Shops (so that the total value would be at least $16.86 million). This was to have occurred by tax year 2014. City staff learned late last year that the Shop’s real property was actually valued down during 2014 to only $4,204,300.

Recall from the discussion above that the School Compensation Agreement required a value on the Shops for 2014 of at least $16.86 million, or else the developer has to pay the Schools an amount of money as if that value was being taxed.

Why were the Shops valued lower in 2014? The situation results from two occurrences. First, there was a property valuation hearing conducted in 2013 by the Franklin County Board of Revision between representatives of the Schools and Worthington Square Venture, LLC concerning the re-valuation of the property based on the approximate purchase price from General Electric - $4.36 million. Second, the subdivision plat of the Shops’ property into two smaller parcels to allow for construction of the apartments west of the Shops occurred soon thereafter, meaning that Franklin County further split the $4.36 million purchase price between the two new parcels: 100-006701 (apartments) and 100-006702 (mall)).

It is highly unlikely the Shops will achieve a valuation anytime soon by the Franklin County Auditor close to the $16.86 million anticipated in the Development Agreement and the School
Compensation Agreement. And as it stands, the developer must pay the Schools each year as if that value has been achieved.

This results in an untenable situation for the developer, as it would be forced to pay the Schools annual amounts far in excess of the Shops’ actual value. This was not the outcome intended by the City or the Schools.

Staff recommends making appropriate changes under Ordinance No. 07-2015 to amend the Development Agreement and terminate the School Compensation Agreement. Taken all together, the changes will allow the Schools to receive all foregone revenue (e.g., 100 percent) during the remaining term of the TIF, as well as free the developer from making excessive payments to the Schools based on an unrealistic valuation target. Rather than an arrangement where the Schools receive a payment based on a value that has not been achieved and forego a portion of revenue if the value is achieved in the future, the revised Development Agreement results in the Schools receiving 100 percent of the revenue they would receive if the TIF were not in place.
SUMMARY - Bike & Pedestrian Advisory Committee

Cities: 9 (7 in Ohio)
Dublin, Springboro, Bowling Green, Gahanna, Athens, Kettering, Westerville
Brighton, CO
Keene, NH

Approved By:
City Manager/Mayor – 3
Parks & Rec Advisory Board – 2
Undetermined – 2
Council – 2

Managed By:
Combination of Departments – 4
Parks & Recreation – 3
Planning & Building – 1
Unknown – 1

Note: Of those run by a combination of departments (has a staff member from each applicable department assigned to the Advisory Committee), two are officially led by GIS staff and two are led by Parks & Recreation staff.
City of Dublin, OH

Established: By Resolution (June 2009 as a component of the Dublin Bicycle Advisory Task Force)

Approved by: Council

Memberships: Minimum of 9 members (1 Council Member, 3 residents, 2 resident business representatives, 1 school rep, 1 MORPC rep, 1 Consider Biking rep)

Meetings: Meet regularly with quarterly updates to City Council

Duties/Mission: The Task Force is exploratory in nature, and is being implemented to assist City Council in identifying potential bike-oriented programs and facilities to consider as part of future City initiatives. The Task Force duties shall be:

- Developing a complete understanding of the current status of facilities, plans and programs which relate to, or impact the community’s bike accessibility.
- Preliminarily identifying key issues which need to be further explored in order for the Task Force to identify potential projects and initiatives which could improve Dublin’s transportation facilities and programs for bike users;
- Identifying other key stakeholders who need to be engaged in the Task Force’s work;
- Preparing a work program within the first four months of the Task Force that clearly identifies the issues that will be addressed by the Task Force, the process the Task Force will use to address those issues; and any proposed work program over the remaining 14 months of its existence;
- Implementing the work program, as approved by City Council;
- Providing a final report with recommendations regarding the issues addressed by the Task Force.

Notes: Managed by Parks & Recreation Director of Administrative Services, Michelle Crandall. Phone: 614-410-4403 Email: mcrandall@dublin.oh.us
**City of Springboro, OH** (listed under Councils, Boards & Commissions)

**Established:** By Resolution (Feb. 2009 as a component of the *Bicycle Friendly Community Action Plan*)

**Approved by:** Council

**Memberships:** 5 (residents)

**Meetings:** 4th Monday of each month

**Duties/Mission:** Duties and responsibilities are assigned by the City Manager. They will include the following, but will be broadened as the strategic planning process continues.

- Advising the Planning Commission, other City boards and commissions, and staff in implementing the Bicycle Friendly Community Action Plan in the City.
- Recommending pathways of bicycle and pedestrian access in the community.
- Promoting bicycle and pedestrian usage in the community.

**Notes:** The Bicycle & Pedestrian Advisory Committee may elect a Chairperson, a Vice Chairperson, and a Recording Secretary when convened. Managed by Planning & Building Consultant (Dan Boron) who also oversees Planning Commission). Phone: 937-748-4343.

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**City of Bowling Green, OH** (Bicycle Safety Commission)

**Established:** By Ordinance (existed in codified ordinance prior to 1980 but ordinance was changed in 2008)

**Approved by:** Mayor

**Memberships:** 9 - Representatives from Police Division, the Parks and Recreation Department, Bowling Green State University, Bowling Green High School, and Bowling Green Junior High School. At least two members shall be residents of the east side of Main Street and two members shall be residents of the west side of Main Street. Student members serve one-year terms and others serve two-year terms.

**Meetings:** 3rd Tuesday of each month

**Duties/Mission:** The Commission develops and implements bicycle safety educational projects, identifies and recommends the establishment of recognizable bicycle routes, participates in local events in support of and relating to bicycle safety, recommends legislation that supports bicycling, and supports and participates in other activities relating to bicycling in the City.
City of Gahanna, OH

Established: 1995 (went through several changes in 1999 and 2014)

Approved by: Sub-committee of the Parks & Recreation Advisory Board

Memberships: Registered Volunteers – Moving to become an integrated group that includes members of Planning & Building, Engineering, Police, etc.

Meetings: Last Monday of every month

Duties/Mission: To continue bicycle and pedestrian connectivity and safety within the community.

Notes: Contacts are Kate Moening (cell: 668-6438 / work: 269-7085) and Tony Collins (Director of Gahanna Parks & Rec.)

City of Kettering, OH

Established: Do not wish to formalize (through resolution, etc.) so that they have flexibility in future. Completed Steering Committee process 2 years ago and is currently trying to create an on-going Bike & Ped Advisory Board.

Approved by: Current thinking is to have City Manager approve members and the committee would report to the City Manager (who would then report to Council).

Memberships: Resident Volunteers – Will also be appointing contact person from relevant departments (Parks & Rec, Planning & Building, Engineering, Police, etc.)

Meetings: Not yet decided.

Duties/Mission: To research, make recommendations and actively participate in projects.

Notes: Managed by the GIS Manager (Andy Ite). Phone: 937-296-2420.
City of Westerville, OH

Established: Prior to 2010 Bike Friendly Community Designation (probably 2008)

Approved by: Very informal group, not formalized by any City process (non-legislative) but is overseen by Mike Hooper in Parks & Recreation (he sets meetings, writes agendas and liaises with other departments).

Memberships: Volunteers – Do not need to be Westerville residents, just anyone interested. Currently 5-6 people regularly attend meetings. Another 4-5 might show up for specific topics of interest or for events.

Meetings: As needed.

Duties/Mission: Original group had a mission statement, goals and objectives. Those haven’t changed but are not in use by current group.

Notes: Westerville also has a separate “Path Watch Group” (Bike Ambassadors) who work through Parks & Rec and Police and who occasionally report to group.

Managed by Mike Hooper (Parks & Recreation Development Administrator)- 901-6505

City of Athens, OH

Established: Currently under discussion by Council (see notes).

Approved by:

Memberships:

Meetings:

Duties/Mission: The mission of the Athens Bike & Pedestrian Advisory Committee is to promote public health, safety and sustainable transportation through making walking and bicycling use safe and accessible. We will achieve this through legislation, planning and education.

Notes: Original steering committee disbanded and council now trying to decide whether they need to put one back together, what it looks like and where it is to be housed (one suggestion-as a subcommittee of the Transportation Advisory committee, which includes both city officials and residents. The advisory committee currently focuses mainly on motorized and public transportation).
**OTHER**

**City of Brighton, CO**

**Established:** 2013

**Approved by:** Parks & Recreation Advisory Board

**Memberships:** 7 with term limits (2 P&R Advisory members, 2 may be non-residents & the rest residents)

**Meetings:** Monthly (4th Wednesday of each month)

**Duties/Mission:** The purpose of the committee is to investigate and advise the Parks & Recreation Advisory Board relative to the issue of:

- Maintaining and furthering Brighton as a Bicycle Friendly Community, as designated by the League of American Bicyclists
- To consider factors such as sustainability, viability, financing and recommendations on bicycling in Brighton which may guide and influence how this issue is addressed in future plans of the City.

**Notes:** Sub-committee to the Parks & Recreation Advisory Board. Managed by: Mark Heidt, Assistant Parks and Recreation Director - (303)655-2170   Email: mheidt@brightonco.gov

**City of Keene, NH**

**Established:** 1998

**Approved by:** Mayor

**Memberships:** 6-9 with 2 year term limits (made up of Keene residents and staff liaisons from Planning, Engineering & Parks & Rec)

**Meetings:** Monthly (2nd Wednesday of each month)

**Duties/Mission:** Created to coordinate, study and recommend comprehensive bicycle/pedestrian pathway improvements, facilities, programs, plans, and projects to the City Council and other appropriate boards and committees for consideration and implementation for the Keene community.

**Notes:** Main contact is Will Schoefmann (GIS Tech)  
Phone: 603-352-5474   Email: wschoefmann@ci.keene.nh.us
<table>
<thead>
<tr>
<th>Key Issues</th>
<th>Steering Committee Feedback</th>
</tr>
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<tbody>
<tr>
<td>Areas of focus/duties</td>
<td>Assist in the implementation of the bike and pedestrian plan, as appropriate; Staying abreast of regional bike and pedestrian projects; regularly review progress on the implementation of the bicycle and pedestrian plan; solicit public input and make recommendations to continuously update the City’s Bicycle and Pedestrian Plan; provide input on standards, guidelines, best practices or changes to the Comprehensive Plan and codified ordinances that, if adopted, would improve bicycle and pedestrian access in Worthington; make recommendations to appropriate authorities on the design, safety, operation and maintenance of bicycle and pedestrian ways when appropriate; recommend priorities for capital funding; promote Worthington as a bicycle and pedestrian friendly community; support bicycle and pedestrian safety education and other efforts to educate the public about bicycle and pedestrian issues; support Safe Routes to School.</td>
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<td>Relationship to other Commissions and Boards</td>
<td>The Committee discussed two options regarding how to ensure coordination between the Boards:</td>
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<td></td>
<td>a. Having a MPC and Parks and Recreation Commission liaison as a member of the new Bicycle and Pedestrian Advisory Board</td>
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<td></td>
<td>b. One member suggested that the Bicycle and Pedestrian Advisory Board should have a voting seat on the MPC. Since this would require a charter change, having a non-voting seat at the table was identified as an alternative.</td>
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<td></td>
<td>Also mentioned was coordination with the Arbor Advisory Committee.</td>
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<td>Should any groups (civic or City) be represented?</td>
<td>Should include representative(s) of business community and school system.</td>
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<td></td>
<td>Discussion about importance of having Police, Parks and Recreation, Service and Engineering and Planning and Building all engaged in the effort.</td>
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<td>Discussion about importance of involving MORPC and ODOT</td>
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<td>Should any specialties/professional backgrounds be represented?</td>
<td>Desirable to have the following skill-sets represented amongst the members: knowledge of planning; knowledgeable of bicycle, pedestrian needs and challenges; traffic safety or other related planning, landscape architecture and engineering background; recreational bicyclist; and grant writing/knowledge.</td>
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<td>Desirable to have one of the regional bicycle advocacy</td>
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<tr>
<td>Question</td>
<td>Answer</td>
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<td>------------------------------------------------------------------------</td>
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<td>groups attend the meetings or be represented on the board.</td>
<td>Comment not to overload it with technicians at the expense of general family/community input.</td>
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<td>Should any geographic areas be represented?</td>
<td>Should be reflective geographically of the community.</td>
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<td></td>
<td>Consider this being the school district boundary</td>
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<tr>
<td>Is residency required?</td>
<td>No, but the majority of the Committee should be Worthington residents.</td>
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<td></td>
<td>Worthington School District residents should be considered.</td>
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<td>Number of members</td>
<td>7 to 9 members</td>
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<td>Term length</td>
<td>Staggered 3 year terms</td>
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<td>Ongoing or sunset provision</td>
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<td>Type of Group (Commission, Advisory Board, Committee, Temporary Advisory Committee or Task Force)</td>
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<tr>
<td>How formed (Charter, ordinance, resolution, or City Manager authorization)</td>
<td>Resolution or Ordinance</td>
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<td>Reference</td>
<td>Council/Board/Commission/Trustee</td>
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<td>President of Council, President Pro-Tem of Council, Mayor and Vice-Mayor</td>
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<td>Charter - Sec 6.04</td>
<td>Board of Zoning Appeals (BZA)</td>
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<td>Charter - Sec 6.02</td>
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<td>Charter - Sec 6.06</td>
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<td>Charter - Sec 151.03</td>
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<td>Flint Road Cemetery / Walnut Grove Cemetery Board of Trustees</td>
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<td>Charter - Sec 1706.01</td>
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<td>Charter - Sec 11.04</td>
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<td>O.R.C. 146.03</td>
<td>Volunteer Firefighters Fund Dependents Board</td>
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<tr>
<td>WIFA By-Laws</td>
<td>Worthington International Friendship Assoc. (WIFA)</td>
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MATERIALS FOR APPEAL FILED

REGARDING ARB DECISION OF 1/22/15

FOR 138 W. CLEARVIEW AVENUE
I, Peggy Bamum of 120 West Clearview Avenue, Worthington, am appealing to Worthington City Council, the 1/22/15 Board of Architectural Review approval action re/ 138 West Clearview Ave building and prior recent Worthington actions regarding that property and prior applicants, that bring us to this point.

Facts of the Case:

To preserve my rights this filing pursuant to sec. 1177.08 is made. You are referenced to prior ARB/ MPC and Council minutes regarding objections I have made. I expect to be making objections to the recently posted BZA 2/5/15 hearing, and for that may find it useful to supplement past observations regarding the 138 West Clearview property history, and add materials for the BZA.

Code sections of note: 1101.02, .03, .05, .07
1149.01, .05, .08
1123.76, 1125.04, 1129.05


Zoning law is law not a suggestion overridden by a Comprehensive Plan suggesting development. Development, as worthy a goal as it may be, is not the sole purpose of Worthington's activities. Protecting zoning choices also has value even though tiny changes around the edges may be beneficial to an applicant and his neighbor. Applicants need to do their part to show "need" for zoning concessions. Development to make money and move on doesn't make the best neighborhoods. Sidewalk requirements, when they do harm to properties natural beauty are not desirable for a neighborhood, and their requirements should be evenly applied or not applied. A recognized nice, big property has been carved. What was floated as a "maybe marketable, maybe buildable lot" is now a tiny lot with a big house about to be built but the mistake so far can still be stopped.

Filed with the Clerk of Council

January 28, 2015

Peggy Bamum
City of Worthington
ARCHITECTURAL REVIEW BOARD
Certificate of Appropriateness
Application

1. Property Location
   138 W. Garvey
   CORNER CLEAR BAY

2. Present/Proposed Use
   NEW SINGLE FAMILY
   HOME

3. Zoning District
   F-10
   HUBERMAN—FAIRFAX

4. Applicant
   345 FOREST ST
   740 445 1210
   Dennis Hamilton
   Phone Number(s)

5. Property Owner
   Dennis Hamilton
   Address
   Phone Number(s)

6. Project Description
   NEW SINGLE FAMILY HOME
   WITH GARAGE

7. Project Details:
   a) Design
   b) Color
   c) Size
      2600 SQ FT 2373 SQ FT
   d) Approximate Cost
      290,000
      Expected Completion Date
      May 2015

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature)

Date

Property Owner (Signature)

Date
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
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<tbody>
<tr>
<td>Paul Hiers Jr.</td>
<td>900 Evening St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Kristin Laidig</td>
<td>129 W. North St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Sarah Fullerton</td>
<td>224 Cameron Ridge Dr.</td>
<td>Columbus, OH 43236</td>
</tr>
<tr>
<td>Betty Bonnell</td>
<td>123 W. North St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Peggy Barnum</td>
<td>120 W. Clearview Ave.</td>
<td>Worthington, OH 43085</td>
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<td>Scott &amp; Christine Caine</td>
<td>123 W. Clearview Ave.</td>
<td>Worthington, OH 43085</td>
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<tr>
<td>Brett &amp; Kay Holland</td>
<td>135 W. Clearview Ave.</td>
<td>Worthington, OH 43085</td>
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<tr>
<td>Evening Street Elementary School</td>
<td>Attn: Mary Ryl 885 Evening St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Worthington Schools</td>
<td>Attn: Tim Geh 200 E. Wilson Bridge Rd.</td>
<td>Worthington, OH 43085</td>
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<td>Gordon &amp; Roberta Powell</td>
<td>159 Medick Way</td>
<td>Worthington, OH 43085</td>
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<tr>
<td>Christine Frake</td>
<td>158 Medick Way</td>
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<tr>
<td>Christine Frake</td>
<td>3119 Scioto Trace</td>
<td>Columbus, OH 43221</td>
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</tbody>
</table>
WOOD-ULTREX DOUBLE HUNG

SECTION DETAILS: Not to Scale

STANDARD GLAZED

OPERATING - 4 9/16"

HEAD JAMB
2 5/16" (56)
1 3/8" (91)

CHECK RAIL
2 1/8" (53)
1 3/8" (91)

SILL
3 1/8" (90)

Frame Size
1 3/16" (28)

OPERATING - 6 9/16"

HEAD JAMB
2 15/16" (75)
1 1/8" (31)

CHECK RAIL
2 5/8" (66)
1 1/8" (31)

SILL
3 3/4" (96)

Frame Size
1 3/16" (28)

HIGH PERFORMANCE

NOTE: CE is not available on High Performance units

CHECK MARVIN ONLINE DOCS FOR LATEST VERSION
2014-01-22

Printed On: Jan 14, 2015, 4:18 pm

Integrity Architectural Detail Manual
11706532

CITY OF WORTHINGTON
AP 61-14
DRAWING NO.

DATE 1-14-15
WOOD-ULTREX DOUBLE HUNG

UNIT FEATURES

FRAME AND SASH:
The frame and sash exteriors are made of Ultrex® , an advanced fiber reinforced material that is resistant to thermal conduction. Ultrex patented coating system meets all the requirements of AAMA 624-10. Exterior colors: Stone White, Pebble Gray, Bronze, Evergreen, Cashmere, or Ebony. The interior is non-finger-jointed pine, kiln dried to a moisture content of 6-12% at time of fabrication. Water-repellant, preservative treated in accordance with WDMA I.B.4. Interior wood is available as Fine bare wood or factory-applied white interior finish.

Frame:
Composite frame thickness is 1 9/16" (40). Frame width of 4 9/16" (116). Flat bottom sills with 13 degree bevel. Non Finger-Jointed pine interior frame liner is applied to all units. Ultrex is .075" (3) thick.

Sash:
Composite sash thickness of 1 17/32" (98). Ultrex is .070" (2) thick. Sash can be replaced but cannot be re-glazed.

JAMB EXTENSION:
Optional 6 9/16" (167) and 6 13/16" (172) jamb extension factory applied or in linear lengths for field application. ADD 1/4" (6) to width and 1/8" (3) to height of frame, rough, and masonry opening sizes.

HARDWARE:
The balance system is a self spring block and tackle system, with nylon cord and zinc locking shoe. Both sash lift into the room for cleaning or removal for painting without removing the screen. High pressure zinc die cast check rail lock and keeper. Lock employs a cam-lock mechanism. Color: Almond Frost or White. Optional Bright Brass, Oil Rubbed Bronze and Satin Nickel available. Each sash employs spring loaded tilt latches to allow for easy tilting of sash. On all units 33 widths and wider, two locks are mounted. Optional factory applied Window Opening Control Device is available on all sizes. A system consisting of an acoustical layer housed in an acoustical shell on each side of the top sash. Finish: White, Beige. This device works in accordance to ASTM F2090-10 standard specification for window fall prevention devices with emergency escape.

INSTALLATION:
Factory applied folding nailing fin and drip cap system. Optional structural brackets for masonry available. Optional through jamb installation method with brackets for non-impact units only. Factory supplied field nailing lites are available for standard assemblies or 30" and 45" Bay assemblies. Recommended method for impact glazed units is installation clips and nailing fin.

GLAZING:
All units are manufactured with an 11/16" IGU with Low E2, E3, or E1 coating including argon gas fill. Tempered glass and/or obscure glass are available as an option. All glass is of a select quality complying with ASTM C 1083. Insulating glass is manufactured and tested to pass level ASTM E 2180 and is ISCC certified. The glazing seal is a silicone bedding on both interior and exterior surfaces utilized in a sandwich style sash. STC/CETC values are available for 3.121. Standard glass. Optional 3.142. STC/ETC upgrade glass is available. STC and CETC ratings are tested in accordance to ASTM E 90-08. See the Product Performance chapter for values.

CE GLAZING:
All units are manufactured with an 11/16" IGU with Low E2, E3, or E1 coating including argon gas fill. Tempered glass is available as an option. CE marked IGU comply with EN 1270 and EN 12150 (fully tempered). The glazing seal is a silicone bedding on both interior and exterior surfaces utilized in a sandwich style sash. Operable double hung units up to CN 42176 are available with CE mark. Transoms and Picture units are not available with CE mark. Bow and Bays are not available with CE mark.

IMPACT GLAZING:
Optional Impact Zone 3 available on selected sizes. Zone 3 for winds up to 140 miles per hour. Glass is laminated Insulating Low E2 or E3 Argon, consisting of annealed or tempered glass exterior and laminated glass interior. The laminated glass is comprised of two pieces of glass with either a SGP or PVF laminate layer between. Interior, exterior glass, and glazing compound is silicone, in a sandwich style glazing system. Not available with CE mark.

WEATHER STRIP:
All weather strip is beige in color. Robust fabric covered foam weather strip is used to seal the double hung jambs. Jamb liner contains a secondary flexible hollow bulb. Blind stop seal between the header and upper sash. Checkrail weather strip is a hollow bulb. A foam filled weather strip is attached to bottom of sash, interfaces between sill and jamb weather strip. A three dimensional TPE gasket is used between the jamb and sill.

SCREEN:
Roll formed aluminum frame with corner key construction, color to match exterior frame color. Charcoal color fiberglass (non-corrosive) screen cloth. Spring loaded pins for installation. Screen bar added when frame OM (height) is equal to or greater than 47.500" (1207).
WOOD—ULTREX DOUBLE HUNG

UNIT FEATURES

REMOVABLE INTERIOR GRILLES:

INTERIOR / EXTERIOR SIMULATED DIVIDED LITES (SDL):
Interior bar: 7/8" (22) wide bars. Pine bare wood or factory applied white finish, to match interior. Exterior bar: Ultra, 7/8" (22) wide bars, finish to match exterior. Patterns available: rectangle, Cottage style cut, 8 lite Prairie cut or 6 lite Prairie for top sash, bottom sash, or both. ITDP Only: Simulated check rail option: 1 1/2" (38). Pattern available: simulated rail in standard center or customer specified location with 7/8" (22) patterns above, below or both in patterns of rectangular equal lite or Prairie lite cut.

GRILLES—BETWEEN—THE—GLASS (GBG):
11/16" (17) conured aluminum bar placed between two panes of glass. Pattern: Standard rectangular pattern, or optional 6 lite per sash Prairie cut on Double Hung or 9 lite on picture units. Exterior color determined by exterior sash color. Interior Colors: White or Bronze. GBGs are not available with Impact glazing.

NOTE: Direct Glass Round Top with Wood Grilles, GBG, or SDL will only align with the default lite cut of the unit if it is intended to be mulled with.

NOTE: NFRC Values are now located on www.integritywindows.com

CITY OF WORTHINGTON
AR 1-14-15
DRAWING NO.
DATE 1-14-15

CHECK MARVIN ONLINE DOCS FOR LATEST VERSION
2014-06-25
Printed On: Jan 14, 2015, 4:17 pm
3.3
Integrity Architectural Detail Manual
11706532
The following James Hardie® Siding products are available in these ColorPlus® Colors: HardiePlank® Lap Siding, HardiePanel® Vertical Siding, HardieShingle® Siding, HardieTrim® Batten Boards and Artisan® Lap Siding.

Tuscan Gold  
JH80-20

Arctic White  
JH10-20

Navajo Beige  
JH30-10

Cobble Stone  
JH40-10

Soft Green  
JH60-10

Light Mist  
JH70-10

Salt Cloth  
JH20-10

Sandstone Beige  
JH30-20

Monterey Taupe  
JH40-20

Heathered Moss  
JH60-20

Boothbay Blue  
JH70-20

Chesnut Brown  
JH90-30

Woodland Cream  
JH10-30

Autumn Tan  
JH20-20

Woodstock Brown  
JH30-30

Mountain Sage  
JH50-30

Evening Blue  
JH70-30

Countrylane Red  
JH90-20

Harris Cream  
JH80-10

Khaki Brown  
JH20-30

Timber Bark  
JH40-30

Prairie Pines  
JH60-30

Iron Gray  
JH90-30

The following James Hardie® Products are available in these ColorPlus® Colors: HardieTrim® Boards, HardieSoffit® Panels and Artisan® Accent Trim.

Arctic White  
JH10-20

Salt Cloth  
JH20-10

Navajo Beige  
JH30-10

Sandstone Beige  
JH30-20

Autumn Tan  
JH20-20

Cobble Stone  
JH40-10

Monterey Taupe  
JH40-20

Khaki Brown  
JH20-30

Woodstock Brown  
JH30-30

Timber Bark  
JH40-30

Note: Colors shown are as accurate as printing methods will permit. Please see actual product sample for true color. Product and color availability vary by region and are subject to change.
**ARTISAN® ACCENT TRIM**
Not currently available in Canada
Thickness: 1-1/2"
Length: 12' boards
Widths: 3.5", 5.5"

**HARDIETRIM® NT3™ BOARDS**
Length: 12' boards
4/4 Smooth
Thickness: 3/4"
Widths: 3.5", 5.5", 7.25", 11.25"

5/4 Smooth
Thickness: 1"
Widths: 3.5", 4.5", 5.5", 7.25", 11.25"

4/4 HARDIETRIM® BATTEN BOARDS
Rustic Grani
Thickness: 3/4"
Width: 2.5"

Smooth
Thickness: 3/4"
Width: 2.5"

**HARDIETRIM® CROWN MOULDING**
Thickness: 3/4"
Length: 12' boards
Widths: 3-1/4", 5-1/4"

**HARDIESOFFIT® PANELS**
Thickness: 1/4"
Vented & Non-Vented
Cedarmill
Size: 12" x 12", 16" x 12", 24" x 8"
COLORPLUS® TECHNOLOGY ACCESSORIES

When using James Hardie products with ColorPlus® Technology, ensure long-lasting beauty by exclusively using ColorPlus® Touch-up and Matched Caulk instead of paint and caulk.

COLORPLUS® TOUCH-UP KIT:
Using ColorPlus Touch-Up on ColorPlus products is important to maintain the color consistency and durability delivered through a ColorPlus exterior. ColorPlus Touch-up is specially formulated to match ColorPlus Technology colors and offers better resistance to aging, color change and chalking when used on James Hardie products with ColorPlus Technology.

Edge coat
Edge coating is required for any cuts made in ColorPlus products. Edge coating seals the edges of the board and makes the joints and seams less visible. ColorPlus edge finishes shall be applied with the James Hardie Edge Coater. If any areas larger than a dime require touch-up, replace the area with a new piece of ColorPlus plank or panel.

Touch-up pen
JH Touch-up pens are used for concealing nail heads and very small nicks and scrapes. Touch-up pens shall be used sparingly.

COLORPLUS® TECHNOLOGY MATCHED CAULK:
James Hardie recommends the use of caulks and sealants that remain ‘permanently flexible.’ Must be applied in accordance with the manufacturer’s written instructions.

James Hardie’s warranty provides coverage for defects in materials and workmanship on ColorPlus Technology products and ColorPlus Touch-up only. It does not warrant the appearance or performance of any third party coatings or finishes, including paint, used as touch-up and third party touch-up paints used on James Hardie products with ColorPlus Technology.

TRIM ACCESSORIES

Flat Tabs
Reduces nail holes and improves the overall aesthetic of the installation. For trim applications around windows, doors, and band boards.

Corner Tabs
Reduces nail holes and improves the overall aesthetic of the installation. For trim applications on corners.

JamesHardie 1.866.442.7343 | www.jameshardie.com  ColorPlus® Technology
MEMORANDUM

TO: Members of the Architectural Review Board
    Members of the Municipal Planning Commission

FROM: Lynda Bitar, Planning Coordinator

DATE: January 16, 2015

SUBJECT: Staff Memo for the Meeting of January 22, 2015

---

B. Architectural Review Board

1. Unfinished

a. New House & Garage – 138 W. Clearview Ave. (Hal Lieberman) AR 61-14

Findings of Fact & Conclusions

Background & Request:
This 50’ wide lot was a separate buildable parcel from the time it was originally platted in 1928 until it was combined with 130 W. Clearview Ave. in 2004. It became a lot again last year when the City Council approved a subdivision to allow its separation. Sidewalks were required as part of the approval. Removal of trees was not part of the approval. The property owner submitted a request to construct a 2640 square foot single-family house in October that met with concerns from the Board members. In November, the owner briefly presented a site plan to the Board showing a smaller footprint. On January 8th the Board reviewed plans that were submitted for the smaller footprint structure and requested modifications such as window style and material, trim size, fascia size, shutter size, basement windows and garage changes.

Project Details:
1. Proposed is a two-story, 2373 square foot house with gabled roofline. The front gable would be parallel to Clearview Ave. and the rear would run perpendicular, extending to the north 12’. The height to the peak of the front gable is proposed to be 27’ 9”. A stoop with a flat roof supported by fiberglass columns is proposed for the front entrance.
2. Horizontal Hardi plank 5” lap siding is proposed for the house. Asphalt roof shingles, six over six double-hung Ultrex clad pine Marvin windows, plastic shutters, fiberglass columns and other trim are proposed. Some details have been provided. The proposed
house color is Mountain Sage with the trim in Sagecloth. It is not clear what color is proposed for the windows and doors. A section showing the window sill depth has not been provided.

3. A detached roughly 20’ x 20’ two-car garage is proposed north of the house, with access to Evening St. On the south elevation of the garage, a window and man door are proposed; a window is proposed on the north elevation; no openings are proposed on the east elevation. The garage is proposed south of the 60” tree at the north end of the lot. A patio would extend between the house and garage. A walkway is proposed from a side entrance to the garage. The material proposed for the walkway and patio has not been identified.

4. Variances would be required for a roof above the east side entrance extending 2’4” into the required side yard; and for placement of the garage 4’8” from the east side property line.

5. A landscape plan is needed.

Land Use Plans:
Worthington Design Guidelines and Architectural District Ordinance
Infill sites should be developed in a way that is complementary to their neighborhoods and that integrates well with surrounding building designs and land uses. Compatibility with the neighborhood should be the primary consideration. Building placement and orientation are important design considerations. There are two primary considerations: 1) main entrances should face the street; and 2) garages should avoid facing the street. Various site features such as landscaping may make it desirable to locate a building in a way that takes advantage of these features.

Form, Massing & Scale: In designing new residential development in Worthington, it is important to keep the elements of form, massing, and scale in mind to ensure a final product that is as compatible as possible with what already exists in the community. When building a single house in an existing streetscape, note the general level of complexity of form and massing along the street; try to achieve a similar complexity in the new building. The same approach should be used in establishing the new building’s scale. If there is great diversity in the streetscape, a successful design could use as inspiration an average of the complexity level and scale of the whole street; or a particular existing building could be used as a model.

Setback: Observe the setback of adjacent and nearby structures in the area where a new building will be placed. Garages should be as far to the rear as possible.

Roof: Roof shapes for new buildings should be appropriate to the style or design of the building. If a new building does not follow a particular style but is instead a vernacular design, then roof shapes and heights similar to those in the neighborhood or nearby would be most appropriate.

Materials: Contemporary materials that simulate traditional ones are appropriate, but the preferred option is to use true traditional materials such as wood siding. Incompatible contemporary materials should be avoided. Brick has long been a traditional material in Worthington. Prepare a sample board for review by the Architectural Review Board.
Windows: For new buildings, multiple-paned windows generally are not appropriate. The exception is a building being built in a particular style — such as Federal, Greek Revival or Colonial Revival — that would have employed this window type. When in doubt, simple 1 over 1 double-hung sash windows are usually the simplest, least expensive and most appropriate choice. Using the excellent precedents of Worthington’s many historic structures, carefully design the pattern of window openings; window sizes and proportions (they must be appropriate for the size and proportions of the wall in which they are placed); pattern of window panes and muntins; and trim around the windows. Good quality wood windows are readily available and more affordable than in the past. True wood windows are always the first preference. Aluminum- or vinyl-clad windows can be appropriate, but primarily on secondary facades and less conspicuous locations. All-aluminum or vinyl windows are not prohibited but are not encouraged. Avoid blank walls.

Entries: As with other design considerations, study Worthington’s rich collection of 19th and 20th century architecture for design ideas for entrances and doors. For newly-built buildings, simpler designs usually look better than more ornate ones. Avoid heavy ornamentation on doors and entrances. Observe entry placement on existing buildings. Whether located symmetrically or asymmetrically, entries usually are aligned with a window on the second floor so that a regular rhythm of openings is maintained on both floors. Entries should be located so they are easily visible, and they should be oriented toward the street.

Ornamentation: Observe Worthington’s excellent historic architecture for information on the kinds and amounts of ornamentation employed on various building styles and periods. Use ornamentation conservatively. It will be most successful if used in traditional locations: around windows and doors; along a building’s cornice or at the corners; in gables; or on gates and fences. Most ornamentation historically was made of simple forms built up to a desired level of complexity. When in doubt, follow the old rule that “less is more.” Sometimes just a little ornamentation, well placed, can have a major impact without the need for more extensive (and expensive, and hard-to-maintain) ornamentation. Use compatible materials in ornamental elements. Frame houses should have wood ornamentation, although in cases where the ornamental elements are some distance from the viewer it may be possible to use substitute materials such as fiberglass.

Color: In general, avoid bright colors not typical in Worthington neighborhoods, such as various shades of purple or orange. For infill buildings being placed in an existing streetscape, select colors compatible with those already used along the streetscape. Many buildings follow a pattern of light colors for the building body and darker colors for the trim. Following this pattern is encouraged. In Worthington, the use of white or cream-colored trim also is common and would be appropriate for new construction. Avoid using too many colors. Usually one body color and one trim color are sufficient.

Landscaping: Worthington’s mature shade trees are the primary landscaping feature throughout the community. They are a major contributor to its character and help define its neighborhoods as stable, desirable places to live. In general, lawns are generous but not overly large, which contributes to the sense of human scale that is one of Worthington’s important attributes. Other landscaping elements tend to be properly scaled and well-tended, which also tends to enhance
neighborhood character. Maintain and nurture mature trees to prolong their lives. Plant and maintain street trees in planting areas between the street and sidewalk. Paving can sometimes reduce water absorption of the soil so much that trees do not get the moisture they require.

The standards of review in the Architectural District ordinance are:

1. Height;
2. Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective;
3. Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;
4. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
5. Roof shape, which shall include type, form and materials;
6. Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
7. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
8. Landscape design and plant materials, which shall include, in addition to requirements of this Zoning Code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
9. Pedestrian environment, which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.

Recommendation:
Staff is recommending approval of this application once the details and landscape plan are acceptable. A section showing the window sill depth is still needed. This version of the proposed house has a smaller footprint and is massed more similarly to the other houses on the street. A landscaping plan showing what plants would be removed, and what plants would be added is necessary. New trees planted between the sidewalk and streets would be required.

Motion:
THAT THE REQUEST BY HAL LIEBERMAN FOR A CERTIFICATE OF APPROPRIATENESS TO CONSTRUCT A NEW HOUSE AT 138 W. CLEARVIEW AVE., AS PER CASE NO. AR 61-14, DRAWINGS NO. AR 61-14, DATED JANUARY 14, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.
The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:30 p.m. with the following members present: Richard Hunter, Chair; Kathy Holcombe, Secretary; Mikel Coulter; Thomas Reis; Amy Lloyd and Edwin Hofmann. Also present were: Scott Myers, Worthington City Council Representative for the Municipal Planning Commission; Lee Brown, Director of Planning & Building; Lynda Bitar, Planning Coordinator and Clerk of the Municipal Planning Commission; and Melissa Cohan, Paralegal. James Sauer, Vice Chair, was absent.

A. Call to Order – 7:30 p.m.

1. Roll Call

2. Pledge of Allegiance

3. Approval of the minutes of the January 8, 2015 meeting

   Mr. Coulter moved to approve the minutes. Mr. Reis seconded the motion. Mrs. Bitar called the roll. All members voted, “Aye”. The motion was approved.

4. Affirmation/swearing in of the witnesses

B. Architectural Review Board

1. Unfinished

   a. New House & Garage – 138 W. Clearview Ave. (Hal Lieberman) AR 61-14

   Discussion:

   Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. Hal Lieberman was present for the meeting. Mr. Coulter asked Mr. Lieberman if the window is fiberglass or vinyl and Mr. Lieberman said yes, he is using Ultrex clad exterior, and wood interior. Mr. Coulter asked Mr. Lieberman if he had a chance to check out the species of trees that were recommended by the City’s arborist. Mr. Lieberman said yes, he has chosen to plant the elm and tulip tree in the front yard. Mr. Coulter asked if Mr. Lieberman would be adding the tree that was noted on the drawings in red. Mr. Lieberman said, “If you take a look at
the front, which is one hundred and fifty feet wide, and the sides are one hundred and fifty-nine, you would have trees about fifty-three feet apart on the side with three trees. Mr. Coulter said that he looks at the tree depicted in red; he believes that the tree balances the length between the driveway and the street. Mr. Lieberman said that he is fine with adding the additional tree. Mr. Hunter said that type of tree is hearty, fast growing and have a tendency to top out at forty feet tall.

Mr. Hofmann said that at the last meeting there was discussion about increasing the fascia depth at the eaves, and he was not certain if that was picked up in the elevations because they look the same as before. Mr. Hofmann said that he noticed “there is a one by eight wood fascia on the gutter side but as it makes the return on the side elevation...”, Mr. Lieberman spoke before Mr. Hofmann could finish talking and stated that he would not have something on the front and not on the back. Mr. Hofmann said that he would like to have that note added to update the elevation. Mr. Hofmann then referred to the slider on the north elevation, on sheet A3, and asked Mr. Lieberman if the corona could be aligned with the top of the window, and provide a panel above the door so that the cornice aligns. Mr. Lieberman asked Mr. Hofmann, “How about the choice of adding the panel or going to a seven foot tall door.” Mr. Hofmann said if the door it taller, that would be fine. Mr. Hofmann asked Mr. Lieberman if the windows are prefinished and Mr. Lieberman said yes, they are clad, and the color will be white. Mr. Lieberman also stated that the shutters and front door will be black. Board members had no other questions.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and one person came forward. Ms. Peggy Barnum approached the microphone and stated that she lives at 120 W. Clearview Ave., Worthington, Ohio, and she opposes the building of this structure on the lot. Ms. Barnum said that the building, “evidently does not meet the building requirements, the criteria, as I got a letter today saying that a variance has been requested from the Zoning Board.” Ms. Barnum also said that she does not want to see the loss of mature trees. She said there are seven mature trees and a mature hedge that will be removed. Ms. Barnum said that the mass of the structure is not in character with the rest of the neighborhood and according to what she spoke about at the January 8, 2015 meeting, she believes that there is an ordinance that was written in 1971 and states that “it is illegal to place a building or structure the way it stands, the lot split the way it was”. She did not want to rehash what she spoke about at length at the last meeting. There were no other speakers.

Findings of Fact & Conclusions

Background & Request:
This 50’ wide lot was a separate buildable parcel from the time it was originally platted in 1928 until it was combined with 130 W. Clearview Ave. in 2004. It became a lot again last year when the City Council approved a subdivision to allow its separation. Sidewalks were required as part of the approval. Removal of trees was not part of the approval. The property owner submitted a request to construct a 2640 square foot single-family house in October that met with concerns from the Board members. In November, the owner briefly presented a site plan to the Board showing a smaller footprint. On January 8th the Board reviewed plans that were submitted.
for the smaller footprint structure and requested modifications such as window style and material, trim size, fascia size, shutter size, basement windows and garage changes.

Project Details:
1. Proposed is a two-story, 2373 square foot house with gabled roofline. The front gable would be parallel to Clearview Ave. and the rear would run perpendicular, extending to the north 12'. The height to the peak of the front gable is proposed to be 27' 9". A stoop with a flat roof supported by fiberglass columns is proposed for the front entrance.
2. Horizontal Hardi plank 5” lap siding is proposed for the house. Asphalt roof shingles, six over six double-hung Ultrex clad pine Marvin windows, plastic shutters, fiberglass columns and other trim are proposed. Some details have been provided. The proposed house color is Mountain Sage with the trim in Sagecloth. It is not clear what color is proposed for the windows and doors. A section showing the window sill depth has not been provided.
3. A detached roughly 20’ x 20’ two-car garage is proposed north of the house, with access to Evening St. On the south elevation of the garage, a window and man door are proposed; a window is proposed on the north elevation; no openings are proposed on the east elevation. The garage is proposed south of the 60’ tree at the north end of the lot. A patio would extend between the house and garage. A walkway is proposed from a side entrance to the garage. The material proposed for the walkway and patio has not been identified.
4. Variances would be required for a roof above the east side entrance extending 2’4” into the required side yard; and for placement of the garage 4’8” from the east side property line.
5. A landscape plan is needed.

Land Use Plans:
Worthington Design Guidelines and Architectural District Ordinance
Infill sites should be developed in a way that is complementary to their neighborhoods and that integrates well with surrounding building designs and land uses. Compatibility with the neighborhood should be the primary consideration. Building placement and orientation are important design considerations. There are two primary considerations: 1) main entrances should face the street; and 2) garages should avoid facing the street. Various site features such as landscaping may make it desirable to locate a building in a way that takes advantage of these features.

Form, Massing & Scale: In designing new residential development in Worthington, it is important to keep the elements of form, massing, and scale in mind to ensure a final product that is as compatible as possible with what already exists in the community. When building a single house in an existing streetscape, note the general level of complexity of form and massing along the street; try to achieve a similar complexity in the new building. The same approach should be used in establishing the new building’s scale. If there is great diversity in the streetscape, a successful design could use as inspiration an average of the complexity level and scale of the whole street; or a particular existing building could be used as a model.

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Setback: Observe the setback of adjacent and nearby structures in the area where a new building will be placed. Garages should be as far to the rear as possible.

Roof: Roof shapes for new buildings should be appropriate to the style or design of the building. If a new building does not follow a particular style but is instead a vernacular design, then roof shapes and heights similar to those in the neighborhood or nearby would be most appropriate.

Materials: Contemporary materials that simulate traditional ones are appropriate, but the preferred option is to use true traditional materials such as wood siding. Incompatible contemporary materials should be avoided. Brick has long been a traditional material in Worthington. Prepare a sample board for review by the Architectural Review Board.

Windows: For new buildings, multiple-paned windows generally are not appropriate. The exception is a building being built in a particular style -- such as Federal, Greek Revival or Colonial Revival -- that would have employed this window type. When in doubt, simple 1 over 1 double-hung sash windows are usually the simplest, least expensive and most appropriate choice. Using the excellent precedents of Worthington’s many historic structures, carefully design the pattern of window openings; window sizes and proportions (they must be appropriate for the size and proportions of the wall in which they are placed); pattern of window panes and muntins; and trim around the windows. Good quality wood windows are readily available and more affordable than in the past. True wood windows are always the first preference. Aluminum- or vinyl-clad windows can be appropriate, but primarily on secondary facades and less conspicuous locations. All-aluminum or vinyl windows are not prohibited but are not encouraged. Avoid blank walls.

Entries: As with other design considerations, study Worthington’s rich collection of 19th and 20th century architecture for design ideas for entrances and doors. For newly-built buildings, simpler designs usually look better than more ornate ones. Avoid heavy ornamentation on doors and entrances. Observe entry placement on existing buildings. Whether located symmetrically or asymmetrically, entries usually are aligned with a window on the second floor so that a regular rhythm of openings is maintained on both floors. Entries should be located so they are easily visible, and they should be oriented toward the street.

Ornamentation: Observe Worthington’s excellent historic architecture for information on the kinds and amounts of ornamentation employed on various building styles and periods. Use ornamentation conservatively. It will be most successful if used in traditional locations: around windows and doors; along a building’s cornice or at the corners; in gables; or on gates and fences. Most ornamentation historically was made of simple forms built up to a desired level of complexity. When in doubt, follow the old rule that “less is more.” Sometimes just a little ornamentation, well placed, can have a major impact without the need for more extensive (and expensive, and hard-to-maintain) ornamentation. Use compatible materials in ornamental elements. Frame houses should have wood ornamentation, although in cases where the
ornamental elements are some distance from the viewer it may be possible to use substitute materials such as fiberglass.

Color: In general, avoid bright colors not typical in Worthington neighborhoods, such as various shades of purple or orange. For infill buildings being placed in an existing streetscape, select colors compatible with those already used along the streetscape. Many buildings follow a pattern of light colors for the building body and darker colors for the trim. Following this pattern is encouraged. In Worthington, the use of white or cream-colored trim also is common and would be appropriate for new construction. Avoid using too many colors. Usually one body color and one trim color are sufficient.

Landscaping: Worthington’s mature shade trees are the primary landscaping feature throughout the community. They are a major contributor to its character and help define its neighborhoods as stable, desirable places to live. In general, lawns are generous but not overly large, which contributes to the sense of human scale that is one of Worthington’s important attributes. Other landscaping elements tend to be properly scaled and well-tended, which also tends to enhance neighborhood character. Maintain and nurture mature trees to prolong their lives. Plant and maintain street trees in planting areas between the street and sidewalk. Paving can sometimes reduce water absorption of the soil so much that trees do not get the moisture they require.

The standards of review in the Architectural District ordinance are:

1. Height;
2. Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer’s and pedestrian’s visual perspective;
3. Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;
4. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
5. Roof shape, which shall include type, form and materials;
6. Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
7. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
8. Landscape design and plant materials, which shall include, in addition to requirements of this Zoning Code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
9. Pedestrian environment, which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian’s visual perspective.

Recommendation:
Staff is recommending approval of this application once the details and landscape plan are acceptable. A section showing the window sill depth is still needed. This version of the proposed house has a smaller footprint and is massed more similarly to the other houses on the 5

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street. A landscaping plan showing what plants would be removed, and what plants would be added is necessary. New trees planted between the sidewalk and streets would be required.

Mr. Coulter moved:

THAT THE REQUEST BY HAL LIEBERMAN FOR A CERTIFICATE OF APPROPRIATENESS TO CONSTRUCT A NEW HOUSE AT 138 W. CLEARVIEW AVE., AS PER CASE NO. AR 61-14, DRAWINGS NO. AR 61-14, DATED JANUARY 14, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING WITH THE FOLLOWING AMENDMENTS:

- THAT PLANTINGS BE REVISED AS SUGGESTED BY THE CITY ARBORIST
- THAT THE FASCIA BOARDS WILL ALL BE 1 X 8 AS SHOWN ON THE FRONT ELEVATION
- BY DEVELOPERS CHOICE, ENTRANCE FASCIA PANEL WILL BE ADDED ABOVE SLIDING GLASS DOOR TO RAISE THE CORNICE OR MAY USE A TALLER DOOR FOR A HORIZONTAL LINE TO MATCH THE ADJACENT WINDOWS.

Mr. Reis seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mr. Reis, aye; Mrs. Lloyd, aye and Mr. Hofmann, aye. The motion was approved.

2. New

a. Windows – 669 Evening St. (David Griffin) AR 02-15

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. David Griffin approached the microphone and stated that his address is 669 Evening St., Worthington, Ohio. Mr. Griffin did not have any questions. Mrs. Holcombe asked Mr. Griffin if the windows would be vinyl on the inside and he said yes. Mr. Griffin said that the current windows are white wood painted on the inside and aluminum clad on the outside, but the new windows will be white vinyl all the way around. All of the windows will be the same size and the same style. All the windows will be better insulated. Mr. Griffin said that he and his wife are excited to have energy efficiency. Mr. Hofmann asked Mr. Griffin if the current wood windows were insulated and Mr. Griffin said no, the current windows are terrible. They get ice on the inside of their windows. Mr. Hunter asked Mr. Griffin if he was keeping the muntins on the windows and Mr. Griffin said he is ready to place the order tomorrow, and plans to keep the muntins unless the Board suggests otherwise. All of the windows will match.
ORDINANCE NO. 13-2014

Approving the Subdivision of Property at 130 West Clearview Avenue, Authorizing Variances and Approving a Subdivider’s Agreement. (Dennis M. Hamilton)

WHEREAS, a request has been made by Dennis M. Hamilton to subdivide the property located at 130 West Clearview Avenue; and,

WHEREAS, the request received a complete and thorough review by the Municipal Planning Commission on March 13, 2014 and approval has been recommended by the Commission; and,

WHEREAS, Section 1107.01 of the Codified Ordinances provides that on recommendation of the Municipal Planning Commission, or on its own initiative, Council may permit variations from the standards established in the Planning and Zoning Code; and,

WHEREAS, the Subdivider will be required to install sidewalks along Clearview Avenue and Evening Street as part of the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin and State of Ohio:

SECTION 1. That the Subdivision to divide the property located at 130 West Clearview Avenue, as per Case No. SUB 03-14, Drawings No. SUB 03-14, dated February 26, 2014, be and the same is hereby approved.

SECTION 2. That there be and hereby are granted variances from Section 1149.01 of the Codified Ordinances to create parcels that do not meet the minimum lot width, lot area and side yard requirements; and Section 1149.08(a) to allow for a reduction in the required setback for a side yard fronting on an adjacent street.

SECTION 3. That the City Manager is authorized to enter into a Subdivider’s Agreement with the Subdivider.

SECTION 4. That notice of passage of the Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed April 21, 2014

Attest:  

__________________________  

Clerk of Council

President of Council

Introduced April 7, 2014  
P.H. April 21, 2014  
Effective May 14, 2014
1177.08 APPEALS.

The Board of Architectural Review shall decide all applications for architectural review not later than thirty days after the first hearing thereon.

(a) Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to Council by filing notice of intent to appeal with the City Clerk within ten days from the date of the decision, setting forth the facts of the case. (Ord. 09-2013. Passed 4-15-13.)

(b) Council may then elect to hold a public hearing on the appeal by the affirmative vote of a majority of its members, or failing to so elect, shall reject the application for appeal. In the event Council elects to hold a public hearing on the request for appeal, the hearing shall be held not later than sixty days after a final decision has been rendered by the Board. Council, by a majority vote of its members, shall decide the matter and its decision shall be final. (Ord. 22-87. Passed 5-11-87.)

(c) If no notice of intent to appeal is filed with the City Clerk within the period specified in subsection (a) hereof, Council may at the option of a majority of its members and not later than ten days following the expiration of the appeal period, elect to review any architectural review decision of the Board. Council shall schedule a public hearing on the matter which shall not be held more than sixty days after a final decision was rendered by the Board. At a public hearing, Council by a majority vote of its members, shall decide the matter and its decision shall be final. (Ord. 09-2013. Passed 4-15-13.)
NOTICE TO LEGISLATIVE AUTHORITY

3127580  NEW  GEORGE T VIII LLC
DBA ALADDINS EATERY
7227 N HIGH ST SUITE 106
WORTHINGTON OH 43085

TO

FROM 02/09/2015

MAILED 02/09/2015  RESPONSES MUST BE POSTMARKED NO LATER THAN 03/12/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 3127580

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? ☐ IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

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CLERK OF WORTHINGTON CITY COUNCIL
KAY THRESS
6550 NORTH HIGH STREET
WORTHINGTON OHIO 43085

REV. 03/09