



CITY OF WORTHINGTON
Worthington City Council Minutes
February 18, 2020

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Tuesday, February 18, 2020, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Peter Bucher, Rachael R. Dorothy, Beth Kowalczyk, Scott Myers David Robinson, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent:

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Law Director Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks and Recreation Darren Hurley, Chief of Police Robert Ware, Acting Chief of Fire Mark Zambito, Clerk of Council D. Kay Thress, Management Assistant Ethan Barnhardt

There were approximately 65 visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

There were no visitor comments.

APPROVAL OF THE MINUTES

- Meeting Minutes (Special Meeting) – February 3, 2020
- Meeting Minutes – February 3, 2020
- Meeting Minutes (Special Meeting) – February 10, 2020

MOTION Mr. Bucher moved, and Ms. Kowalczyk seconded a motion to approve the meeting minutes as presented.

The motion to approve the minutes as presented carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 04-2020 Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Selby Park Playground Replacement Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 704-20)

The foregoing Ordinance Title was read.

Mr. Hurley detailed how the Selby Park playground is about 19 years old and has begun deteriorating. They have replaced some components to try to extend the life of the playground, but it has become apparent that it needs to be moved up in the playground replacement cycle. There will be a community engagement process conducted in the design of the new playground. This appropriation will allow them to begin looking for contractors and begin the planning process. The Parks Master Plan previously identified playgrounds as a challenge. This playground is planned to remain similar in scope and size.

Ms. Dorothy asked about the replacement cycle for the playgrounds. Mr. Hurley explained how the City has 14 playgrounds in 16 parks. Typically, we are able to get 20-25 years of use from the playground equipment. However, safety surfacing has been a recent problem contributing to the decreased length of life at the playgrounds. We are looking at different alternatives to make sure that the surfacing matches the life cycle of the playground equipment.

Mr. Hurley confirmed for Mr. Myers that this appropriation is only for the playground and not the shelter house.

Ms. Dorothy asked how quickly this process would begin to get public input and when we would see the replacement. Mr. Hurley explained that they anticipate getting input during the spring and summer and the replacement would be in the summer and fall timeframe.

There being no additional comments, the clerk called the roll on Ordinance No. 04-2020. The motion carried by the following vote:

Yes 7 Bucher, Robinson, Kowalczyk, Dorothy, Smith, Myers, Michael

No 0

Ordinance No. 04-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 05-2020 Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Perry Park Backflow Preventer Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 705-20)

The foregoing Ordinance Title was read.

Mr. Greeson presented how this appropriates \$70,000 from the CIP to do backflow prevention at Perry Park.

Ms. Dorothy expressed how this is exciting for keeping our water clean. Mr. Hurley explained that this will move everything out to the streets. Ms. Dorothy emphasized how it is critical to have water at this location. Mr. Hurley said this park gets a lot of use and this will complement some of the aesthetic improvements being done there.

There being no additional comments, the clerk called the roll on Ordinance No. 05-2020. The motion carried by the following vote:

Yes 7 Robinson, Kowalczyk, Dorothy, Smith, Myers, Bucher, Michael

No 0

Ordinance No. 05-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 07-2020 To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from the R-10 District, R-6.5 District and the AR-4.5 District to PUD, Planned Use District (Northeast Corner of Hartford Street & East Stafford Avenue)

The foregoing Ordinance Title was read.

President Michael commented on how the subject of this ordinance is very near and dear to many people in this room who have varied views and thoughts on the project. She complimented those who spoke at Municipal Planning Commission/Architectural Review Board (MPC/ARB) for how much respect they showed their fellow neighbors and residents. She asked that the same respect be given tonight.

Mr. Greeson explained how there are two items on the agenda referring to the Stafford Village project. The first is an ordinance rezoning the area to a Planned Unit Development (PUD). Second is a resolution dealing with NCR's affordable housing commitment, an issue related to tree fees, and tax increment financing. If the ordinance does not pass, the following resolution becomes moot.

Mr. Brown detailed how this request rezones multiple parcels to a PUD with an accompanying development plan and development text. Any modifications or changes must go back to MPC/ARB or potentially City Council for approval. This proposal has been going on for about two years. Over the summer, the MPC did walking tours of the site and National Church Residences (NCR) revised their plans, which came before the MPC/ARB in December 2019 and January 2020.

Mr. Robinson asked when dialogue first started with NCR. Mr. Brown clarified that the first conversations were in late 2017 and early 2018.

Mr. Brown described how the proposal includes a new two to three story building containing 85 new units. It will be a mixture of one bedroom, one bedroom plus, and two-bedroom units. The property currently has three separate zoning areas in it. The existing Stafford Village is AR 4.5 and contains 61 units for density of 20 units per acre. The proposed 85 units brings that up to 28 units per acre. Using only the AR 4.5 zoning, only 10 units would be allowed. The issue the Board struggled with was looking at the existing zoning, along with the Design Guidelines, and the Comprehensive Plan in order to determine where they go hand in hand or butt heads.

This proposal has gone through multiple MPC meetings throughout 2019 and in to 2020. During the walking tour, the City Arborist looked at trees. The Applicant submitted a revised proposal in December that incorporated comments received from the community and they made multiple revisions.

All the parking will be coming off East Stafford Avenue. Emergency access to the property will be incorporated. The PUD required 85 parking spaces which will be included. Several trees will be preserved.

The applicant is proposing that the surrounding edges of the buildings will be two stories. The height steps up to three stories in the middle of the site. Due to requirement to have onsite parking there will be first floor parking with exterior parking on the eastern side of the building.

The current buildings have a footprint of approximately 32,000 sq. ft. and the proposed building has a footprint of 57,000 sq. ft. When looking at the square footage, this is a larger building in our Historic District of 136,000 square feet. A traffic analysis was completed as part of the review process.

If this is approved, there is sewer line that will be required to be relocated at the applicant's expense. Additionally, as part of their stormwater proposal they must meet modern EPA requirements and they are proposing underwater tanks that will capture water and gradually release it.

Existing trees were identified for protection and there will also be the addition of new trees. Any reduction in trees will have a tree fee associated with that. Some fencing will be placed in response to a neighbor's concerns.

There are multiple public amenities including three courtyards, decorative benches, bike racks, and all sidewalks will be replaced. There will be decorative lighting along Hartford and Stafford. They are working with the City Arborist and additional street trees can also be added as part of the process.

Mr. Brown discussed how the current tree fee is \$450 per caliper inch. However, in comparison to other cities, that number is high. Previously we have adjusted the tree fee in the Wilson Bridge Corridor (WBC) to \$150. The applicant is asking for a reduced tree fee in line with what is approved by Council in the WBC plan.

Mikel Coulter – Chair, Municipal Planning Commission

Mr. Coulter detailed the process that City staff and Commission members went through for this proposal. It has been in front of the Commission for a little over a year but there was a lot of groundwork that went on before that.

For this project, they received a significant amount of input which was positive. They have heard both positive and negative comments, but people have been very respectful. What is there currently is abysmal. He explained that Council is going to hear about how this is a very dense project. But a PUD gives the City a great deal of flexibility. They have looked at the architecture from day one, but that is not up for discussion this evening. However, if this goes forward, there will be changes to the architecture.

This is a tough project for Worthington being in the heart of the Historic District. This addresses a need for the City and the entire community. When it came down to the final vote of the MPC, it was not unanimous and that is okay. If the applicant had not been willing to make some very costly changes, the project would not have gotten to where it is today.

George Tabit – Vice President, National Church Residences

Mr. Tabit stated how he is honored to be here and described the process in getting to this point. He emphasized that this is an opportunity for Worthington to show its commitment to inclusivity and diversity, including older adults. He then provided a historical background of NCR as a non-profit provider of senior housing.

He described how their philosophy is centered around the idea that retirement can be divided in three seasons. The first is the “Go-Go” retirement years where seniors are very active and healthy. Moving into their mid to late 70s they start to slow down and begin to think about changes they have to make to their lives and learning to live with limitations. This is what they call the “Slow-Go” retirement years. They then move in to the “No-Go” retirement years where NCR focuses on creating social communities for seniors, focusing on physical health, spirituality, lifelong learning, and purposeful living. They undertake program standards in order to assess performance. That report card tells them how they are doing to serve their residents and create healthy environment for seniors to live fulfilling lives.

NCR utilizes an internet-based platform for senior residents to check in through. If they do not sign in, they will get a courtesy visit. Another measure is that everyone gets an emergency pendant with GPS so a proper emergency response can be made if needed. He shares all of this to illuminate how far above and beyond they go in comparison to conventional apartment housing, providing a holistic approach for seniors to age in place and to live well-rounded, fulfilling lives.

When Worthington Presbyterian Church realized there were some long-term capital needs at Stafford Village, they reached out to NCR who took over the property in 2015 with a promise to carry forward their affordable housing mission. At that point, they began to study carefully what they were going to do. One concern was the size of the current apartments. All 38 of the studio apartments are only 330 square feet which is unworkable for many older people who have mobility limitations.

NCR began their outreach process at the end of 2017. Before beginning the design process, they began meeting with neighbors and stakeholders including churches, the library, the Griswold Center, and the schools. They also met with local elected representatives. In early 2019 there was the first MPC public hearing. In late 2019 there was a second set of plans submitted with significant modifications. They gathered a tremendous amount of community feedback and they are proud that the MPC recognized a plan they thought was appropriate for the community, recommending approval to the City Council.

He explained how there is a need for senior housing in Worthington and the City Council recognized that need 15 years ago. They conducted a community wide statistically valid survey where one in three residents said they knew someone who moved out of Worthington because they could not find age appropriate housing. Stafford Village is the City’s only affordable housing community.

Paula Ryan – 1044 Firth Avenue, Worthington, Ohio 43085

Ms. Ryan explained how when she was two years old in 1960 she moved to East Clearview. She went to elementary school at Wilson Hill. She moved away when she first got married, but then got divorced and moved to Pingree. She and her husband are now looking at the “Go-Go” stage of retirement and they do not have options available to them in Worthington. She wants nothing more than to come home and stay in her community. Stafford Village is nice and walkable, and she does not need her car. It would help her live a more sustainable life. She spent her career putting together design award submittals. While she is not architect, she understands what is contextually appropriate and NCR has done a fabulous job. The word density thrown around, but she does not believe it is a bad word. She wants to live in a community, not in a yard away. She would encourage Council to vote to change the zoning and let people like her have a cradle to grave life in Worthington. She concluded by making the point that if Worthington does not approve this, she is afraid that we are developing a bad reputation with developers. If we do not change, we will die. If developers do not want to work with us, she is unsure what that will mean for our future.

Mick Ball – 925 Robbins Way, Worthington, Ohio 43085

Mr. Ball said that he and his wife have been in Worthington for about 33 years. This is a very important site because of the proximity to all the things people who will live here will need. It is centrally located, and it is important for us to take advantage of the location. The more people who can take advantage of this great asset the better. He has seen a lot of design over his career but has rarely seen a developer go to the lengths NCR has to design a product to fit in to a community. This is a great project and he encourages its approval.

NCR has already worked with some of the residents to relocate them with the promise they can come back to a new home. He is concerned about those residents who were given a stipend to do that, but it will not last forever. This process is time consuming. He worries about what we are doing to these residents if we cannot move forward with this project. For their sake, he thinks we should move forward to let them know what their future is.

Matt Gregory – 48 Howard Avenue, Worthington, Ohio 43085

Mr. Gregory described how he is a resident of Worthington just a few blocks south of here and a member of the Community Improvement Corporation. He is a commercial real estate agent by trade. He seconded Ms. Ryan’s comments about our reputation. If we do not approve projects that have followed the process and made changes, it will hurt our reputation with developers. He also emphasized the need for senior housing. Lastly, in the discussion about affordability, there is the trickledown effect from what is built opening up housing for other people.

John Drago – 6795 Hayhurst Street, Worthington, Ohio 43085

Mr. Drago expressed that he supports Stafford Village and supports Worthington's revitalization as a whole. This is a great project and continues with affordable housing. He feels that some of the opponents to this proposal are not looking at the alternatives. There is a problem in our city where opponents do not come up with fiscally reasonable solutions. Say yes to Stafford and yes to moving forward in Worthington.

Scott Green – 74 Glen Drive, Worthington, Ohio 43085

Mr. Green voiced support for this project. The existing structures are not functional and in its current state it cannot meet needs of Worthington's aging population. If this does not go forward the property will go into further decline and they will sell to another developer who will not build residences that meet the senior or affordable housing needs.

Cinda Shumaker – 60 Wilson Drive, Worthington, Ohio 43085

Ms. Shumaker said she supports but does not support part of this. She explained how she has lived here her whole life and remembers when City Hall was farmland. Stafford Village has fallen into decline, but her objection is that you will be able to see these buildings. They are too big and too tall. She appreciates how they have been made smaller, but they are still too dense. She walks into Old Worthington all the time and it is a very congested area already. Try to drive down Hartford, you cannot go to the library or park anywhere. The middle school is growing and expanding. We have all of this with more people moving into the area. She does not know if it was thought about the people who will be workers and the people who live there who wants to have cars there. We do need this and want this type of project, but she is concerned about the density and the height. She does not want to be able to see this from the Village Green.

Peter Macrae – 74 Orchard Drive, Worthington, Ohio 43085

Mr. Macrae detailed how he is an architect with his business here in Worthington. He brought his family here in 1989 from Charlotte, North Carolina. Rarely does a project dovetail with a community the way this project does. As an architect, this is gorgeous. It dovetails because the City of Worthington has one of the highest populations of people over 65 in the entire Columbus metropolitan area. We need to have a place where you can remain in Old Worthington and still enjoy what you have come to learn to love being right here. He wants to be able to stay here. This project as dense as it is, barely scratches the surface of the needs of seniors in Worthington. We need a lot more projects like this proposal for Stafford Village. He encourages City Council to support this project. The developer has done a commendable job responding to feedback from the community.

Therese Leach – 908 Hartford Street, Worthington, Ohio 43085

Ms. Leach said she is a part of Stafford Village and has lived there since 2002. Her mother could not live close to her and it would have been great to have her mother live close to

help take care of her. She was taught to respect your elders because one day you will be older, or your parents may need these. Compared to what is there now, this proposal is beautiful. She appreciates that they are proposing to continue having trees. Seniors need this place. Seniors will bring business. Worthington needs to grow. Worthington people are very loving people and that needs to be extended to senior citizens also. She would hate to see empty buildings. NCR could just leave these buildings or tear them down and leave an empty lot. She wants there to be something beneficial to the community.

Tom Burns – 1006 Kilbourne Drive, Worthington, Ohio 43085

Mr. Burns conveyed how he is extremely supportive of this project and how it is necessary in this community. Moving forward, the neighborhood is changing and evolving to resident's needs. The over 65 population is growing. The neighborhood is already changing to suit the needs of the citizens of Worthington. When looking at affordable living, this is right in line and is plenty affordable. It is important to note that the only way to overcome unaffordable housing is building a lot of new housing. That is the only way to make it truly affordable for everyone out there.

Frank Shepherd - 600 Keyes Lane, Worthington, Ohio 43085

Mr. Shepherd said he and his wife walk in this area all the time and would like to be able to be closer. After serving on a senior village board for ten years and as chair of the board for two, he has learned a lot about senior living and what they expect. The rents being discussed are not out of line by any stretch. People are looking for more flexibility and that is why they are looking to rent. They want to be able to walk around while they still can and want the amenities that Mr. Tabit said they are providing. From his experience this is a perfect planned senior project from inside out.

Lenny Jesuele – 217 Pingree Drive, Worthington, Ohio 43085

Mr. Jesuele brought up how he has been in the construction industry for 30 years and has managed \$10 million projects, so he has a fundamental background. In discussing Stafford Village, he was on board with this project until a month ago and he found out that this is a single 134,000 sq. ft. building. He was shocked to discover that. He has worked with the City before and thought there was no way they would allow this to happen. He sent emails to staff and Council to explain how this building does not line up with any of the buildings in the immediate area. There is nothing bad to say about how it is designed, but it is too big.

He did some size comparisons since all references were only height references, not mass references. The mass is gigantic compared to other buildings in Worthington. They have admitted that it is huge, they cannot hide it.

When he reads the City of Worthington standards in Old Worthington, it should take special care for scale, form, and facet. He does not see it.

Sandra DiCenzo – 876 Hartford Street, Worthington, Ohio 43085

Ms. DiCenzo wanted to comment that NCR did quite a bit of outreach, including to her. She does not recall she ever stated she wants to live 43 feet from a parking garage with 2 residential stories about it and with air conditioners on top of it. This is just too big. There is nothing wrong with the design, but where is the respect for her and the rest of her neighbors. She cannot support this amount of traffic and wants to know where you're going to put all the snow from this property. She never would have thought moving into the Historic District that the City would consider rezoning from residential to this monstrosity. She urged to make it smaller to scale and more livable.

Kay Keller – 670 Morning Street, Worthington, Ohio 43085

Ms. Keller said that she is in support of NCR's proposal and request for rezoning. Something needs to be done with Stafford village. The good location allowing folks to walk to a lot of things has already been discussed. She and her husband moved to Old Worthington from out of state 43 years ago and specifically chose it for its architecture, trees, and authenticity. She cares deeply about her community and what happens as far as any development or redevelopment. She applauds NCR for doing their homework meeting with the community. They have not designed a project that could be dumped anywhere. It will fit well in Old Worthington. NCR builds and operates quality communities. There are some saying we should not build any project until after the Visioning Committee's report is completed. The Visioning Committee will only come up with a vision, not go into the specifics of how to get to that vision. We already know that residents want more independent housing for seniors. There is no need to wait for the Visioning Committee report to come out. We are lucky to have NCR here and she encourages support of the rezoning request.

Craig Murphy – 6762 Berend Street, Worthington, Ohio 43085

Mr. Murphy thanked Mr. Tabit for talking about people and expressed how it does not matter what image is on the screen because this is about neighborhoods and people. He commended NCR, Council, and staff for looking at this as a way to expand service for a range of seniors in our community. Ten years from now we will wonder why this was ever a question and why it was up for debate. This is our opportunity to embrace a rare chance to position ourselves to maximize the future. He has been to most of the meetings associated with this vote. We as a community have done our homework. NCR has done their homework and evolved their ideas to meet our expectations. This decision defines us, and he hopes we will pause to consider future generations of people who will be served by Stafford Village. He loves hearing the comments about change. Change is constant but transitions can be measured in time. He hopes this is approved tonight.

Nick Linkenhoker – 451 Crandall Drive, Worthington, Ohio 43085

Mr. Linkenhoker said he is Executive Director of the Worthington Resource Pantry (WRP) and he sent letter in support of the NCR Stafford Village project. 43 Stafford Village

residents have used the WRP in the past 5 years. When they realized that some residents were unable to shop due to mobility limitations, they partnered with neighbors living there to help ensure residents could have fresh food choices. With the new development here, NCR will be able to provide additional services to keep people healthy and connected to their community. As a community we can do better to support our residents and their living situations. NCR has developed a proposal to protect affordable housing and he urges Council to approve it.

Michael Bates – 6560 Evening Street, Worthington, Ohio 43085

Mr. Bates emphasized that he strongly supports this proposed project.

Joshua Lloyd – 6693 Markwood Street, Worthington, Ohio 43085

Mr. Lloyd described how he has been a resident for 15 years. He is a reformed architect that is now in the energy consultancy business. Part of his previous experience was in the affordable housing industry. We know that NCR will own this property and oversee the provision of quality services. Regarding the question of density, we need to look at density to help with walkability, reduce emissions, and to improve building efficiency. Overall, the architect has done an amazing job with this project hiding the fact that it is over 100,000 sq. ft. It does not look like a huge mass, but rather it looks like it is multiple buildings.

David Foust – 675 Oxford Street, Worthington, Ohio 43085

Mr. Foust stated that he is a member of the MPC, and he explained how they are tasked with a difficult job in looking at new development coming in town and figuring out how to apply standards they are asked to uphold. He pointed out how he has not found anyone who is not in favor of more senior housing, more senior housing varieties, and more low-cost senior housing. Everyone has been complimentary of NCR and their team.

He is here as the only no vote on the MPC when they voted on this. He wants to explain his reasoning for why he voted no and get Council to look at a couple things that need to be clarified. Firstly, pertaining to the specific ordinances related to this it does not meet what has been historically applied regarding the building's height and massing. The artist renderings tend to be drawn with nice pictures. When he studied the plans for this, he felt like the renderings were not a fair representation of what this project will look like from the street. If you have not walked the site with plans in hand and looked at plans versus architectural renderings, you need to do that before voting for this.

President Michael notified Mr. Foust that his five minutes had elapsed.

Chris Rule – 539 Park Overlook Drive, Worthington, Ohio 43085

Mr. Rule expressed that he has been a fan of the things he has seen NCR do for a long time. In last two months, this has become more personal. He is a financial planner and he shared how a couple of his older clients wanted to move into senior living space but could not find

anything in Worthington, so they moved out of the city. In the last week, his neighbors three houses down who have been like grandparents to his kids, one of them has been sick in the hospital. The husband conveyed how he wants his wife to die at home but does not know what to do because there are no senior living places in Worthington.

He has seen multiple renderings of what is proposed, and it looks great. However, it does not solve the problem and it is not enough. What he loves about this project is how it stands on NCR's stellar reputation for affordable housing. It is important we get stuff like this done in Worthington. He could not think of a better partner than NCR.

Shawna LaRue Moraille – 385 Riley Avenue, Worthington, Ohio 43085

Ms. Moraille discussed how she lives in Worthington and is an affordable housing consultant. She expressed that NCR is the type of developer you want to have in your community. In her professional experience, she learned that you have to have good high-quality design in writing in your agreement. She brought up the idea of looking at different designs and how financially, she does not know how a cottage court design would work. You have more financial impact to do the types services NCR is wanting to provide with economies of scale such as is proposed here. She argues against development of individual units. She does not know any developer who would change the site plan as many times as NCR has. She also does not know of anyone who would do an agreement for the period of time to make units affordable other than NCR. She is very proud that they are our neighbors in the Worthington community.

Tom Metz – 31 West Stafford Avenue, Worthington, Ohio 43085

Mr. Metz wanted to add his endorsement in favor of the project. He swore that he would never move away from his town because it is a great place to be. Everything previously said about affordable housing for seniors he feels very deeply, and this will add a lot of value to have this kind of diversity in the community. When you are living in a place where every house is the same everything, you do not have the walkability you have in downtown Worthington. The walkability is what makes Old Worthington what it is. He is a very cranky customer of architecture and his feedback is that this is very attractive architecture. However, he has one request because it looks like every front porch has stairs and steps and every person who uses personal mobility devices or has a disability would be forced to use a rear door. Please include zero threshold entry to the buildings because people with disabilities deserve to enter through the front doors.

Noel Kigaraba – 164 East North Street, Worthington, Ohio 43085

Mr. Kigaraba stated that he is neither for nor against this project. What he needs from Council is information such as reports that have not been accessible to the public such as traffic impacts and stormwater. He is not against affordable housing, but there is information that has not been clarified to the public to understand the whole picture of the impact this will have. It looks like everyone is a champion of the massiveness of the building, but we need to look at the whole picture. If we could clarify how tax revenue

will help us here. Looking at the middle-income senior at the proposed \$3,400 - \$4,000 per month over ten years, he asked how is that affordable. He would not be able to afford that. Those are the things you need to consider. He understands what you are trying to do but it is not the entire solution.

Angelika Gerbes – 103 East New England Avenue, Worthington, Ohio 43085

Ms. Gerber explained that she would rain on the parade of the accolades. She wanted to point out Worthington has two enclaves that make it special, those are Rush Creek Village and the Historic District. As city leaders, why would you want to chip away from the Historic District by building a giant structure that benefits a few but impinges on all. This is in the wrong place. It needs to be something less bulky. She understands the City wants to provide senior housing but there must be a more innovative and appropriate way to do this. She ceded the remainder of her time to Mr. Foust to complete his comments.

David Foust – 675 Oxford Street, Worthington, Ohio 43085

Mr. Foust continued to explain how he feels like the neighbors were thrown under the bus and we have not given them the proper attention to their concerns. In the future we will hear from them next year when we are putting 85 condensing units on the roof of this building. Even with a wall around them, there is going to be a noise problem changing their life which is wrong. His last point is that the philosophy from the beginning is that there is no alternative to this. Anyone who has brought up an idea of a different concept on this lot has been told no. NCR has been effective at avoiding the whole situation. Picture a building this size next to your own home. If you think it is too big then why would it be good for the neighbors in this area. We need to look at this more carefully before saying it is the only alternative on this site.

President Michael thanked everyone for coming out and expressing how much they care about the community and for sharing their ideas in a respectful manner.

Mr. Robinson explained that he has been on Council now for two years. Sitting here and listening to everyone give their testimony has been a moving experience. Every person deeply believes in the values they are espousing. He respects everyone who spoke tonight.

He discussed how he received a flyer from NCR and when he looked at the image of the smiling grandmother he began to think of his own grandmothers. He thought about his own mother who died of early onset Alzheimer's. They lived at First Community Village which is now owned by NCR. It was a formative experience visiting all three women living there. He loved all of them dearly.

He thought further about this and he realized how NCR is trying to associate our own feelings of love for seniors with NCR and the approval of this project. Unfortunately, he feels like they are equating the idea of approving this with someone being compassionate and loving of seniors. If someone is not in support of this project, they are looked at as not being sufficiently compassionate. He hopes that is not the case. There are other values

that our community holds dear and has held dear for decades. Our commitment to and responsibility to seniors does not and should not supersede all other values in this community. With that said he does not feel like alternatives to what has been proposed have truly been explored for our community.

What he will focus on here, pertains to the process our city has undertaken and how we are undertaking this decision. In his assessment, if we proceed like we have in this development proposal with the other ones coming down the road, there will be costs for our community.

He has identified three different costs. First, as a community we will not make the best decisions. In his judgement, we have not sufficiently informed and empowered the residents with full and fair information about this project from the beginning. Second, if we act like this again, we will further exacerbate the frustration in this community. Full and fair information needs to be shared. Third, if this is approved in the Architectural Review District (ARD), we risk establishing a two-class system in our community. One for businesses with access to the PUD which wipes clean the zoning standards and another one for resident homeowners who must comply with the Design Guidelines. Why should homeowners feel like they should come before the board anymore when they see this overruling long standing traditions in this community. It is ridiculous. How could you say no to a homeowner who wants to build a dense addition to their home? How is our board going to say no to that? Maybe our community is tired of and done with the ARD. Perhaps times have changed. He expressed that he hopes not, because there is something priceless about living in a historic community. If we approve this project, it creates a two-class system which he does not believe can hold.

He explained how he makes his point by looking at the staff memos. They guide the structure throughout the entire review process. They discuss what is important, what facts are there, and what standards are being used.

When looking at the staff memos from February of last year through this year there is omitted information. For instance, that the proposed building is three times the density of the current zoning. That is not brought out front early on. It is omitted how this is in the ARD. You could read the staff memos and not even know that. In the Historic District there are additional constraints, the Design Guidelines read that it should be two stories. That is not brought out in staff memos. How do we expect the public to be informed and empowered about what is being proposed if it is not brought out in the staff memos?

The second problem he will refer to as “Proof Texting” where you pull one little scriptural quotation and over interpret it. There is something analogous happening here where there is a singular fixation on how the Comprehensive Plan calls for increased housing density in Worthington. It does do that and encourages it, but often with many qualifications especially in the Historic District. All these things are ignored in the staff memos.

His third point is there are shifting rationales where the staff memos change in substance from the beginning to the end in very significant ways. In the first memo at the outset

immediately starts to reference the PUD with no reference to the Historic District or existing zoning. That trains the mind that this is a done deal. Key facts are not hardly mentioned, things the public should know about front and center. In the December memo after questions and criticisms of staff, they incorporated and brought forward a grid showing existing zoning and a map, but in his judgement that only served to further confuse the issue. If you look at that, the lot areas do not mean much. It looks like three stories is okay and suggests that the proposed building complies with proposed standards. Again, nowhere does it bring up the Design Guidelines and Comprehensive Plan that repeatedly calls for two story and two and a half stories. The second problem of proof testing, the only thing mentioned about the Comprehensive Plan is residential housing density. It does not ask the question if it meets the Design Guidelines which it does not.

One shifting rationale in the December memo he was grateful to see was that the ARB will need to issue or decide whether to issue a Certificate of Appropriateness. This is very important. To people such as himself who feel the scale of the proposal is too much and we like to look at alternatives, he viewed the Certificate of Appropriateness as a place the project could be reconsidered.

From the February of 2019 staff memo, staff observes that although there are other two-story structures in old Worthington, the structures in the immediate vicinity of this project are at a much smaller scale than this building. That means it is a variance and the ARB would not issue the Certificate of Appropriateness. Fast forward to the December memo and the language from staff shifted in describing the project. No longer were adjacent buildings a lot smaller, but what would be defined as being in the vicinity was changed. No longer were the residential homes used, but now buildings such as St. John's were used as examples. By doing this, we give license to issue the Certificate of Appropriateness. The building and code did not change, but the language changed. He does not think that is right. He hopes we do not keep doing this. It is killing us in our process of examining development by being run like this.

Publicly, it is his fervent wish that if you think this project is outstanding and supersedes other values and could stand on facts on its own, then say it. Put information out in front in the beginning, instead of having a staff memo steering the process, limiting information, and changing the criteria along the way. It is probably too late. He hears the room, but his hope is that we do pause and generate new visuals for the public that fairly represent the project and the impacts on the community.

He showed a 3D development visual of McCord Park as an example of what he would like to see, stating that we need to have an aerial to see what is being proposed. He wants a before and after with key facts shared broadly with the public.

Mr. Smith presented that he has three questions. His first question is whether the applicant or staff discussed any plan of walkability for the area during the construction phase. Once construction starts it will be 16 to 18 months and there is really not going to be walkability on the street. Mr. Brown responded that the construction text says 18 months. We have not had the discussion with them, but during the construction process, they will be widening

the sidewalks along Hartford and Stafford to five feet. We can have the conversation about how they plan to handle the mobility issues.

Mr. Smith asked for some addressing of the sewage issue because there is some upstream potential of backflow from sewage or wastewater. Mr. Whited explained the final details are not worked out, but it will be fully functioning and capable and will be designed appropriately at the final design phase. Mr. Smith said for context that he does not live next door, but rather across the street. Six or seven homes about the property. He has more of a concern of sewage backing up into his basement. He wondered about a timeline to provide information going forward. Mr. Whited explained how in actuality they will better serve that neighborhood than it does today. Mr. Smith requested better communication to the community.

Mr. Smith asked about the projected price points for the affordable units in the community. Mr. Tabit responded that the affordable apartments are based on the federal affordable tax credit which sets a standard of affordability. An apartment is affordable if a household that earns no more than 60% can afford rent and cost of utilities. In Franklin County in 2018 that would be maximum rent of \$835 per month with utilities for a square footage of 600 square feet. Mr. Smith asked what the market rate square footage would be. Mr. Tabit replied between 1,000 to 1,400 sq. ft.

Ms. Dorothy explained how we are talking about rezoning with this development that does give us quite a bit of authority to make sure whatever is built, is built for the design standards and guidelines we set forth in the Historic District. Regarding how Worthington was founded, James Kilbourne was a developer looking to found Worthington. He was a developer who wanted to give the community good bones. He sensed that the same bones he saw in New England would be good here. He even tried to make Worthington the state capital. He wanted a developed, well-educated community. They were looking for diversity. There were abolitionists. We value inclusive community based on mixed use. It was not until we overlaid our single use zoning that we got a static community. We do not have the missing middle. We used to allow accessory dwelling units. Duplexes are not allowed anymore. Where she lives there are apartments zoned R-10, if they burned down, they would not be allowed to be rebuilt. She suggested looking at form-based zoning which allows for more diversity and inclusion in our community. We desperately need more housing. We can do that by developing more form-based zoning codes in Worthington. Our exclusionary single use zoning is not good for anyone. It is very intrusive and has only been around since the early 1970s.

NCR has reached out into the community, responding to their questions and concerns. They could not incorporate everything, but they responded to everyone respectfully. We have a great project here in front of us. Downtown Worthington is one of the very few places walkable in Worthington. There is concern about traffic, but traffic in a walkable community is bumping into your neighbor. You do not get that walkable community without having a mixed use, somewhat higher density than single family. This is a great place to start.

Mr. Myers began his comments by stating that he does not share Mr. Robinson's distrust of staff. After serving 20 years on with the ARB/MPC, he can say they are some of the most independent thinkers he has ever been around. They know the guidelines better than anyone on this dais and they are not swayed by what staff has to say. With that being said, he thinks we are tripart system of government. It is interesting how in Ohio municipal law, the city council occupies both the legislative and judicial branch. Their legislative duties relate to taxation and the budget, they lobby state representatives to enact laws beneficial to communities, and they long range plan, setting priorities and goals. In their judicial capacity tonight, Council is being asked to judge the propriety of an application for a zoning change. It does not matter what he thinks. The job is to apply the law as this Council has enacted. It should not be a subjective determination. We are judges now, not legislators.

Their guide first and foremost is the law. The law is the PUD ordinance in Chapter 1174 that came about because of a citizen initiative because houses were too dense and expensive. By time was done, what was important to people was not the homes but the natural features that existed. Looking at the PUD it protects natural features. Second, we did not want a gas station at 161 and Olentangy River Road. The PUD gives us greater authority over zoning than straight zoning does. Look at the PUD in the purpose clause and it tells you what people were thinking when the ordinance was drafted. PUDs are designed to promote flexibility, variety, quality, a greater range of usages, and implementation of development standards and guidelines adopted by City Council. When you are considering a PUD, you must consider everything. It repeats several times "Use." That puts "use" at a slightly higher elevation than other statues.

Chapter 1174.04 references the Design Guidelines and say it shall comply with the guidelines unless there is a legitimate reason to deviate. So in this case you start with Design Guidelines and that is what happened. We then go to the Architectural Review District standards which are in Chapter 1177. That starts off with the now famous phrase "recognize and preserve architectural character of this community." But that is not the only provision there, you also have "maintain high character of community development, protect and preserve property, and promote the stability of property values." You need to look at the rest of the standards.

He asked what are the things that people are complaining about with this, such as if it is too tall. That is first standard. He does not think that is at variance here. The zoning is the law. Guidelines are not the law. He does not think height is an issue. It is dense. It is already the single most dense parcel in Worthington, that is a variance. Is it in violation of the tree ordinance provision of our PUD, yes it is. That is a true variance. As he reads these, the density is not an architectural standard, that is a zoning concept. Same with the size. We are only looking at variances from traditional zoning, which the PUD allows. Variances are allowed with justified use.

Another thing referenced in the PUD are the pronouncements of Council. Part of the legislative function of Council is to set the priorities and goals. Those are pronouncements of Council. As long as he has been on this Council, we have had priorities that included

providing diversity of housing. That has morphed into senior housing. We have been talking a lot about sustainability. We just enacted an Age Friendly policy. We have also talked about pedestrian access and walkability. Council has set these goals as priorities. He wondered if these priorities mean anything if we do not enact them.

The most inefficient way to live is in a single-family home. If we are committed to this goal of sustainability, we have an opportunity here. If we are truly committed to diversity of housing, we need to look at it. If we are committed to walkability, there could not be a better spot for senior housing here.

He trusts NCR and their economic proformas to make this work. Part of it is the parking, and the PUD ordinance that is requiring the parking. We have always wanted to get parking off Stafford and Hartford. This is going to let us do that. It is our own law driving this building. Our own priorities are driving the rest of it. It is not NCR driving this, it is us who have said this is what we want.

He also does not want this to break down to pro development, anti-development. We need to get away from that dichotomy. This is the right product and project at the right time. We will look back and say that this is a historical gem. The project gets his full support and vote.

Ms. Kowalczyk thanked staff and the MPC for the extensive time and effort they have put into getting this project where it is now. She feels informed from the memos and the extensive information that has been put out. She thanked everyone who has spoken tonight about this project. She thanked NCR for their efforts to reach out to the community.

She sees the implications of this project as multifaceted. One out of every nine Ohio households has an adult who is 65 or over. There is an even higher percentage of older residents in Worthington, so there is a need here. She believes Worthington's strength is in community. People know their neighbors and they are engaged in the community. We want developers to be engaged and partners in the community. Her first thought when learning about this proposed development was about the current residents. It is evident that something needs to happen with the current buildings. They are tiny and not ADA compliant. They are beyond cost effective to repair. She has talked to family members of residents about the process for relocation and she is confident transition staff are committed to support every resident.

NCR is not only the owner and developer for this project, but they will continue to manage the property. More services will be available as part of their residential agreement. We are taking an important step towards prioritizing a range of housing options. We can and should do more. She appreciates the concerns about the size and scale. Those concerns have been rightly expressed, and that advocacy has been effective in NCR adjusting provide a better fit for the neighborhood. She echoed the one citizen comment about ADA accessibility and asked NCR to reconsider the design of the porches and to ensure people with disabilities have access to buildings like everyone else.

This is not an easy decision and Mr. Myers expressed how we need to examine this issue. The public interest of the community is being served and she cannot ignore how many people tell her they want to stay in the community. People are looking for different housing options. We want to welcome all people of different ages and abilities. That conversation must continue. We can move forward as Age Friendly community with many different types of housing. She wholeheartedly supports this project.

Mr. Bucher echoed Mr. Myers' comments. This decision is tough, and he has gone back and forth on it. He thinks it is rather dense and large but yields a lot of benefits that we will ultimately gain from. It includes affordable housing and parking off the street. He thinks this project does have some issues with density and size, but it is a net positive and delivers on several values we want to move forward on. He will be supporting this project tonight.

Mr. Smith said he does want to talk briefly about money and how this project has been cloaked in affordability. He said Mr. Tabit's first sentence was around diversity and inclusion, but this project does not do nearly enough for economic and socioeconomic inclusion. Council talks about wanting more diversity. The affordable rents are \$800 per month, but he pays \$550 per month for his house across the street. He does not know how \$800 per month is affordable. He struggles with the affordability aspect. Also mentioned was the demolition of two properties which he is not comfortable with.

President Michael stated that she totally supports what Mr. Myers has said. She supports the issues that Ms. Kowalczyk has raised. It is interesting how in December 1968 the Worthington City Council pledged valuable property in Old Worthington for senior housing. We are taking a strong stance going forward in setting up Stafford Village as senior housing in the community which has long been a priority. We have been talking about improving the diversity of housing here her entire 25 years on Council. Talking about sustainability, we will be better when we do not have as much sprawl and are bringing things together. Quality of life is important. Senior citizen will be able to walk to the Griswold, the library, and be on a bus line which are all things that make this the right place for a senior complex. She thanked NCR for conducting an enormous amount of outreach, going as far as redesigning the building around a tree. For seniors to see each other now they must go outside, but in the new building it will allow them to be indoors and they can visit a neighbor's apartment. There is a social aspect to aging. We have the Age Friendly Initiative. This is the right project in the right place and at the right time.

There being no additional comments, the clerk called the roll on Ordinance No. 07-2020. The motion carried by the following vote:

Yes 5 Kowalczyk, Dorothy, Myers, Bucher, Michael

No 2 Smith, Robinson

Ordinance No. 07-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 09-2020

To Authorize the City Manager to Enter into an Agreement with National Church Residences Concerning Affordable Housing Units and Tax Increment Financing for Stafford Village Redevelopment.

Introduced by Mr. Smith.

MOTION

Mr. Myers made a motion to adopt Resolution No. 09-2020. The motion was seconded by Ms. Dorothy.

Mr. Greeson explained how when considering PUDs there are some things that are appropriate to include in the land use text. There are then other things that we might want to deal with in an agreement like a development agreement. There are several issues that we have attempted to deal with through a separate agreement with NCR. We struggled a little bit with the best form for trying to ensure the affordable housing piece of this which has been an important ethic in this discussion. Included is also a request for a tree fee reduction which was thought to be more appropriate in an agreement than in the zoning text. Lastly, we wanted to preserve some potential collaboration in the future for tax increment financing.

Mr. Lindsey detailed how last May when this project was in its early discussion, the question of affordable housing units and a guarantee of those units became a part of the discussion. Various members of the MPC had questions about its enforceability and how to make sure that it would happen. In conversations with both Ms. Kowalczyk and Mr. Robinson there was concern about how we know it is enforceable. He conducted some research into enforceability of various means. At or about that same period, NCR through their legal counsel proposed the prospect of doing a declaration of restriction of affordable units for 30 years. That evolved into the notion of an agreement, but we wanted to ensure it was an enforceable agreement to maintain affordable housing units. The best method was a contractual arrangement, one where they promised to do it and we were the beneficiaries of that promise. One aspect of a contract is that both parties must give something in order to enforce it. If you make a promise and do not have promise on other side, a court may then find it not to be an enforceable contract. That is why the tree fee is implanted in this agreement. For his purposes, as long as there is some monetary aspect it would serve his legal consideration to make it enforceable.

Going forward, there needs to be a discussion with Council about making the tree fee consistent. For our purposes now, it serves as a vehicle to get consideration. He credited Mr. Greeson for bringing up the question about TIF-ing this property at some point. It would be a method to obtain a portion of the property taxes for a dedicated purpose in the vicinity of the development and it would not be given back to NCR. If Council were to pass a TIF ordinance for this property, NCR has agreed to cooperate with the City in that endeavor.

Mr. Myers asked where we came up with the \$450 tree fee. Mr. Brown explained how it was used as a starting point. When it previously came up a few years ago, Council asked the same question. The fee was originally implemented before he came here. In his research, he called other surrounding communities, and many do not have a tree fee. The ones that do have a fee ranged from \$150-\$300. Mr. Myers said he helped draft the Westerville tree ordinance 25 years ago. He sees the tree ordinance a little differently. He does not want the amount so high we are using it as a bargaining chip. We want to protect trees and punish those who do not. He expressed that he believes that \$150 is an appropriate amount.

There being no additional comments, the motion to adopt Resolution No. 09-2020 passed by a voice vote.

Resolution No. 10-2020 Approving Appointments to the Community Relations Commission.

Introduced by Ms. Dorothy.

MOTION Mr. Robinson made a motion to adopt Resolution No. 10-2020. The motion was seconded by Mr. Bucher.

There being no comments, the motion to adopt Resolution No. 10-2020 passed unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Mr. Greeson updated Council that the City has received a rezoning application from Ohio Health as expected. Additionally, our diligent MPC members last week approved the Tru Hotel revisions.

REPORT OF COUNCIL MEMBERS

Mr. Lindsey explained how he attended a meeting about the settlement and possible distribution of funds for multiple lawsuits that have been filed against the manufacturers and distributors of opioids who are involved in litigation throughout the country. They are hoping to arrive at a unified position. As a result, there will be some benefit to Worthington long term to be a part of this. We will be looking to have further discussion seeking authorization to sign an agreement. Based upon the numbers being discussion, the number for Worthington was at the \$600,000 to \$700,000 range.

Ms. Dorothy brought up how there was a meeting of the Cemetery Board this evening where they discussed Flint Road and Ozem Gardner property. They are looking to repair the roof as cost effectively as possible. The Circle of Honor is getting rebuilt and should be done before Memorial Day. She expressed how she is very excited about the opioid settlement. She is hoping that Assistant Fire Chief Zambito will investigate a paramedicine program.

Ms. Kowalczyk echoed Ms. Dorothy's thoughts about looking into a paramedicine program which will complement our other Age Friendly priorities.

ADJOURNMENT

MOTION Mr. Myers moved, Mr. Smith seconded a motion to adjourn.

President Michael declared the meeting adjourned at 11:02 p.m.

/s/ Ethan C. Barnhardt
Management Assistant

*APPROVED by the City Council, this
2nd day of March, 2020.*

/s/ Bonnie D. Michael
Council President