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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following ordinances were passed by Hilliard City Council on June 8, 2020.

19-25 AUTHORIZING THE APPROPRIATE PUBLIC OFFICIAL TO ENTER INTO A DEVELOPER'S AND REIMBURSEMENT AGREEMENT WITH DUBLIN-COSGRAY, LLC.

WHEREAS, Homewood Corporation and H&G LLC (the "Owners") own 354.011 ± acres of land located at the northwest corner of Roberts Road and Alton Darby Road in Hilliard, identified as parcel numbers 053-000004, 053-000006, 053-000007, 053-000008, 053-000009, 053-000010, 053-000011, 053-000012, 053-000013, 053-000014, 053-000015, 053-000016, 053-000018 and 053-000019 by the Franklin County Auditor's Office (the "Alton Place Property"); and

WHEREAS, Dublin-Cosgray, LLC (the "Developer"), on behalf of the Owners, submitted application number 18-0401LC to rezone the Property from its current classification of R-R, Rural-Residential to that of Hilliard Conservation District; and

WHEREAS, subsequent to the approval of the rezoning by Hilliard City Council of Ordinance No. 19-26, the Property will be identified as the "Alton Place HCD", and the Developer plan to purchase the Property in order to develop the Alton Place HCD; and

WHEREAS, the Alton Place HCD will permit a maximum of 167 single-family lots, 280 attached residential units, 53 acres of commercial uses, and 177.01 acres of open space with a density of 1.3 dwelling units per acre; and

WHEREAS, the Developer desire to enter into a Developer's and Reimbursement Agreement with the City regarding construction of all public infrastructure improvements necessitated by the Project, consistent with the Alton Place HCD development text and plans and the requirements of the City Engineer; and

WHEREAS, the City and the Developer have agreed to the terms of a Developer's and Reimbursement Agreement, attached hereto and incorporated herein as Exhibit "A" (the "Developer's Agreement") which requires the Developer to construct necessary public infrastructure improvements and to dedicate those public infrastructure improvements to the City for public use; and

WHEREAS, the Developer's Agreement requires the creation of a New Community District to be governed by a New Community Authority as a mechanism to finance the Public Infrastructure Improvements and implement a new community development program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to enter into a Developer's and Reimbursement Agreement with the Owners for the construction and installation of public infrastructure improvements, in a form substantially similar to the one

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ORDINANCES

19-25 (continued):

attached hereto as Exhibit "A" and incorporated herein, with such non-material and non-adverse changes to the City as may be deemed appropriate by the City Manager, with her execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

SECTION 2. The reference to "Owner" and "Developer" as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop the Alton Place HCD and is issued a building permit.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

19-26 REZONING 343.426 +/-ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF ROBERTS ROAD AND ALTON DARBY ROAD FROM R-R, RURAL RESIDENTIAL TO HILLIARD CONSERVATION DISTRICT ("HCD"), TO BE KNOWN AS THE ALTON PLACE DEVELOPMENT.

WHEREAS, Homewood Corporation and H&G LLC (the "Owners") own 354.011 ±acres of land located at the northwest corner of Roberts Road and Alton Darby Road in Hilliard, identified as parcel numbers 053-000004, 053-000006, 053-000007, 053-000008, 053-000009, 053-000010, 053-000011, 053-000012, 053-000013, 053-000014, 053-000015, 053-000016, 053-000018 and 053-000019 by the Franklin County Auditor's Office (the "Alton Place"); and

WHEREAS, the Owners desires to rezone Alton Place to a planned development, as depicted on Exhibit "A", attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owners submitted application number 18-0401LC to the City's Planning and Zoning Commission to rezone the Property from its current classification of R-R, Rural Residential to that of a Hilliard Conservation District ("HCD") to be identified as the Alton Place HCD ("Alton Place HCD"); and

WHEREAS, prior to submitting the application to the City's Planning and Zoning Commission, on December 11, 2018, the Big Darby Accord Review Panel approved of the Owners' development plan; and

WHEREAS, at the time of the initial application, the Alton Place HCD was going to permit a maximum of 148 single-family lots, 297 attached residential units, 53 acres of commercial uses, and 171.7 acres of open space with a density of 1.3 dwelling units per acre; and

WHEREAS, on May 9, 2019, following its duly advertised public hearing, the Commission voted 5-0 to forward a positive recommendation to City Council to rezone the Property to Hilliard Conservation District (HCD) based on the initial application; and

WHEREAS, since initial application, the Owners submitted amended plans, which now permit a maximum 167 single-family lots, 280 attached residential units, 53 acres of commercial uses, and 177.01 acres of open space; and

WHEREAS, on May 28, 2020, the Commission held an advertised special meeting to consider the amendments to the plan and voted 7-0 to forward a positive recommendation to City Council to rezone the Property to Hilliard Conservation District; and

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ORDINANCES

19-26 (continued):

WHEREAS, prior to be scheduled on a Council agenda, the Commission's positive recommendation required that that the Traffic Impact Study be completed, reviewed, and approved by staff and that the Concept Plan and Text be revised consistent with staff recommendations; and

WHEREAS, the Commission's positive recommendation also included a condition that the Owners/Developer enter into a Developer's Agreement with the City regarding the construction and financing of all public, including transportation, improvements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council finds that the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan ("BDAWMP") and the City's Comprehensive Plan concerning land use, density, open space recreational trail development, prairie and ground water restoration, and preservation of wetlands and stream restoration areas, and provides the City with unique and diverse housing opportunities for its residents. Council also finds that application of a thirty percent density credit to the Alton Place HCD is justified given that the proposal includes a conservation subdivision design, the Hamilton Ditch stream restoration area was completed within the site and is within a conservation easement and will be protected in perpetuity, and the developer will incur extraordinary costs for regional serving infrastructure including two Thoroughfare Plan-required streets.

SECTION 2. The 354.011+/- acres of Property owned by Homewood Corporation and H&G LLC, located at the northwest corner of Roberts Road and Alton Darby Road in Hilliard, as shown on Exhibit "A" **attached** hereto and incorporated by reference herein, is rezoned from R-R, Rural Residential to Hilliard Conservation District (HCD) pursuant to Chapter 1115 of the City's Codified Ordinances.

SECTION 3. The Alton Place HCD Development Standards Text dated June 2, 2020, and the Development Plan dated May 22, 2020, **attached** hereto as Exhibits "B" and "C" respectively (collectively, "The Alton Place HCD Plans and Text"), and incorporated by reference herein, are approved.

SECTION 4. The Owners/Developer of the Property shall enter into a Developer's and Reimbursement Agreement with the City, subject to Council approval, for the construction and phasing of public infrastructure improvements, and shall create or join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements as identified in the Developer's Agreement.

SECTION 5. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

20-13 REZONING 36.96+/- ACRES OF LAND LOCATED ON THE NORTH AND SOUTH SIDES OF REYNOLDS DRIVE BETWIXT BRITTON PARKWAY AND LEAP ROAD FROM B-4 "I-270 CORRIDOR DISTRICT", TO L-M-1 "RESTRICTED INDUSTRIAL WITH A LIMITED OVERLAY".

WHEREAS, in the City, there is 36.96 ±acres of land located on the north and south sides of Reynolds Drive betwixt Britton Parkway and Leap Road, identified as parcel numbers 050-004021, 050-004022, 050-004023, 050-004024, 050-004025, 050-004027, 050-004028, 050-004029, 050-004030, 050-004031, 050-004032, 050-005985, 050-006466, 050-006632, and 050-007270 by the Franklin County Auditor's Office, as depicted on Exhibit "A", attached hereto and incorporated herein (collectively, the "Properties"), currently classified in the B-4, I-270 Corridor Zoning District; and

WHEREAS, the City of Hilliard desires to rezone the Properties to be more consistent with the Comprehensive Plan; and

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20-13 (continued):

WHEREAS, the City of Hilliard submitted application number 20-0505LC to the City's Planning and Zoning Commission to rezone the Properties from its current classification of B-4, I-270 Corridor District, to L-M-1, Restricted Industrial with a Limited Overlay; and

WHEREAS, the Limited Overlay Text will permit and/or prohibit the uses listed on Exhibit "B" attached hereto and incorporated by reference herein; and

WHEREAS, staff determined that the proposal is consistent with the recommendations of the City's Comprehensive Plan concerning land use, and will further the goals of the Comprehensive Plan to develop small/flexible office space to help attract and retain small businesses; and

WHEREAS, on May 14, 2020, following its duly advertised public hearing, the Commission voted 7-0 to forward a positive recommendation to City Council to rezone the Property to Restricted Industrial with a Limited Overlay (L-M-1); and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council finds that the proposal is consistent with the recommendations of the City's Comprehensive Plan concerning land use, and will further the goals of the Comprehensive Plan to develop small/flexible office space to help attract and retain small businesses.

SECTION 2. The 36.96+/- acres of Property located on the north and south sides of Reynolds Drive betwixt Britton Parkway and Leap Road, as shown on Exhibit "A" **attached** hereto and incorporated by reference herein, is rezoned from B-4, I-270 Corridor District, to L-M-1, Restricted Industrial District with a Limited Overlay pursuant to Chapter 1139 of the City's Codified Ordinances.

SECTION 3. The Limited Overlay Text dated May 18, 2020, **attached** hereto as Exhibit "B", and incorporated by reference herein, is approved.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

20-14 AMENDING SECTION 161.06 OF THE CITY'S CODIFIED ORDINANCES TO INCREASE AN EMPLOYEE'S CARRYOVER VACATION AMOUNT.

WHEREAS, Section 161.06 of the City's Codified Ordinances limit the amount of vacation hours that a non-bargaining unit employee can carryover to the next calendar year to 400 hours; and

WHEREAS, in order to respond to pandemic and City's declaration of a public disaster, these employees have cancelled planned vacations or will be unable to take vacation later in the year due to minimum staffing requirements; and

WHEREAS, the City desires to permit employees to carryover a maximum of 480 vacation hours to 2021, so desires to amend Section 161.06 of the City's Codified Ordinances, as shown on Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City will propose a Memorandum of Understanding (MOU) to each Union that will address the proposed increase in the vacation carryovers.

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ORDINANCES

20-14 (continued):

WHEREAS, this amendment ensures that the City's vacation leave provisions align with the City's ability to respond to the pandemic and the City's declaration of a public disaster.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Section 161.06 of the City's Codified Ordinances is hereby amended as shown on **Exhibit "A"**, attached hereto and incorporated herein, with insertions identified in blue and deletions stricken in red.

SECTION 2. All other provisions of Section 161.06 of the Codified Ordinances, no modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period provided by law.

RESOLUTIONS

The following resolution was passed by Hilliard City Council on June 8, 2020.

20-R-46 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CARPENTER MARTY TRANSPORTATION TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE MAIN STREET PEDESTRIAN SAFETY IMPROVEMENT, PART 1 (CIP T-147/PID 113435) AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, on June 25, 2018, Hilliard City Council passed Resolution No. 18-R-45 authorizing a Professional Services Agreement (PSA) for General Engineering Services (GES) with Carpenter Marty Transportation based on a Qualifications Based Selection (QBS) process; and

WHEREAS, the City requested a safety study of the Main Street/Hilliard Rome Road corridor as a work task under the GES contract; and

WHEREAS, the safety study identified changes in infrastructure along the corridor to improve pedestrian safety and mobility and to reduce vehicle speeds; and

WHEREAS, the City submitted a safety fund grant application to the Ohio Department of Transportation (ODOT) to fund the construction of Part 1 of the corridor improvements, which consists of:

- Installation of enhanced crosswalks, including flashing warning beacons, high visibility signs and markings, and pedestrian refuge islands at Wakefield Drive/Ten Pin Alley and near the COTA Park & Ride at the Hilliard United Methodist Church
- Modification of lane markings to narrow vehicle lanes
- Installation of a driver feedback speed limit sign for northbound traffic, north of Luther Lane/Heritage Club Drive South (hereinafter, collectively "the Project"); and

WHEREAS, on April 21, 2020, the City of Hilliard was approved for a safety fund grant in the amount of \$469,560 for construction of the Project; and

WHEREAS, ODOT has identified the Project as PID 113435; and

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RESOLUTIONS

20-R-46 (continued):

WHEREAS, the City desires to extend the PSA with Carpenter Marty Transportation to include design services for the Project, identified in the City's Capital Improvement Plan as CIP T-147 Main Street/Hilliard Rome Road Corridor Safety Improvement; and

WHEREAS, Carpenter Marty submitted a scope of services and fee proposal for design of the Project, which is estimated at \$80,081; and

WHEREAS, a portion of the cost for the design of the Project in the amount of \$30,081 has been authorized from funds previously encumbered for the existing GES contract; and

WHEREAS, by passage of Ordinance No. 19-32 on December 9, 2019, funds in the amount of \$50,000 were appropriated for CIP T-147, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An expenditure is authorized in the amount of \$50,000 from Fund 304, Object 55 to fund the Professional Services Agreement (PSA) with Carpenter Marty Transportation.

SECTION 2. The City Manager is authorized to enter into a PSA with Carpenter Marty Transportation, similar to the agreement **attached** hereto as Exhibit "A", in the amount not to exceed Eighty-Eight Thousand One-Hundred Dollars (\$88,100), which includes at ten percent contingency for minor adjustments to project scope during design.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

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