(Amended)

ORDINANCE NO. 87-33

AN ORDINANCE AMENDING SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING 30.762 ACRES LOCATED ON THE WEST SIDE OF U.S. 23 SOUTH, SOUTH OF COTTSWOLD DRIVE, FROM A-1 AGRICULTURAL TO R-3 MULTI-FAMILY AND APPROVING A PLANNED UNIT DEVELOPMENT THEREON KNOWN AS WILLOW BROOK CHRISTIAN VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Delaware, at its February 25, 1987 meeting, unanimously approved a preliminary plan of a Planned Unit Development known as Willow Brook Christian Village and a rezoning from A-1, Agricultural to R-3, Residential Multi-Family, subject to certain conditions, NOW THEREFORE:

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the zoning classification of the hereinafter described 30.762 acre tract be changed from A-1 Agricultural to R-3 Residential Multi-Family as provided in Chapter 1129 of the Codified Ordinances of the City of Delaware, Ohio: (see attached description)

SECTION 2. That the City Clerk be and is hereby authorized and directed to enter the appropriate changes on the zoning map, as authorized by Section 1131.02 of the Codified Ordinances of the City of Delaware, Ohio.

SECTION 3. That the Planned Unit Development known as Willow Brook Christian Village, consisting of 30.762 acres located on the west side of U.S. 23 South, south of the Cottswold Drive, is hereby accepted and approved, subject to the conditions recommended by the Planning Commission as follows:

Read by Dlan Asst. Planner

1] That the owner provide a stub street from an existing street within the PUD to its property line for a second access at a location selected by the City within six months of a request to do so by the City.

2] That occupancy of this development be restricted to persons 55 years of age or over, excepting spouses, siblings or special-case dependents;

3] That 5-foot sidewalks be provided on the south side of Cottswold Drive from the development ingress/egress to Rt. 23;

4] That the area between Cottswold Drive and the State Highway Patrol be grassed, landscaped and maintained, and unified signage worked out with the Wesleyan Woods Association;

5] That billboards be removed as soon as possible;

6] That the provided parking be subject to review within a year of opening, with number of spaces to be increased to 230 if deemed necessary by the City; and in Phase I to 231 in Phase II

Added by Coldren

7] That should the owner, its successors and assigns, fail to comply with the condition 1, 2 and 6 hereof, it will if requested confess judgement in favor of the City of Delaware in the appropriate legal action that would be necessary to enforce said provisions, and to pay all of the court costs incurred in connection therewith including reasonable attorney fees.

SECTION 4. Emergency Clause. That this ordinance is hereby declared to be an emergency measure, necessary to provide for the public peace, safety, health and welfare of the City, and as such, will be in full force and effect immediately upon its passage.

VOTE ON ~~RULE SUSPENSION~~ Amend.: Yeas 5 Nays 0

VOTE ON EMERGENCY CLAUSE: Yeas 5 Nays 0

PASSED: April 27, 1987 Yeas 5 Nays 0

ATTEST: E. F. Speese
City Clerk

Donald E. Wuerthy
Mayor

(Amended)

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5) That billboards be removed as soon as possible;
6) That the provided parking in Phase I and Phase II be subject to review within a year of completion, with number of spaces to be increased to 230 in Phase I and 237 in Phase II if deemed necessary by the City; and
7) That should the owner, its successors and assigns, fail to comply with the condition 1, 2 and 6 hereof, it will if requested confess judgement in favor of the City of Delaware in the appropriate legal action that would be necessary to enforce said provisions, and to pay all of the court costs incurred in connection therewith including reasonable attorney fees.

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VOTE ON RULE SUSPENSION: Yeas 5 Nays 0

VOTE ON EMERGENCY CLAUSE: Yeas 5 Nays 0

PASSED: April 27, 1987 Yeas 5 Nays 0

ATTEST: s/Elizabeth F. Speese
City Clerk

s/Donald E. Wuertz
Mayor