ORDINANCE NO. 98- 07

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT DESIGNATION FOR AN AREA OF THE CITY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 36 AND WEST OF SUNNYVIEW SUBDIVISION

WHEREAS, the City Planning Commission, at its meeting of 10 December 1997, recommended the approval of a Planned Unit Development designation of an area on the south side of US Highway 36 and west of SunnyView Subdivision consisting of 133 acres currently zoned A-1 Agricultural District and owned by the Carson Family, and

WHEREAS, the applicant is Creative Development Inc. as agent for the Carson Family wished to develop the entire 133 acres in accordance with Section 1169 of the Zoning Ordinance of the City of Delaware, and

WHEREAS, Section 1169 of the Zoning Ordinance requires the approval of a Preliminary Development Plan to complete a rezoning of the area within a Planned Unit Development, and

WHEREAS, the petitioner has submitted a Concept Plan for this project which generally defines the area and uses anticipated for the project, and

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

SECTION 1. That the area shown on the attached concept plan (exhibit A), is hereby designated as a Planned Unit Development under section 1169 of the City of Delaware Zoning Ordinance.

VOTE ON RULE SUSPENSION: Yeas 7 Nays 0

PASSED Feb. 23 1997 Yeas 7 Nays 0

ATTEST: E. J. Speese
City Clerk

Mayor

ORDINANCE NO. 98- 07

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT DESIGNATION FOR AN AREA OF THE CITY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 36 AND WEST OF SUNNYVIEW SUBDIVISION

WHEREAS, the City Planning Commission, at its meeting of 10 December 1997, recommended the approval of a Planned Unit Development designation of an area on the south side of US Highway 36 and west of SunnyView Subdivision consisting of 133 acres currently zoned A-1 Agricultural District and owned by the Carson Family, and

WHEREAS, the applicant is Creative Development Inc. as agent for the Carson Family wished to develop the entire 133 acres in accordance with Section 1169 of the Zoning Ordinance of the City of Delaware, and

WHEREAS, Section 1169 of the Zoning Ordinance requires the approval of a Preliminary Development Plan to complete a rezoning of the area within a Planned Unit Development, and

WHEREAS, the petitioner has submitted a Concept Plan for this project which generally defines the area and uses anticipated for the project, and

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

SECTION 1. That the area shown on the attached concept plan (exhibit A), is hereby designated as a Planned Unit Development under section 1169 of the City of Delaware Zoning Ordinance.

VOTE ON RULE SUSPENSION: Yeas 7 Nays 0

PASSED February 23 1997 Yeas 7 Nays 0

ATTEST: s/Elizabeth F. Speese
City Clerk

s/Dennis D. Davis
Mayor

being proposed for the MI tract were distributed. He noted that the report lists criteria for what would not be permitted on the 5.3 acre tract. The development standards of height, setback, comfort level, parking, traffic, landscaping, lighting, screening, building design, and graphics are addressed in the submitted report He added that he is authorized to commit to the 12.5% reduction of density from 148 to 132. He noted that this is a "tough site" and it would be hard to develop it as single-family residential. With this proposal, the site would have condos which are owned by the residents; therefore, are more likely to be maintained. By clustering the houses there will be green space with amenities.

Mr. Wheeler commented that one of his concerns is the private drive easement and how it will be addressed. Mr. Long noted to Mr. Shannon that he needs to review some of the comments Mr. Gunderman has made in the review.

Mr. Hoffman clarified with Mr. Gunderman that the density of 132 with condominiums is appropriate for this site. He noted that after speaking with the neighbors, they feel this is the best use for this property.

Mr. Halter commented that he would like to see less density for a more compatible use with the residences across the street.

Motion: Mr. Halter moved to table PC 97-54 and Mr. Long seconded. The vote was unanimous (7 ayes).

PC 97-50
Brundage
Carson
Approved

Consideration of Application PC 97-50-PROPOSED DISTRICT CHANGE - a request by James M. Brundage, agent for the Carson Family, to rezone 133 acres located on the south side of St. Rt. 36, west of Sunnyview Farms, from A-1 Agricultural District to Planned Unit Development. Seven acres would be zoned Community Commercial; 18.5 acres would be zoned Multi-Family; 107.5 acres would be zoned Single-Family Residential, of which 12.7 acres would be proposed park area.

Background: The applicant in this case had been advised after the last Planning Commission meeting that a Community Impact Assessment would be needed. As of this writing, no Assessment has been received. In addition to the review from the last Planning Commission, staff has reviewed some details of the project in more detail. Staff had hoped that the applicant might have proposed some modifications which could have addressed some of the issues brought forth at the Planning Commission, but the principle issue which might be addressed at this stage of the process would be the expectations of some of the property owners in the Sunnyview area, who are adjacent to this project in a currently developed single-family area, and showing an adjacency in the proposed project with a multi-family area. Residents from this portion of Sunnyview appeared at the October meeting on this item, and indicated that the prospect of being adjacent to multi-family units was not appealing, and that they were particularly concerned about the adjacent development along their property line, noting particularly that such items as trash dumpsters and the like would not be appropriate. Details of the pattern of development adjacent to the property line of Sunnyview should be worked out at the Preliminary

Development Plan stage of the project and continued on to the Final Development Plan stage, however staff believes that it would be useful to determine a clear understanding of what is anticipated adjacent to the single-family area of Sunnyview, but is not necessarily shown on the plan as being single-family in the proposed project. Staff would recommend that in those areas where single-family abut, that no multi-family rental properties be developed. The practical impact would be that either the area would be converted to a single-family land use, or it would be designated for a condominium project. Once designated as a condominium, staff believes it would be quite practical to supply a landscape buffer as well as controlling the uses along the property line, so as not to develop areas other than yard and residential building structures in the vicinity of the property line. The designation of the area adjacent to the single-family lots in Sunnyview to a condominium type of usage may, as a practical matter, suggest that all of the multi-family area from Highway 36 in towards the center of this project would better be served if it were all condominiums with a specified lighter density as opposed to an open ended multi-family. Staff would suggest that such a condominium area not be developed with a net density greater than 8 dwelling units per acre.

This project was reviewed by the City Park and Recreation Advisory Board, in terms of their obtaining a recommendation from them as to the dedication of park area. The proposal by the developer is that 7.7 acres of park area be dedicated to the city. The Park Advisory Board has recommended that the size of this park area be reduced and that the active park area dedicated to the city be reduced to approximately 5 acres more or less in the westerly side of the area indicated in the development project. This could call for a shifting of the central portion of this development plan or the simple expansion of the open area, which the project would retain, but not dedicate to the public. It would be useful to determine an acreage at the time of the preliminary development plan when more detail and more thought had gone into the project.

The reduction of the dedicated park area may be beneficial, in light of the staff recommendation concerning condominiums. Staff recommendation for overall density is somewhat lighter than the previously proposed multi-family density which the concept drawing contains, which shows roughly 10 dwelling units per acre in the area immediately south of Highway 36. It may be practical for the developer to reconfigure and make use of some of this additional real estate to balance out the general densities. In general, staff would suggest that an approved ordinance for this particular area would indicate that the single-family lots would individually be developed in accordance with city R-3 zoning standards, and there be not more than 390 single-family lots developed in this fashion. Staff would suggest that the multi-family areas immediately south of Highway 36 be developed at the densities previously states, thus leaving the multi-family 10 units per acre at the western end of the project to be developed with an architectural review and site plan that is compatible with the single-family character of the surrounding area.

Staff had hoped to review with the developer prior to this months meeting, a more accurate description of the commercial development in the relative center of project. Staff would generally start with the permitted uses in the B-1, Neighborhood Business District,

particularly those in Section 1142.02, Permitted Uses, items (a), (b), (c), and (d):

(a) Retail stores which are intended to serve the local neighborhood which are primarily engaged in selling of merchandise for personal or household consumption; grocery (including the sale of beer and wine), meat markets, fruit and vegetable markets, candy stores, delicatessen, florist, pharmacy, retail bakeries, gift shops, book, magazine and newspaper stores, computer stores, antique shops, art galleries, photography shops, and hobby shops.

(b) Service uses which are intended to serve the local neighborhood and shall include self-service laundries and dry cleaning establishments, not less than 50 feet from any R district; beauty and barber shops; tanning salons; shoe repair; restaurants, coffee shops, ice cream parlors provided that drive-thru facilities and delivery services are not provided; those establishments providing the sale of alcoholic beverages are not to be located within 100 feet of any R district, church or school; computer repair, public or semipublic facilities, studios for photographers and artists, tailor shops.

(c) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental, optical fields, accountants, architects, engineers, computer services and travel agents.

(d) Offices of credit agencies, personal credit institutions, commercial banks, loan offices or automatic teller machines provided that no drive-in windows or drive-thru facilities are provided.

In addition to this, staff would suggest that a square footage per business be indicated, either in terms of attaching it to particular types of businesses, or in terms of the configuration of the structures that would be placed on the property. The intent would be to exclude the development of a large big box type of store, such as would typically be the case by most modern full-scale grocery stores. Staff would point out then in Section 1142.04, Lot Standards, item (f):

(f) **Floor Area.** No commercial building or group of buildings on any lot shall contain an aggregate area of more than 2,500 square feet (basements shall be exempted in computing area).

There is a limitation of only 2,500 square feet. This limitation, though, is structured around an individual lot. This is a system which would potentially work adequately where an area was dividing into individual plots to provide the neighborhood shopping area. In this more modern setting, the entire commercial area would be owned by one landlord who would essentially lease space.

Staff remains concerned that the commercial aspect of this project be viable, in terms of the market place and the types of limitations which has just been described. Staff is very enthusiastic about the relative location of this commercial facility and its ability to serve the neighborhood in a convenient manner, but staff is still concerned that the project may

not be a viable economical unit in the relatively isolated location which has been proposed. Staff is not really familiar with a project with as limited a commercial intent that is truly viable. Staff would like to see additional information which would support the long-term operation of a commercial facility with the characteristics indicated. These characteristics are a limited exposure to high-volume traffic streets, a maximum 70,000 square foot of retail space, and a lower profile aesthetically pleasing residentially oriented architecture style and development pattern. Facilities with these basic characteristics should demand at least a certain traffic count and a certain number of dwelling units within a specified distance. If a developer cannot define these characteristics, staff's questions whether the commercial aspect of this project can be thought viable.

When the Planning Commission has found the basic components of this project approvable, staff would recommend that it be recommended to the City Council with: the specific number of single-family lots, the condominium and multi-family areas separated and units per acre stipulated, the reduced amount of park area included, with the understandings that the passive and linear recreational facilities will be operated by a homeowners' association, including all of the residents of this area, both multi-family, condominium, and single-family, and that these associations will be set up and scrutinized with the maximum power being given to the homeowners' association to levy the fees necessary to maintain these areas.

In all other respects, the basic analysis done in previous staff reports would appear to still be relevant, though some of these issues do not have to be resolved at the time of the initial zoning of the property.

If an analysis by the developer and the Planning Commission and staff suggests that the commercial is not viable, it is probable that some fundamental redesign on the site would be useful, and probably desired by the developer. For these reasons, staff would recommend that this item be tabled until more information is available, particularly concerning the commercial aspect of the project, and until the other modifications, as may be recommended by the Planning Commission has been completed.

Discussion: Mr. Jim Brundage, applicant, presented an overview of what is being proposed. The revised plan has 377 units, the multi-family sites to the front have been reduced to 7.5 units per acre. The revisions were made in an attempt to meet the concerns of the neighbors. He noted that he is willing to reduce the acreage for park land to meet the parks board recommendation. In addressing staff's concern regarding the commercial area, he noted that this is a seven year venture. He can not ensure that the roof tops will be there to support this commercial venture, but he feels they will be. He noted that under a PUD the City reserves the right to approve a final development plan, and if this indeed is not a viable project, it can deny the application. He suggested the City maintain control of all aspects of the entire Commercial Area including the uses on the site.

Mr. Halter questioned if a CIA has been provided. Mr. Brundage explained that he needs to know what is going to happen on the site before he can provide an accurate CIA.

Ms. Morrison commented that this seems to be a new little village, and she sees decentralization of commercial as needed.

Mr. Wheeler commented that this concept is similar to Forest Park in Columbus, and that does not seem to be very successful. Mr. Brundage commented that a shopping center is very close to that site, and it is surrounded by very dense low cost apartments.

Mr. Brundage also noted that he is against any carry out alcohol sales on the site. Mr. Wheeler asked Mr. Bennington to determine if this type of restriction is possible.

Mr. Long commented that he thinks this is a very creative plan. He feels Mr. Brundage is being very cooperative with staff and the neighbors. He noted that the developer has a vested interest in the project and will make decisions that are in the best interest of the whole site. He likes the collector street and is prepared to support the project.

Mr. Halter questioned if the CIA should not be required. Mr. Long responded that he feels it is unfair at this stage of the game to use that as a stopping point. If it was to be required, it should have been from the beginning. Mr. Brundage commented that he will supply it at the next stage of the process.

Mr. Gunderman read from the code the sections pertinent to the requirement for a CIA. He noted that he mailed copies of this section to this applicant and to the previous applicant because his interpretation is that a CIA is needed to comply with code for a zoning change. He did agree with Mr. Brundage that it might be more functional when you have a better idea of some of the details of the development, but the currently submitted details have not varied greatly from the details of the original application.

Mr. Halter commented that the previous application was tabled because the applicant had not submitted a CIA, and this application seems to be the same situation. Mr. Gunderman responded that the previous applicant did submit one at this meeting even though the Commission has not had time to review it.

In response to Mr. Wheeler's question as to whether or not the current information submitted would change his mind about approving this project, Mr. Gunderman explained that all the aspects of this development seem to fit very well with the exception of the commercial area. He said, "I am uncomfortable with proceeding into this project with such an open-ended commercial understanding. If this project is to be believed and taken seriously on its commercial aspect, then I think it should be full speed ahead with that assumption. I am not very comfortable ,sort of, having it both ways..." He commented that he feels it should be possible to get information through market analysis relative to determining if this many square feet of retail space is viable when there is a market of a certain number of household within a certain distance. When this type of planning is completed at the time of final development, the ability to be flexible with surrounding uses moving into a cavity is limited. It is best done at the beginning when there is an understanding of where it is expected to end up at completion of the process.

Mr. Wheeler commented that the park could be expanded into this area. Mr. Long commented that the worse case scenario is that it be more homes or a park which is not bad for the site. He added that the down side is minimal, and it is the developer who is running the risk. Mr. Gunderman agreed with the caution that it is important that structures not be built as commercial and if not successful, then try to find some other use for the existing structure.

Mr. Brundage agreed with the concern of empty buildings. He noted that there is no way of proving that the commercial aspect of this project will be successful, but he is sensitive to the concern and will make whatever changes to the site when, or if, it is warranted.

Mr. Thompson asked the difference between this project and the last project relative to the CIA and why it is being required for approval for that application and not this one.

Mr. Wheeler asked for Mr. Gunderman's advise on this issue. Mr Gunderman responded that as an argument for granting the zoning without the CIA it could be noted that in the past the City has not been consistent as to when they have been required and when they have not been required. This area is next to single-family with known characteristics. The quality of information gained from CIAs in the past has varied a great deal and even though further questions could have been asked, they were not. Some provisions of the code suggest that since a CIA is anticipated at a later stage of the project, potentially, that could be sufficient. He could not say waiting would be a serious consequence for this application. He added that in the long term, he would like to be consistent.

In response to a question from Mr. Jessie Carter, Gazette reporter, Mr. Gunderman reported that there are only two lots one on each side of Applegate Lane that are currently zoned commercial. Mr. Carter commented that there is no place on Rt. 36 to buy gas or a soft drink from UDF in town to Ostrander, and he wondered if it might be more viable to place the Commercial out on Rt. 36. He also noted that the park in Sunnyview is centralized and comes right off the main entrance as you enter. He noted that this development will have the commercial coming off the main entrance and suggested that with the uncertainty of whether this will end up commercial, it might be wise to consider moving the park to this area for ascetics.

Mr. Mark Griffith a resident of Sunnyview Farms expressed his concern regarding the added traffic to the streets going into Sunnyview . Mr. Wheeler and Mr. Thompson explained the reasoning for making developments so that it is not necessary to travel out to the main highway to go from one development to the next and the effort to make sure there is more than one entrance/exit route from any development.

Motion: Mr. Long moved for the approval of PC 97-50 with the stipulation that a CIA be submitted with the preliminary plans for the project. Ms. Morrison seconded.

Mr. Halter commented that he feels this commission is setting a bad precedence by not requiring that the CIA be submitted with the zoning application as it was required in the

previous case. He stated that he thinks this application should be tabled as the application before was.

Vote: The vote was 6 ayes and 1 nay (Halter).

Consideration of Application PC-97-9 - A request by Donald Larsen for Final Subdivision Approval of Oakhurst Subdivision, Phase III, a 10 lot subdivision of 6.254 acres. The site is located on the northwest side of Oakhurst Subdivision.

PC 97-9 Oakhurst Tabled

Motion: Mr. Long moved to remove PC 97-9 from the table, and Mr. Baylor seconded. The vote was unanimous (7 ayes).

Consideration of Application PC 97-10 - A request by GLS Limited for Final Subdivision Approval of Oakhurst Subdivision, Phase IV, a 17 lot subdivision of 9.445 acres. The site is located on the west side of Oakhurst Subdivision.

PC 97-10 Oakhurst Tabled

Motion: Mr. Long moved to remove PC 97-10 from the table, and Mr. Baylor seconded. The vote was unanimous (7 ayes).

Consideration of Application PC 97-46 - A request by Henderson Trucking for Preliminary Development Plan approval to allow the construction of a 5500 square feet building on the existing Henderson site which is located at the northeast side of the Johnson Industrial site.

PC 97-46 Henderson Tabled

Motion: Mr. Baylor moved to remove PC 97-46 from the table, and Mr. Long seconded. The vote was unanimous (7 ayes).

Mr. Gunderman reported that these items are on the agenda because they were tabled at the last meeting. Some information has been received on the two Oakhurst Subdivisions.

Mr. Ferrigno reported that he has received information and it looks like it will be an uphill battle with the engineering on theses projects.

Motion: Mr. Long moved to table PC 97-9, and Mr. Thompson seconded. The vote was unanimous (7 ayes).

Motion: Mr. Long moved to table PC 97-10, and Mr. Baylor seconded. The vote was unanimous (7 ayes).

Mr. Gunderman reported that Henderson Trucking has not submitted any further information.

Motion: Mr. Baylor moved to table PC 97-46, and Mr. Long seconded. The vote was unanimous (7 ayes).

CITY PLANNING COMMISSION
DEVELOPMENT PLAN REVIEW

CASE NUMBER: PC 97-50

MEETING DATE: 10 December 1997

OWNER: Carson Family

APPLICANT: James M. Brundage
Creative Development, Inc.

PROJECT NAME: Boxwood

PROPERTY LOCATION: Along the south side of Highway 36, containing approximately 133 acres. West of Sunnyview Subdivision.

ZONING DISTRICT: A-1, AGRICULTURAL DISTRICT

REQUEST: The applicant is requesting that the entire 133 acres be rezoned to Planned Unit Development. This particular Planned Unit Development, as proposed, would contain approximately 7 acres of Commercial; approximately 18.5 acres of Single-Family and Multi-Family; approximately 7.7 acres of park area; 3 acres of passive open space, including retention areas; 2 acres of linear pathway space; and 1.5 acres of other assorted open space.

ADDITIONAL BACKGROUND: The applicant in this case had been advised after the last Planning Commission meeting that a Community Impact Assessment would be needed. As of this writing, no Assessment has been received. In addition to the review from the last Planning Commission, staff has reviewed some details of the project in more detail. Staff had hoped that, by the time of this writing, the applicant might have proposed some modifications which could have addressed some of the issues brought forth at the Planning Commission, but the principle issue which might be addressed at this stage of the process would be the expectations of some of the property owners in the Sunnyview area, who are adjacent to this project in a currently developed single-family area, and showing an adjacency in the proposed project with a multi-family area. Residents from this portion of Sunnyview appeared at the October meeting on this item, and indicated that the prospect of being adjacent to multi-family units was not appealing, and that they were particularly concerned about the adjacent development along their property line, noting particularly that such items as trash dumpsters and the like would not be appropriate. Details of the pattern of development adjacent to the property line of Sunnyview should be worked out at the Preliminary Development Plan stage of the project and continued on to the Final Development Plan stage, however staff believes that it would be useful to determine a clear understanding of what is anticipated adjacent to the single-family area of Sunnyview, but is not necessarily shown on the plan as being single-family in the proposed project. Staff would recommend that in those areas where single-family abut, that no multi-family rental properties be developed. The practical impact would be that either the area would be converted to a single-

family land use, or it would be designated for a condominium project. Once designated as a condominium, staff believes it would be quite practical to supply a landscape buffer as well as controlling the uses along the property line, so as not to develop areas other than yard and residential building structures in the vicinity of the property line. The designation of the area adjacent to the single-family lots in Sunnyview to a condominium type of usage may, as a practical matter, suggest that all of the multi-family area from Highway 36 in towards the center of this project would better be served if it were all condominiums with a specified lighter density as opposed to an open ended multi-family. Staff would suggest that such a condominium area not be developed with a net density greater than 8 dwelling units per acre.

This project was reviewed by the City Park and Recreation Advisory Board, in terms of their obtaining a recommendation from them as to the dedication of park area. The proposal by the developer is that 7.7 acres of park area be dedicated to the city. The Park Advisory Board has recommended that the size of this park area be reduced and that the active park area dedicated to the city be reduced to approximately 5 acres more or less in the westerly side of the area indicated in the development project. This could call for a shifting of the central portion of this development plan or the simple expansion of the open area, which the project would retain, but not dedicate to the public. It would be useful to determine a acreage at the time of the preliminary development plan when more detail and more thought had gone into the project.

The reduction of the dedicated park area may be beneficial, in light of the staff recommendation concerning condominiums. Staff recommendation for overall density is somewhat lighter than the previously proposed multi-family density which the concept drawing contains, which shows roughly 10 dwelling units per acre in the area immediately south of Highway 36. It may be practical for the developer to reconfigure and make use of some of this additional real estate to balance out the general densities. In general, staff would suggest that an approvable ordinance for this particular area would indicate that the single-family lots would individually be developed in accordance with city R-3 zoning standards, and there be not more than 390 single-family lots developed in this fashion. Staff would suggest that the multi-family areas immediately south of Highway 36 be developed at the densities previously states, thus leaving the multi-family 10 units per acre at the western end of the project to be developed with an architectural review and site plan that is compatible with the single-family character of the surrounding area.

Staff had hoped to review with the developer prior to this months meeting, a more accurate description of the commercial development in the relative center of project. Staff would generally start with the permitted uses in the B-1, Neighborhood Business District, particularly those in Section 1142.02, Permitted Uses, items (a), (b), (c), and (d):

(a) Retail stores which are intended to serve the local neighborhood which are primarily engaged in selling of merchandise for personal or household consumption; grocery (including the sale of beer and wine), meat markets, fruit and vegetable markets, candy stores, delicatessen, florist, pharmacy, retail bakeries, gift shops, book, magazine and newspaper stores, computer stores, antique shops, art galleries, photography shops, and hobby shops.

(b) Service uses which are intended to serve the local neighborhood and shall

include self-service laundries and dry cleaning establishments, not less than 50 feet from any R district; beauty and barber shops; tanning salons; shoe repair; restaurants, coffee shops, ice cream parlors provided that drive-thru facilities and delivery services are not provided; those establishments providing the sale of alcoholic beverages are not to be located within 100 feet of any R district, church or school; computer repair, public or semipublic facilities, studios for photographers and artists, tailor shops.

(c) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental, optical fields, accountants, architects, engineers, computer services and travel agents.

(d) Offices of credit agencies, personal credit institutions, commercial banks, loan offices or automatic teller machines provided that no drive-in windows or drive-thru facilities are provided.

In addition to this, staff would suggest that a square footage per business be indicated, either in terms of attaching it to particular types of businesses, or in terms of the configuration of the structures that would be placed on the property. The intent would be to exclude the development of a large big box type of store, such as would typically be the case by most modern full-scale grocery stores. Staff would point out then in Section 1142.04, Lot Standards, item (f):

(f) Floor Area. No commercial building or group of buildings on any lot shall contain an aggregate area of more than 2,500 square feet (basements shall be exempted in computing area).

There is a limitation of only 2,500 square feet. This limitation, though, is structured around an individual lot. This is a system which would potentially work adequately where an area was dividing up individual plots to provide the neighborhood shopping area. In this more modern setting, the entire commercial area would be owned by one landlord who would essentially lease space.

Staff remains concerned that the commercial aspect of this project be viable, in terms of the market place and the types of limitations which has just been described. Staff is very enthusiastic about the relative location of this commercial facility and its ability to serve the neighborhood in a convenient manner, but staff is still concerned that the project may not be a viable economical unit in the relatively isolated location which has been proposed. Staff is not really familiar with a project with as limited a commercial intent that is truly viable. Staff would like to see additional information which would support the long-term operation of a commercial facility with the characteristics indicated. These characteristics are a limited exposure to high-volume traffic streets, a maximum 70,000 square foot of retail space, and a lower profile aesthetically pleasing residentially oriented architecture style and development pattern. Facilities with these basic characteristics should demand at least a certain traffic count and a certain number of dwelling units within a specified distance. If a developer cannot define these

characteristics, staff's questions whether the commercial aspect of this project can be thought viable.

When the Planning Commission has found the basic components of this project approvable, staff would recommend that it be recommended to the City Council with: the specific number of single-family lots, the condominium and multi-family areas separated and units per acre stipulated, the reduced amount of park area included, with the understandings that the passive and linear recreational facilities will be operated by a homeowners' association, including all of the residents of this area, both multi-family, condominium, and single-family, and that these associations will be set up and scrutinized with the maximum power being given to the homeowners' association to levy the fees necessary to maintain these areas.

In all other respects, the basic analysis done in previous staff reports would appear to still be relevant, though some of these issues do not have to be resolved at the time of the initial zoning of the property.

If an analysis by the developer and the Planning Commission and staff suggests that the commercial is not viable, it is probable that some fundamental redesign on the site would be useful, and probably desired by the developer. For these reasons, staff would recommend that this item be tabled until more information is available, particularly concerning the commercial aspect of the project, and until the other modifications, as may be recommended by the Planning Commission has been completed.

Report from previous meeting:

BACKGROUND: This particular location has been relatively recently annexed into the City and has never completed a development plan process. The area has a frontage along Highway 36 of approximately 900 feet. It extends back approximately 1800 feet where it broadens out to roughly twice the frontage width in an L shape. The applicant is submitting a rezoning application to change the area from A-1 Agricultural to Planned Unit Development. At this time, only a generalized concept plan is being provided. Preliminary and Final Development Plans would follow in accordance with normal development time lines.

The proposal is a relatively unique design for the City of Delaware. The principle street running through the project is essentially a no-load no-driveway situation. That is, none of the residential areas anywhere in the project would contain an individual dwelling unit driveway access to this road. All single-family units would access onto some other roadway, which would then intersect with the principle road in this project. The project also contains several multi-family areas, which could be developed as condominium projects or rentals. The project also has a relatively isolated street system in that all the streets, with few exceptions, are organized into a circle or a loop system with few street connections to other circles or loops elsewhere in this project. This particular issue is an important concept for the developer and one to which the Planning Commission should give particular attention. The proposal contains a park site on the principle through street of just over 7 acres. As presently configured, this 7 acre site is also adjacent to a passive area with a pond, which would function as a retention pond on a 3 acre site. Of most

interest and most importance regarding the concept plan is the location of commercial property, approximately 7 acres, relatively centrally located in this project and largely wrapped by the principle through street in this development. The location of a commercial area would be different than most any other area, particularly of relatively new development in the City of Delaware. This commercial location would also be an important issue in that it is generally not contemplated on the City's Comprehensive Plan.

Staff has some substantial concerns:

1) The Commercial area is not located along a major arterial street like the Hwy 36 frontage. The commercial is in the relative center of a residential area and would be serviced by residential streets and the street system shown in the concept plan. The streets shown do a good job of providing the local collector street (north-south) and the minor collector street (east-west) shown on the Comprehensive Plan. But neither of these anticipated a commercial development. Indeed, the City Comprehensive Plan shows no commercial anywhere on the property. One of two or three views would seem reasonable. No commercial in the area was a mistake and the area south of Delaware Run needs commercial to service the residential. If this is so, the proposed location will attract people south of Delaware Run and west of the railroad and thus draw traffic through the proposed and some existing neighborhoods like Sunnyview. This would be very bad if that traffic is too heavy. At perhaps only 70,000 sf. of commercial space, the volume of traffic may not be too heavy. If the volume is too heavy, either the commercial should be left out of this area of the city or it should be moved to Hwy 36.

   Some additional traffic study is needed and, as part of a PUD, some very specific guidelines on the commercial, in terms of appearance and use and square footage, would be needed. An amendment to the Comprehensive Plan should also be undertaken.

2) Another major concern is the lack of through street. Clearly the close nature of the layout is central to the developer and works with the Park and Commercial and Multi-family aspects of the project. The street pattern is none-the-less one without traffic pattern alternatives even for a low volume residential street system. This is true, both within the project and relative to future adjacent projects. Staff would recommend that at minimum all existing streets on the east be connected through. Staff would suggest a connection to the west in the northerly portion of the project. Internally, staff would connect two of the Cul-de-Sac from the south end of the two Circle Drives and stub the most southwesterly end Cul-de-Sac to either the south or west property line.

3) A third substantial issue is the open space on the project. These are both some of the project's greatest charms and some of the worst potential problems. The area adjacent to the park and Commercial area contain a possible retention pond and space much like the proposed adjacent dedicated Park. Will a homeowner's association be up to spending money so adjacent to a city park. As important is the open path walk area planned for substantial landscaping. These areas run between the circle street areas and along the collector street. There is also some boulevard area in the entrance to the project. The city

must consider if the residential will be up to maintaining such area over the long haul. The developer must show some real organization including the Condo and multi-family area that will be suitable for this task. Sidewalk also needs to be addressed along the central drive.

(revised from 10 Dec., 97)

4) Lastly, the Planning Commission and Parks and Recreation Board has considered the size and potential improvement needed in the Park area. A park area is designated for this area on the Comprehensive Plan. The Park Board recommended that an approximately 5 acre site be set up for Park Dedication. Also related to item 3) is the proposal to have a bike path along portions of the project, particularly the central street in the project. Will this path be extended into the area to the west? Staff believes this can be worked out, but it should not be considered lightly since the city has no real policy on such items.

Staff is unsure if all the concerns of this project can be addressed. The project is still very exciting in many respects. If successful, it would provide something different and unique in Delaware. Staff hopes the essence of this project can be retained. Staff has had additional conversations with the applicants during the last month. They appear to have some responses to the issues that have been raised. Staff has urged them to proceed with a public hearing on the project, particularly to attempt to get feedback on the proposed commercial portion of the project. Staff believes that the applicant will attempt to address some of these issues in their presentation.

Staff would recommend the rezoning be tabled until some of these issues can be addressed and area residents have had a full opportunity to address the project. Staff is very happy to have a concept plan at this stage of the project.

PC 97-50

CITY OF DELAWARE, OHIO

JAMES M. BRUNDAGE agent for Carson family

I/WE CREATIVE DEVEL INC BEING OWNERS/LESSEES

OF _____ _____ _____ _____
NO. STREET CITY STATE

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE, FOR THE

CHANGE OF LOT/LOTS _____ DESCRIBED AS FOLLOWS:

SEE ATTACHED PLAN

LOCATED ON _____ FROM RURAL
present zoning

TO PUD CLASSIFICATION.

IN THE SPACE BELOW GIVE DETAILED ACCOUNT OF INTENDED USE OF LOT OR LOTS, LISTING ALL PERTINENT FACTORS SUCH AS NUMBER OF EMPLOYEES, PRODUCT AND METHOD OF PRODUCTION, AUTOMOBILE OR TRUCK FACILITIES REQUIRED, OPERATING HOURS, WASTES, AND REASONS WHY YOU WISH THIS CHANGE CONSIDERED:

MIXED USE PUD
1. Condo sites
2. Single family (60' x 120')
3. 7 AC commercial

DATE APPLICATION RECEIVED _____

COUNCIL ACTION - REFERRED TO PLANNING COMMISSION _____

PLANNING COMMISSION ACTION: FAVORABLE ____ UNFAVORABLE ____ AYES NAYS

COUNCIL ACTION: ADOPT PLAN. COMM. RECOMMENDATIONS _____ AYES NAYS

REJECT PLAN. COMM. RECOMMENDATIONS _____ AYES NAYS

REQUEST GRANTED BY ORD. NO. _____ PASSED _____

I/WE _____ BEING OWNERS/LESSEES

OF _____ _____ _____ _____
NO. STREET CITY STATE

SEP - 2 1997

do hereby verify the truth and correctness of all facts and information presented with this application.

CREATIVE DEVEL INC

Michele Kohler
Witness

By: [signature] Pres
Owners/lessee signature

Courtney Strode
Witness

682 Paddlewheel Dr.
Mailing Address

Westerville OH 43082

614 891-2690
Phone

Sworn to before me and subscribed in my presence this 2 day of September 1997.

MICHELE KOHLER
Notary Public, State of Ohio
My Commission Expires August 8, 2002

Michele Kohler
Notary Public

LIST OF PROPERTY OWNERS WITHIN 150 FT.	ADDRESS

1129.08 FILING FEES FOR PLANNED UNIT DEVELOPMENTS, MAJOR SUBDIVISION, MINOR SUBDIVISIONS AND REZONING; AMENDMENT FEES FOR PLANNED UNIT DEVELOPMENTS AND MAJOR SUBDIVISIONS.

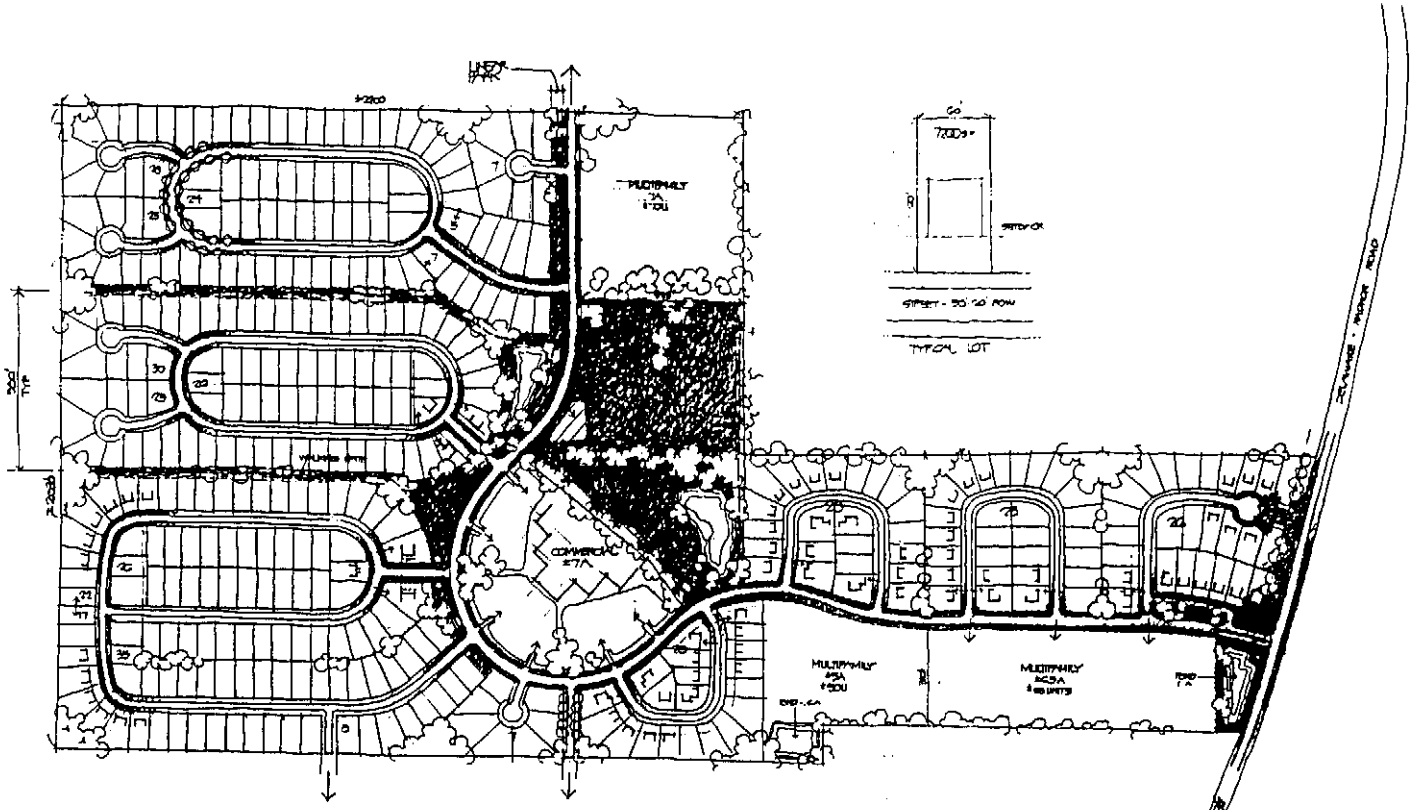
Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the Director of Finance or a cash payment sufficient in the amount to cover the costs of reviewing the application by City staff, publishing, posting and/or mailing notices of hearing and shall be payable in the following manner:

Planned Unit Developments, Major Subdivisions and Rezonings

FIRST ACRE.....	$250.00
NEXT 4 ACRES.....	$100.00/ACRE
NEXT 5 ACRES.....	$50.00/ACRE
EACH ADDITIONAL ACRE.....	$25.00/ACRE

FILED WITH THE CITY OF DELAWARE, OHIO THIS _____ DAY OF _____ 19__

DEPOSIT FEE $ 4050.00 RECEIVED BY _____



LAND USE DATA:

TOTAL PROJECT AREA		193 Acres	
USES	COMMERCIAL	7 Acres	
	SINGLE FAMILY		387 LOTS
	MULTIFAMILY	16.5 Acres	155 UNITS
PARK -	ACTIVE	7.7 Acres	
	PASSIVE	9.0 Acres	
	LINEAR	2.0 Acres	
OPEN SPACE - non park		1.9 Acres	

BOXWOOD

A PLANNED COMMUNITY
DELAWARE, OHIO
by
CREATIVE DEVELOPMENT, INC.

F.A. GOODMAN, ARCHITECTS
AUGUST 27, 1977 SK1002

ORDINANCE NO. 98- 07

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT DESIGNATION FOR AN AREA OF THE CITY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 36 AND WEST OF SUNNYVIEW SUBDIVISION

WHEREAS, the City Planning Commission, at its meeting of 10 December 1997, recommended the approval of a Planned Unit Development designation of an area on the south side of US Highway 36 and west of SunnyView Subdivision consisting of 133 acres currently zoned A-1 Agricultural District and owned by the Carson Family, and

WHEREAS, the applicant is Creative Development Inc. as agent for the Carson Family wished to develop the entire 133 acres in accordance with Section 1169 of the Zoning Ordinance of the City of Delaware, and

WHEREAS, Section 1169 of the Zoning Ordinance requires the approval of a Preliminary Development Plan to complete a rezoning of the area within a Planned Unit Development, and

WHEREAS, the petitioner has submitted a Concept Plan for this project which generally defines the area and uses anticipated for the project, and

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

SECTION 1. That the area shown on the attached concept plan (exhibit A), is hereby designated as a Planned Unit Development under section 1169 of the City of Delaware Zoning Ordinance.

VOTE ON RULE SUSPENSION: Yeas 7 Nays 0

PASSED February 23 1997 Yeas 7 Nays 0

ATTEST: s/Elizabeth F. Speese
City Clerk

s/Dennis D. Davis
Mayor

****

CITY OF DELAWARE - COUNCIL ITEM FACT SHEET

****

INITIATED BY: Planning Commission

ITEM NO.: DATE: January 26, 1998 PUBLIC HEARING:No READING: First

ORDINANCE NO.: 98- RESOLUTION NO.:

DESCRIPTION: An ordinance by the City Planning Commission to approve a Planned Unit Development designation for an area of the city located on the south side of State Highway 36 and west of the Sunnyview Farms Subdivision.

DEPT. AFFECTED: Department of Planning & Community Development GROUP AFFECTED: -------

FINANCIAL INFORMATION

COST: NA FUND SOURCES: NA BUDGETED: NA

RECOMMENDATIONS

COMMITTEE: Planning Commission RECOMMENDATION: Approval VOTE: 6-1

STAFF RECOMMENDATION: Approval

PRESENTER: Gary Gunderman

COUNCIL NOTES

Previous consideration of new PUDs has started with a rezoning. Review with the City Attorney has determined that this procedure does not match the City Zoning Ordinance. Accordingly, this ordinance is not a rezoning, but a simple determination by the City Council that this location will be a PUD. According to the Zoning Ordinance, zoning is established in a PUD when the City Council approves a Preliminary Development Plan.