ORDINANCE NO. 00- 38

AN ORDINANCE AMENDING SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING 4.282+/- ACRES FROM A-1, AGRICULTURAL DISTRICT AND PUD, PLANNED UNIT DEVELOPMENT TO R-4, ONE AND TWO-FAMILY RESIDENTIAL DISTRICT AND 21.156+/- ACRES FROM A-1, AGRICULTURAL DISTRICT AND PUD, PLANNED UNIT DEVELOPMENT TO R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT, ALL LOCATED ON THE WEST SIDE OF LIBERTY ROAD, SOUTH OF SLACK ROAD.

WHEREAS, the City Planning Commission, at its meeting of April 26, 2000, recommended the approval of the rezoning for 4.282+/- acres from A-1, Agricultural District and PUD, Planned Unit Development to R-4, One and Two-Family Residential District and 21.156+/- acres from A-1, Agricultural District and PUD, Planned Unit Development to R-3, Single-Family Residential District, all located on the west side of Liberty Road, south of Slack Road, submitted by T&R Properties (PC00-38), and

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

SECTION 1. That the zoning district boundaries be changed to reflect the adjusted boundaries of the attached legal descriptions (Exhibits A and B), rezoning 4.282+/- acres from A-1, Agricultural District and PUD, Planned Unit Development to R-4, One and Two-Family Residential District and 21.156+/- acres from A-1, Agricultural District and PUD, Planned Unit Development to R-3, Single-Family Residential District, all located on the west side of Liberty Road, south of Slack Road, and

SECTION 2. That the clerk is hereby instructed to endorse upon said plat the approval of this council and to certify copies of this ordinance to the County Recorder, County Auditor, and the Director of Regional Planning.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS 5 NAYS 1

PASSED: May 22, 2000 YEAS 4 NAYS 2

ATTEST: Lori Vance
CITY CLERK

Tommy Thompson
MAYOR

EXHIBIT "A"

DESCRIPTION OF 4.282 ACRES OF LAND, WEST OF LIBERTY ROAD, SOUTH OF SLACK ROAD, IN THE CITY OF DELAWARE, DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO TO BE ZONED R-4

Situated in the State of Ohio, County of Delaware, Township of Delaware, City of Delaware, lying in Farm Lots 21 and 30, Section 2, Township 4 North, Range 19 West, United States Military Lands, and being 4.282 acres of land comprised of 3.093 acres out of the 18.476 acre tract, 0.303 acres out of the 1.565 acre tract, and 0.886 acres out of the 5.397 acre tract owned by P. Ronald Sabatino, and said 4.282 acres of land being bounded and more particularly described as follows:

Begin, for reference, at a point marking the intersection of Liberty Road (County Road 9) and Hull Drive (64.00 feet-wide) as shown and delineated on the record plat of THE RAVINES AT STRATFORD in Plat Cabinet 1, Slides 618 and 618A at the Delaware County Recorder's Office;

Thence North 3° 11' 55" East, a distance of 87.98 feet, along the centerline of said Liberty Road, to a railroad spike found marking the common corner of said 18.476 acre tract and a 29.653 acre tract owned by Columbus and Southern Ohio Electric Company;

Thence North 86° 05' 26" West, a distance of 838.32 feet, along the line common to said 18.476 and 26.653 acre tracts, to an iron pin found marking a common corner of said 18.476 and 26.653 acre tracts in the east line of the railroad right-of-way owned by CSX Transportation;

Thence South 03° 26' 26" West, a distance of 92.77 feet, along the line common to said 18.476 acre tract and CSX Transportation railroad right-of-way, to the **POINT OF TRUE BEGINNING** of the 4.282 acre tract described herein;

Thence along the following five (5) courses and distance over and across said 18.476, 1.565, and 5.397 acre tracts:

1. South 58° 35' 48" East, a distance of 199.01 feet, to a point;

2. along the arc of a curve to the left having a central angle of 37° 36' 01", a radius of 100.00 feet, an arc length of 65.63 feet, a chord to which bears South 22° 14' 27" West, a chord distance of 64.45 feet, to a point of tangency;

3. South 03° 26' 26" West, a distance of 814.45 feet, to a point of curvature;

4. along the arc of a curve to the left having a central angle of 52° 52' 46", a radius of 100.00 feet, an arc length of 92.29 feet, a chord to which bears South 22° 59' 57" East, a chord distance of 89.05 feet, to a point;

5. South 50° 11' 56" West, a distance of 239.20 feet, to a point in the line common to said 5.397 acre tract and a 15.000 acre tract owned by The Board of Education of Delaware City Schools;

Thence North 86° 13' 06" West, a distance of 30.40 feet, along the line common to said 5.397 and 15.000 acre tracts, to an iron pin found marking a common corner of said 5.397 and 15.000 acre tracts in said CSX Transportation railroad right-of-way;

Thence North 03° 26' 26" East, a distance of 1129.33 feet, along the line common to said 5.397, 1.565, 18.476 acre tracts and said railroad right-of-way owned by CSX Transportation, to an iron pin found marking a common corner of said 18.476 acre tract and said CSX Transportation railroad right-of-way;

Thence South 86° 06' 51" East, a distance of 10.00 feet, along the line common to said 18.476 acre tract and said CSX Transportation railroad right-of-way, to an iron pin found marking a common corner of said 18.476 acre tract and said CSX Transportation railroad right-of-way;

Thence North 03° 26' 26" East, a distance of 82.92 feet, along the line common to said 5.397, 1565, 18.476 acre tracts and said CSX Transportation railroad right-of-way, to the **point of beginning**, containing 4.282 acres of land, more or less.

The bearings in the above description are based on the same meridian as the bearing of South 03° 11' 55" West for the centerline of Liberty Road as determined by a GPS network of observations performed in November 1999.

R. D. ZANDE & ASSOCIATES, INC.

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EXHIBIT "B"

DESCRIPTION OF 21.156 ACRES OF LAND, WEST OF LIBERTY ROAD, SOUTH OF SLACK ROAD, IN THE CITY OF DELAWARE, DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO TO BE ZONED R-3

Situated in the State of Ohio, County of Delaware, Township of Delaware, City of Delaware, lying in Farm Lots 21 and 30, Section 2, Township 4 North, Range 19 West, United States Military Lands, and being 21.156 acres of land comprised of 15.382 acres out of the 18.476 acre tract, 1.262 acres out of the 1.565 acre tract, and 4.512 acres out of the 5.397 acre tract owned by P. Ronald Sabatino, and said 21.156 acres being bounded and more particularly described as follows:

BEGINNING at a railroad spike found in the centerline of Liberty Road (County Road 9) marking the common corner of said 18.476 acre tract and a 29.653 acre tract owned by Columbus and Southern Ohio Electric Company, said point being North 3° 11' 55" East, a distance of 87.98 feet, from the intersection of said Liberty Road and Hull Drive (64.00 feet-wide) as shown and delineated on the record plat of THE RAVINES AT STRATFORD in Plat Cabinet 1, Slides 618 and 618A at the Delaware County Recorder's Office;

Thence South 03° 11' 55" West, a distance of 1303.18 feet, along the centerline of said Liberty Road, said line also being the east lines of said 18.476, 1.565, 5.397 acre tracts, to a railroad spike found marking a common corner of said 5.397 acre tract and a 15.000 acre tract owned by The Board of Education of Delaware City Schools;

Thence North 86° 13' 06" West, a distance of 823.41 feet, along the line common to said 5.397 and 15.000 acre tracts, to a point;

Thence along the following five (5) courses and distance over and across said 5.397, 1.565,and 18.476 acre tracts:

1. North 50° 11' 56" East, a distance of 239.20 feet, to a point;

2. along the arc of a curve to the right having a central angle of 52° 52' 46", a radius of 100.00 feet, an arc length of 92.29 feet, a chord to which bears North 22° 59' 57" West, a chord distance of 89.05 feet, to a point of tangency;

3. North 03° 26' 26" East, a distance of 814.45 feet, to a point of curvature;

4. along the arc of a curve to the right having a central angle of 37° 36' 01", a radius of 100.00 feet, an arc length of 65.63 feet, a chord to which bears North 22° 14' 27" East, a chord distance of 64.45 feet, to a point;

5. North 58° 35' 48" West, a distance of 199.01 feet, to a point in the line common to said 18.476 acre tract and the railroad right-of-way owned by CSX Transportation;

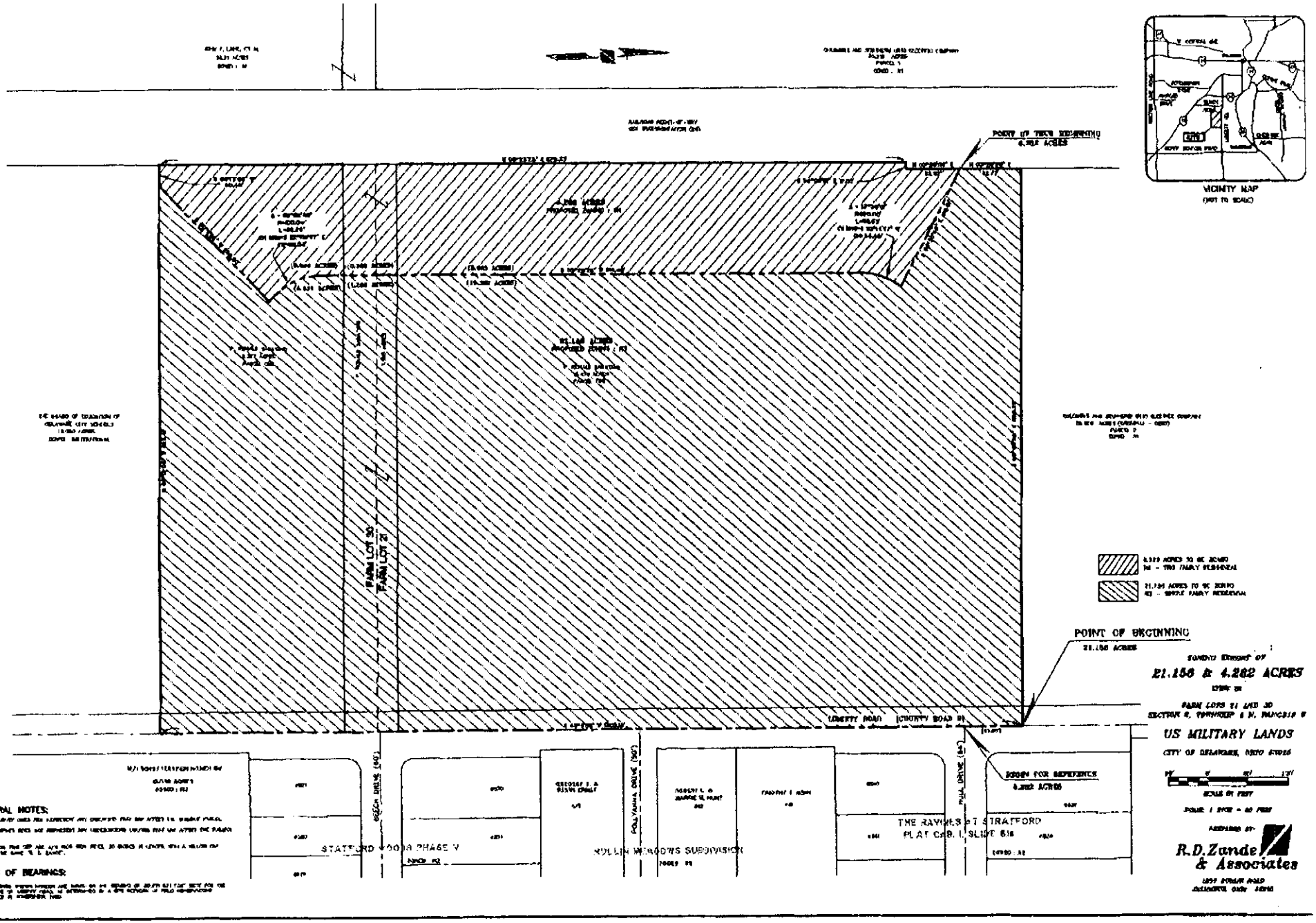
Thence North 03° 26' 26" East, a distance of 92.77 feet, along the line common to said 18.476 acre tract and CSX Transportation railroad right-of-way, to an iron pin found marking a common corner of said 18.476 and 26.653 acre tracts;

Thence South 86° 05' 26" East, a distance of 838.32 feet, along the line common to said 18.476 and 26.653 acre tracts, to the **point of beginning**, containing 25.156 acres of land, more or less.

The bearings in the above description are based on the same meridian as the bearing of South 03° 11' 55" West for the centerline of Liberty Road as determined by a GPS network of observations performed in November 1999.

R. D. ZANDE & ASSOCIATES, INC.

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21.156 & 4.282 ACRES

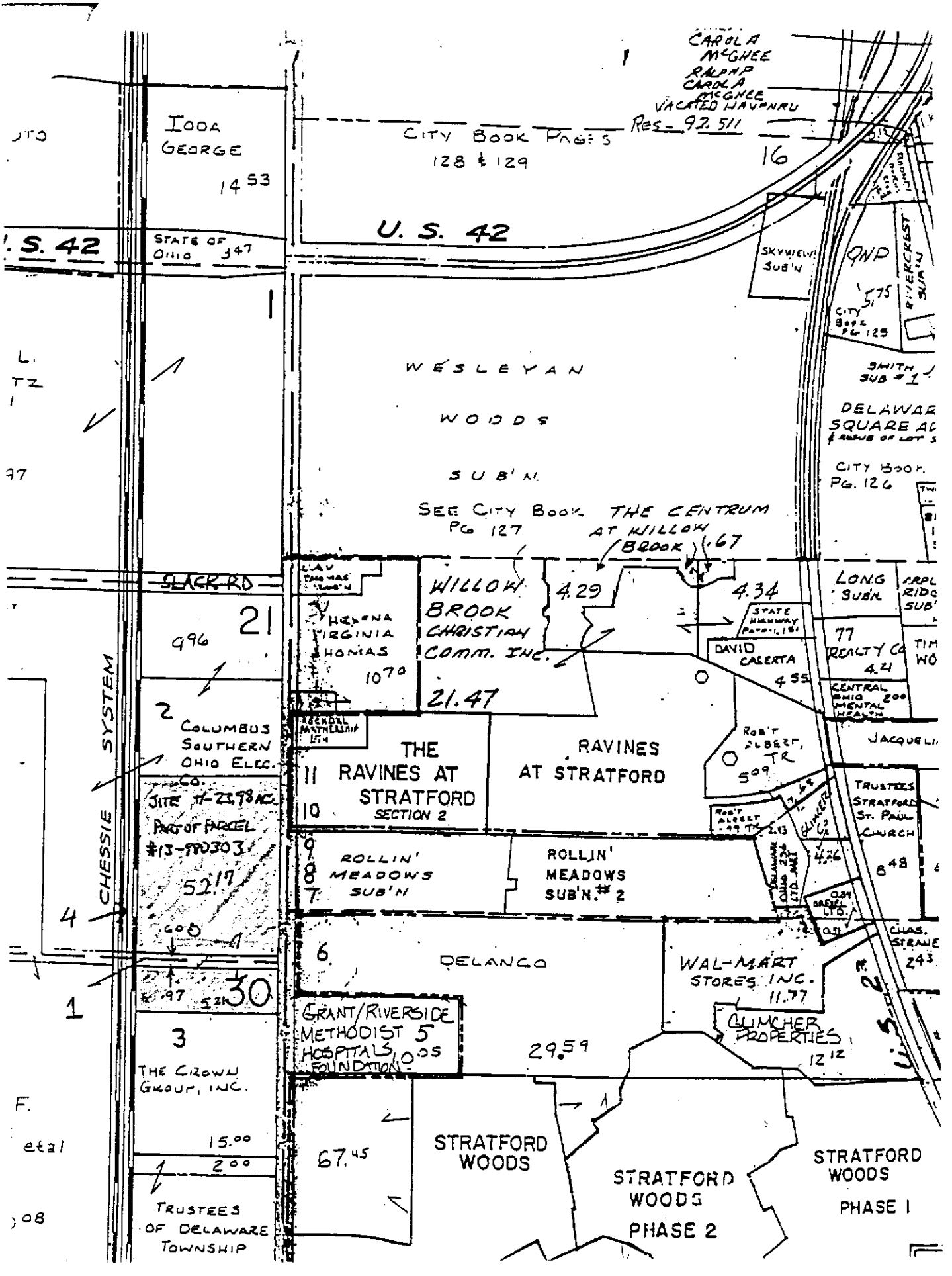
FARM LOTS 31 AND 30
SECTION 8, TOWNSHIP 5 N., RANGE 9 W.

CITY OF DELAWARE, OHIO STATE

GENERAL NOTES:

BASIS OF BEARINGS:

Attachment 1: Tax Map



Attachment 3: Legal Description

5.397 Acres

Situated in the State of Ohio, County of Delaware, Township of Delaware, being located in Farm Lot 30, Quarter Township 2, Township 4, Range 19, United States Military Lands and being 5.397 acres of Parcel 3 as conveyed to Columbus and Southern Ohio Electric Company by deed of record in Deed Book 304, Page 40, all references being to records of the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

Beginning at a railroad spike found in the centerline of Liberty Road at the southeasterly corner of that 2.500 acre tract as conveyed to John F. and Naomi T. Lane by deed of record in Deed Book 375, Page 524, said railroad spike being located South 1° 10' 00" West, a distance of 49.50 feet from a railroad spike found at the northeasterly corner of said Farm Lot 30;

thence South 1° 10' 00" West, being along the centerline of said Liberty Road, a distance of 275.59 feet to a P.K. Nail;

thence North 88° 15' 32" West, crossing said Parcel 3 (passing an iron pin at 30.00 feet), a distance of 853.64 feet to an iron pin set in the easterly right-of-way line of the Chessie System Railroad;

thence North 1° 24' 36" East, being along the easterly right-of-way line of said Chessie System Railroad, a distance of 275.58 feet to an iron pin found in the southerly line of said 2.500 acre tract;

thence South 88° 15' 32" East, being 49.50 feet southerly from and parallel with the northerly line of said Farm Lot 30, also being the southerly line of said 2.500 acre tract (passing an iron pin found at 822.47 feet), a distance of 852.47 feet to the place of beginning, containing 5.397 acres of land, of which 0.190 acre lies within the present right-of-way, leaving 5.207 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

The bearings are based on the same meridian as the centerline of Liberty Road as shown in Deed Book 304, Page 40, as being South 1° 10' 00" West, Recorder's Office, Delaware County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

James R. Hill

James R. Hill
Registered Surveyor No. 6919

JRH/mf

Attachment 4: Description

18.60 Acres

That certain land situate in Delaware Township, in Delaware County, State of Ohio, and bounded or described as follows:

Being that certain lot or parcel of land being a rectangular parcel of land approximately 280' x 850' located on Liberty Road, in the aforesaid township, containing 5 acres, more or less, as is more particularly described on a plat attached hereto as Exhibit B, and incorporated herein by this reference, together with all buildings (if any) and other improvements located thereon, and being a part of the same lot or parcel of land conveyed to AEP by Deed dated the 2nd day of March, 1963, of record in Deed Volume 304, Page 40, in the Office of the Recorder of Delaware County, Ohio.

Being that certain lot or parcel of land being a rectangular parcel of land approximately

950' x 850' located on Liberty Road, in the aforesaid township, containing 20 acres, more, or less, as is more particularly described on a plat attached hereto as Exhibit B, and incorporated herein by this reference, together with all buildings (if any) and other improvements located thereon, and being a part of the same lot or parcel of land conveyed to AEP by Deed dated the 2nd day of March, 1963, of record in Deed Volume 304, Page, 40, in the Office of the Recorder of Delaware County, Ohio. The exact northern boundary of this parcel is to be determined by a final survey, and AEP will retain a parcel of land that is five hundred and fifty (550) feet in width, lying south of and adjacent to, AEP's Delaware Substation Site.

Containing 25 acres, more or less.

MINUTES
DELAWARE PLANNING COMMISSION
April 26, 2000 – 7:00 p.m.
Regular Meeting

Chairman John Dickson called the Meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Dave Godsil, Chuck VanGundy, Lea Morrison, John Dickson, Mary Jane Santos and Ross Long.

Members Absent: Matt Shull.

Motion: Long/Morrison moved to excuse Shull from the Meeting. (All ayes) MEMBER EXCUSED.

Dickson said Shull would be resigning from the Planning Commission because he is moving out of the area.

CONSIDERATION OF MINUTES

Motion: Godsil/VanGundy moved to approve the Minutes for the March 8, 2000 Special Meeting as presented. (All ayes) MINUTES APPROVED.

MINUTES:

MARCH 8, 2000 APPROVED

Motion: Godsil/VanGundy moved to approve the Minutes for the March 22, 2000 Regular Meeting and the March 29, 2000 Special Meeting as presented. (All ayes) MINUTES APPROVED.

MARCH 22 &29, 2000 APPROVED

Motion: Long/Morrison moved to approve the Minutes for the April 6, 2000 Special Meeting as presented. (All ayes) MINUTES APPROVED.

APRIL 6, 2000 APPROVED

BUSINESS – Consideration of, and Public Hearing on:

Dickson said Applications PC99-38 and PC00-25 have been requested to be Tabled until the regular May meeting because a traffic study has not been provided at this time and items 24-30 are to be Tabled to the regular May meeting if the Commercial Zoning Amendments are able to be heard tonight, but Tabled to the May 3rd Special Meeting if the amendments are not heard tonight.

PC99-38 & PC00-25 ACKLEY/PARKER REZONING & DEVELOPMENT PLAN

TABLED

Motion: Godsil/Santos moved to Table Applications PC99-38 and PC00-25 to the May 24 Meeting. (All ayes) ITEM TABLED.

Application PC 00-38 – A request by T&R Properties and the City of Delaware for the approval of a Rezoning from A-1

PC00-38 T&R PROPERTIES LIBERTY ROAD REZONING

APPROVED W/CONDITIONS

and PUD to R-3 and R-4 for the proposed Liberty Road Subdivision for the 25.54± acres located on the west side of Liberty Road between Hull and Beech Drives.

Application PC 00-37 – A request by T&R Properties for the approval of a Preliminary Subdivision Plat for the proposed 73 single-family and 13 two-family lots on 23.98± acres located on the west side of Liberty Road between Hull and Beech Drives.

PC00-37
T&R PROPERTIES
LIBERTY ROAD PLAT

APPROVED
W/CONDITIONS

Gunderman presented the review (printed italic text is from written staff report, which Gunderman summarized):

BACKGROUND: T&R Properties, having reviewed the previous Preliminary Development Plan for a PUD at the City Council level, is now asking for consideration of an alternative project. This project would simply rezone the property to straight R-3 and R-4 zoning and would develop single-family lots on the R-3 and two-family lots on the R-4. Accordingly, they have submitted a Rezoning application and Preliminary Plat.

The Preliminary Plat, as proposed, generally would correspond to the Rezoning placing the two-family lots as adjacent to the railroad tracks on the west side of the project. The balance of the street system would contain the single-family lots with an open space in the south central portion of the plat, adjacent to the Lane property, which is a strip of ground crossing this particular tract.

The proposed Rezoning essentially would rezone the entirety of the T&R holdings, both the 18-acre tract that was originally proposed for the condominium project and the 5-acre tract south of the Lane agricultural access originally proposed for light industrial. These would be combined into this same single project and the City would concur and request rezoning that would essentially cover the gap strip of Lane property with similar zoning districts so that there would not be a strip of A-1 through the middle of the tract.

Though the City would rezone the tract, the strip would basically remain vacant and not be included in the actual development other than for the street system that is permitted to cross the Lane holding. The proposal includes a buffering arrangement along the railroad tracks, retention ponds along Liberty Road at the proposed principal entryway, which aligns with Pollyanna Drive.

STAFF ANALYSIS: In general, Staff cannot object to this particular project in as much as it complies fundamentally with the light residential category the City has placed on this area in the City's Comprehensive Plan. City Staff feels that in many respects, the previously proposed PUD for condominiums was a superior project.

Staff well understands the concerns the neighborhood had regarding that particular project and can understand why they may feel more comfortable with the single-family and two-family dwellings proposed in this project.

The proposed project contains under an acre in open space, which is in the central southern portion of the Preliminary Plat. The area has no particular other recreational area. This is a concern to Staff in as much as the proposed project will be, per dwelling unit, fairly significant child generator. One of the better advantages of the previous project was that it would have produced comparatively few children. These children will not be served by any park area except for that in the Stratford Woods Subdivision. This project can help to make improvements to the Park in lieu of an actual Park dedication in this area. Given the relatively small size of this project staff would not recommend the dedication of park land in this area at the size permitted by the park dedication requirement of less than 3 acres. Use of the Park will require crossing Liberty Road. Liberty Road currently exists as a largely rural section road

with a substantial traffic volume moving at fairly substantial speeds. Routine crossing of this road by children to get to a park is not particularly desirable in the current circumstances. To be sure, at the current time the Stratford Woods area has no real functional park. Staff would recommend that the developer be asked to make improvement to the park instead of cash contribution. The details of these improvements would be worked out at the time of Final Platting.

Staff recalls the traffic analysis that was done for this project in the original PUD proposal. Staff understands that the traffic for these 99 units would probably be less than the previous proposal and that traffic study found no need for traffic signalization or turn lanes. Staff also understands that that proposal was submitted and was recommended by Staff with essentially one access point onto Liberty Road though that was a divided boulevard type entrance and Staff had made contingencies for an emergency entrance that only relied on the principal entryway in part.

The proposal for this project is similar in that it has one central access way and Staff readily agrees that from a traffic volume and capacity standpoint, that should be sufficient for this entire project.

STAFF RECOMMENDATION: Although not required, strictly speaking due to the traffic generation, Staff feels the total group of dwelling units would be better served if a second access point were added to the project. Staff would like to see this connection to Liberty Road made as far south of Beech Drive as is practical to provide the maximum offset in design safety.

In addition, Staff would also recommend the following:

1. A bike path type of pavement be placed along the edge of this particular project on the westerly side of Liberty Road and that this continued to be maintained within a 40-foot right-of-way dedication from the centerline;

2. Notations on the Preliminary Plat indicating what areas would be commonly maintained. Staff assumes the open space in the south central portion of the plat will be and assumes that the storm water retention areas close to the entry way will be. What is less clear is how maintenance would ultimately be maintained in the other areas shown on the Preliminary Plat with what appears to be substantial landscaping, both along Liberty Road, the southern edge along the school bus barns and along the railroad tracks;

3. Provide a 54-foot street right-of-way and 32-foot paving section for all the new streets in the tract. Staff would entertain a narrower pavement than proposed for the major entryway if the secondary access to the tract is also provided and provided parking was banned on these connection ways. In all other locations staff would permit on street parking. Sidewalks should be required on all Streets within the plat.

Staff would recommend the rezonings as proposed with the inclusion of the adjacent Lane strip be approved. Staff would recommend that the Preliminary Plat for this area be approved subject to the above-listed Staff comments regarding access, landscape maintenance, bike path and street width modifications. Staff would also recommend that no park dedication ground be taken from this particular project and all park dedication requirements be satisfied by either making improvements as part of the development in the Stratford Woods addition park or by paying cash to the City.

Long asked and Gunderman responded that the streets in the project would be public streets. Dan Horne, Medrock, said they are working on an agreement with the Lane property to provide them a completely new access arrangement to their farm that would come from Slack Road on the westerly side of the railroad tracks and thereby free up the strip to this project for corporation into their proposal.

Godsil said he has the sense that the neighbors are in favor of this plan more so than the previously proposed plan.

Jeff Baker, R.D. Zande Project Manager, said the entrance green space and park areas would be maintained by the homeowner's association and all the

other easements would be maintained by the homeowners. Dickson asked and Baker responded that the trees in Section C-C on the Elevations Plan would be between 6-10 feet in height. Baker said they plan to break up the heights and none of the trees would be less than 6 feet. Dickson suggested that the homeowner's association maintain everything along the Liberty Road frontage.

Long asked and Baker responded that they have some ideas of working in a second access onto Liberty Road, but no second access gives more control in the project. He said they would like to use a turf block access point for emergency vehicles at the easement area directly across from Beech Drive. Long said he would recommend that there be no second access because of the traffic problems on Liberty Road and an emergency access would work out better.

Godsil asked and Horne responded that they did not extend the park green space further to the east because the areas to the east are considered lots. Horne asked that they be permitted to give a letter of credit for the sidewalks instead of installing them immediately because he does not want to install them and in the future they show to be unnecessary. He said he agrees to have the homeowner's association maintain the frontage along Liberty Road.

Dickson asked and Horne responded that the developer would maintain the park area until 80% of the lots have been sold. Horne said he would like half of the park exaction to go towards maintaining this private park area and the other half would go to Stratford Woods park on Hawthorn Boulevard.

Gunderman referred the Planning Commission to Section 1111.19 (c) of the Zoning Code regarding Subdivision Regulations and park dedication. He said the City has been tagging money for the last year and a half for particular projects.

Horne said he is concerned about the street widths required because the extra four feet of pavement would make the development too tight and 28-foot pavement is adequate for this plan. Dickson said the City's biggest concern about the street widths is snow removal and emergency vehicle access. Horne said the corners of the streets are only loaded on one side so that snow trucks and emergency vehicles can get through.

Gunderman said if a 32-foot road is not desired, parking should be banned on the inside of the sweeping curbs in the project and parking should be restrictive at the entrance area. Dickson asked and Gunderman responded that a wider pavement at the entrance might be overkill if parking is banned.

Ron Hall, 175 W. Hull Drive, said sidewalks are not necessary on Liberty Road because they would not connect to any other sidewalks and this money could be used for the parks. Godsil said he wants to see sidewalks on the east side of Liberty Road. He said the State is giving money to link together

Wesleyan Woods and The Ravines sidewalks. Baker said the sidewalks do not have to be straight lines, but could curve through the frontage of the project.

Steve Young, 117 Beech Drive, asked and Horne responded that the typical lot size of the houses are 60' x 120' for single-family homes and 80' x 140' for two-family homes. Horne said the square footage is 1200-1600 square feet for ranches and 1500-2000 square feet for two-story homes and would sell for $130,000-$180,000. Horne said there would be restrictive covenants in the deeds to dictate the types of houses so that there is some variety in the project.

Young said he is concerned about this project bringing the property values down in the area and Dickson said the Planning Commission would do their best to protect the entire City. Morrison said the only way to guarantee the property values is to buy the property and let it sit.

Judd Clark, 159 Beech Drive, asked and Horne responded that they would be willing to build the park instead of giving the City park exaction fees.

Betty Lucas, 189 Beech Drive, thanked the Planning Commission and T&R Properties for working with the neighbors to make the project acceptable. She said she is concerned about having a second full access onto Liberty and agreed that the emergency access would be a better alternative.

Motion: Long/Godsil moved to approve Application PC 00-38 for the Rezoning. (6 in favor, 0 opposed) MOTION PASSED.

Motion: Long/Godsil moved to approve Application PC 00-37 for the Preliminary Plat for 73 single-family dwelling units and _____ two-family lots subject to (1) the second access onto Liberty Road being for emergency purposes only and the final location to be set forth in the Final Plat; (2) the sidewalks are to be further examined, but in final issue to be resolved to include sidewalks to be built by the developer in a different area if necessary; (3) the street width is to be 28 feet wide with a 50-foot right-of-way and the final plan is to show certain "no parking" areas, as determined by Staff; (4) money for park exaction is to be re-examined at the Final Plat to determine whether the entire contribution is to go to the City or a portion to go to the private park on site; and (5) the Applicant clearly delineating the maintenance area for the homeowners' association. (6 in favor, 0 opposed) MOTION PASSED.

PC00-31
CITY SCHOOLS
DUGOUT EXPANSION
CUP

TABLED

Application PC 00-31 – A request by the Delaware City School District for approval of a Conditional Use Permit for the proposed softball field dugout expansion to be located at the NW corner of the Hayes High School property.

Application PC 00-32 – A request by the

DELAWARE PLANNING COMMISSION
REZONING AND PRELIMINARY SUBDIVISION PLAT REVIEW
T&R Liberty Road

CASE NUMBER: PC00-37 and PC00-38 MEETING DATE: April 26, 2000

OWNER/APPLICANT:	T&R Development, Inc. 6563 Worthington-Galena Rd. Worthington, OH 43085	R.D. Zande and Associates 1237 Dublin Road Columbus, OH 43215

REQUEST: PC 00-38 is a request by T&R Properties to rezone from A-1 (Agricultural District) and PUD (Planned Unit Development) to R-3 (Single-Family Residential District) and R-4 (One and Two-Family Residential District). PC 00-37 is a request by T&R Properties for approval of a Preliminary Subdivision Plat for 73 single-family and 13 two-family lots.

BACKGROUND: T&R Properties, having reviewed the previous Preliminary Development Plan for a PUD at the City Council level, is now asking for consideration of an alternative project. This project would simply rezone the property to straight R-3 and R-4 zoning and would develop single-family lots on the R-3 and two-family lots on the R-4. Accordingly, they have submitted a Rezoning application and Preliminary Plat.

The Preliminary Plat, as proposed, generally would correspond to the Rezoning placing the two-family lots as adjacent to the railroad tracks on the west side of the project. The balance of the street system would contain the single-family lots with an open space in the south central portion of the plat, adjacent to the Lane property, which is a strip of ground crossing this particular tract.

The proposed Rezoning essentially would rezone the entirety of the T&R holdings, both the 18-acre tract that was originally proposed for the condominium project and the 5-acre tract south of the Lane agricultural access originally proposed for light industrial. These would be combined into this same single project and the City would concur and request rezoning that would essentially cover the gap strip of Lane property with similar zoning districts so that there would not be a strip of A-1 through the middle of the tract.

Though the City would rezone the tract, the strip would basically remain vacant and not be included in the actual development other than for the street system that is permitted to cross the Lane holding. The proposal includes a buffering arrangement along the railroad tracks, retention ponds along Liberty Road at the proposed principal entryway, which aligns with Pollyanna Drive.

STAFF ANALYSIS: In general, Staff cannot object to this particular project in as much as it complies fundamentally with the light residential category the City has placed on this area in the City's Comprehensive Plan. City Staff feels that in many respects, the previously proposed PUD for condominiums was a superior project.

Staff well understands the concerns the neighborhood had regarding that particular project and can understand why they may feel more comfortable with the single-family and two-family dwellings proposed in this project.

The proposed project contains under an acre in open space, which is in the central southern portion of the Preliminary Plat. The area has no particular other recreational area. This is a concern to Staff in as much as the proposed project will be, per dwelling unit, fairly significant child generator. One of the better advantages of the previous project was that it would have produced comparatively few children. These children will not be served by any park area except for that in the Stratford Woods Subdivision. This project can help to make improvements to the Park in lieu of an actual Park dedication in this area. Given the relatively small size of this project staff would not recommend the dedication of park land in this area at the size permitted by the park dedication requirement of less than

3 acres. Use of the Park will require crossing Liberty Road. Liberty Road currently exists as a largely rural section road with a substantial traffic volume moving at fairly substantial speeds. Routine crossing of this road by children to get to a park is not particularly desirable in the current circumstances. To be sure, at the current time the Stratford Woods area has no real functional park. Staff would recommend that the developer be asked to make improvement to the park instead of cash contribution. The details of these improvements would be worked out at the time of Final Platting.

Staff recalls the traffic analysis that was done for this project in the original PUD proposal. Staff understands that the traffic for these 99 units would probably be less than the previous proposal and that traffic study found no need for traffic signalization or turn lanes. Staff also understands that that proposal was submitted and was recommended by Staff with essentially one access point onto Liberty Road though that was a divided boulevard type entrance and Staff had made contingencies for an emergency entrance that only relied on the principal entryway in part.

The proposal for this project is similar in that it has one central access way and Staff readily agrees that from a traffic volume and capacity standpoint, that should be sufficient for this entire project.

STAFF RECOMMENDATION: Although not required, strictly speaking due to the traffic generation, Staff feels the total group of dwelling units would be better served if a second access point were added to the project. Staff would like to see this connection to Liberty Road made as far south of Beech Drive as is practical to provide the maximum offset in design safety.
In addition, Staff would also recommend the following:
1. A bike path type of pavement be placed along the edge of this particular project on the westerly side of Liberty Road and that this continued to be maintained within a 40-foot right-of-way dedication from the centerline;
2. Notations on the Preliminary Plat indicating what areas would be commonly maintained. Staff assumes the open space in the south central portion of the plat will be and assumes that the storm water retention areas close to the entry way will be. What is less clear is how maintenance would ultimately be maintained in the other areas shown on the Preliminary Plat with what appears to be substantial landscaping, both along Liberty Road, the southern edge along the school bus barns and along the railroad tracks;
3. Provide a 54-foot street right-of-way and 32-foot paving section for all the new streets in the tract. Staff would entertain a narrower pavement than proposed for the major entryway if the secondary access to the tract is also provided and provided parking was banned on these connection ways. In all other locations staff would permit on street parking. Sidewalks should be required on all Streets within the plat.

Staff would recommend the rezonings as proposed with the inclusion of the adjacent Lane strip be approved. Staff would recommend that the Preliminary Plat for this area be approved subject to the above-listed Staff comments regarding access, landscape maintenance, bike path and street width modifications. Staff would also recommend that no park dedication ground be taken from this particular project and all park dedication requirements be satisfied by either making improvements as part of the development in the Stratford Woods addition park or by paying cash to the City.

CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT
(740) 368-1650

APPLICATION FOR ZONING CHANGE

PC 00-38

I/WE T & R Properties ~~Owner~~ Option Holder BEING ~~OWNER(S)~~ OF

6563 Worthington-Galena Road, Worthington, OH 43085
(No.) (Street) (City) (State)

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE, FOR THE CHANGE OF
Acerage (2 Tracts +/- 18.60 &
~~ZONING DISTRICT(S)~~ +/- 23.98 acres +/- 5.38 Acres) FOR ACRES

LOCATED AT East side of Liberty Road South, being part of Farm Lot 30, Qtr Twp. 2 Twp. 4, Range 19

FROM P.U.D. TO R-4 R-3 CLASSIFICATION.
(Present Zoning) (Proposed Zoning)

NOTE: Please attach a legal description for each proposed zoning district and please detail if multiple zoning districts.

IN THE SPACE PROVIDED BELOW, GIVE A DETAILED ACCOUNT OF THE INTENDED US OF LOT/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 (You may use a separate sheet if necessary):

R-4 is proposed on 4.26 acres consisting of 13 80 x 140 two family lots. The 21.28 Ac. balance to be R-3 single-family lots (60 x 120).

Applicant Name: T & R Properties

Applicant Address: 6563 Worthington-Galena Road Worthington, OH 43085

Contact Person: P. Ronald Sabatino or Dan Horne Phone: 614-436-0000 or 614-271-1807

Option Holder ~~Owner~~ Name: P. Ronald Sabatino of T & R Properties

Option Holder ~~Owner~~ Address: Same as above

Contact Person: P. Ronald Sabatino or Dan Horne Phone: 614-436-0000 614-271-1807

Received Time Mar 7. 11:58AM

On the lines provided, please list all property owners that are within 150 feet of EACH property line for the property in question. Also, list the TAX MAILING ADDRESSES for each of these property owners so that they may be notified of this request. You may use a separate sheet if necessary.

PROPERTY OWNER	TAX MAILING ADDRESS
See attachment 5 for complete listing of adjacent property owners	

Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the City of Delaware 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 hearings and shall be payable in the following manner:

Planned Unit Development, 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

Option Holders

I/WE P. Ronald Sabatino of T & R Properties BEING XXXXXXXXXXXXXXXX

OF 6563 Worthington-Galena Road, Worthington, OH 43085
(No.) (Street) (City) (State)

DO HEREBY VERIFY THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION.

Cindie Rankin
Witness

Carla A Nelson
Witness

Phil Sabatino
Owners/Lessee Signature

Mailing Address

Phone

Sworn to before me and subscribed in my presence this 10th day of April, 2000.

Carla A Nelson
Notary Public

CARLA S. NELSON
NOTARY PUBLIC, State of Ohio
My Commission Expires Nov. 11, 2004

FEE: $ RECEIVED BY: DATE:

Revised 11/99

Received Time Mar. 7. 11:58AM

PCOO-37+38

Attachment 5: Adjacent Property Owners

As of 4/6/00

1. John F Lane, et al
   3830 Home Road
   Powell, OH 43065

2. Columbus Southern Power
   Attn: Richard Davis
   215 N. Front Street
   Columbus, OH 43215

3. Board of Education – Delaware City Schools
   248 N. Washington Street
   Delaware, OH 43015

4. Conrail Consolidated Rail Corporation
   P.O. Box 8499
   Philadelphia, PA 19101

5. Grant / Riverside Methodist Hospital
   M/I Schottenstein Homes, Inc.
   Attn: Land Accting
   3 Easton Oval – Ste. 2D
   Columbus, OH 43219

6. Stratford Woods V – Lot 6921
   M/I Schottenstein Homes, Inc.
   Attn: Land Accting
   3 Easton Oval – Ste. 2D
   Columbus, OH 43219

7. Stratford Woods V – Lot 6870
   Dominion Homes
   5501 Frantz Road
   Dublin, OH 43017

8. Stratford Woods V – Lot 6920
   M/I Schottenstein Homes, Inc.
   Attn: Land Accting
   3 Easton Oval – Ste. 2D
   Columbus, OH 43219

9. Stratford Woods V – Lot 6919
   Karyl & Christopher McManes
   118 Beech Drive
   Delaware, OH 43015

10. Stratford Woods V – Lot 6871
    Steve & Denise M. Young
    117 Beech Drive
    Delaware, OH 43015

11. Rollin Meadows – Lot 661
    Timothy & Sandra Kern
    2025 Liberty Road
    Delaware, OH 43015

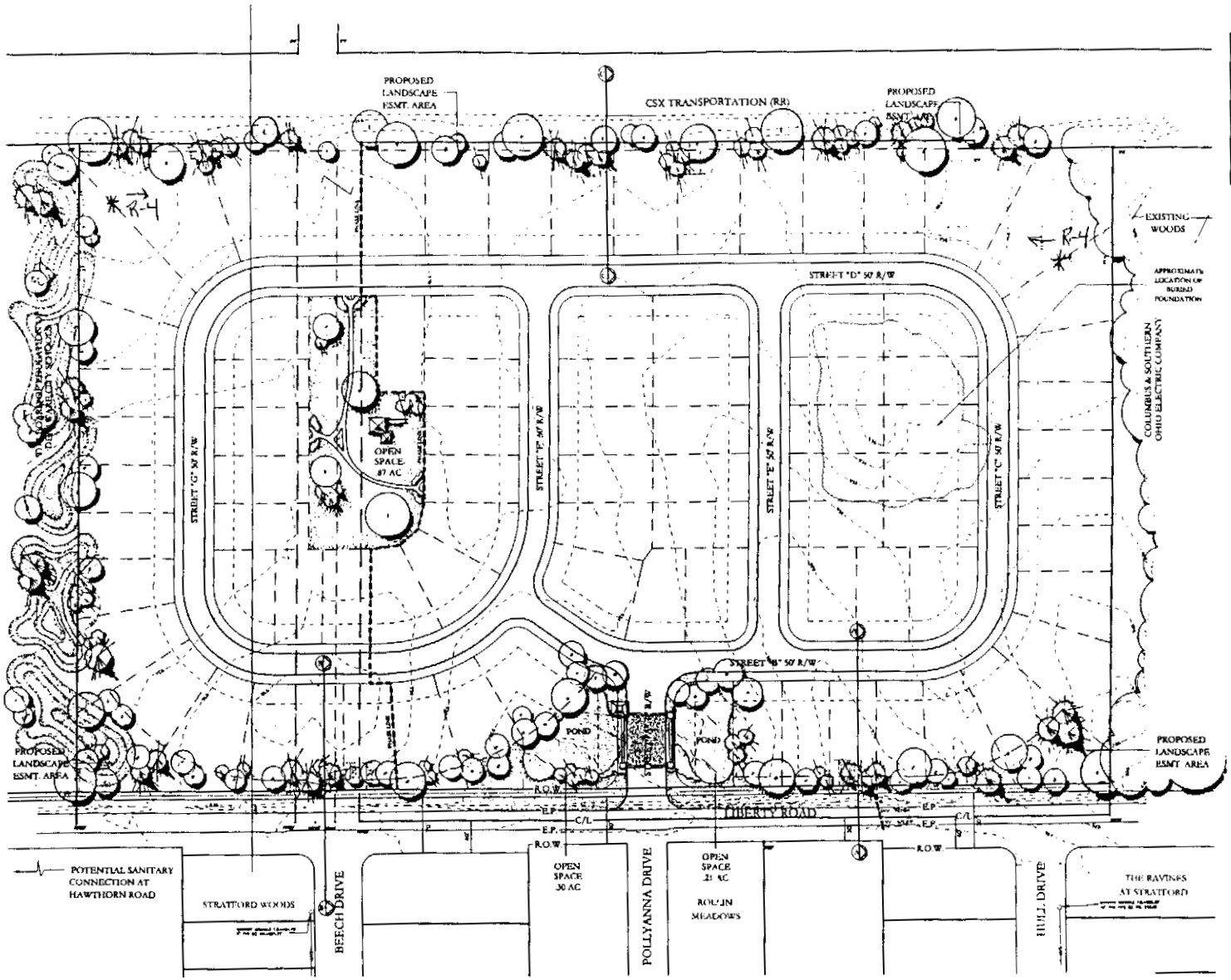
12. Rollin Meadows – Lot 662
    Robert & Marge Hunt
    2067 Liberty Road
    Delaware, OH 43015

13. Rollin Meadows – Lot 667
    Gregory & Susan Ernst
    695 Pollyanna Drive
    Delaware, OH 43015

14. Ravines at Stratford Woods – Lots 6539 - 41
    Rockdel Partnership / Rockford Homes
    c/o Rockford Homes, Inc.
    999 Polaris Parkway, Ste. 200
    Columbus, OH 43240

15. Ravines at Stratford Woods – Lot 6538
    Sharon R. Maxwell
    312 Hull Drive
    Delaware, OH 43015

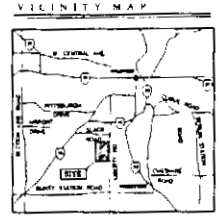
16. Neighborhood Community Group
    Contact: Jim Christie
    351 Hawthorn Blvd.
    Delaware, OH 43015
    Contact: Betty & Herbert Lucas
    189 Beech Drive
    Delaware, OH 43015



PRELIMINARY PLAT FOR ZONING AMENDMENT

SCALE: 1" = 60'

VICINITY MAP



ZONING DATA

1. Name, address and phone number of the applicant.
   T & R Developments
   6363 Worthington Galena Road
   Worthington, Ohio 43085
   614.436.0000
2. Statement of reasons for the proposed amendment.
   T & R Properties, Inc. requests the proposed amendment of the site's zoning status to R-3 (single family) and R-4 (two family) from PUD Condominium / Light Industrial in an effort to establish a use for the property that is more consistent with the desires of the neighboring property owners following lengthy negotiations of a suitable and acceptable use for the site.
3. Present use:
   Agricultural
4. Present zoning:
   P.U.D.
5. Proposed zoning:
   R-3 / R-4
6. Proposed use:
   Single Family and Two Family Lots
7. A tax map and legal description(s) of property(ies):
   For tax map information see attachments 1 & 2
   For legal descriptions see attachments 3 & 4.
8. List of adjacent property owners within 150 feet, and their mailing addresses.
   For adjacent property owners list and neighborhood community group contacts see attachment 5.
9. A statement on the ways in which the proposed amendment relates to the comprehensive plan:
   The proposed amendment is consistent with Delaware's Comprehensive Land-Use Plan for the subject area(s), calling for single family and two family development within an area the comprehensive plan anticipates being "low-density" residential land use.

UTILITIY NOTES

Water will be supplied to the site from an existing 8" water line that runs along the east side of Liberty road.

Sanitary service will be provided to the site via a connection to either the Hawthorn Road sanitary line, the line running on the south of Beech Drive or the line running up Hall Drive.

Storm water will be removed on site and then discharged over to existing 15" culvert.

SITE DATA

TYPICAL SINGLE FAMILY LOT: 60'x120'
TYPICAL TWIN SINGLE LOT: 80'x130'

TOTAL ACREAGE: +/- 25.54 AC *
* 25.54 ACRES INCLUDES APPROX. 1.56 ACRES CURRENTLY NOT OWNED BY APPLICANT OR UNDER CONSIDERATION FOR RS ZONING

COMMON OPEN SPACE: +/-1.56 AC**
** APPROXIMATE OPEN SPACE ASSUMING CONSTRUCTION OF PRIVATE PARK.

TOTAL SINGLE FAMILY LOTS: +/- 73
TOTAL TWIN SINGLE LOTS: +/- 13 x 2 = 26 DU
TOTAL NUMBER OF LOTS: +/-86 = 99 DU
DENSITY: +/- 3.87 DU/AC = (99 DU/25.54 AC)

NORTH

T&R Properties
6363 WORTHINGTON-GALENA RD.
WORTHINGTON, OH. 43085
614.436.0000

City of Delaware Ohio

LIBERTY ROAD
SITE DESIGN PROGRESSION

PREPARED BY

R.D. Zande & Associates
Landscape Architecture and Planning
137 S. Main Street
Columbus, Ohio 43215
614.469.1588
1.800.752.6372
FAX 614.469.1597

JOB NO. 3619
DRAWN BY: SAP
APRIL 7, 2000