ORDINANCE NO. 00-124

AN ORDINANCE ACCEPTING THE AMENDMENT OF SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING THE 4.58 +/- ACRES LOCATED BETWEEN SANDUSKY STREET AND UNION STREET AND ALONG THE EAST SIDE OF UNION STREET FROM R-4, ONE AND TWO-FAMILY RESIDENTIAL DISTRICT AND R-6, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-2, CENTRAL BUSINESS DISTRICT.

WHEREAS, the City Planning Commission, at its meeting of October 25, 2000, recommended the approval of the rezoning for the 4.58 +/- acres located between North Sandusky Street and Union Street and along the east side of Union Street from R-4, One and Two-Family Residential and R-6, Multi-Family Residential to B-2, Central Business District, submitted by the Delaware County Commissioner's Office (PC00-88), 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 drawing and legal descriptions including exhibits A and B (legal description and drawing attached), but not including that portion of exhibit A labeled as C and any Right of Way line between these two described areas, rezoning the 4.58 +/- acres located between North Sandusky Street and Union Street and along the east and west side of Union Street from R-4, One and Two-Family Residential and R-6, Multi-Family Residential to B-2, Central Business District, and

SECTION 2. That at the request of the Delaware County Commissioner's Office, the following Limitation Text shall apply to the area described in said Exhibit "A" hereto:

(A) The following uses are excluded from the said area:

Property shall be used for Governmental office uses and accessory activities as permitted in the B-2 District, except that no portion of the property shall be used for the following:

Any Residential activity otherwise permitted in the district.
Any Retail or Commercial Services otherwise permitted in the district.
Any Automotive or Transportation Use (but permitting the parking lots uses accessory to the County Facilities).
Any Outdoor Display/Storage.
Any Commercial Recreational or Entertainment Activity.

Any Lodging activity.

SECTION 3. 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 4. 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_____ NAYS_____

PASSED: December 11, 2000 YEAS 7 NAYS 0

ATTEST: Lori Vence
CITY CLERK

Tommy Thompson
MAYOR

EXHIBIT "A"

November 6, 2000

REZONING DESCRIPTION
IN OUTLOT 40 & 41 OF THE CITY OF DELAWARE,
BETWEEN NORTH UNION STREET & NORTH SANDUSKY STREET,
NORTH OF EAST CENTRAL AVENUE, DELAWARE, OHIO

Situated in the State of Ohio, County of Delaware, City of Delaware, in Quarter Township 4, Township 5 North, Range 19 West, United State Military Lands, in Outlots 40 & 41 of the City of Delaware and being all of the following Twenty-One (21) tracts of land:

1. a 0.093 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record _____, Page _____, said tract being conveyed out of a tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., by deed of record in Deed Book 278, Page 279,
2. a north/south alley Twelve and One Half (12.5) feet in width vacated by Ordinance No. _____,
3. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 15, Page 1502,
4. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 18, Page 538,
5. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1077,
6. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899,
7. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 27, Page 2678,
8. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Molly Lou Miller,
9. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 17, Page 2061,
10. a 0.114 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 48, Page 581,
11. an east/west alley Ten (10) feet in width vacated by Ordinance No. _____,
12. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1807,
13. a north/south alley Twelve (12) feet in width vacated by Ordinances Nos. _____ & _____,
14. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 16, Page 2438,
15. a 0.423 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 16, Page 1652,

EXHIBIT "A"

November 6, 2000

16. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 11, Page 2772,

17. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 10, Page 2353,

18. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 30, Page 416,

19. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Pearle Poulton,

20. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202, and

21. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Robert E. Green,

all references to the Recorder's Office, Delaware County, Ohio, said tract to be rezoned bounded and described as follows:

Beginning at a point in west line of North Union Street (66 feet in width), at the southeast corner of said tract conveyed by deed of record in Official Record 15, Page 1502 and at the northeast corner of a tract of land conveyed to The Union Building, Ltd., by deed of record in Deed Book 666, Page 675, said point being N 00° 06' 57" W a distance of 243.50 feet from the intersection of the west line of North Union Street with the north line of East Central Avenue;

thence N 89° 53' 03" W along the south line of said tract conveyed by deed of record in Official Record 15, Page 1502 and along the north line of said tract conveyed to The Union Building, Ltd., a distance of 100.00 feet to a point at the southwest corner of said tract conveyed by deed of record in Official Record 15, Page 1502, at the northwest corner of said tract conveyed to The Union Building, Ltd., and in the east line of said north/south alley 12.5 feet in width;

thence S 00° 06' 57" E along a portion of the east line of said north/south alley and along the west line of said tract conveyed to The Union Building, Ltd., a distance of 26.00 feet to a point at the intersection of the east line of said north/south alley with the north line of an east/west alley running between North Sandusky Street and North Union Street and at the southwest corner of said tract conveyed to The Union Building, Ltd.;

thence S 89° 53' 03" W along the south end of said north/south alley, along a portion of the north line of said east/west alley and along a portion of a south line of said 0.093 acre tract a distance of 36.55 feet to a point at a southwest corner of said 0.093 acre tract;

thence N 01° 14' 13" W along a west line of said 0.093 acre tract a distance of 111.21 feet to a point at a corner of said 0.093 acre tract;

thence N 45° 32' 03" W along a southwest line of said 0.093 acre tract a distance of 23.59 feet to a point at a corner of said 0.093 acre tract;

thence N 89° 09' 02" W along a south line of said 0.093 acre tract a distance of 29.71 feet to a point at a corner of said 0.093 acre tract;

November 6, 2000

thence S 89° 30' 52" W along a south line of said 0.093 acre tract a distance of 70.26 feet to a point at a corner of said 0.093 acre tract;

thence N 56° 38' 08" W along a southwest line of said 0.093 acre tract a distance of 8.75 feet to a point at the northwest corner of said 0.093 acre tract, in the north line of a tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America by deed of record in Deed Book 146, Page 179 and in the south line of a 0.245 acre tract conveyed to Eugene F. & George E. Leffler by deed of record in Deed Book 381, Page 135;

thence N 89° 53' 03" E along a portion of the north line of said 0.093 acre tract, along a portion of the north line of said tract conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America, along a portion of the south line of said 0.245 acre tract and along a portion of the north line of a tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., by deed of record in Deed Book 278, Page 279 a distance of 112.78 feet to a point at the southeast corner of said 0.245 acre tract and at the southwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899;

thence N 00° 06' 57" W along the east line of said 0.245 acre tract, along the west line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899 and along a portion of the west line said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 27, Page 2678 a distance of 42.44 feet to a point at the northeast corner of said 0.245 acre tract and at the southeast corner of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence S 88° 52' 07" W along the north line of said 0.245 acre tract and along the south line of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ a distance of 265.45 feet to a point in the east line of North Sandusky Street (99 feet in width), at the northwest corner of said 0.245 acre tract and at the southwest corner of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence N 00° 06' 57" W along the east line of said North Sandusky Street a distance 309.63 feet to a point at the northwest corner of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ and at the southwest corner of a tract of land conveyed to Teresa A. Heald by deed of record in Deed Book 498, Page 783;

thence N 89° 43' 03" E along the north line of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, along the south line of said tract conveyed to Teresa A. Herald a distance of 205.58 feet to a point at the northeast corner of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence S 00° 06' 57" E along a portion of the east line of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, a distance of 1.73 feet to a point in the south end of a north/south alley 16.5 feet in width and at the northwest corner of said tract conveyed by Pearle Poulton to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

EXHIBIT "A"

November 6, 2000

thence N 89° 53' 03" E along the south end of said north/south alley and along a portion of the north line of said tract conveyed by Pearle Poulton to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ a distance of 13.83 feet to a point at the southeast corner of said north/south alley and at the southwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202;

thence N 00° 06' 57" W along a portion of the east line of said north/south alley and along the west line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 a distance of 42.00 feet to a point at the northwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and at the southwest corner of a tract of land conveyed to Barbara J. Presley and Paige C. Hyatt by deed of record in Deed Book 540, Page 544;

thence N 89° 53' 03" E along the north line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and along the south line of said tract conveyed to Barbara J. Presley and Paige C. Hyatt a distance of 196.00 feet to a point in the west line of North Union Street, at the northeast corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and at the southeast corner of said tract conveyed to Barbara J. Presley and Paige C. Hyatt;

thence S 00° 06' 57" E along the west line of North Union Street a distance of 494.85 feet to the place of beginning;

containing 3.629 acres of land more or less.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House Records in June, 2000. Basis of bearings is the centerline of North Union Street, being assumed at N 00° 06' 57" W, and all other bearings are based upon this meridian.

Jay R. Miller
Ohio Surveyor #8061

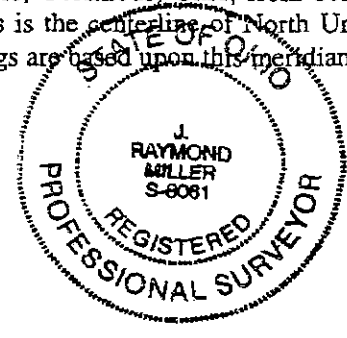
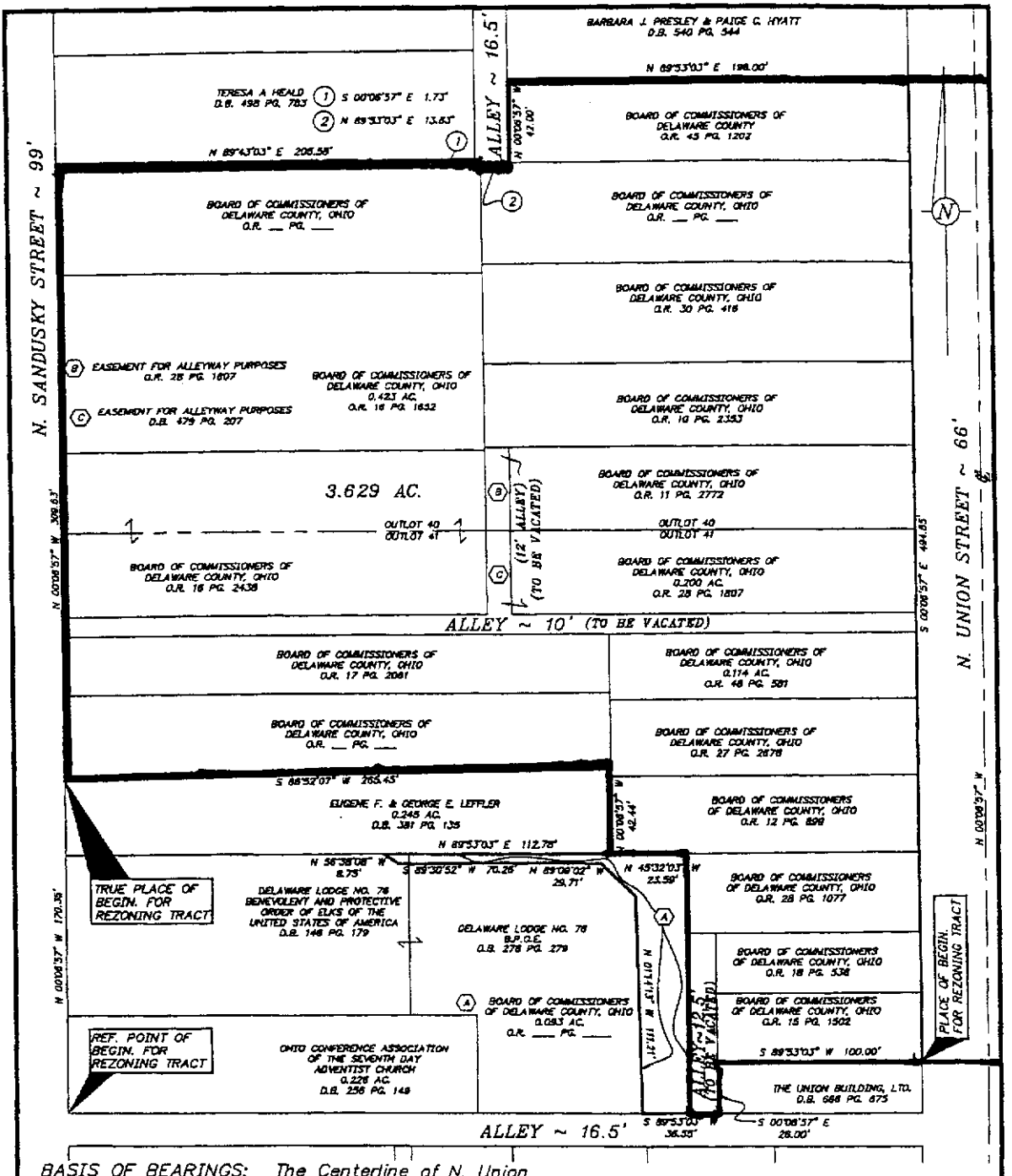


EXHIBIT "A"



BASIS OF BEARINGS: The Centerline of N. Union Street, Being Assumed at N 00° 06' 57" W, and All Other Bearings Are Based Upon This Meridian.

EXHIBIT FOR A 3.629 ACRE TRACT TO BE REZONED IN OUTLOTS 40 & 41 OF THE CITY OF DELAWARE, WEST OF N. UNION STREET, NORTH OF E. CENTRAL AVENUE, DELAWARE, OHIO

(QTR. TWP. 4 T. 5 N., R. 19 W., U.S.M.L.)

SCALE: 1" = 60'

NOVEMBER 6, 2000

C.F. Bird & R.J. Bull, Inc.
2875 W. Dublin-Granville Rd.
Columbus, Ohio 43235

STATE OF OHIO
J. RAYMOND MILLER
S-8061
REGISTERED SURVEYOR

J. R. Miller ~ Ohio Surveyor No. 8061

EXHIBIT "B"

November 6, 2000

REZONING DESCRIPTION
ON THE EAST SIDE NORTH UNION STREET,
NORTH OF EAST CENTRAL AVENUE, DELAWARE, OHIO

Situated in the State of Ohio, County of Delaware, City of Delaware, in Quarter Township 4, Township 5 North, Range 19 West, United State Military Lands and being all of Lots Nos. 3060, 3061, 3062, 3063 and 3064, as shown upon the plat of Gary Wirt's Addition to the City of Delaware, of record in Plat Book 3, Page 121, all of a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 19, Page 690 and a portion of a 6.104 acre tract of land conveyed as Parcel Number Six to The Board of County Commissioners of Delaware County, Ohio by deed of record in Deed Book 182, Page 68, all references to the Recorder's Office, Delaware County, Ohio, said tract to be rezoned bounded and described as follows:

Beginning at a point in east line of North Union Street (66 feet in width), at the southwest corner of said Lot No. 3064 and at the northwest corner of lot No. 3065, as shown upon said plat of Gary Wirt's Addition;

thence N 00° 06' 57" W along the east line of North Union Street and along the west lines of said Lots Nos. 3064, 3063, 3062, 3061 and 3060 a distance of 321.50 feet to a point at the northwest corner of said Lot No. 3060 and at the southwest corner of Lot No. 3059, as shown upon said plat of Gary Wirt's Addition;

thence N 89° 53' 03" E along the north line of said Lot No. 3060, along the south line of said Lot No. 3059 and said lines extended easterly and crossing a portion of said 6.104 acre tract a distance of 108.59 feet to a point in the curved easterly line of said 6.104 acre tract;

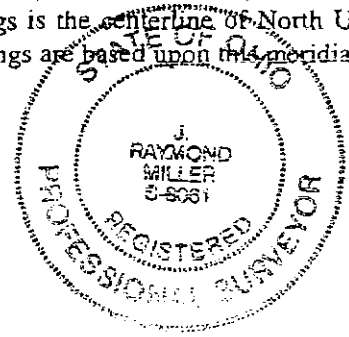
thence southerly along a portion of the curved easterly line of said 6.104 acre tract and with a curve to the left, data of which is: radius = 681.78 feet, and sub-delta = 28° 28' 12", a sub-chord distance of 335.30 feet bearing S 16° 33' 20" E to a point;

thence S 89° 54' 35" W crossing a portion of said 6.104 acre tract, along the south line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 19, Page 690, along the south line of said Lot No. 3064 and along the north line of said Lot No. 3065 a distance of 203.48 feet to the place of beginning;

containing 1.044 acres of land more or less.

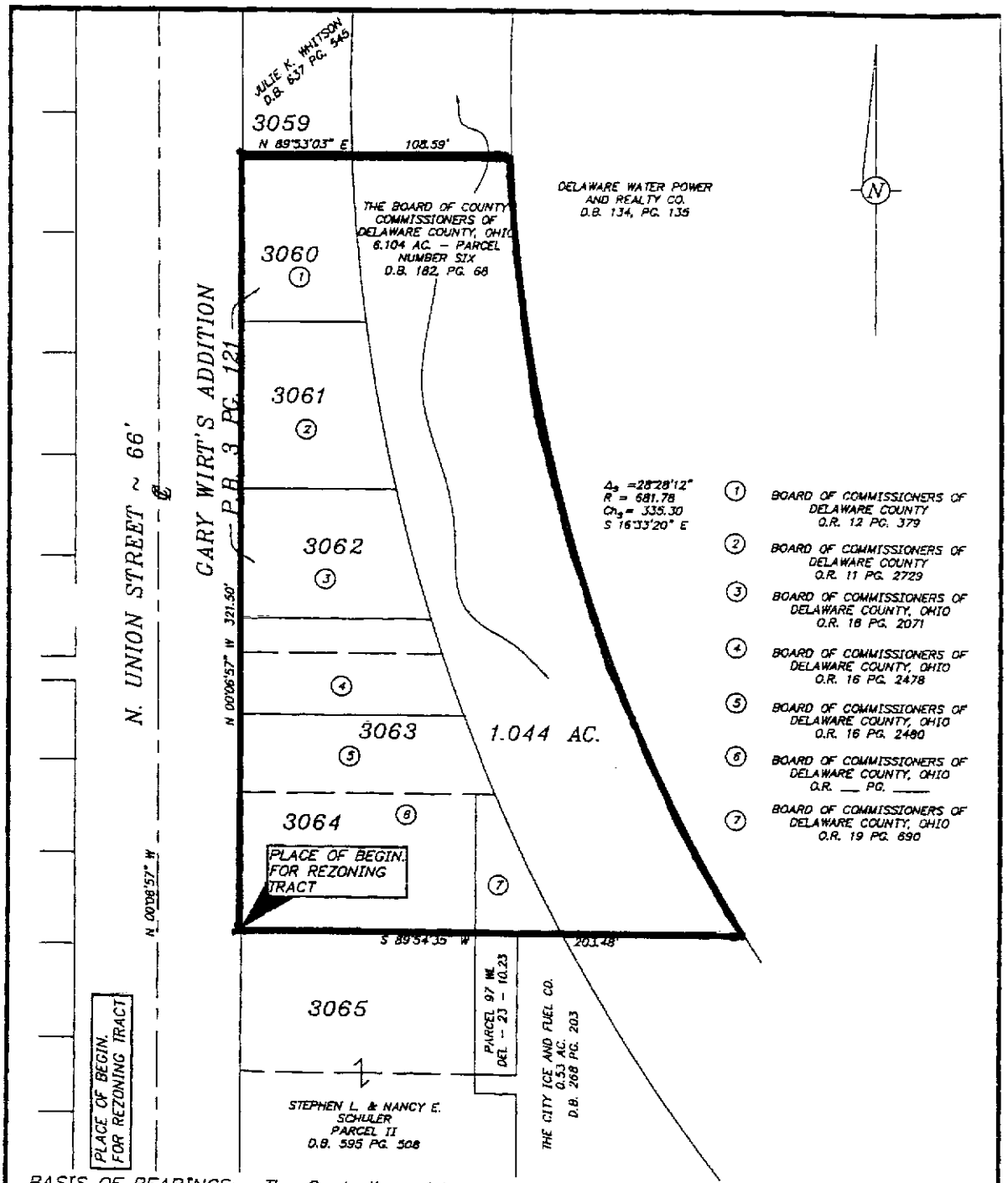
The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House Records in June, 2000. Basis of bearings is the centerline of North Union Street, being assumed at N 00° 06' 57" W, and all other bearings are based upon this meridian.

Jay R. Miller
Ohio Surveyor #8061



2000-066/EAST_REZONING.doc

EXHIBIT "B"



BASIS OF BEARINGS: The Centerline of N. Union Street, Being Assumed at N 00° 06' 57" W, and All Other Bearings Are Based Upon This Meridian.

EXHIBIT FOR A 1.044 ACRE TRACT FOR REZONING PURPOSES EAST OF N. UNION STREET, NORTH OF E. CENTRAL AVENUE, DELAWARE, OHIO

(QTR. TWP. SW, T. 5 N., R. 19 W., U.S.M.L.)

SCALE: 1" = 50'

NOVEMBER 06, 2000

J. RAYMOND MILLER S-8061 REGISTERED PROFESSIONAL SURVEYOR STATE OF OHIO

C.F. Bird & R.J. Bull, Inc.
2875 W. Dublin–Granville
Columbus, Ohio 43235

Jay R. Miller ~ Ohio Surveyor No. 8061

EXHIBIT "C"

October 16, 2000

**DESCRIPTION FOR A 0.093 ACRE TRACT
IN OUTLOT 41 OF THE CITY OF DELAWARE,
WEST OF NORTH UNION STREET, NORTH OF EAST CENTRAL AVENUE,
DELAWARE, OHIO**

Situated in the State of Ohio, County of Delaware, City of Delaware, in Quarter Township 4, Township 5 North, Range 19 West, United State Military Lands, in Outlot 41 of the City of Delaware and being 0.093 acre out of the following Two (2) tracts of land:

1. a tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., by deed of record in Deed Book 278, Page 279, and
2. a tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America, by deed of record in Deed Book 146, Page 179,

both referenced to the Recorder's Office, Delaware County, Ohio, said tract bounded and described as follows:

Beginning, for reference, at a point at the intersection of the west line of North Union Street (66 feet in width) with the north line of East Central Avenue (66 feet in width);

thence N 00° 06' 57" W along the west line of North Union Street a distance of 217.50 feet to the intersection of the north line of an east/west alley (16.5 feet in width) with the west line of North Union Street;

thence S 89° 53' 03" W along a portion of the north line of said east/west alley a distance of 112.50 feet to a point at the intersection of the west line of a north/south alley (12.5 feet in width) with the north line of said east/west alley, at the southeast corner of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E. and at the true place of beginning of the tract herein intended to be described;

thence continuing S 89° 53' 03" W along a portion of the north line of said east/west alley and along a portion of the south line of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E. a distance of 24.05 feet to a ¾" I.D. iron pipe set;

thence crossing a portion of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E. and said tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America the following Five (5) courses:

1. N 01° 14' 13" W a distance of 111.21 feet to a ¾" I.D. iron pipe set;
2. N 45° 32' 03" W a distance of 23.59 feet to a ¾" I.D. iron pipe set;
3. N 89° 09' 02" W a distance of 29.71 feet to a ¾" I.D. iron pipe set;
4. S 89° 30' 52" W a distance of 70.26 feet to a ¾" I.D. iron pipe set;
5. N 56° 38' 08" W a distance of 8.75 feet to a ¾" I.D. iron pipe set in the north line of said tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America and in the south line of a 0.245 acre tract of land conveyed to Eugene F. & George E. Leffler by deed of record in Deed Book 381, Page 135, Recorder's Office, Delaware County, Ohio;

EXHIBIT "C"

October 16, 2000

thence N 89° 53' 03" E along a portion of the north line of said tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America, along a portion of the south line of said 0.245 acre tract, along the north line of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., and along a portion of the south line of a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 889, Recorder's Office, Delaware County, Ohio a distance of 150.28 feet to a ¾" I.D. iron pipe set at the northeast corner of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E. and at the northwest corner of a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1077, Recorder's Office, Delaware County, Ohio;

thence S 00° 06' 57" E along the east line of said tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., along the west line of said tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1077 and along the west line of said north/south alley a distance of 132.61 feet to the true place of beginning;

containing 4,056 square feet (= 0.093 acre) of land more or less and being subject to all easements and restriction of record.

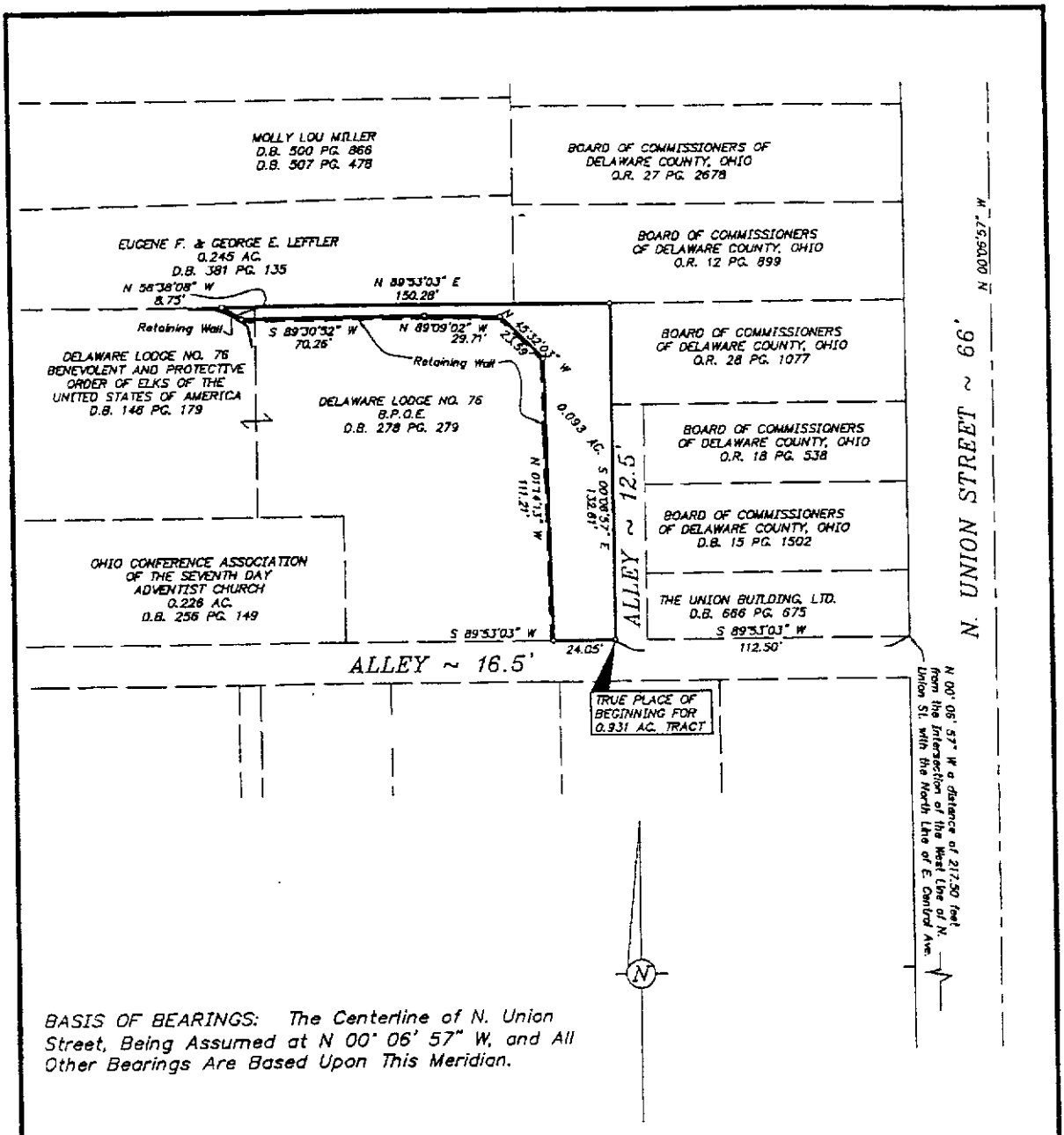
The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in June, 2000. Basis of bearings is the centerline of North Union Street, being assumed at N 00° 06' 57" W, and all other bearings are based upon this meridian.

Jay R. Miller

Jay R. Miller
Ohio Surveyor #8061

STATE OF OHIO
RAYMOND MILLER
S-8061
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT "C"



BASIS OF BEARINGS: The Centerline of N. Union Street, Being Assumed at N 00° 06' 57" W, and All Other Bearings Are Based Upon This Meridian.

EXHIBIT FOR A 0.093 ACRE TRACT IN OUTLOT 41 OF THE CITY OF DELAWARE, WEST OF N. UNION STREET, NORTH OF E. CENTRAL AVENUE, DELAWARE, OHIO

(QTR. TWP. 4, T. 5 N., R. 19 W., U.S.M.L.)

STATE OF OHIO
RAYMOND MILLER
S-8061
REGISTERED
PROFESSIONAL SURVEYOR

SCALE: 1" = 50'

OCTOBER 16, 2000

C.F. Bird & R.J. Bull, Inc.
2875 W. Dublin-Granville Rd.
Columbus, Ohio 43235

By Jay R. Miller
Jay R. Miller ~ Ohio Surveyor No. 8061

2000-066

REZONING DESCRIPTION
ON THE EAST SIDE NORTH UNION STREET,
NORTH OF EAST CENTRAL AVENUE, DELAWARE, OHIO

Situated in the State of Ohio, County of Delaware, City of Delaware, in Quarter Township 4, Township 5 North, Range 19 West, United State Military Lands and being all of Lots Nos. 3060, 3061, 3062, 3063 and 3064, as shown upon the plat of Gary Wirt's Addition to the City of Delaware, of record in Plat Book 3, Page 121, all of a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 19, Page 690 and a portion of a 6.104 acre tract of land conveyed as Parcel Number Six to The Board of County Commissioners of Delaware County, Ohio by deed of record in Deed Book 182, Page 68, all references to the Recorder's Office, Delaware County, Ohio, said tract to be rezoned bounded and described as follows:

Beginning at a point in east line of North Union Street (66 feet in width), at the southwest corner of said Lot No. 3064 and at the northwest corner of lot No. 3065, as shown upon said plat of Gary Wirt's Addition;

thence N 00° 06' 57" W along the east line of North Union Street and along the west lines of said Lots Nos. 3064, 3063, 3062, 3061 and 3060 a distance of 321.50 feet to a point at the northwest corner of said Lot No. 3060 and at the southwest corner of Lot No. 3059, as shown upon said plat of Gary Wirt's Addition;

thence N 89° 53' 03" E along the north line of said Lot No. 3060, along the south line of said Lot No. 3059 and said lines extended easterly and crossing a portion of said 6.104 acre tract a distance of 108.59 feet to a point in the curved easterly line of said 6.104 acre tract;

thence southerly along a portion of the curved easterly line of said 6.104 acre tract and with a curve to the left, data of which is: radius = 681.78 feet, and sub-delta = 28° 28' 12", a sub-chord distance of 335.30 feet bearing S 16° 33' 20" E to a point;

thence S 89° 54' 35" W crossing a portion of said 6.104 acre tract, along the south line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 19, Page 690, along the south line of said Lot No. 3064 and along the north line of said Lot No. 3065 a distance of 203.48 feet to the place of beginning;

containing 1.044 acres of land more or less.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House Records in June, 2000. Basis of bearings is the centerline of North Union Street, being assumed at N 00° 06' 57" W, and all other bearings are based upon this meridian.

_____

Jay R. Miller
Ohio Surveyor #8061

REZONING DESCRIPTION
IN OUTLOT 40 & 41 OF THE CITY OF DELAWARE,
BETWEEN NORTH UNION STREET & NORTH SANDUSKY STREET,
NORTH OF EAST CENTRAL AVENUE, DELAWARE, OHIO

Situated in the State of Ohio, County of Delaware, City of Delaware, in Quarter Township 4, Township 5 North, Range 19 West, United State Military Lands, in Outlots 40 & 41 of the City of Delaware and being all of the following Twenty-One (21) tracts of land:

1. a 0.093 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record _____, Page _____, said tract being conveyed out of a tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., by deed of record in Deed Book 278, Page 279,
2. a north/south alley Twelve and One Half (12.5) feet in width vacated by Ordinance No. _____,
3. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 15, Page 1502,
4. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 18, Page 538,
5. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1077,
6. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899,
7. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 27, Page 2678,
8. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Molly Lou Miller,
9. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 17, Page 2061,
10. a 0.114 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 48, Page 581,
11. an east/west alley Ten (10) feet in width vacated by Ordinance No. _____,
12. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 28, Page 1807,
13. a north/south alley Twelve (12) feet in width vacated by Ordinances Nos. _____ & _____,
14. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 16, Page 2438,
15. a 0.423 acre tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 16, Page 1652,

16. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 11, Page 2772,
17. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 10, Page 2353,
18. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 30, Page 416,
19. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Pearle Poulton,
20. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202, and
21. a tract of land conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, said tract having been conveyed by Robert E. Green,

all references to the Recorder's Office, Delaware County, Ohio, said tract to be rezoned bounded and described as follows:

Beginning at a point in west line of North Union Street (66 feet in width), at the southeast corner of said tract conveyed by deed of record in Official Record 15, Page 1502 and at the northeast corner of a tract of land conveyed to The Union Building, Ltd., by deed of record in Deed Book 666, Page 675, said point being N 00° 06' 57" W a distance of 243.50 feet from the intersection of the west line of North Union Street with the north line of East Central Avenue;

thence N 89° 53' 03" W along the south line of said tract conveyed by deed of record in Official Record 15, Page 1502 and along the north line of said tract conveyed to The Union Building, Ltd., a distance of 100.00 feet to a point at the southwest corner of said tract conveyed by deed of record in Official Record 15, Page 1502, at the northwest corner of said tract conveyed to The Union Building, Ltd., and in the east line of said north/south alley 12.5 feet in width;

thence S 00° 06' 57" E along a portion of the east line of said north/south alley and along the west line of said tract conveyed to The Union Building, Ltd., a distance of 26.00 feet to a point at the intersection of the east line of said north/south alley with the north line of an east/west alley running between North Sandusky Street and North Union Street and at the southwest corner of said tract conveyed to The Union Building, Ltd.;

thence S 89° 53' 03" W along the south end of said north/south alley, along a portion of the north line of said east/west alley and along a portion of a south line of said 0.093 acre tract a distance of 36.55 feet to a point at a southwest corner of said 0.093 acre tract;

thence N 01° 14' 13" W along a west line of said 0.093 acre tract a distance of 111.21 feet to a point at a corner of said 0.093 acre tract;

thence N 45° 32' 03" W along a southwest line of said 0.093 acre tract a distance of 23.59 feet to a point at a corner of said 0.093 acre tract;

thence N 89° 09' 02" W along a south line of said 0.093 acre tract a distance of 29.71 feet to a point at a corner of said 0.093 acre tract;

thence S 89° 30' 52" W along a south line of said 0.093 acre tract a distance of 70.26 feet to a point at a corner of said 0.093 acre tract;

thence N 56° 38' 08" W along a southwest line of said 0.093 acre tract a distance of 8.75 feet to a point at the northwest corner of said 0.093 acre tract, in the north line of a tract of land conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America by deed of record in Deed Book 146, Page 179 and in the south line of a 0.245 acre tract conveyed to Eugene F. & George E. Leffler by deed of record in Deed Book 381, Page 135;

thence N 89° 53' 03" E along a portion of the north line of said 0.093 acre tract, along a portion of the north line of said tract conveyed to Delaware Lodge No. 76 Benevolent and Protective Order of Elks of the United States of America, along a portion of the south line of said 0.245 acre tract and along a portion of the north line of a tract of land conveyed to Delaware Lodge No. 76 B.P.O.E., by deed of record in Deed Book 278, Page 279 a distance of 112.78 feet to a point at the southeast corner of said 0.245 acre tract and at the southwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899;

thence N 00° 06' 57" W along the east line of said 0.245 acre tract, along the west line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 12, Page 899 and along a portion of the west line said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 27, Page 2678 a distance of 42.44 feet to a point at the northeast corner of said 0.245 acre tract and at the southeast corner of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence S 88° 52' 07" W along the north line of said 0.245 acre tract and along the south line of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ a distance of 265.45 feet to a point in the east line of North Sandusky Street (99 feet in width), at the northwest corner of said 0.245 acre tract and at the southwest corner of said tract conveyed from Molly Lou Miller to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence N 00° 06' 57" W along the east line of said North Sandusky Street a distance 309.63 feet to a point at the northwest corner of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ and at the southwest corner of a tract of land conveyed to Teresa A. Heald by deed of record in Deed Book 498, Page 783;

thence N 89° 43' 03" E along the north line of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, along the south line of said tract conveyed to Teresa A. Herald a distance of 205.58 feet to a point at the northeast corner of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence S 00° 06' 57" E along a portion of the east line of said tract conveyed by Robert E. Green to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____, a distance of 1.73 feet to a point in the south end of a north/south alley 16.5 feet in width and at the northwest corner of said tract conveyed by Pearle Poulton to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____;

thence N 89° 53' 03" E along the south end of said north/south alley and along a portion of the north line of said tract conveyed by Pearle Poulton to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record ___, Page _____ a distance of 13.83 feet to a point at the southeast corner of said north/south alley and at the southwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202;

thence N 00° 06' 57" W along a portion of the east line of said north/south alley and along the west line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 a distance of 42.00 feet to a point at the northwest corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and at the southwest corner of a tract of land conveyed to Barbara J. Presley and Paige C. Hyatt by deed of record in Deed Book 540, Page 544;

thence N 89° 53' 03" E along the north line of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and along the south line of said tract conveyed to Barbara J. Presley and Paige C. Hyatt a distance of 196.00 feet to a point in the west line of North Union Street, at the northeast corner of said tract conveyed to Board of Commissioners of Delaware County, Ohio by deed of record in Official Record 45, Page 1202 and at the southeast corner of said tract conveyed to Barbara J. Presley and Paige C. Hyatt;

thence S 00° 06' 57" E along the west line of North Union Street a distance of 494.85 feet to the place of beginning;

containing 3.629 acres of land more or less.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House Records in June, 2000. Basis of bearings is the centerline of North Union Street, being assumed at N 00° 06' 57" W, and all other bearings are based upon this meridian.

_____

Jay R. Miller
Ohio Surveyor #8061

MINUTES

DRAFT

DELAWARE PLANNING COMMISSION

DRAFT

Regular Meeting
October 25, 2000 – 7:00 p.m.
City Hall Council Chambers – 2nd Floor

Roll Call: Acting Chairperson Ross Long called the meeting to order at 7:00 p.m.
Members Present: Dave Godsil, Ron Hall, Ross Long, Lea Morrison, Mary Jane Santos, and Charles Van Gundy.
Member Absent: John Dickson.

Consideration of Minutes for the September 27, 2000 Meeting:
Minutes were not available for this item.

BUSINESS – Consideration of, and Public Hearing on:

Application PC 00-81 – A request by Ben W. Hale, Jr., representing M/I Schottenstein Homes, Inc., for approval of a Rezoning from A-1 (Agricultural District) to R-3 (Single-Family Residential District) for the 105.174± acres located at and near the Cheshire and Braumiller Roads intersection (62.2± acres north of Cheshire and west of Braumiller plus 42.8± acres just south of the intersection).

Gunderman said that this item was requested to be Tabled by the Applicant.

Motion: Godsil/Santos moved to Table Application PC00-81 per the Applicant's request. (All ayes) ITEM TABLED.

Application PC 00-83 – A request by the Delaware County Commissioners for three Street Vacations: Marshall Court from N. Sandusky Street to N. Union Street; the unnamed alley running northward from Marshall Court for 84'±, approximately midway along Marshall Court; plus for the unnamed alley running northward for 97'± from the unnamed alley located about 237' south of Marshall Court and running from N. Sandusky Street to N. Union Street.

Application PC 00-88 – A request by the Delaware County Commissioners for approval of a Rezoning from R-4 (Medium Density Residential District) plus R-6 (Multi-Family Residential District) to PO/I (Planned Office/Institutional District) for the proposed County Administration Building to be located N of E. Central Avenue between N. Sandusky Street and N. Union Street.

Application PC 00-89 – A request by the Delaware County Commissioners for approval of a Preliminary and Final Development Plan for the proposed County Administration Building to be located north of E. Central Avenue between N. Sandusky Street and N. Union Street.

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

BACKGROUND: The vacation of the alleyways for this particular project would appear to be very useful and critical to the County's development plan for the area. Marshall Court essentially goes right through the heart of the frontage where the office building would be located along Sandusky Street. The two additional stub alleys, though largely

located in proposed parking areas would not be logical areas for the City to retain after the County development plan would take place.

The issue of rezoning the County property is in effect two-fold. As a practical matter of zoning real estate within the City, areas that would be redeveloped completely out of residential into a non-residential development area better documented if the City zoning map reflects this change. Until very recently, it was assumed that only this mapping consideration was particularly relevant for the City since it had been assumed that no aspect of City zoning regulations could apply to the County government being essentially under some interpretations a creature of the State. However, recent court decisions in the State of Ohio have suggested otherwise and the City in consideration of those felt it appropriate to go through the full rezoning process as this project was being taken up.

Court interpretations do clearly suggest that there are some limitations on the City's ability to control County activities in that such controls must be considered reasonable. At this point in time, the exact meaning of reasonable is not known, but it does have a certain suggestion that the City must be more restrained in considering applications by the County than they might normally be.

Lastly, the County is submitting a combined Preliminary and Final Development Plan detailing the actual proposal for the site. This also now becomes part of the City's zoning process and essentially is being carried out in accordance with the regular City development plans.

STAFF REVIEW

VACATIONS: The first issue raised by these applications is that of the Right of Way vacations. The largest Right of Way is Marshall Court running from Sandusky Street to Union Street. The County proposes to buy all of the real estate on either side of that particular Right of Way. Furthermore, all of the City utilities contained within that area all needed only to service the immediately adjacent properties and as such will not be necessary once County development takes place. Likewise, the stub Right of Way running north south off of Marshall Court is in the same position having been surrounded by the County ownership and not having utilities critical to properties outside of County control.

In a nearly similar position is the stub Right of Way running north south further south in the City adjacent to an additional alleyway. In this case, the County would only be purchasing property on the easterly side of this Right of Way and only for the two northerly properties inasmuch as the most southerly property is not being taken by the County, but is already composed entirely of a parking lot. The real estate on the west side of that Right of Way is the current Elks Lodge Facility is not being taken by the County in this project, but is not dependent upon this Right of Way for critical access. One property which the County is not purchasing and would be the essential first property south of the County office building on Sandusky Street does have a garage which currently loads from the rear of the property and essentially does connect indirectly through to the current alley proposed for vacation. The County is negotiating an access arrangement with this particular property owner across the property they already control completely and thus providing them an access in and out of the property. This access arrangement for this particular property is still under consideration and other alternatives may be proposed by the time this item is reviewed by the Planning Commission.

In consideration of all of these factors, Staff would recommend approval of the alley vacations with only the potential "subject to easement rights" for private utilities that may feel they have utilities in these Rights of Ways, which cannot be suitably relocated.

REZONING: The next issue before the City is the rezoning of the property. Staff's further review of the zoning in the area indicates that in the initial notice in the paper was slightly in error in that the current zoning on the tract is R-4 and R-6 and being largely the R-4 classification where most of the single-family homes have been located and some R-6 classification at the southern end of this proposal. Staff is also now suggesting that the proposal for the Planned Office/Institutional category not be considered and that an adjusted recommendation for B-2, Central Business District be utilized for this particular project.

Staff had initially envisioned this as an office building as being most appropriate for a straight office zoning district and was for a time uncertain as to which office districts might be most appropriate. After reviewing the actual site plan and proposals for the tract, there are several characteristics for the property, which do not fit into the office classifications of the City such as the minimum acreage requirement for a Planned Office District. The proposed setbacks of the building from Sandusky Street, which essentially is lining up with the existing buildings on either side, be they single-family homes or the Elks Lodge would also not be appropriate in the Office Districts. The general requirements of the Office Districts would have required a flat setback distance at a more typical 25' or 50' distance.

Potentially, most critical is the height of the building. The height of the building, though it's appearance varies between the Sandusky Street and Union Street elevations, is generally in excess of the 40' permitted in the Office District. Staff generally therefore feels that a recommendation by the Planning Commission should be made for the B-2, Central Business District classification. However, Staff is very mindful that the B-2 classification does permit a broad array of commercial activities, which are probably not intended or desired for this section of the City though it is in some cases immediately adjacent to B-2 and B-3 zoning. For this reason, Staff would believe it is practical for

the County to agree to certain text limitations in this rezoning which would restrict out all of the commercial activities permitted by the Zoning Code as well as any residential activity which Staff is sure are not of interest to the County. Staff would suggest that these limitations be restricted to the general office uses permitted in the B-2 Zoning District as well as any other governmental activities that would otherwise be interpreted as being appropriate in the B-2 category.

Assuming these restrictions, Staff would recommend that rezoning of this property be approved for the B-2 classification.

DEVELOPMENT PLAN: Staff is still in the process of completing a review of the development plan of this project and will not have final comments on the combined Preliminary and Final Development Plan until the time of the Planning Commission meeting. In general, the following issues have been discussed with the County and are generally recommended for approval by the City.

Pedestrian access to the area and appearance of the area would best be served if the frontage of the County ownership along Sandusky Street is completed with the design specifications previously used by the City for Downtown Streetscape project. This would include brickwork immediately behind the curb and tree plantings and double-headed street lights of the same types as used in the Streetscape project.

The Streetscape along Union Street, which includes essentially parking lot areas that are on both sides of Union Street should be completed up to the general standards of City residential streets meaning street trees and a curb lawn and standard sidewalk depth and lighting fixtures and lighting levels similar to single-family residential development.

A portion of this development regrettably will have to be reviewed by the Board of Zoning Appeals. A small portion of the most easterly parking lot lies within the flood plain overlay district of the City and as such will require approval by the Board of Zoning Appeals. Given the character of this area for many years and the proposed character of this facility, Staff does not anticipate that this will be a difficult issue.

A slightly more intense discussion will involve the parking lot setbacks for the proposed facility as they front along Union Street. Recently approved City regulations have expanded the required setback area up to 20' for facilities such as this one. The developed plan as currently proposed shows what appears to be a 5' setback from the property line to the edge of the parking lot curbing. While this is in excess of previous standards of the City, it is nonetheless not 20' and will require consideration by the Board of Zoning Appeals. Staff would support this since it would otherwise tend to eliminate two full rows of parking.

The development plan as currently shown does show some locations where parking lot setbacks do not comply with the provisions of the Code. Staff is working with the County to try to bring these particular locations into compliance. Should this not be the case, it may be that the County will choose to appeal to the Board of Zoning Appeals for exceptions in these particular cases as well.

Staff has also continued to review the entire project for the appropriate buffers and landscape areas. On the whole the entire layout of the County parking lot appears to have been relatively generous with the amount of interior landscape islands and edging and it should be possible to achieve compliance with the Code through the number of trees that can be planted in these particular areas.

UTILITIES AND IMPROVEMENTS: In general, Union Street and Sandusky Street already exist and Staff has previously noted the treatments for pedestrian access, which can be anticipated. The largest remaining issue is the development of an appropriate storm sewer system through this particular area. This portion of the City has been troubled by an inadequate storm sewer system. This system has had significant problems along the Right of Way on Sandusky Street where a portion of that system has broken down. City Engineering Staff had determined that an appropriate long-term solution would be to construct a large diameter storm sewer through this part of the City and had intended to develop such a sewer through a vacant parcel, which now is being developed by the County. As such, the City is finding it necessary to require that the storm sewer systems be put into the County's project since it using up the otherwise available space that the City would have used had it had more time to resolve the issue. This particular storm sewer project is unusually large compared to the scale and size of this particular building and may require the City's participation. What is most critical is that the storm sewer be put in place as this particular structure is developed. The grading and design work are too significant to be taken up separately later when they would only present massive problems and substantial additional expenses for both the City and County.

In general, the storm sewer needs to run from Sandusky Street across the County property and across Union Street to an outlet on far eastern side of the County parking lot. This particular feature must be completed in terms of its engineering design and any cost considerations between the City and County must be worked out.

Staff is hopeful that more insight into this particular situation will be completed by the time of the Planning Commission meeting. In any event, Staff would not anticipate that the major components of the County site plan would be changed and that as an underground facility, the storm sewer would not materially impact the project.

In addition to the consideration regarding the storm sewer, it also appears the City is the title holder to a portion of the area that is at the rear of what had been the residential properties along the east side of Union Street. This

particular area was once a railroad Right of Way and as redevelopment of US 23 substantially changed this area, the railroad Right of Way was deeded to the City of Delaware. In the intervening years, the individual properties that fronted along Union Street maintained much of this area as though it were there rear yards. It appears from the layout of the parking lot that some of this area is proposed for use in the County parking lot, which is no doubt a good use for the real estate.

In general, the straight development plan review is not particularly complicated since it is largely a parking lot layout and design. Traffic movement in and through the property is generally facilitated by a proposed one way in driveway entrance off of Sandusky Street emptying off into the substantial parking lot on the eastern side of the office building. Much of the traffic will have the ability to utilize Union Street as a principal access way into the parking lot.

Staff has also noted that the width of Sandusky Street narrows just south of the proposed office complex at the Elks Lodge entryway. As such, the cross section in front of the proposed office structure is essentially a two-lane facility on Sandusky Street with parking on the curb. It would be possible to widen, particularly the eastern side of Sandusky Street, on line with the wider section just south of the Elks up to some point. However, Staff at this point, cannot see any particular value in making such an adjustment. This matter will be reviewed further by the City Engineering Division, but as of this time, Staff believes that the one way entryway from Sandusky Street should work very well for this particular project and based on the size of the parking facility at this location, Staff does not feel that there is a particular utility in widening the street on the easterly curb line.

STAFF RECOMMENDATION: Staff generally would recommend approval of the vacations, approval of a B-2 rezoning for the property subject to text limitations and will make final recommendations on the development plan at the Planning Commission meeting.

Gunderman said that Staff prefers the B-2 classification to the PO/I and the application should be amended. He said that the text limitation below should be incorporated into the approval of the Rezoning.

Property shall be used for Governmental office uses and accessory activities as permitted in the B-2 District, except that no portion of the property shall be used for the following.:

1. Any Residential activity otherwise permitted in the district.
2. Any Retail or Commercial Services otherwise permitted in the district.
3. Any Automotive or Transportation Use (but permitting the parking lots uses accessory to the County Facilities).
4. Any Outdoor Display/Storage.
5. Any Commercial Recreational or Entertainment Activity.
6. Any Lodging activity.

Gunderman said that Staff met with a City-hired architect on this item and comments were given regarding certain issues, but was generally in favor of the project. Gunderman mentioned that the parking spaces are approximately 30 spaces shy of what Code requires.

Jeff Gordon, Schooley Caldwell Associates, said they propose a 4-story building on the west side with three entrances into the building. He said there would be parking on the east side of Union Street in addition to the parking on the building site. He said there would be loading areas to the east and a covered entry on the southeast corner of the building. He said the garage to the south of the building would be demolished and rebuilt and would need a Variance to build it. Gordon showed the elevations of the building and said that they want to conform to buildings currently in the downtown.

Long asked and Gordon responded that there would be approximately 202 parking spaces total for the project for 150 employees. Dave Cannon, Delaware County, said that some spaces would still be used at the Courthouse.

Long suggested that the employees park in certain areas farther from the building and Cannon responded that they plan to have limited parking times similar to the parking at the Courthouse. Long asked and Gordon responded that there really is no possibility of generating more parking because they are already landlocked.

Godsil asked and Gordon responded that there is existing and available parking at the

Courthouse.

Morrison asked and Gordon responded that there would not be any courtrooms at this facility.

Morrison said the alleys need to be vacated, but the building looks very "cold". Don Wuertz, Delaware County, said that they have met with neighbors in the area and they believe the building looks very nice.

Long asked and Dane Gaschen responded that the County must make a "reasonable effort" to comply with other jurisdiction's Zoning Codes. Gaschen said that if the County will not comply, the City could take them to court. He said the greater number of either citizens benefited or harmed by the project would decide the action taken.

Mayor Tommy Thompson, 642 Presidential Way, said he is very pleased with this project and would like to see it proceed.

Long said this location makes a lot of sense and is a reasonable plan. He said parking is only a small concern.

Gunderman said the big issue would be trying to find a place to run a sewer line through the area. He said this would not change the layout of the project, but the City might have to take up part of the cost.

Long asked and Cannon responded that he would have no problem with applying the text limitations shown to the Rezoning. Gunderman said he would like to clarify that any non-commercial recreation are not against these text limitations, only recreation where promotion of some type would occur.

Gunderman said the garage is an unusual feature and the City would probably grant an easement.

Long asked and Gunderman responded that he would like to see the height of the lighting go down, but the project is superior to the Code for the amount of lighting from the facility.

Gunderman asked and Gordon responded that they would be providing at least 5' sidewalk sections.

Wuertz said that extra outlets would be outside the facility particularly for outdoor community activities and Gunderman said that would be permissible because it is not a profit-oriented activity.

Motion: Godsil/Morrison moved to approve Application PC00-83 for the Alley Vacation. (6 in favor, 0 opposed) MOTION PASSED.

Motion: Godsil/Morrison moved to approve Application PC00-88 for the Rezoning from R-4 and R-6 to B-2, subject to the text limitations being incorporated into this approval. (6 in favor, 0 opposed) MOTION PASSED.

Motion: Santos/Godsil moved to approve Application PC00-89 for the Preliminary and Final Development Plans. (6 in favor, 0 opposed) MOTION PASSED.

Application PC 00-87 – A request by Enterprise Rent-a-Car for approval of a Conditional Use Permit for a rental operation in the existing building located at 298 S. Sandusky Street (almost west of the intersection with Wootring Street).

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

BACKGROUND: The Applicant proposes to establish a car rental office in part of the former Moore's building on S. Sandusky Street. Normally, 9-10 cars are stored in the parking lot as inventory for potential customers.

DELAWARE PLANNING COMMISSION
ALLEY VACATIONS, REZONING AND PRELIMINARY DEVELOPMENT PLAN REVIEW

Marshall Court Vacation and County Commissioner's Office Building

CASE NUMBER: PC00-83/88/89 MEETING DATE: October 25, 2000

OWNER/APPLICANT: Delaware County Commissioners
101 N. Sandusky Street
Delaware, OH 43015

REQUEST: These three applications compose the action needed to facilitate the development of the new proposed County office building and accompanying parking lots between Sandusky Street and Union Street. As such, the County is requesting the Vacation of certain alleyways generally known as Marshall Court running east west between Sandusky Street and Union Street and two stub alleyways running north south, one from the center of Marshall Court and one from the alleyway further south closer to East Central Avenue. In addition to the proposed alley vacations at the City's request and at the City's initiative, an application for rezoning is being processed, which as noticed in the paper suggested that this entire area would be rezoned from its current R-5 and R-6 classification to the Planned Office Institutional classification. Lastly, the County has also agreed to submit a Preliminary and Final Development Plan in accordance with City zoning procedures for the entire tract and that also is before the Planning Commission for action.

BACKGROUND: The vacation of the alleyways for this particular project would appear to be very useful and critical to the County's development plan for the area. Marshall Court essentially goes right through the heart of the frontage where the office building would be located along Sandusky Street. The two additional stub alleys, though largely located in proposed parking areas would not be logical areas for the City to retain after the County development plan would take place.

The issue of rezoning the County property is in effect two-fold. As a practical matter of zoning real estate within the City, areas that would be redeveloped completely out of residential into a non-residential development area better documented if the City zoning map reflects this change. Until very recently, it was assumed that only this mapping consideration was particularly relevant for the City since it had been assumed that no aspect of City zoning regulations could apply to the County government being essentially under some interpretations a creature of the State. However, recent court decisions in the State of Ohio have suggested otherwise and the City in consideration of those felt it appropriate to go through the full rezoning process as this project was being taken up.

Court interpretations do clearly suggest that there are some limitations on the City's ability to control County activities in that such controls must be considered reasonable. At this point in time, the exact meaning of reasonable is not known, but it does have a certain suggestion that the City must be more restrained in considering applications by the County than they might normally be.

Lastly, the County is submitting a combined Preliminary and Final Development Plan detailing the actual proposal for the site. This also now becomes part of the City's zoning process and essentially is being carried out in accordance with the regular City development plans.

STAFF REVIEW

VACATIONS: The first issue raised by these applications is that of the Right of Way vacations. The largest Right of Way is Marshall Court running from Sandusky Street to Union Street. The County proposes to buy all of the real estate on either side of that particular Right of Way. Furthermore, all of the City utilities contained within that area all needed only to service the immediately adjacent properties and as such will not be necessary once County development takes place. Likewise, the stub Right of Way running north south off of Marshall Court is in the same position having been surrounded by the County ownership and not having utilities critical to properties outside of County control.

In a nearly similar position is the stub Right of Way running north south further south in the City adjacent to an additional alleyway. In this case, the County would only be purchasing property on the easterly side of this Right of Way and only for the two northerly properties inasmuch as the most southerly property is not being taken by the County, but is already composed entirely of a parking lot. The real estate on the west side of that Right of Way is the current Elks Lodge Facility is not being taken by the County in this project, but is not dependent upon this Right of Way for critical access. One property which the County is not purchasing and would be the essential first property south of the County office building on Sandusky Street does have a garage which currently loads from the rear of the property and essentially does connect indirectly through to the current alley proposed for vacation. The County is negotiating an access arrangement with this particular property owner across the property they already control completely and thus providing them an access in and out of the property. This access arrangement for this particular property is still under consideration and other alternatives may be proposed by the time this item is reviewed by the Planning Commission.

In consideration of all of these factors, Staff would recommend approval of the alley vacations with only the potential "subject to easement rights" for private utilities that may feel they have utilities in these Rights of Ways, which cannot be suitably relocated.

REZONING: The next issue before the City is the rezoning of the property. Staff's further review of the zoning in the area indicates that in the initial notice in the paper was slightly in error in that the current zoning on the tract is R-4 and R-6 and being largely the R-4 classification where most of the single-family homes have been located and some R-6 classification at the southern end of this proposal. Staff is also now suggesting that the proposal for the Planned Office/Institutional category not be considered and that an adjusted recommendation for B-2, Central Business District be utilized for this particular project.

Staff had initially envisioned this as an office building as being most appropriate for a straight office zoning district and was for a time uncertain as to which office districts might be most appropriate. After reviewing the actual site plan and proposals for the tract, there are several characteristics for the property, which do not fit into the office classifications of the City such as

the minimum acreage requirement for a Planned Office District. The proposed setbacks of the building from Sandusky Street, which essentially is lining up with the existing buildings on either side, be they single-family homes or the Elks Lodge would also not be appropriate in the Office Districts. The general requirements of the Office Districts would have required a flat setback distance at a more typical 25' or 50' distance.

Potentially, most critical is the height of the building. The height of the building, though it's appearance varies between the Sandusky Street and Union Street elevations, is generally in excess of the 40' permitted in the Office District. Staff generally therefore feels that a recommendation by the Planning Commission should be made for the B-2, Central Business District classification. However, Staff is very mindful that the B-2 classification does permit a broad array of commercial activities, which are probably not intended or desired for this section of the City though it is in some cases immediately adjacent to B-2 and B-3 zoning. For this reason, Staff would believe it is practical for the County to agree to certain text limitations in this rezoning which would restrict out all of the commercial activities permitted by the Zoning Code as well as any residential activity which Staff is sure are not of interest to the County. Staff would suggest that these limitations be restricted to the general office uses permitted in the B-2 Zoning District as well as any other governmental activities that would otherwise be interpreted as being appropriate in the B-2 category.

Assuming these restrictions, Staff would recommend that rezoning of this property be approved for the B-2 classification.

DEVELOPMENT PLAN: Staff is still in the process of completing a review of the development plan of this project and will not have final comments on the combined Preliminary and Final Development Plan until the time of the Planning Commission meeting. In general, the following issues have been discussed with the County and are generally recommended for approval by the City.

Pedestrian access to the area and appearance of the area would best be served if the frontage of the County ownership along Sandusky Street is completed with the design specifications previously used by the City for Downtown Streetscape project. This would include brickwork immediately behind the curb and tree plantings and double-headed street lights of the same types as used in the Streetscape project.

The Streetscape along Union Street, which includes essentially parking lot areas that are on both sides of Union Street should be completed up to the general standards of City residential streets meaning street trees and a curb lawn and standard sidewalk depth and lighting fixtures and lighting levels similar to single-family residential development.

A portion of this development regrettably will have to be reviewed by the Board of Zoning Appeals. A small portion of the most easterly parking lot lies within the flood plain overlay district of the City and as such will require approval by the Board of Zoning Appeals. Given the character of this area for many years and the proposed character of this facility, Staff does not anticipate that this will be a difficult issue.

A slightly more intense discussion will involve the parking lot setbacks for the proposed facility as they front along Union Street. Recently approved City regulations have expanded the required setback area up to 20' for facilities such as this one. The developed plan as currently proposed shows what appears to be a 5' setback from the property line to the edge of the parking lot curbing. While this is in excess of previous standards of the City, it is nonetheless not 20' and will require consideration by the Board of Zoning Appeals. Staff would support this since it would otherwise tend to eliminate two full rows of parking.

The development plan as currently shown does show some locations where parking lot setbacks do not comply with the provisions of the Code. Staff is working with the County to try to bring these particular locations into compliance. Should this not be the case, it may be that the County will choose to appeal to the Board of Zoning Appeals for exceptions in these particular cases as well.

Staff has also continued to review the entire project for the appropriate buffers and landscape areas. On the whole the entire layout of the County parking lot appears to have been relatively generous with the amount of interior landscape islands and edging and it should be possible to achieve compliance with the Code through the number of trees that can be planted in these particular areas.

UTILITIES AND IMPROVEMENTS: In general, Union Street and Sandusky Street already exist and Staff has previously noted the treatments for pedestrian access, which can be anticipated. The largest remaining issue is the development of an appropriate storm sewer system through this particular area. This portion of the City has been troubled by an inadequate storm sewer system. This system has had significant problems along the Right of Way on Sandusky Street where a portion of that system has broken down. City Engineering Staff had determined that an appropriate long-term solution would be to construct a large diameter storm sewer through this part of the City and had intended to develop such a sewer through a vacant parcel, which now is being developed by the County. As such, the City is finding it necessary to require that the storm sewer systems be put into the County's project since it using up the otherwise available space that the City would have used had it had more time to resolve the issue. This particular storm sewer project is unusually large compared to the scale and size of this particular building and may require the City's participation. What is most critical is that the storm sewer be put in place as this particular structure is developed. The grading and design work are too significant to be taken up separately later when they would only present massive problems and substantial additional expenses for both the City and County.

In general, the storm sewer needs to run from Sandusky Street across the County property and across Union Street to an outlet on far eastern side of the County parking lot. This particular feature must be completed in terms of its engineering design and any cost considerations between the City and County must be worked out.

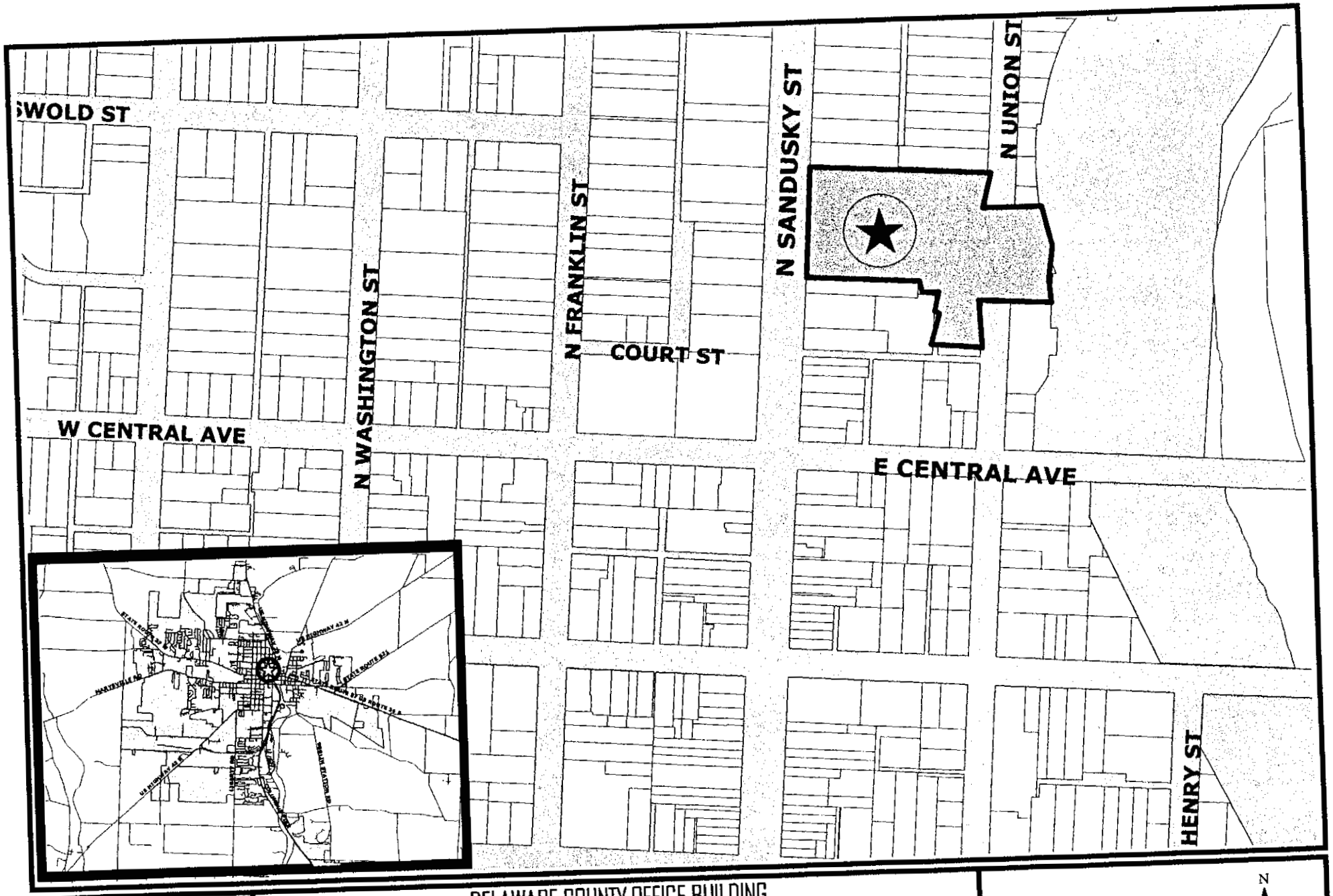
Staff is hopeful that more insight into this particular situation will be completed by the time of the Planning Commission meeting. In any event, Staff would not anticipate that the major components of the County site plan would be changed and that as an underground facility, the storm sewer would not materially impact the project.

In addition to the consideration regarding the storm sewer, it also appears the City is the title holder to a portion of the area that is at the rear of what had been the residential properties along the east side of Union Street. This particular area was once a railroad Right of Way and as redevelopment of US 23 substantially changed this area, the railroad Right of Way was deeded to the City of Delaware. In the intervening years, the individual properties that fronted along Union Street maintained much of this area as though it were there rear yards. It appears from the layout of the parking lot that some of this area is proposed for use in the County parking lot, which is no doubt a good use for the real estate.

In general, the straight development plan review is not particularly complicated since it is largely a parking lot layout and design. Traffic movement in and through the property is generally facilitated by a proposed one way in driveway entrance off of Sandusky Street emptying off into the substantial parking lot on the eastern side of the office building. Much of the traffic will have the ability to utilize Union Street as a principal access way into the parking lot.

Staff has also noted that the width of Sandusky Street narrows just south of the proposed office complex at the Elks Lodge entryway. As such, the cross section in front of the proposed office structure is essentially a two-lane facility on Sandusky Street with parking on the curb. It would be possible to widen, particularly the eastern side of Sandusky Street, on line with the wider section just south of the Elks up to some point. However, Staff at this point, cannot see any particular value in making such an adjustment. This matter will be reviewed further by the City Engineering Division, but as of this time, Staff believes that the one way entryway from Sandusky Street should work very well for this particular project and based on the size of the parking facility at this location, Staff does not feel that there is a particular utility in widening the street on the easterly curb line.

STAFF RECOMMENDATION: Staff generally would recommend approval of the vacations, approval of a B-2 rezoning for the property subject to text limitations and will make final recommendations on the development plan at the Planning Commission meeting.



DELAWARE COUNTY OFFICE BUILDING
N. SANDUSKY STREET TO
N. UNION STREET PC CASES 00- 83,88,89
INCLUDING ALLEY VACATION

100 0 100 200 Feet

N
W E
S