TURKEY HILL DELAWARE COUNTY HISTORICAL SOCIETY & AUTOMAX PROPERTY HODLING LLC DEVELOPMENT TEXT FOR PLANNED MIXED USE DEVELOPMENT AT US-23 & STRATFORD ROAD DELAWARE, OHIO

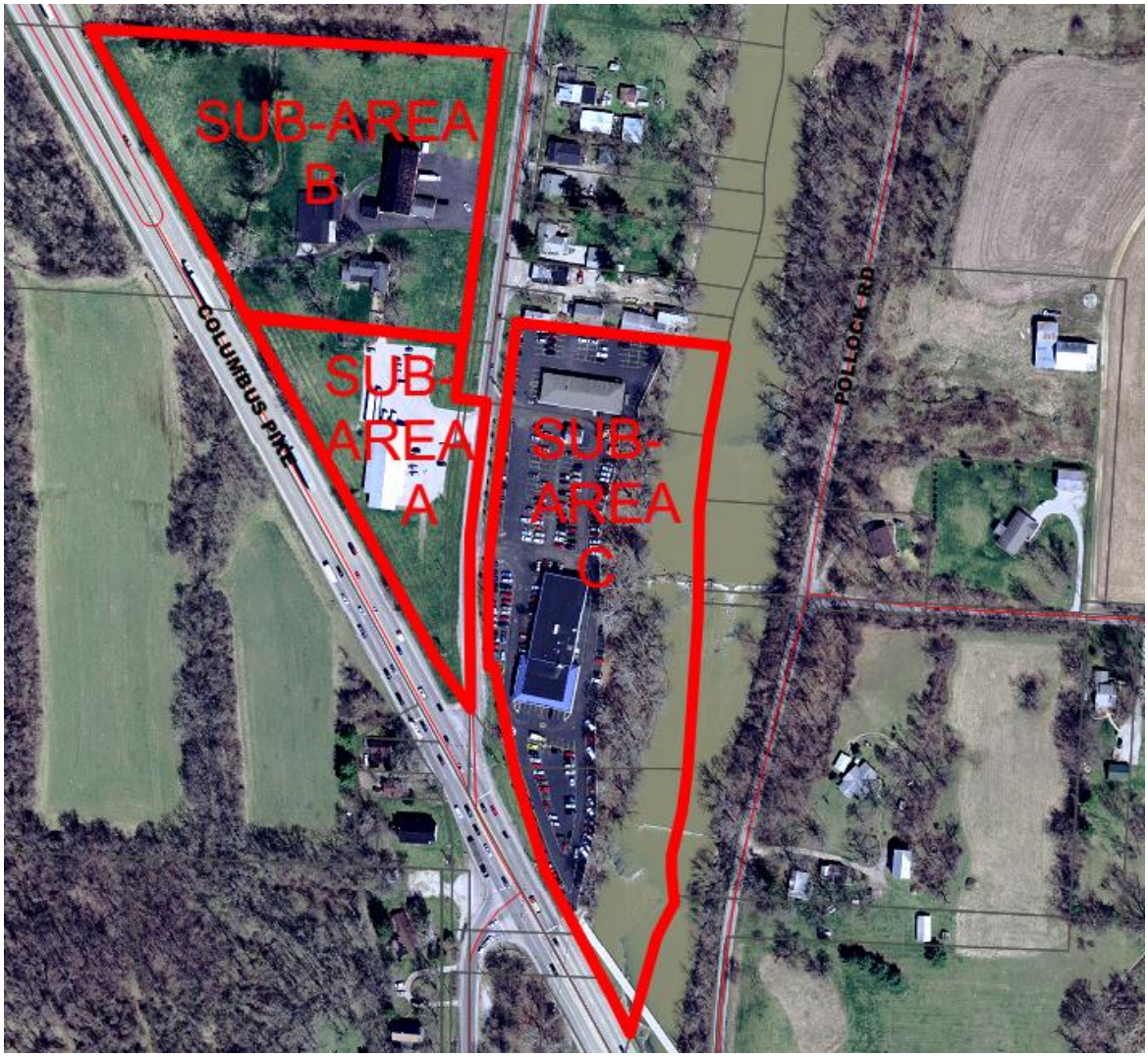
1. DESCRIPTION OF DEVELOPMENT

Sub-Area C (New)

Automax Property Holding LLC is proposing to rezone their subject 5.68 acre property from A-1 (Agricultural District) to a PMU (Planned Mixed Use Overlay) and be included in the existing Turkey Hill and Delaware County Historical Society PMU Overlay District to achieve compliance with the zoning code and ensure that the property is compatible with surrounding area and allow a long standing auto dealership to be a conforming use. The development would include building renovations, landscape upgrades and a bike path extension along US 23 and Stratford Road. There would be no changes to the development text for Turkey Hill (Sub-Area A) or Delaware County Historical Society (Sub-Area B) in the expanded PMU Overlay District. The AutoMax site would encompass a new and distinct district (Sub-Area C).

Sub-Area A & B (Existing)

On February 22, 2010, City Council approved the current development text which has the following site specific narrative pertaining to the two subject parcels in Sub-Area A and B:
Skilken TH, LLC, Thomas & Carolyn Porter, and the Delaware County Historical Society are proposing to develop a planned mixed-use project. The applicants propose to construct a new Turkey Hill Store that will offer fuel sales, and to adaptively re-use the historic Colonel Meeker farmstead structures. The Turkey Hill facility would be constructed at the immediate corner of US-23 & Stratford Road and would be separated from the historic structures, which are planned to be utilized by the Delaware County Historical Society. The 10.047 +/- acre project site is located several miles south of downtown Delaware, situated between US-23 and Stratford Road.



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2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this development to provide a mixed use development with compatible and common architectural design, signage, lighting, and pedestrian amenities. Prototypical design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by

resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major change in the use or occupancy other than those uses specifically listed in this text for Sub-Area B or any major increase in the non-residential building area.
(2) Major change in the approved location of land uses or land use sub-areas.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor change to the use or occupancy of Sub-Area B other than those uses specifically allowed in this text or any minor changes to the approved site layout or non-residential building area.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that does not result in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the building.

f. **Stream Preservation.**

(1) All State and local rules and regulations regarding the regulation of streams and water courses within Sub-Area A, Sub-Area B and Sub-Area C shall apply as they are in effect at the time of permitting. Additionally, any required stream or watercourse setbacks, riparian buffers, or conservation areas shall be designated on the final development plan for either sub-area.

g. **Tree Removal and Replacement.** Tree removal and replacement shall meet all requirements of Chapter 1168 with the following replacement schedule:

(1) Trees in poor condition shall not be replaced.
(2) Trees in fair condition shall be replaced at 50%.
(3) Trees in good condition shall be replaced at 100%

(4) Ash trees shall not be counted toward replanting requirements.

3. SUB-AREAS

The project is separated into three main sub-areas to represent the distinct areas of development. Sub-Area A is the location of the Turkey Hill Store, which is comprised of a convenience store and a fuel sales canopy with six (6) pump island dispensers for a total of twelve (12) fueling stations. Sub-Area B is the location of the historic Colonel Meeker farmstead site, which will be utilized by the Delaware County Historical Society, and will remain largely unchanged as it sits today in terms of building footprint and location and access to Stratford Road. Sub Area C is the location of the current AutoMax car dealership which includes proposed improvements to the building, landscaping and extending the bike path along US 23 and Stratford Road.

4. **SUB-AREA A – COMMUNITY RETAIL**

a. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses in Sub-Area A as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category [1]	Uses
(a) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services	P
(b) Retail and Services	
(1) Retail and service establishments in completely enclosed buildings	P
(2) Restaurant	P
Land Use Category [1]	**Uses**
(c) Automotive and Transportation	
(1) Gasoline station (with or without convenience store)	L
(2) Car wash (accessory to principal use only)	L
(d) Outdoor Display/Storage	
(1) Outdoor display	L
(e) Community Facilities	
(1) Library	P
(2) Public cultural institutions and art galleries	P
(f) Recreation and Entertainment	
(1) Public parks and playgrounds	P

1 Drive through uses, either primary or accessory, are expressly prohibited in this Sub-Area except as incorporated into the Car Wash (accessory to principal use only) land use category.

(5) **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

A. **Gasoline Station (with or without convenience store).** Such use shall meet all requirements of the then current Zoning Code and be designed in a manner that substantially limits the view of fueling pumps from the public right-of-way as

depicted below. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development, the principal building, and shall not include exposed metal support columns. The canopy covering the fuel pumps shall be removed at the time the property is no longer used as a gasoline station.

B. **Car Wash (accessory to principal use only).** Such use shall only be permitted as accessory to a principally permitted use and shall meet all requirements of the then current Zoning Code and be located in the side or rear (opposite the public right-of-way) of the principal building (Gasoline Station) unless substantially designed as depicted below. The building whether detached or attached to the building containing the principal use shall be designed in a manner that is substantially similar with the overall development including the provision of vehicular doors that are consistent with character and style of the development and building.


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C. **Outdoor Display.** The following standards shall apply for outdoor storage and outdoor display.
   1. Permanent outdoor display in any parking area in front of the building is prohibited.
   2. Outdoor display of merchandise is limited to no more than two designated areas depicted on the approved Final Development Plan and shall only include an ice storage box and propane storage rack of which each shall count as one (1) area. Such storage equipment shall match the primary color of the building and may only include one (1) sign not larger than three (3) square feet in area.

b. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	1.5 acres
(2) Minimum lot width and frontage*	250 ft.
(3) Maximum building coverage	40%
(4) Maximum lot coverage**	70%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area A, excluding any existing public right-of-way, and converted to a percentage.

c. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from US-23	25ft.
(2) Setback from Stratford Road	50 ft.
(3) Interior Side setback	30 ft.
(4) Rear setback	20 ft.

d. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from US-23	20 ft.
(2) Setback from Stratford Road	15ft.

e. **Maximum Building Height.** The maximum height of any building or structure shall be 40 feet as measured from finished floor elevation to the highest point of the roof.

f. **Building Design.** All buildings regardless of use shall consist of brick, stone, cedar planking, cement fiber siding, or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process and substantially similar to the following elevations.

(1) Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick, stone, cedar planking, cement fiber siding, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
(2) Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.


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g. **Parking.** The amount of parking provided shall not be more than that shown on the approved Final Development Plan. No overnight parking (10:00pm to 7:00am), except employees and temporary delivery trucks, shall be allowed. This includes, but is not limited to overnight, RVs and thru-trucks. Overnight parking is defined as any qualifying vehicle (not customers, employees, or temporary delivery vehicles) parked on-site longer than two (2) hours.

h. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan. The rear and sides of buildings that are visible from the public right-of-way shall be landscaped in a manner that provides visual interest with screening, variety, and seasonal color. Landscaping shall be substantially similar to the following landscape plan.


LEGEND
A CITY OF DELAWARE GATEWAY ELEMENT
B STACKED STONE WALL
C MEADOW PLANTING
D CONVENIENCE STORE
E FUEL CANOPY
F CAR WASH
G RIGHT IN/ RIGHT OUT ACCESS
H PRESERVED BARN/ DCHS
I PRESERVED HOUSE/ DCHS
J EXISTING STREAM
K FULL SERVICE ACCESS
L FUTURE REALIGNMENT R/W
STRAFFORD ROAD
U.S. 23

i. **Multi-Use Path.** Though Stratford Road is not currently equipped with sidewalks or bike paths for recreational connectivity, the applicants shall provide the necessary easements to allow for a recreational trail across the site. The final location of the recreational trail easement will be as approved in the Final Development Plan and per the City's requirements. The applicants in lieu of constructing the path will issue a payment to the City for the future construction of the path prior to issuance of the first building permit for the sub-area.

j. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current Zoning Code, except that there is no requirement to provide lighting beyond that required by the applicable Building Code. All lighting fixtures shall be decorative fixtures that are appropriate and consistent with the overall design of the development. No lighting fixture shall be mounted higher than 16 feet and no higher than the canopy covering the fuel pumps. Any lighting mounted to the ceiling of the canopy shall be fully recessed so as to not allow the light source to be visible. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility. All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant's operational requirements. Any use with a 24 hour operation shall provide a lighting plan that minimizes site and building lighting during non-peak nighttime hours. In addition, and in conjunction with the City's lighting standards, the lighting plan for Sub-Area A shall be so designed to protect the Perkins Observatory and scientific research conducted at the facility by eliminating unnecessary exterior lighting and minimizing light pollution.

k. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165.16(c) and will be provided as part of the Final Development Plan. All signage proposed for this Planned Mixed Use Development will comply with the Gateways & Corridors Plan (GCP) and Chapter 1165 of the City of Delaware Zoning Code; specifically as it applies to the B-4 Business District; except as otherwise modified by this text below and as approved in the Comprehensive Sign Plan. Up to two (2) ground mounted monument signs (in conformance with all zoning code and GCP requirements) may be allowed on this portion of the site to be determined through the comprehensive sign plan and final development plan processes. If a gas station use is proposed for the site, one of the signs may include changeable copy gas pricing as part of the single ground mounted sign. This changeable copy sign shall be a maximum of 9 feet high including the required 2-3 feet monument stone base and may contain up to 40 square feet of sign area per sign face. If a second ground mounted monument sign is sought it shall be for site identification purposes only and shall not include changeable copy on any kind, be no higher than 9 feet including the 2-3 feet monument stone base and shall not exceed 25 square feet per sign face. Wall mounted signs shall be allowed at a size and location approved with the comprehensive sign plan and consistent with all building design standards of this text. The requirements of this section may be modified through the final development plan and comprehensive sign plan approval process.

5. SUB-AREA B – ADAPTIVE RE-USE OF HISTORICAL PROPERTY

a. **Uses.** The following uses shall be considered permitted or conditionally permitted uses in Sub-Area B as represented in the chart below by P or C, respectively, and as defined by Chapter 1121 of the City of Delaware Zoning Code. Given the size of the sub-area and the amount of existing building footprint, it is conceivable that the historic structures might be utilized by more than one person or entity for more than one purpose or business, therefore a mix of uses may be permitted in this subarea, provided that each use is able to meet the minimum requirements of the foregoing document. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category [1]	**Uses**
(a) Residential	
(1) Single family residence	P
(2) Agricultural	P
(b) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Medical and dental offices, health and allied services	P
(c) Retail and Services	
(1) Retail and service establishments in completely enclosed buildings	P
(2) Restaurant (with or without a seasonal outdoor seating area ancillary to and customarily incidental to the restaurant use itself as approved on a Final Development Plan. Any such outdoor seating area shall be designed and located to minimize impacts to neighboring residential uses.)	P
(d) Recreation and Entertainment	
(1) Indoor Entertainment for banquet hall facilities only [2]	P

Land Use Category [1]	Uses
(2) Parks – public or private	P
(d) Community Facilities	
(3) Places of worship	P
(4) Schools, public or private	P
(5) Schools, trade, business or cultural arts	P
(6) Library (Branch)	P
(7) Public and private cultural institutions and art galleries (including accessory classes, snack bar, interior restaurant, banquet hall, or events and including temporary accessory outdoor events such as fund raisers, banquets, and the like which in no case shall extend beyond 11 PM in the evening)	P
(8) Day care center, child/adult	P

1 Drive through uses, either primary or accessory, are expressly prohibited in this Sub-Area.

2 Banquet Hall Facilities are defined as establishments which are rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversary's, celebrations, fund raisers, and other similar celebrations. Such uses may or may not include accessory kitchen facilities and temporary outdoor gardens or reception areas as approved with a Final Development Plan.

b. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	2.5 acres
(2) Minimum lot width and frontage*	180 ft.
(3) Maximum building coverage	40%
(4) Maximum lot coverage**	50%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area B and converted to a percentage.

c. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from US-23	50 ft.
(2) Setback from Stratford Road	50 ft.
(3) Interior Side setback	30 ft.

d. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from US-23	20 ft.
(2) Setback from Stratford Road	20 ft.

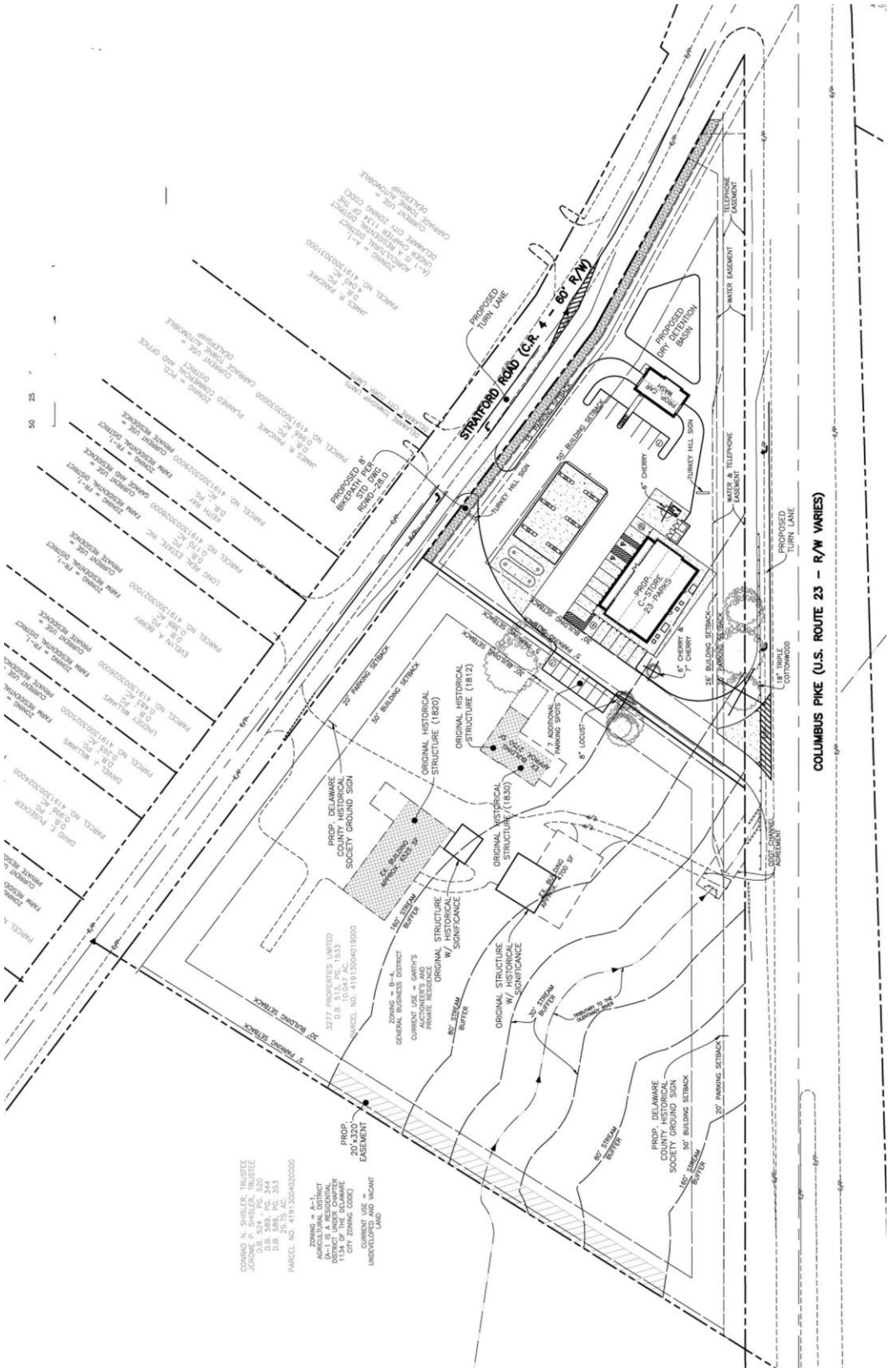
e. **Maximum Building Height.** For any new construction, the maximum height of any building or structure shall be 40 feet as measured from finished floor elevation to the highest point of the roof.

f. **Preservation of Historic Structures.** One express purpose of this re-zoning is specifically to preserve and protect the existing historic resources and open space within Sub-Area B. Therefore, the following regulations shall apply to this Sub-Area.

(1) No structure or portion thereof, as identified on the site plan below, shall be permitted to be demolished or otherwise altered without the approval by the Planning Commission and City Council through the Zoning Amendment and Development Plan process in place at the time of application. The Secretary of Interior Standards for Rehabilitation shall be one resource used as a guide for determining the impact of a proposed alteration.

(2) A detailed historic inventory and proposed adaptive reuse plan may be submitted for review and consideration for approval by the Planning Commission. If approved, any relevant requirements contained within the plan shall supersede item 1 above in this section. Such a plan may include specific requirements for preservation, specific guidelines for rehabilitation, adaptive reuse and new construction guidelines, and maintenance standards.

(3) Customary and incidental maintenance of the grounds and facilities is administratively approvable at the time this text is approved in accordance with the standards of (1) and (2) in this section above and as noted in the minor modifications section of this text. Any dispute or question from City Staff or an applicant regarding what constitutes maintenance shall be set before the Planning Commission for final decision.


STRATFORD ROAD (C.R. 4 - 60' R/W)
COLUMBUS PIKE (U.S. ROUTE 23 - R/W VARIES)
PROPOSED TURN LANE
PROPOSED DRY DETENTION BASIN
TELEPHONE EASEMENT
WATER EASEMENT
WATER & TELEPHONE EASEMENT
TURKEY HILL SIGN
50' BUILDING SETBACK
20' PARKING SETBACK
PROPOSED 8' BIKEPATH PER STD. DWG. ROWD-28.0
PROP. C-STORE 23' PARKS
26' BUILDING SETBACK
6' CHERRY
7' CHERRY
18" TRIPLE COTTONWOOD
ORIGINAL HISTORICAL STRUCTURE (1820)
ORIGINAL HISTORICAL STRUCTURE (1812)
ORIGINAL HISTORICAL STRUCTURE (1830)
7 ADDITIONAL PARKING SPACES
6" LOCUST
PROP. DELAWARE COUNTY HISTORICAL SOCIETY GROUND SIGN
EX. BUILDING APPROX. 1635 SF
EX. BUILDING APPROX. 700 SF
165' STREAM BUFFER
80' STREAM BUFFER
ORIGINAL STRUCTURE W/ HISTORICAL SIGNIFICANCE
30' STREAM BUFFER
PROP. 20'x320' EASEMENT
3277 PROPERTIES LIMITED
D.B. 1533, PG. 1633
10.047 AC.
PARCEL NO. 419130040190000
ZONING = B-4, GENERAL BUSINESS DISTRICT
CURRENT USE = GARTH'S AUCTIONEER'S AND PRIVATE RESIDENCE
COMMO N. SHISLER, TRUSTEE
JEROME P. SHISLER, TRUSTEE
D.B. 524, PG. 520
D.B. 589, PG. 344
D.B. 589, PG. 345
25.75 AC.
PARCEL NO. 419130040200000
ZONING = A-1, AGRICULTURAL DISTRICT (A-1 IS A RESIDENTIAL DISTRICT UNDER CHAPTER 1134 OF THE DELAWARE CITY ZONING CODE)
CURRENT USE = UNDEVELOPED AND VACANT LAND

g. **Building Design.** All buildings regardless of use shall meet the building design requirements of Section 1143.11 and consist of brick, stone, cedar planking, cement fiber siding, or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process.

(1) Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick, stone, cedar planking or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
(2) Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment. Residential scale ground mounted equipment and the like shall not be subject to this section.

h. **Parking.** Any use in Sub-Area B, that proposes an expansion to the existing parking lot, shall meet the minimum parking requirements of the current Zoning Code, however the Planning Commission encourages the reduction of the required amount of parking by up to 30% and encourages shared parking opportunities where the locations and uses make sense in order to minimize the overall amount of parking on-site. No overnight parking (10:00pm to 7:00am), except employees and trucks docked in the loading facility, which shall not have their engines or cooling units running, shall be allowed. This includes, but is not limited to, RVs and thru-trucks. Overnight parking is defined as any qualifying vehicle parked on-site longer than 4 hours.

i. **Landscaping and Screening.** At the writing of this text, the landscaping in Sub-Area B shall be left as is; however, if a proposed use requires new building construction or a parking lot addition, then all landscaping in Sub-Area B shall meet the requirements of the then current Zoning Code at the time of application and the Gateways & Corridors Plan.

j. **Multi-Use Path.** Though Stratford Road is not currently equipped with sidewalks or bike paths for recreational connectivity, the applicants for this initial zone change shall provide the necessary easements to allow for a recreational trail across the site. The final location of the recreational trail easement will be as approved in the Final Development Plan and per the City's width requirement.

k. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current Zoning Code, except that there is no requirement to provide lighting beyond that required by the applicable Building Code. All lighting fixtures shall be decorative fixtures that are appropriate and consistent with the overall design of the development. No lighting fixture shall be mounted higher than sixteen (16) feet in height. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility. All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant's operational requirements. Any use with a 24 hour operation shall provide a lighting plan that minimizes site and

building lighting during non-peak nighttime hours. In addition, and in conjunction with the City's lighting standards, the lighting plan for Sub-Area B shall be so designed to protect the Perkins Observatory and scientific research conducted at the facility by eliminating unnecessary exterior lighting and minimizing light pollution.

l. **Signs.** A Comprehensive Sign Plan shall be submitted and, if approved, shall govern all signs on Sub-Area B. The Comprehensive Sign Plan may be part of or incorporated within the adaptive reuse plan, if submitted, noted in Preservation of Historic Structures Section of this zoning text. All signage proposed for this Planned Mixed Use Development will comply with the Gateways & Corridors Plan (The monument base per the GCP shall be between 2 and 3 feet high.) and Chapter 1165 of the City of Delaware Zoning Code; specifically as it applies to the B-4 Business District; except as otherwise approved in the Comprehensive Sign Plan approved with the Final Development Plan. Up to two (2) ground mounted monument type signs may be permitted on this sub-area. One of the two ground signs may be located and oriented toward the US 23 right-of-way and one of the signs may be oriented toward Stratford Rd.. One sign may be primarily for a development identification sign, be up to 25 square feet in area per sign face and up to 8 feet high (including the required monument stone base). One sign may be primarily for a commercial tenant and development identification sign, may include tenant panels, up to 9 feet high (including the monument stone base), and up to 25 square feet in area per sign face. The Stratford Rd. sign is encouraged to be designed in keeping with the transitional nature of this roadway to residential and historic uses. As such, a mast arm type sign with historic appearance is encouraged. Wall mounted signage shall be as approved through the final development plan and the comprehensive sign plan process. The requirements of this section may be modified through the final development plan and comprehensive sign plan approval process.

6. SUB-AREA C – CAR DEALERSHIP & OFFICE

a. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses in Sub-Area C as represented in the chart below by P, C, or L, respectively, and as defined by Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Uses**
(f) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services	P
Land Use Category	**Uses**
(g) Automotive and Transportation	
(1) Automotive Sales	P
(2) Automotive repair garage	L
(h) Outdoor Display/Storage	
(1) Outdoor display	L
(i) Community Facilities	
(3) Library	P
(4) Public cultural institutions and art galleries	P
(f) Recreation and Entertainment	
(2) Public parks and playgrounds	P

(5) **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

A. **Outdoor Display.** The following standards shall apply for outdoor storage and outdoor display (which includes any marketing device such as banners, flutter flags, etc.).
   1. Permanent outdoor display on any structure and within the parking area is prohibited except for the parking of vehicles.

B. **Automotive Repair Garage –** Any repair garage shall be an ancillary use to a car dealership.

b. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(5) Minimum lot area	5.0 acres
(6) Minimum lot width and frontage	250 ft.
(7) Maximum building coverage*	40%
(8) Maximum lot coverage*	70%

*Lot coverage and building coverage shall be required for any new building or development. Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area C, excluding any existing public right-of-way, and converted to a percentage.

c. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(5) Setback from US-23*	25ft.
(6) Setback from Stratford Road*	50 ft.
(7) Interior Side setback*	30 ft.
(8) Rear setback *	20 ft.

*The minimum setbacks are for any new building(s) or major alterations while the current buildings are considered conforming at their current locations.

d. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

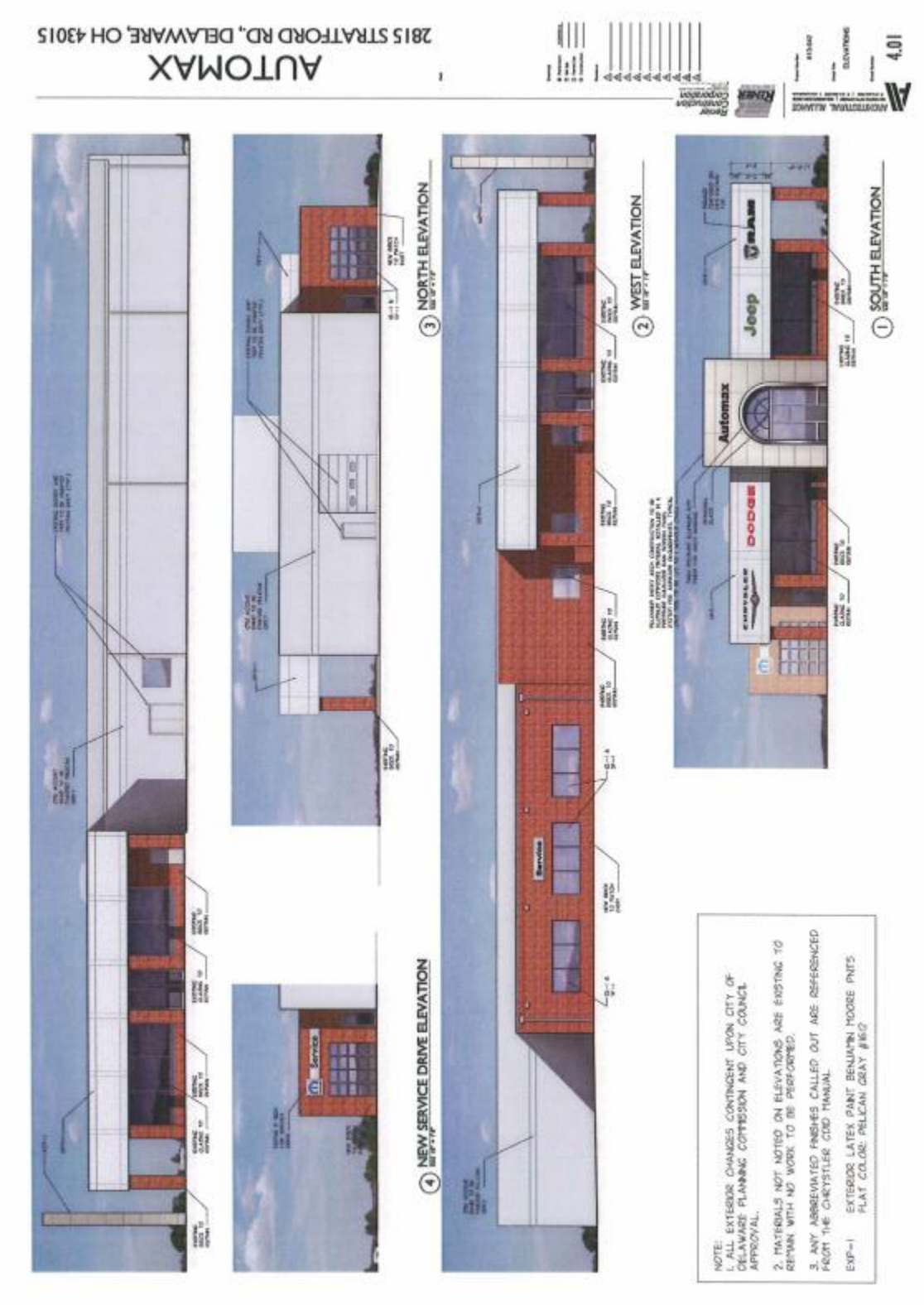
Minimum Parking Setbacks	
(3) Setback from US-23	20 ft.
(4) Setback from Stratford Road	15ft.

*The parking setbacks are for any new developments while the current parking lot is considered conforming as currently constructed.

e. **Maximum Building Height.** The maximum height of any building or structure shall be 40 feet as measured from finished floor elevation to the highest point of the roof.

f. **Building Design.** The intent of this regulation is to allow a compatible and limited renovation to the existing structure (as depicted below) while ensuring that any new structure(s) achieves a design in the keeping with the historic street and village surroundings and building materials. It is anticipated that any new construction therefore will result in a significantly upgraded and new prototype design similar to the Turkey Hill Development and historic Meeker home site. This is true in the event the current structures are razed for any reason and new construction is proposed. The existing building shall be renovated per the approved Final Development Plan and in keeping with the depiction below. All new buildings regardless of use shall consist of brick, stone, cedar planking, cement fiber siding, or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process.

(1) New accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, cedar planking, cement fiber siding, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building.
(2) Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.


AUTOMAX
2815 STRATFORD RD., DELAWARE, OH 43015
4.01
SOUTH ELEVATION
WEST ELEVATION
NORTH ELEVATION
NEW SERVICE DRIVE ELEVATION
Automax
Jeep
DODGE
Service
NOTE:
1. ALL EXTERIOR CHANGES CONTINGENT UPON CITY OF DELAWARE PLANNING COMMISSION AND CITY COUNCIL APPROVAL.
2. MATERIALS NOT NOTED ON ELEVATIONS ARE EXISTING TO REMAIN WITH NO WORK TO BE PERFORMED.
3. ANY ABBREVIATED FINISHES CALLED OUT ARE REFERENCED FROM THE CHRYSTLER CDID MANUAL.
EXP-1 EXTERIOR LATEX PAINT BENJAMIN MOORE PNTS
FLAT COLOR: PELICAN GRAY #662

g. **Parking.** The amount of parking provided shall be as shown on the approved Final Development Plan for the existing car dealership. Any new developments or uses shall comply with the minimum parking standards in Chapter 1161.

h. **Landscaping and Screening.** Additional landscaping is proposed per the approved Final Development Plan. Any new development or building(s) shall achieved compliance with the minimum landscaping requirements of the Zoning Code, the Gateways & Corridors Plan and street tree requirements and shall be upgraded over typical design requirements.

i. **Multi-Use Path.** The owner shall extend the multi-use path along the frontage of the property along US 23 and Stratford Road per the approved Final Development Plan. The multi-use path shall be constructed per City's requirements.

j. **Lighting.** No new lighting is proposed with the initial building renovation. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility. All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant's operational requirements. In addition, and in conjunction with the City's lighting standards, any new lighting proposed for Sub-Area C shall be so designed to protect the Perkins Observatory and scientific research conducted at the facility by eliminating unnecessary exterior lighting and minimizing light pollution. Any new development or building(s) shall comply with Chapter 1158 Lighting Plan. This shall include reduced lighting generally, the use of specific light fixtures and bulbs, and a night lighting plan that reduces the light to only allow the most minimum security as approved on the Final Development Plan.

k. **Signs.** A comprehensive sign plan for ground and wall signs shall be provided and approved in conformance with Chapter 1165 Signs. The existing 20 foot high 42 square foot ground sign along US 23 would be located at the same location in Option 1 and would be moved closer to Stratford Road in Option 2 and shall have a minimum 3 foot high limestone based installed to achieve compliance with the zoning code. The initial renovation proposal includes five wall signs that total almost 129 square feet on the south elevation with the following wall sign totals: 1. Chrysler encompasses 20.58 square feet (12.87 square foot emblem logo and 7.71 square feet of channel letters); 2. Dodge encompasses 15 square foot of channel letters; 3. AutoMax encompasses 44.3 square feet of channel letters; 4. Jeep encompasses 28.73 square feet of channel letters; 5. RAM encompasses 20.5 square feet (10 square feet emblem logo and 10.5 square feet of channel letters). The west elevation facing Stratford Road would have a 21 square foot internally illuminated cabinet sign on the new addition while a 29.63 square foot cabinet sign (which includes a 8.63 square foot emblem logo) would be located on the north elevation of the addition. Each sign on the south elevation is LED internally illuminated and have channel cut letters except for the emblem logos which can be illuminated cabinet signs. Overall, the proposed signs shall be consistent with the zoning code, the Gateways and Corridors Plan and the recently approved Toyota, Ford and General Motors dealership approvals in this corridor. These signs are generally acceptable and should be considered conforming if approved via the Final Development Plan. No other signage shall be permitted. Any new signage proposed in support of any future development shall be allowed only per approval of a Final Development

Plan, shall be minimal and shall be consistent with the upgraded design text and regulations of this PMU text.

l. **Miscellaneous:** AutoMax owns the northern most parcel in the existing development which is located in Delaware Township. The following provisions ensure that the total project site as proposed is treated in a similar manner with consistent regulation and expectations of development improvements regardless of jurisdictional boundary. It shall be the applicant's responsibility to fulfill both requirements and to follow any applicable regulations at the time of development.

   a. The developer shall incorporate the subject parcel into this development through annexation to the City of Delaware as well as through an approved Final Development Plan and is therefore requesting this development text be applied to all parcels regardless of jurisdiction. Therefore, if the parcel not currently in the City of Delaware is annexed to the City of Delaware and a rezoning action is not taken within six (6) months from the date of final annexation as per Section 1131.04 of the current Zoning Code, it shall be zoned automatically in accordance with this PMU text as approved by the City of Delaware and not A-1 Agricultural District as per Section 1131.04. It shall become part of Sub Area C thereafter. Alternatively, the then current owner of the property may request in writing within 90 days of annexation that the property currently outside the City is zoned in accordance with this PMU text and sub-area C in order to facilitate the development.

   b. All improvements shown on any approved Final Development Plan shall be constructed by the developer regardless of the jurisdiction that any parcel may be in at the time a Final Development Plan is approved.

ORDINANCE NO. 14-94

AN ORDINANCE APPROVING A REZONING AMENDEMENT FOR AUTOMAX TO ALLOW A PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 2723-2815 STRATFORD ROAD ON APPROXIMATELY 5.68 ACRES ZONED A-1 (AGRICULTURAL DISTRICT).

WHEREAS, the Planning Commission at its meeting of September 3, 2014, recommended approval of a Rezoning Amendment for Auto Max to allow a PMU (Planned Mixed Use Overlay District) at 2723-2815 Stratford Road on approximately 5.68 acres zoned A-1 (Agricultural District) (PC 2014-1635), and

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

SECTION 1. That the Rezoning Amendment for Auto Max to allow a PMU (Planned Mixed Use Overlay District) at 2723-2815 Stratford Road on approximately 5.68 acres zoned A-1 (Agricultural District), the same and is hereby confirmed, approved, and accepted with the following condition that:

1. Any new structure(s) or any change of use of any existing structure or property shall require conformance to all provisions of the Development Text except Building Setback Standards, Parking Setbacks, and Building Design

SECTION 2. 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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0 ABSTAIN 0

PASSED: September 22, 2014 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

Carl Kegley
MAYOR