ORDINANCE NO. 04-31

AN ORDINANCE APPROVING A REZONING OF 17.687± ACRES OF B-3 (COMMUNITY BUSINESS DISTRICT), WITH TEXT LIMITATIONS, PLUS 17.1± ACRES OF R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO 34.787± ACRES OF B-4 (GENERAL BUSINESS DISTRICT), WITH TEXT LIMITATIONS, FOR THE PROPERTY LOCATED AT 4049 COLUMBUS PIKE.

WHEREAS, the Planning Commission at its meeting of February 4, 2004 recommended approval for a Rezoning of 17.687± acres of B-3 (Community Business District), with text limitations, plus 17.1± acres of R-6 (Multi-family Residential District) to 34.787± acres of B-4 (General Business District), with text limitations, for the property located at 4049 Columbus Pike, (PC 04-002).

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

SECTION 1. That the Rezoning of 17.687± acres of B-3 (Community Business District) with text limitations, plus 17.1± acres of R-6 (Multi-family Residential District) to 34.787± acres of B-4 (General Business District for the property located at 4049 Columbus Pike, be and the same is hereby confirmed, approved and accepted, with the following Permitted and Conditional Uses, as requested by the Applicant:

1. Offices – administrative, business & professional
2. Financial institutions, banks
3. Medical and dental offices, health and allied services
4. Retail and services establishments in completely enclosed buildings
5. Restaurant – table service
6. Restaurant – counter service
7. Drive-thru or walk-up ATM (stand alone facility) – CONDITIONAL USE
8. Funeral home and related facilities
9. Veterinary office (no outside run or kennel)
10. Veterinary hospital (no outside run or kennel)
11. Gasoline station (including convenience store and accessory use carwash), Automotive repair garage, Automotive service station, Car wash, (limit all to two sites or users) - CONDITIONAL USE
12. Drive-thru facility associated with any principal permitted or conditionally permitted use.
13. Parking lots and garages

14. Outdoor display – CONDITIONAL USE (limited to seasonal, subject to recorded development covenants, standards and restrictions)
15. Outdoor storage - CONDITIONAL USE (limited to seasonal, subject to recorded development covenants, standards and restrictions)
16. Art galleries
17. Day care center, child/adult
18. Public safety & service facility (local service) – CONDITIONAL USE
19. Indoor recreation and entertainment (such as indoor theatre, bowling alley, arcade, billiard parlor, assembly hall and party center)
20. Health club
21. Hotel/motel with restaurant

Additional accessory uses will include off street parking and loading areas, fencing and screening, signs, swimming pool (with hotel/motel use), and trash receptacles. The Applicant will also create and record a set of covenants, restrictions and standards for the subject property which will further depict use standards, architectural controls, etc.

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 6 NAYS 0 ABSTAIN 0

PASSED: March 8, 2004 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Robyn Mathis CITY CLERK Windell Wheeler MAYOR

DELAWARE PLANNING COMMISSION

Shoppes at Delaware

AMENDED REZONING REVIEW

CASE NUMBER: PC 04-002 MEETING DATE: February 4, 2004

OWNER/APPLICANT: Cheshire 23 Company LLC
123 Hyatts Road
Delaware, OH 43015

Sturges Development Group LLC
2625 Butterfield Road - Suite 1385
Oak Brook, IL 65523-1244

REQUEST: Rezoning of 17.687± acres of B-3 (Community Business District) plus 17.1± acres of R-6 (Multi-family Residential District) to 34.787± acres of B-4 (General Business District), with Text Limitations, for the property located at 4049 Columbus Pike.

PROPERTY LOCATION & DESCRIPTION: 4049 Columbus Pike ... east side of US 23S, one property south of Cheshire Road. The zoning of the site is currently R-6 (Multi-family Residential District) and B-3 (Community Business District). The property is surrounded by A-1 (Agricultural District) to the north and south, with township Farm Residential zoning on the west, and R-3 (Single-family Residential District) to the east.

BACKGROUND: This property was annexed to the City of Delaware in 2000. The 1996 Comprehensive Plan recommends a mix of Commercial/Office and Residential – Moderate Density for this site, while the DRAFT Future Land Use Map from the 2003-2008 Comprehensive Plan recommends Commercial uses for this site. Commercial uses are permitted in the requested B-4 zoning and, thus, would help to implement both Plans.

The subject property was recently rezoned from A-1 to R-6 and B-3. The Applicant now has a specific developer who has a commercial concept for this parcel but needs B-4 zoning. The tentative proposal calls for a 163,000-square foot strip center (including a 125,000-square foot big box anchor) and 7 out-parcels (see attached DRAFT Site Plan).

This project would connect relocated Cheshire Road to US 23 plus begin the Service Road that would parallel US 23 so that access to US 23 by adjoining parcels can be limited to signalized intersections, such as relocated Cheshire Road.

The Applicant proposes, as Text Limitations, to limit the land uses to the following Permitted and Conditional B-4 uses:

1. Offices – administrative, business & professional
2. Financial institutions, banks
3. Medical and dental offices, health and allied services
4. Retail and services establishments in completely enclosed buildings
5. Restaurant – table service
6. Restaurant – counter service
7. Drive-thru or walk-up ATM (stand alone facility)
8. Funeral home and related facilities
9. Veterinary office (no outside run or kennel)
10. Veterinary hospital (no outside run or kennel)
11. Gasoline station (including convenience store)
12. Drive-thru facility associated with any principal permitted or conditionally permitted use.
13. Automotive repair garage – CONDITIONAL (limit to one site or user)
14. Automotive service station – CONDITIONAL (limit to one site or user)
15. Car wash – CONDITIONAL (automatic only, limit to one site or user)
16. Parking lots and garages
17. Outdoor display – CONDITIONAL (limited to seasonal, subject to recorded development covenants, standards and restrictions)
18. Outdoor storage - CONDITIONAL (limited to seasonal, subject to recorded development covenants, standards and restrictions)
19. Art galleries
20. Day care center, child/adult
21. Public safety & service facility (local service) – CONDITIONAL
22. Indoor recreation and entertainment (such as indoor theatre, bowling alley, arcade, billiard parlor, assembly hall and party center)
23. Health club
24. Hotel/motel with restaurant

As note above, the Applicant will also create and record a set of covenants, restrictions, and standards for the subject property that will further define use standards, architectural controls, etc..

STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning from R-6 and B-3 to B-4 (General Business District), with Text Limitations, for the 34.787± acres of located at 4049 Columbus Pike.

C. Application PC 04-006 – A request by Medrock LLC for approval of a Final Plat for the proposed Adalee Park Section 2 Subdivision for 43 single-family lots on 11.48± acres located south of US 36W, just east of S. Houk Road and south of Cobblestone Drive.

MOTION: Ebersole/Van Gundy moved to approve PC04-006, subject to Staff Recommendations including a Variance for parking on both sides and subject to all other conditions. (6 in favor, 0 opposed) **MOTION APPROVED.**

D. Application PC 04-009 – A request by Medrock LLC for approval of a Final Plat for a portion of Cobblestone Drive located just east of S. Houk Road.

MOTION: Ebersole/Van Gundy moved to approve PC04-009, subject to Staff Recommendations and Engineering approvals. (6 in favor, 0 opposed) **MOTION APPROVED.**

7. Application PC 04-002 – A request by Sturgis Development Group LLC, representing Cheshire 23 Company LLC, for approval of a Rezoning of 17.687± acres of B-3 (Community Business District) plus 17.1± acres of R-6 (Multi-family Residential District) to 34.787± acres of B-4 (General Business District), with Text Limitations, for the property located at 4049 Columbus Pike.

MOTION: Long/Ebersole moved to approve PC04-002, to rezone from B-3 & R-6 to B-4 with text limitations and with the condition that item #7 in the Staff Report be conditional permitted, item #11 be an accessory use, items 11, 13, 14 and 15 be combined into one category, limiting the site to two of those uses and that they be conditional permitted. (6 in favor, 0 opposed) **MOTION APPROVED.**

8. Application PC 04-015 – A review of the proposed Ulery/DeVault Annexation for the 18.282± acres located on the north side of W. William Street across from Carson Farms Blvd.

MOTION: Van Gundy/Morrison moved to approve PC04-015. (6 in favor, 0 opposed) **MOTION APPROVED.**

9. **CONSENT AGENDA – REMOVE FROM THE TABLE FOR PUBLIC HEARINGS**

MOTION: Van Gundy/Ebersole moved to remove the Consent Agenda items from the Table for Public Hearings. (6 in favor, 0 opposed) **MOTION APPROVED.**

A. Application PC 03-149 – A request by the City of Delaware to amend the non-signs portion of the Architectural Standards for the Downtown Historic District.

MOTION: Ebersole/Morrison moved to approve PC03-149. (6 in favor, 0 opposed) **MOTION APPROVED.**

B. Application PC 03-003-G – A request by the City of Delaware to amend the Planning and Zoning Code, as proposed in the 2003-2008 Comprehensive Plan, including portions of Chapter 1129 to provide for Development Agreements plus to require the submittal of an Environmental Analysis Map for all development plans and subdivision plats; plus portions of a renumbered Chapter 1144 Planned Business Overlay to include all business districts within the overlay.

MOTION: Long/Van Gundy moved to Table PC 03-003-G indefinitely. (6 in favor, 0 opposed) **MOTION APPROVED.**

10. Planning Director's Report – A special event with the Boards and Commissions will be held to review a video on "The Dollars and Sense of Protecting Community Character". A subcommittee will be formed to work with Staff to establish priorities and feedback on the Comprehensive Plan.
11. Commission Member Comments and Discussion – Short discussion on changes made to the Comprehensive Plan
12. Next Regular Meeting: February 18, 2004 – 7:00 p.m.
13. Adjournment.

MOTION: Van Gundy/Vonada moved to adjourn the meeting at 9:54 p.m. (All Ayes)

DRAFT

Meeting Summary
City of Delaware Planning Commission
February 4, 2004

Application PC 04-002 – Rezoning of 17.687± acres of B-3 (Community Business District) plus 17.1± acres of R-6 (Multi-family Residential District) to 34.787± acres of B-4 (General Business District), with Text Limitations, for the property located at 4049 Columbus Pike.

Vince Papsidero, Planning Director, reviewed the Staff Report for the proposed Rezoning.

Long would like to see a B-3 zoning because it gives the Planning Commission more control over the uses on the site. Papsidero stated they could have a B-4 zoning with limitations. Ebersole voiced concerned with the B-4 zoning they can have a car wash, gas station, repair garage and service station. Long agreed with Ebersole and with the B-3 a car wash is a conditional use which gives more control.

Mike Shade, Attorney for Developer, the reason for B-3 over B-4 is for a large box user. There has been a big interest in large box users for this site. Long stated once the zoning is put on at a higher zoning some control is lost. B-3 allows for a number of uses. B-3 allows for a decent size lot. You will have the final say on the materials. Some members are concerned with big box retail on the site others would like to see the big box in the City for income tax reasons. Papsidero one reason Staff supports B-4 because of the 1 acre minimum. Papsidero agreed with Ebersole's comments in limiting some of the auto related uses. Morrison voiced concern with allowing big box retail without knowing what the big box will be. Van Gundy feels this is what we are looking for because it is a closer drive but would like to see more text limitations on the site. Van Gundy suggested limiting the auto related uses to two. Members agreed they would like to see auto related uses limited to two.

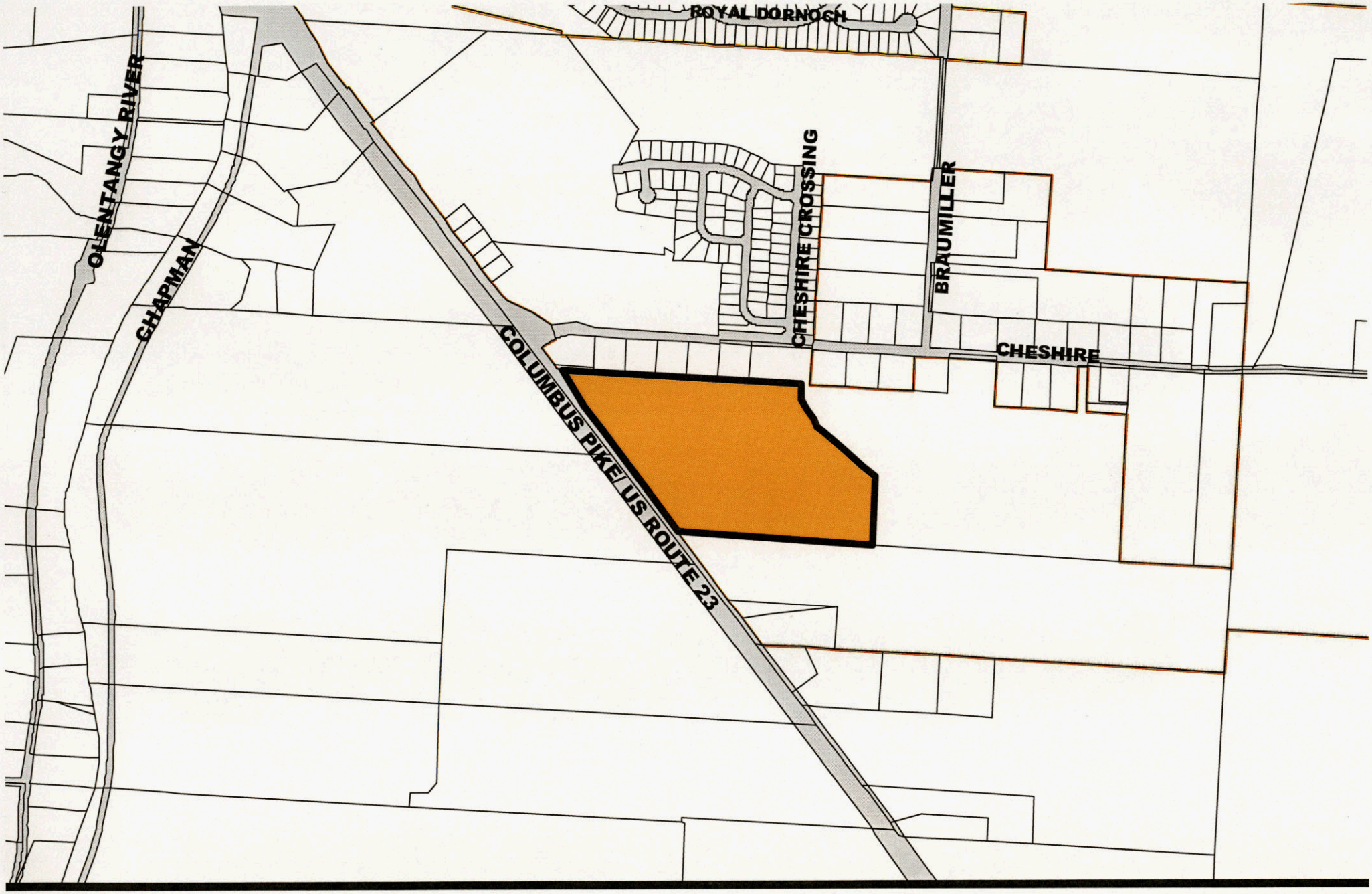
Mr. Shade stated his Client is willing to make item #7 conditional permitted, limit #11 to one use, no change to #12 and combine #13 & #14. Ebersole asked if they would combine 13, 14, & 15. Papsidero suggested requiring the car wash be an accessory use. Sam Schenkel, Sturges Development, stated he envisioned a gas station with an automatic car wash. We want to attract a larger whole service car wash and dont want to block that option out, which is a nice amenity. Van Gundy emphasized the auto related uses be limited to two.

Applicants were excused from the meeting to make changes to the permitted and conditional uses before Planning Commission votes on the Rezoning.

Mr. Shade presented changes made to conditionally allow #7, combine 11, 13, 14, & 15 with no more than two auto related uses with the car wash can being an accessory use to a gas station.

MOTION: Long/Ebersole moved to approve PC 04-002, to rezone from B-3 & R-6 to B-4 with text limitations, with the conditions that item #7 in the Staff Report be conditionally-permitted; Car Wash can be an accessory use to Gas Station; Items 11, 13, 14, and 15 be combined into one category, limiting the site to two of those uses and that all within the new one category be conditionally-permitted. (6 in favor, 0 opposed) **MOTION APPROVED.**

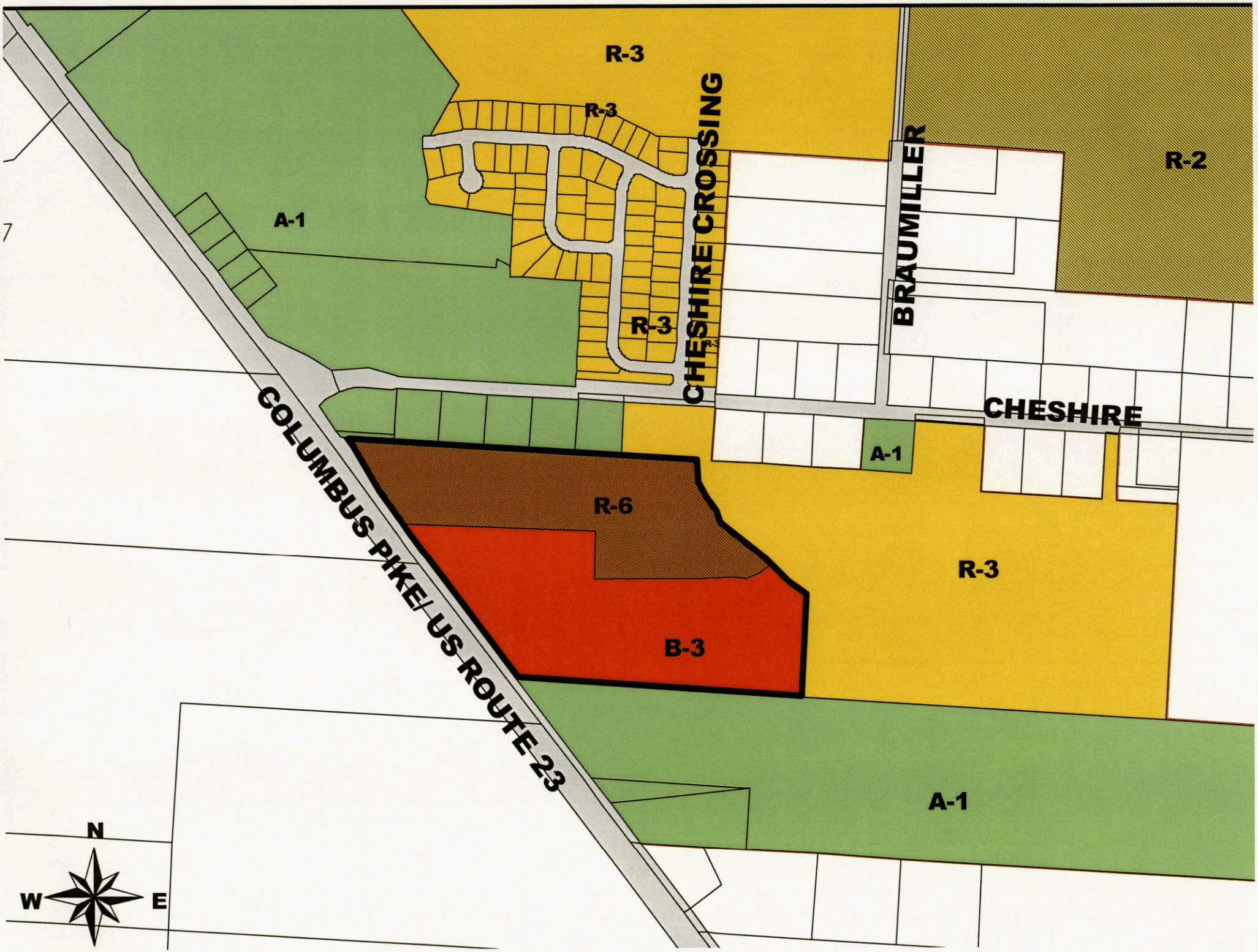
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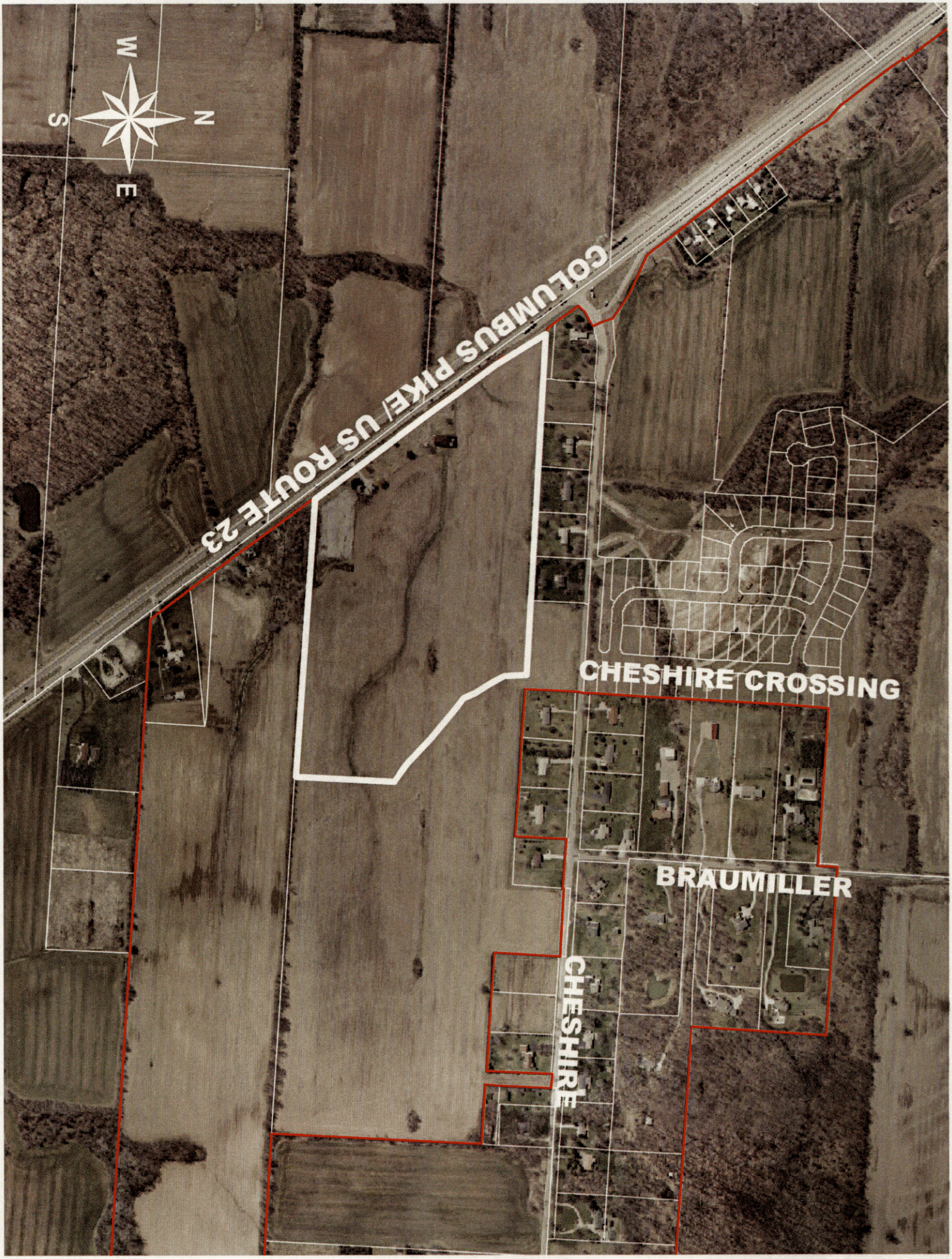


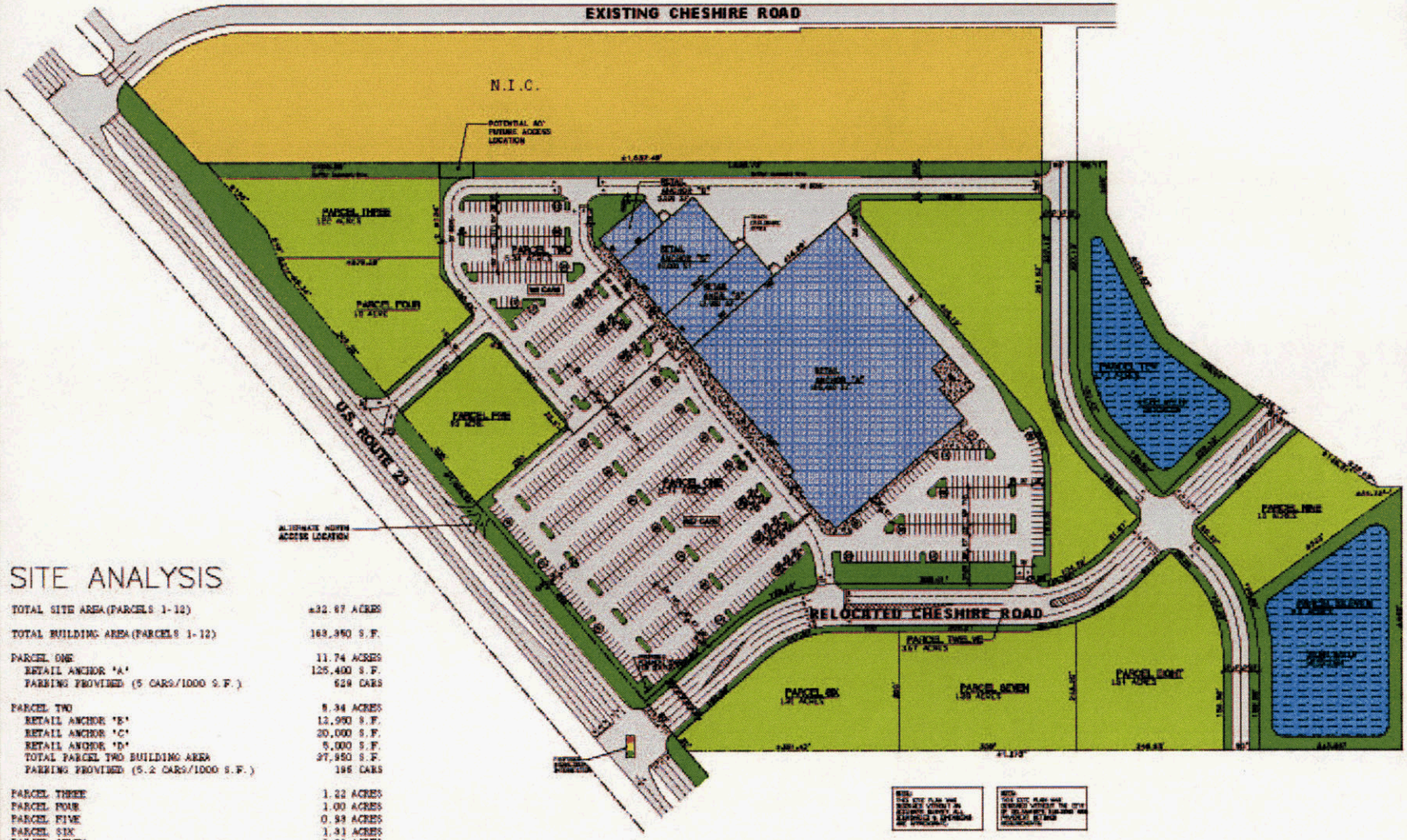
PC04-002
SHOPPES AT DELAWARE
CHESHIRE ROAD/US ROUTE 23

City of Delaware
GIS
Planning & Community Development

N
W E


R-3
R-3
R-3
R-3
CHESHIRE CROSSING
BRAUMILLER
R-2
A-1
CHESHIRE
A-1
R-6
R-3
B-3
COLUMBUS PIKE/ US ROUTE 23
A-1
N
W
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W
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N
E
COLUMBUS PIKE/ US ROUTE 23
CHESHIRE CROSSING
BRAUMILLER
CHESHIRE



SITE ANALYSIS

TOTAL SITE AREA (PARCELS 1-12)	±32.67 ACRES
TOTAL BUILDING AREA (PARCELS 1-12)	163,950 S.F.
PARCEL ONE	11.74 ACRES
RETAIL ANCHOR 'A'	125,400 S.F.
PARKING PROVIDED (5 CARS/1000 S.F.)	629 CARS
PARCEL TWO	9.34 ACRES
RETAIL ANCHOR 'B'	12,950 S.F.
RETAIL ANCHOR 'C'	20,000 S.F.
RETAIL ANCHOR 'D'	5,000 S.F.
TOTAL PARCEL TWO BUILDING AREA	37,950 S.F.
PARKING PROVIDED (5.2 CARS/1000 S.F.)	196 CARS
PARCEL THREE	1.22 ACRES
PARCEL FOUR	1.00 ACRES
PARCEL FIVE	0.89 ACRES
PARCEL SIX	1.31 ACRES
PARCEL SEVEN	1.39 ACRES
PARCEL EIGHT	1.54 ACRES
PARCEL NINE	1.00 ACRES
PARCEL TEN	1.73 ACRES
STORM WATER DETENTION	
PARCEL ELEVEN	2.00 ACRES
STORM WATER DETENTION	
PARCEL TWELVE	
ACCESS ROAD	3.67 ACRES

Sturges Development Group
500 West Berry Street
Suite 2050
Fort Wayne, IN 46802
260-424-8448

SHOPPES AT DELAWARE

Sheet Title: SITE PLAN
File Name: SHOPPES_AT_DELAWARE_S_01-16-04
Date: 01-16-04
Scale: NOT TO SCALE

A