ORDINANCE NO. 04-102

AN ORDINANCE APPROVING THE PROPOSED REZONING WITH TEXT LIMITATIONS OF 26.0± ACRES FROM R-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO 4.6± ACRES OF O (OFFICE DISTRICT), 14.4± ACRES OF B-1 (LIMITED BUSINESS DISTRICT), AND 7.0± ACRES OF B-3 (COMMUNITY BUSINESS DISTRICT) FOR THE LOCUST POINTE PROPERTY LOCATED AT THE SE CORNER OF WEST CENTRAL AVENUE AND HOUK ROAD.

WHEREAS, the Planning Commission at its meeting of May 19, 2004 recommended approval of the proposed Rezoning with Text Limitations of 26.0± acres from R-3 (Single-family Residential District) to 4.6± acres of O (Office District), 14.4± acres of B-1 (Limited Business District), and 7.0± acres of B-3 (Community Business District) for the Locust Pointe property located at the SE corner of West Central Avenue and Houk Road (PC 02-025).

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

SECTION 1. That proposed Rezoning with Text Limitations (see attachment) of 26.0± acres from R-3 (Single-family Residential District) to 4.6± acres of O (Office District), 14.4± acres of B-1 (Limited Business District), and 7.0± acres of B-3 (Community Business District) for the Locust Pointe property located at the SE corner of West Central Avenue and Houk Road, be and the same is hereby confirmed, approved, and accepted.

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 5 NAYS 1
ABSTAIN 0

PASSED: June 28, 2004 YEAS 5 NAYS 1
ABSTAIN 0

ATTEST: Roby Mathias
CITY CLERK

VICE MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 02-025
REQUEST: Rezoning
PROJECT: Locust Pointe
MEETING DATE: 05/19/04

APPLICANT & OWNER
Locust Curve, LLC
5060 Parkcenter Avenue - Suite B
Dublin, OH 43017

REQUEST
Approval of an amendment to the proposed rezoning of 26.0± acres from R-3 (Single-family Residential District) to 4.6± acres of O (Office District), 14.4± acres of B-1 (Limited Business District), and 7.0± acres of B-3 (Community Business District).

PROPERTY LOCATION & DESCRIPTION
The 2 parcels are located at the SE corner of W. Central Avenue and Houk Road. The zoning is R-3 (Single-family Residential District). The surrounding zoning is R-3 to the north and east, PO/I and R-3 to the west, and a mix of R-6 and R-3 to the south.

BACKGROUND
In 2002, the Applicant had requested rezoning 32.715± acres from R-3 (One-Family Residential District) to 13.33± acres of B-3 (Community Business District) and 19.385± acres of Planned Office/Institutional. Now, the request does not include r-o-w or the former Metz residence across the street. In response to neighborhood concerns, the Applicant has created an office zoning buffer between the commercial and residential land on the eastern boundary of the development in order to establish a more appropriate transition with less intensive business uses.

STAFF ANALYSIS

- **LAND USE**: The site is located in an area with a mixture of uses, with the Locust Curve subdivision to the north and Trillium condos to the south, older residences to the east, Westfield Shopping Center to the northwest, plus office uses to the west. The Comprehensive Plan recommends Commercial for the northern half, Office for the eastern and southern portions, and Floodplains/Major Greenway overlaying part of the southern half along the Delaware Run.
- **DENSITY/INTENSITY**: The concept is to create five commercial out-parcels along W. Central Avenue, an office park to the east, and a mix of retail and office uses on the south.
- **ROADS, TRAFFIC & ACCESS**: The concept plan shows full access points at W. Central Avenue and Houk Road and two limited access points off of W. Central Avenue plus an internal private street with access to both W. Central Avenue and Houk Road.
- **FLOOD PLAIN**: The No Build/No Disturb area may need to be increased to properly protect the stream because of the extent of the floodplain as well as the 60-foot building setback requirement adopted earlier this year.
- **DESIGN**: Section III of the Applicant's proposed zoning standards outlines architectural standards to be applied to both the office and business development for this site. The proposal is more comprehensive in scope. It provides for better uniformity in design and materials than the earlier proposal. Staff will promote residential forms for all buildings.
- **LANDSCAPING**: Section III of the Applicant's proposed zoning standards outlines landscaping standards to be applied to both the office and business development for this site. Again, the more comprehensive and uniform design enhances and integrates the development. A residential landscape treatment is proposed along the Central-Houk frontage.
- **MISCELLANEOUS**: The Applicant needs to modify the proposed text limitations to reflect Staff suggestions.

STAFF RECOMMENDATION
If the proposed text limitations are changed to reflect Staff suggestions, Staff recommends approval of the requested rezoning.

Status as of 05/14/04

CONDITION	COMPLIANCE
1. Subject to Staff Comments.	No

FINDINGS OF FACT
- The proposal for business and office zoning is consistent with the Comprehensive Plan.
- The proposed text can be adopted once it is consistent with Staff Comments.

A. **Application PC 04-055 – Westfield Hills – Phase 2 Final Plat:** A request by M/I Homes for approval of a Final Plat for the proposed 42 lots on 13.364± acres for the Westfield Hills – Phase 2 Final Plat to be located on the east side of N. Houk Road and south of Merrick Blvd.

B. **Application PC 04-034 – City of Delaware – Rezoning:** A request by the City of Delaware for approval of a Rezoning of 0.62 acres from B-1 (Limited Business District) to B-3 (Community Business District) for the property located at the SW corner of S. Liberty Street and the former railroad tracks.

C. **Application PC 04-035 – City of Delaware – Public Service Facility CUP:** A request by the City of Delaware for approval of a Conditional Use Permit for a Public Safety and Service Facility Use and an Outdoor Recreation and Amusement Use for the property located at the SW corner of S. Liberty Street and the former railroad tracks.

D. **Application PC 04-036 – City of Delaware – Alley Vacation:** A request by the City of Delaware for approval of an Alley Vacation for the property located at 50 Ross Street.

E. **Application PC 04-037 – City of Delaware – Grounds & Facilities HQ Dev. Plan:** A request by the City of Delaware for approval of combined Preliminary and Final Development Plans for the property located at 50 Ross Street.

5. **Application PC 04-053 – Springer Woods – Subdivision Variance:** A request by Homewood Corp. for approval of a Subdivision Variance to extend the deadline for the installation of sidewalks for one year for the Springer Woods Section 1 Final Plat.
   Motion: Ebersole/Morrison moved to approve PC 04-053, subject to Staff Recommendations, with the condition that this was a one-time extension

6. **Application PC 04-059 – Reflections on Cottage Pond – Extension of the Approval Expiration:** A request by Tom Lawson for approval of an extension of the Approval Expiration for the Preliminary Development Plan for the Reflections on Cottage Pond project.
   Motion: Ebersole/Vonada moved to approve PC 04-059, subject to Staff Recommendations, with the extension through the end of May 31, 2005. (5 in favor, 0 opposed) MOTION APPROVED

7. **Consent Agenda:** *Remove from the Table for Public Hearings.*
   Motion: Hazlett/Vonada moved to remove PC 04-020 and PC 02-025 from the Table for Public Hearings. (5 in favor, 0 opposed) MOTION APPROVED

   A. **Application PC 04-020 – Howald Industrial Park – Alley Vacation:** A request by Howald Industrial Park for approval of an Alley Vacation for the right-of-way located along the east boundary of the Industrial Park from the curve in London Road (just west of Liberty Road) northward about 930 feet to the RR tracks.
      Motion: Ebersole/Vonada moved to Table PC 04-020 to the June 2, 2004 Meeting. (5 in favor, 0 opposed) MOTION APPROVED

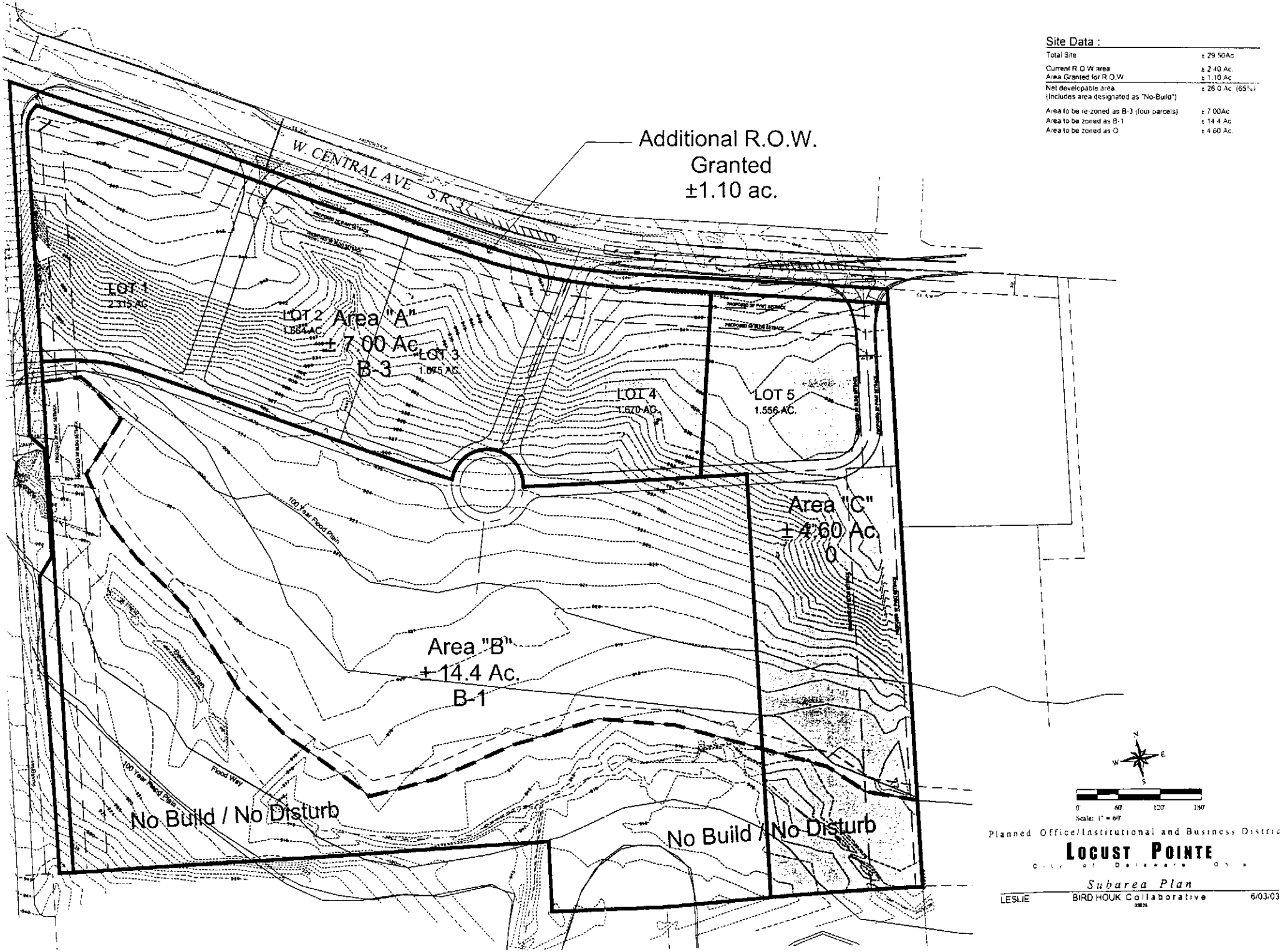
   B. **Application PC 02-025 – Houk and SR 37 – Rezoning:** A request by Locust Curve LLC for approval of a Rezoning of 26.0± acres from R-3 (Single-family Residential District) to 4.6± acres of O (Office District), 14.4± acres of B-1 (Limited Business District), and 7.0± acres of B-3 (Community Business District) for the property located at the SE corner of SR 37/W. Central Avenue and Houk Road.
      Motion: Ebersole/Morrison moved to approve PC 02-025, subject to Staff Recommendations, with the changes received from Planning Department this evening. (5 in favor, 0 opposed) MOTION APPROVED

8. **Application PC 04-056 – Glenross Golf Course (formerly Tanglewood) – Amended Final Development Plan:** A request by David Fisher, representing Tanglewood Golf Course Co. LLC, for approval of an Amended Final Development Plan for the proposed Glenross Golf Course (formerly Tanglewood) to be located about 2,000 feet east of Braumiller Road.
   Motion: Hazlett/Morrison moved to approve PC 04-056, subject to Staff Recommendations, as amended to not require completion of all approval conditions prior to being placed on a Council

Application PC 02-025 – Houk and SR 37 – Rezoning: A request by Locust Curve LLC for approval of a Rezoning of 26.0± acres from R-3 (Single-family Residential District) to 4.6± acres of O (Office District), 14.4± acres of B-1 (Limited Business District), and 7.0± acres of B-3 (Community Business District) for the property located at the SE corner of SR 37/W. Central Avenue and Houk Road.

Members reviewed the changes made to the Text Limitations. Mr. Smith some of the goals are to preserve the Delaware Stream Corridor and create a neighborhood scale, pedestrian friendly center. Members discussed the various accesses to the property. Santos asked if motorists will be able to see well enough to make right turns out of the site. Feltz replied accesses will be looked at further once a development plan is submitted. Morrison objected to the previous proposal but is pleased with the new proposal for the site. Ebersole voiced concern with car lights shining into the home across the street.
John Henney, 1600 St Rt 37 W, voiced concerns with a road widening affecting his property primarily the brick wall. Mr. Henney is also concerned with the current speed through that area which makes it difficult to pull out onto Rt 37. It will only get worse with more traffic in the area.
Herbert Walbeck, 121 Locust Curve, asked if the eastern most access will line up the Locust Curve Dr? Feltz replied it is located slightly to the west of Locust Curve Dr. Morrison asked if the east access is necessary? Feltz stated if traffic flow is minimal within the site then it would be something to consider.
Ron Lesley, Owner, agreed to dedicate 20 feet on the east side for a future light if needed. Until that 20 feet is needed it will use it as a buffer for the resident to the east.
Theo Craft, 235 Knight Dream St, concerned with the light affecting the property across the street. Mr. Craft's main concern is traffic. Santos stated traffic is a problem throughout the City and it needs to be addressed but you don't address it by not developing. Mr. Smith stated as the project goes through the development plan the traffic concerns will be looked at. Mr. Smith stated it won't draw a lot of outside traffic mainly the project is to serve the needs of residents in the area.
Cathy Ross, 339 Little Creek Dr, concern with traffic cutting through the development to avoid the light. The plan looks better than previously proposed. Mr. Smith replied the traffic circle on the site is to address the possibility of traffic cutting through.
Herb Ross, 339 Little Creek Dr, asked why he wasn't notified. Jennings replied because Trillium is a Condominium Association. The noticed would have been sent to the association. The far east access could be a right in only to address the applicants need for the access.

Motion: Ebersole/Morrison moved to approve PC 02-025, subject to Staff Recommendations, with the changes received from Planning Department this evening. (5 in favor, 0 opposed) MOTION APPROVED



Site Data :

Total Site	± 29.50Ac
Current R.O.W area	± 2.40 Ac.
Area Granted for R.O.W	± 1.10 Ac.
Net developable area (includes area designated as "No-Build")	± 26.0 Ac. (65%)
Area to be re-zoned as B-3 (four parcels)	± 7.00Ac
Area to be zoned as B-1	± 14.4 Ac.
Area to be zoned as O	± 4.60 Ac.

N

W E

S

0' 60' 120' 180'

Scale: 1" = 60'

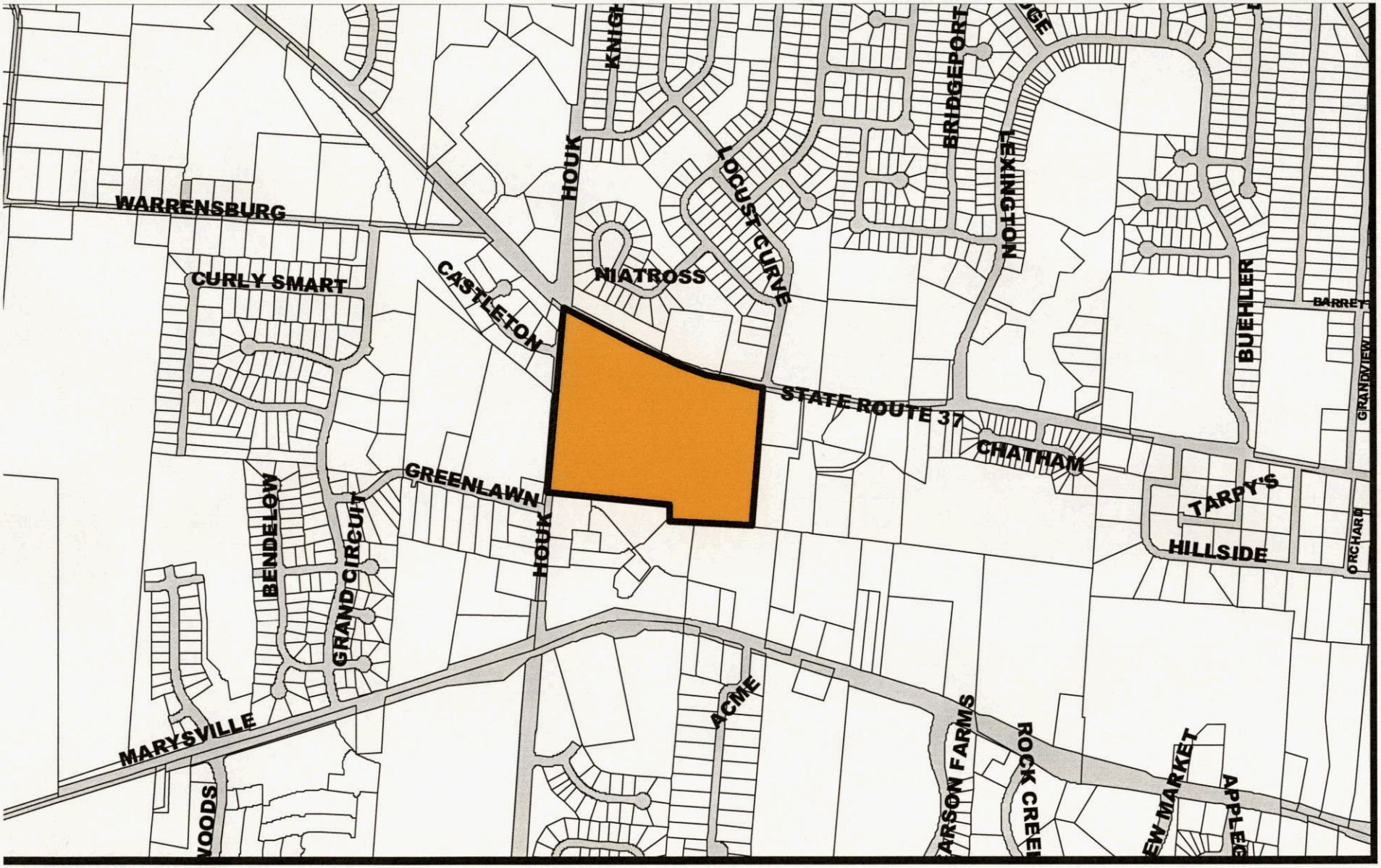
Planned Office/Institutional and Business District

LOCUST POINTE

City of Delaware Ohio

Subarea Plan

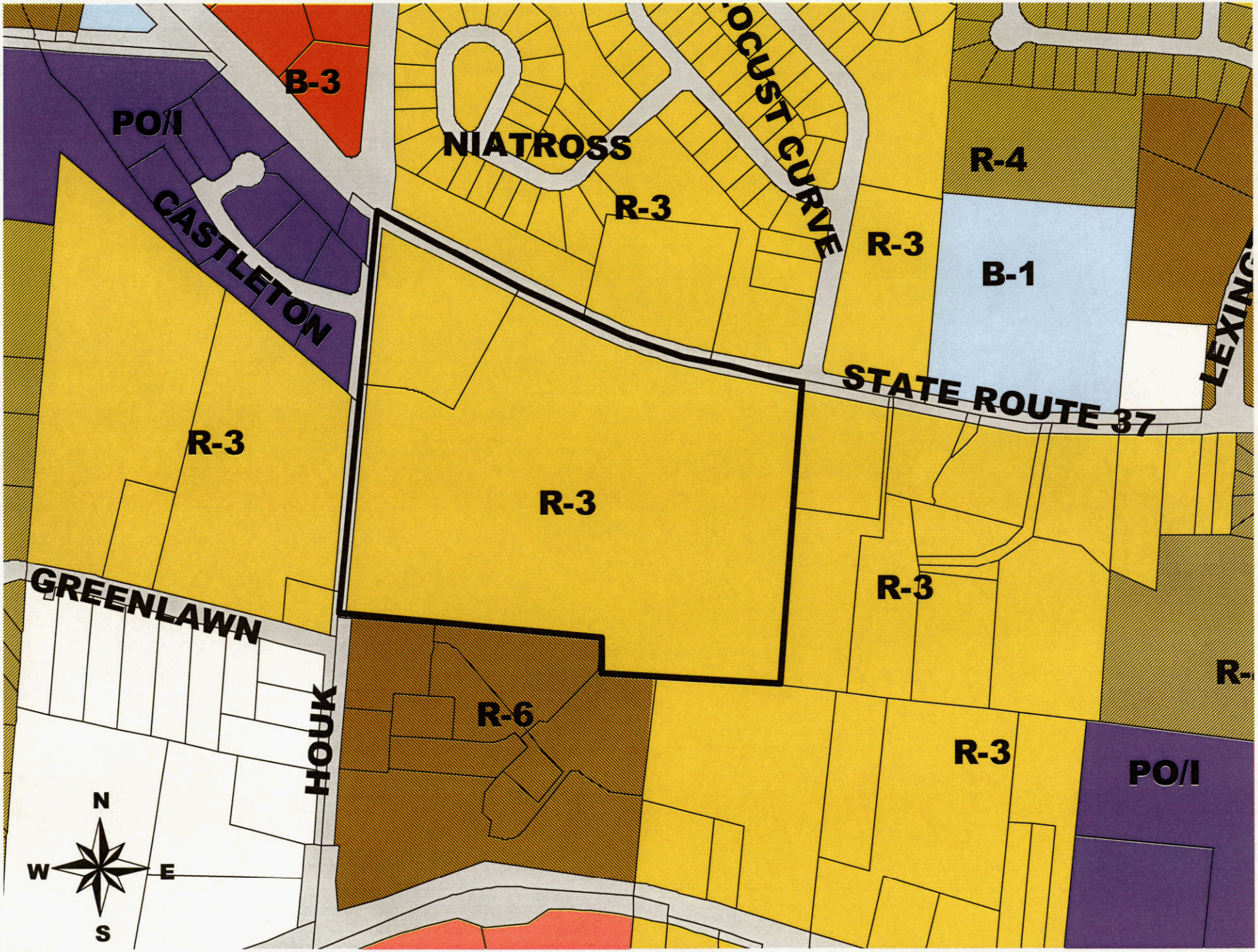
LESLIE BIRD HOUK Collaborative 6/03/03



City of Delaware
GIS
Planning & Community Development

LOCUST POINTE DEVELOPMENT
SE CORNER W. CENTRAL/HOUK ROAD

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W E
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B-3
PO/I
NIATROSS
R-3
OCUST CURVE
R-4
R-3
B-1
CASTLETON
STATE ROUTE 37
LEXING
R-3
R-3
R-3
GREENLAWN
HOUK
R-6
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NIATROSS
OCUST CURVE
CASTLETON
STATE ROUTE 37
LEXINGTON
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