ORDINANCE NO. 04-14

AN ORDINANCE APPROVING THE REZONING FROM A-1 (AGRICULTURAL DISTRICT) TO R-2 (ONE-FAMILY RESIDENTIAL DISTRICT), WITH TEXT LIMITATIONS ENTITLED "DESIGN CRITERIA", FOR THE 69.34± ACRES LOCATED AT 2562 BRAUMILLER ROAD.

WHEREAS, the Planning Commission, at its meeting of November 12, 2003, recommended approval of the Rezoning from A-1 (Agricultural District) to R-2 (One-family Residential District), with text limitations entitled "Design Criteria", for the 69.34± acres located at 2562 Braumiller Road (PC 03-023), and

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

SECTION 1. That the Rezoning from A-1 (Agricultural District) to R-2 (One-family Residential District), with text limitations entitled "Design Criteria", for the 69.34± acres located at 2562 Braumiller Road be and the same is hereby 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 Ohio Revised Code.

VOTE ON RULES SUSPENSION: YEAS 5 NAYS 2
ABSTAIN 0

PASSED: February 9, 2004 YEAS 6 NAYS 1
ABSTAIN 0

ATTEST: Robyn Mohler
CITY CLERK

Windell Wheeler
MAYOR

Application PC 03-023 – A request by Crabbe, Brown & James representing Braumiller Development, LLC for approval of a Rezoning from A-1 (Agricultural District) to R-2 (One-family Residential District) for 69.34± acres located at 2562 Braumiller Road.

Jennings presented the review (printed italic text is from Staff Report, which Jennings reviewed):

BACKGROUND: The site is currently vacant farmland. To the north and east of the site is undeveloped Township property. To the south is the "Hughes Tract", which was recently annexed and rezoned for similar R-2 development. To the west are the Dornoch Estates and Thicket View Subdivisions. The property was annexed on July 14, 2003 and was automatically zoned A-1, which is the reason for the rezoning request.

STAFF REVIEW: In the companion Preliminary Plat Application (see enclosure), the Applicant is proposing upper middle-scale, single-family residences on lots that are mostly the R-2 minimum lot size (70-foot lot width).

The current rezoning proposal complies with the City of Delaware's Comprehensive Plan for development in this area, which calls for low-density, single-family residential development. The DRAFT Comprehensive Plan: 2004-2008 recommends moderate-density single-family (2.5-4.0 du/acre). The Preliminary Plat proposes 176 units, or a gross density of 2.5 dwelling units per acre. The requested R-2 zoning permits a net density of 3.75 du's/ac or 30% more than is proposed.

This subdivision needs to have the same Development Standards as were approved for the Hughes Tract, which is adjacent to the south (see attachment).

STAFF RECOMMENDATION: When the companion Preliminary Subdivision Plat is approved, Staff recommends concurrent approval of the requested Rezoning of the 69.34± acres located at 2562 Braumiller Road from A-1 (Agricultural District) to R-2 (One-family Residential District), if adequate Development Standards (consistent with the Hughes proposal) have been offered and approved. Otherwise, Staff recommends a rezoning to R-1 or a Tabling to the December 10, 2003 Meeting.

John Kennedy, Attorney for the Applicant, submitted elevations to the Commission with a map of the site and the adjacent site. Mr. Kennedy briefly reviewed the proposed plan. Mr. Kennedy stated that the architectural standards will be the same as for the Hughes Development.

Morrison stated some have been concerned for the safety of the children because of the pond. Van Gundy asked if there will be a buffer for those lots that back up to existing houses, which have smaller lots.

Jack Hootman, 3021 Braumiller Rd, voiced concern with buffering and a detention pond next to his property. Santos encouraged the Applicant to attend the meeting during the final platting stages to have his concerns addressed.

Feltz stated the traffic study called for a northbound right-turn lane, which is not indicated on the plat. Mr. Kennedy stated that the Applicant will do anything the traffic study requires. Santos asked that the standards for the front elevation of homes, which are be finished with natural materials, be increased from 35%.

Van Gundy asked that Applicant resolve any issues with neighbors

MOTION: Long/Ebersole moved approve PC 03-023, subject to the approval of the Preliminary subdivision plat, as set forth in PC 03-024.

Application PC 03-024 – A request by Crabbe, Brown & James representing Braumiller Development, LLC, for approval of a Preliminary Subdivision Plat for 176 single-family lots on 69.34 acres for the proposed Braumiller Subdivision.

Jennings presented the review (printed italic text is from Staff Report, which Jennings reviewed):

BACKGROUND: The site is currently vacant farmland. To the north and east of the Site is undeveloped Township property. To the south is the "Hughes Tract", which was recently annexed and rezoned for similar R-2 development. To the west are the Dornoch Estates and Thicket View Subdivisions. The property was annexed on July 14, 2003 and was automatically zoned A-1, which is the reason for the rezoning request.

STAFF REVIEW: In the companion Preliminary Plat Application (see enclosure), the Applicant is proposing move-up, single-family residences on lots that are mostly the R-2 minimum lot size (70-foot lot width). In fact, just over 25% of the lots have at least an 80-foot width (the R-1 standard).

The current rezoning proposal complies with the City of Delaware's Comprehensive Plan for development in this area, which calls for low-density, single-family residential development. The DRAFT Comprehensive Plan: 2004-2008 recommends moderate-density single-family (2.5-4.0 du/acre). The Preliminary Plat application is for 176 units, or a gross density of 2.5 dwelling units per acre. The requested R-2 zoning permits a net density of 3.75 du's/ac or 30% more than is actually proposed.

DRAFT

DRAFT

DELAWARE PLANNING COMMISSION
Braumiller Development Subdivision
REZONING REVIEW

CASE NUMBER: PC 03-023 MEETING DATE: November 12, 2003

OWNER & APPLICANT: Braumiller Development LLC
c/o Crabbe, Brown & James LLP
500 S. Front St. - Suite 1200
Columbus, OH 43215

This Report is unchanged from the October 22, 2003 Staff Report.

REQUEST: Approval of a Rezoning from A-1 (Agricultural District) to R-2 (One-family Residential District) for 69.34± acres located at 2562 Braumiller Road.

PROPERTY LOCATION & DESCRIPTION: 2562 Braumiller Road ... east side of Braumiller Road, about 2,600 feet north of Cheshire Road and across from Dornoch. The property is proposed for R-2 (One-family Residential District) and has township zoning on all sides, with the exception of R-2 zoning to the south.

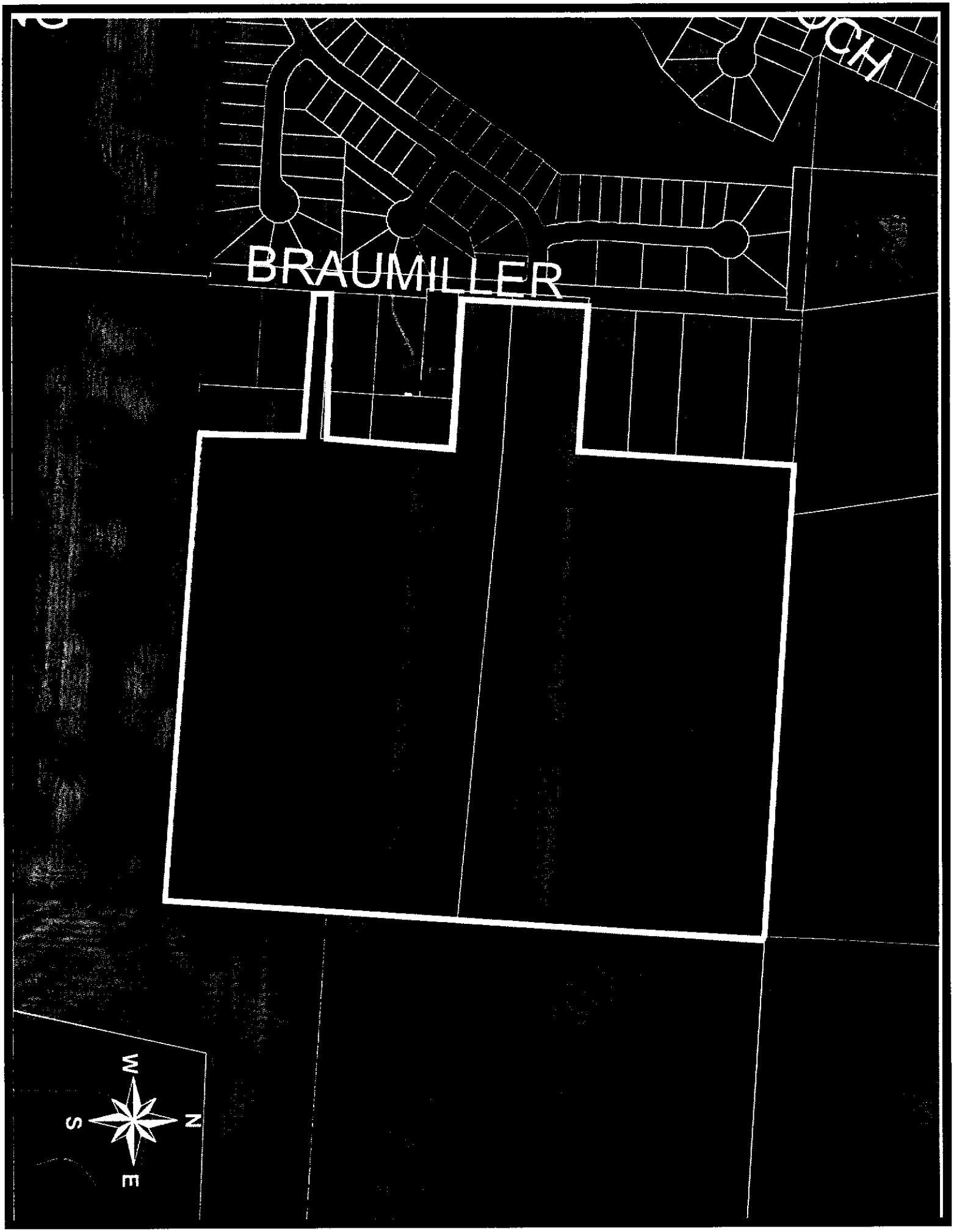
BACKGROUND: The site is currently vacant farmland. To the north and east of the site is undeveloped Township property. To the south is the "Hughes Tract", which was recently annexed and rezoned for similar R-2 development. To the west are the Dornoch Estates and Thicket View Subdivisions. The property was annexed on July 14, 2003 and was automatically zoned A-1, which is the reason for the rezoning request.

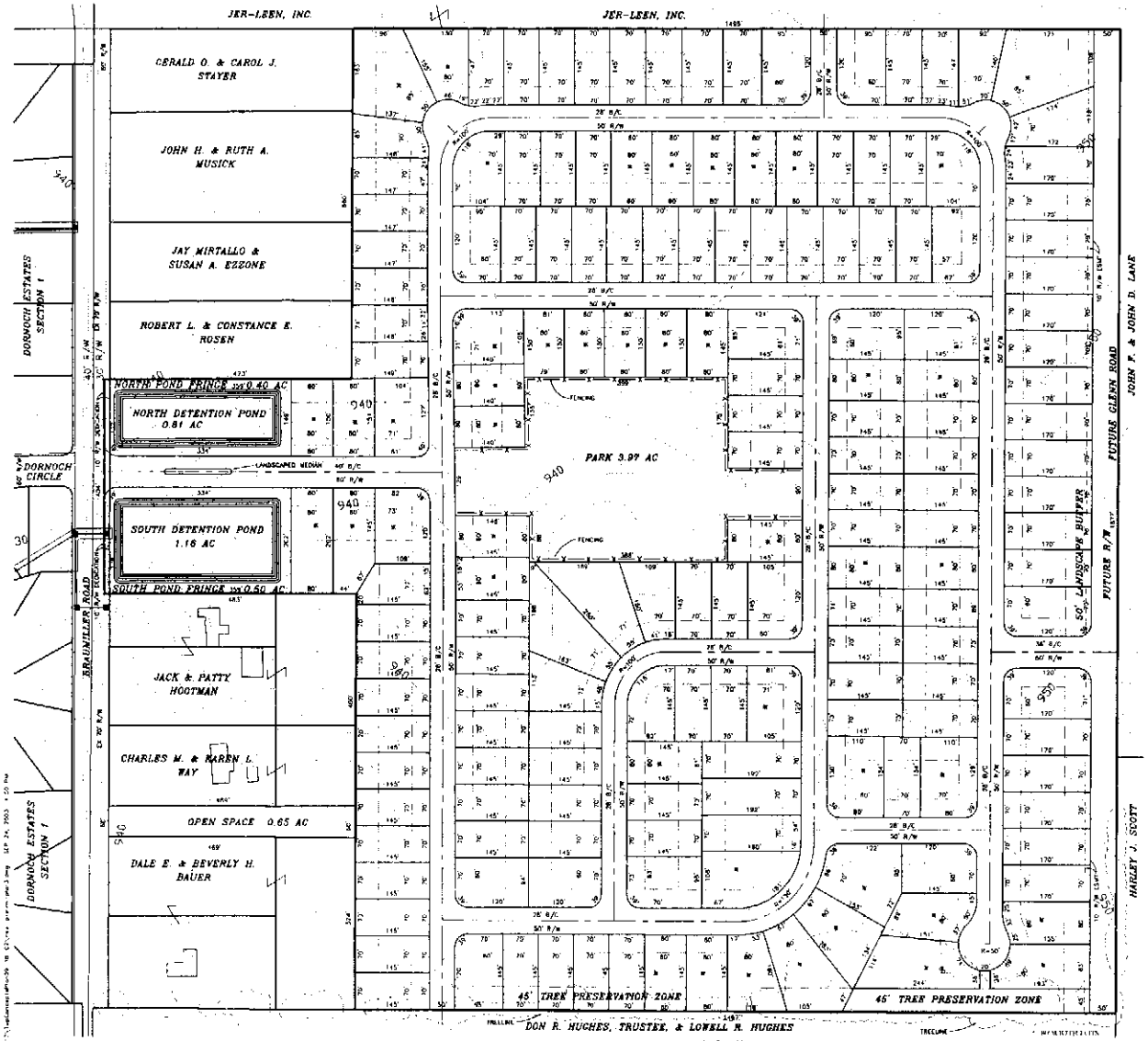
STAFF REVIEW: In the companion Preliminary Plat Application (see enclosure), the Applicant is proposing upper middle-scale, single-family residences on lots that are mostly the R-2 minimum lot size (70-foot lot width).

The current rezoning proposal complies with the City of Delaware's Comprehensive Plan for development in this area, which calls for low-density, single-family residential development. The DRAFT Comprehensive Plan: 2004-2008 recommends moderate-density single-family (2.5-4.0 du/acre). The Preliminary Plat proposes 176 units, or a gross density of 2.5 dwelling units per acre. The requested R-2 zoning permits a net density of 3.75 du's/ac or 30% more than is proposed.

This subdivision needs to have the same Development Standards as were approved for the Hughes Tract, which is adjacent to the south (see attachment).

STAFF RECOMMENDATION: When the companion Preliminary Subdivision Plat is approved, Staff recommends concurrent approval of the requested Rezoning of the 69.34± acres located at 2562 Braumiller Road from A-1 (Agricultural District) to R-2 (One-family Residential District), if adequate Development Standards (consistent with the Hughes proposal) have been offered and approved. Otherwise, Staff recommends a rezoning to R-1 or a Tabling to the December 10, 2003 Meeting.


BRAUMILLER
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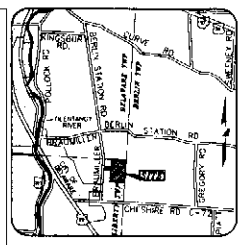


SITE INFORMATION	
MUNICIPALITY:	CITY OF DELAWARE
PROPOSED ZONING:	R-2
TOTAL ACRES:	69.34 ±

LOT INFORMATION	
MINIMUM LOT SIZE:	10,000 SQ. FT.
MINIMUM LOT WIDTH:	70' AT SETBACK
TYPICAL LOT:	70' x 125'
LOT VARIATIONS INCLUDE:	
70' x 110'	70' - 130 LOTS
80' x 110'	20' - 161 LOTS
TOTAL LOTS:	376 LOTS
GROSS DENSITY:	5.42
NET R.O.W. %:	17.1%
NET DENSITY:	6.53
(STREET WIDTHS INC. R/W WIDTH)	

SETBACKS	
FRONT:	30'
REAR:	25'
SIDE:	20' TOTAL (10' MIN. ONE SIDE)

OPEN SPACE REQUIREMENTS	
CLUSTER OPEN SPACE REQUIRED:	4.27 AC. (7.5% AVG.)
PARKLAND DEDICATION REQUIRED:	4.85 AC. (@ 70 LOTS)
TOTAL:	9.40 AC.
DEDICATED PARK PROVIDED:	4.03 AC.
EXISTING WOODED AREA:	0.51 AC.
DETENTION POND FRINGE AREAS:	0.90 AC.
ENTRY R.O.W. AREAS:	3.01 AC.
LANDSCAPED BUFFER:	0.65 AC.
TOTAL OPEN SPACE / PARK PROVIDED:	9.40 AC.



VICINITY MAP
(NOT TO SCALE)

EXISTING ZONING OF TRACT
AGRICULTURAL DISTRICT

OWNER / DEVELOPER:
BRAUMILLER DEVELOPMENT LLC

GENERAL NOTES:

1. THE DEVELOPER SHALL CONTRIBUTE $1000/UNIT AT THE TIME EACH BUILDING PERMIT IS PULLED. THIS MONEY WILL BE A CREDIT FOR THE DEVELOPER'S REQUIREMENT TO CONTRIBUTE 50% OF THE COST REQUIRED FOR THE GLENN ROAD IMPROVEMENT. ANY REMAINING MONEY WILL BE USED FOR OTHER IMPROVEMENTS OR ASSESSMENTS FOR THIS AREA. IF THE MONEY GENERATED FROM THE $1000/UNIT FEE IS INSUFFICIENT TO MEET THE DEVELOPER'S 50% CONTRIBUTION REQUIREMENT, THEN THE DEVELOPER SHALL FUND THE DIFFERENCE. THE $1000/UNIT FEE WILL ALSO BE CREDITED TOWARD ANY COMMUNITY IMPACT FEE OR THE LIKE, MANDATED BY THE CITY OF DELAWARE SUBSEQUENT TO OCTOBER 15, 2003. DEVELOPER WILL CAUSE TO BE ESTABLISHED, PRIOR TO THE RECORDING OF THE FINAL PLAT, A SPECIAL ASSESSMENT DISTRICT OR A NEW COMMUNITY AUTHORITY, WHOSE PURPOSE SHALL BE TO FUND ROAD, SEWER, AND OTHER INFRASTRUCTURE NEEDS FOR THE AREA. THE ANNUAL ASSESSMENT PER UNIT SHALL BE AGREED UPON BY THE HOMEOWNERS' ASSOCIATION PURSUANT TO ITS CHARTER AND BYLAWS.
2. A TRAFFIC IMPACT STUDY HAS BEEN PROVIDED TO THE CITY. THE DEVELOPER WILL FUND AND/OR CONSTRUCT ANY ROAD IMPROVEMENT REQUIRED AS A RESULT OF THIS DEVELOPMENT, AS NOTED IN THE TRAFFIC IMPACT STUDY, PURSUANT TO A WRITTEN AGREEMENT WITH THE CITY THAT WILL BE SIGNED PRIOR TO THE RECORDING OF THE FINAL PLAT. THIS INCLUDES THE DEVELOPER'S OBLIGATION TO FUND 50% OF THE GLENN ROAD IMPROVEMENT, AND RIGHT-TURN DECELERATION LANES AT BOTH ENTRANCES TO THE SITE PER THE TRAFFIC STUDY.
3. THE 3.97-ACRE PARK WITHIN THE DEVELOPMENT SHALL BE INDICATED TO THE CITY OF DELAWARE AS PARK LAND. THE REMAINING 2.96 ACRES WILL BE CONTRIBUTED AS $59,200 CASH IN LIEU OF PARKLAND, WITHIN 30 DAYS OF CITY COUNCIL APPROVAL OF THE FINAL PLAT, OR PRIOR TO SIGNING BY THE CITY OF THE APPROVED FINAL PLAT DOCUMENTS, WHICHEVER COMES FIRST. THE DEVELOPER SHALL PROVIDE FENCING (E.G. 3-RAIL SPLIT FENCE OR SIMILAR "AESTHETIC LOOK", IN CONSULTATION WITH THE CITY) ALONG THE NORTH AND SOUTH BOUNDARIES OF THE PARK TO SEPARATE PARK LAND FROM RESIDENTIAL LOTS. SPECIFIC FENCE LOCATION AND DETAIL WILL BE AGREED UPON PRIOR TO APPROVAL OF THE FINAL PLAT. THE FENCING SHALL BE BUILT PER CITY CODE, AND SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
4. ALL OPEN SPACE AREAS SHALL BE GRADED, ROCK MOUNDED, AND SEEDED. ALL OPEN SPACES AND BUFFER AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. THIS SHALL INCLUDE THE 50' LANDSCAPE BUFFER ALONG GLENN ROAD, THE COMMON PORTION OF THE TREE PRESERVATION ZONE NOT INCLUDED WITHIN LOTS, THE POND FRINGE AREAS, AND ENTRY MEDIAN AREA. THESE AREAS SHALL HAVE AN EASEMENT OR RESERVE FOR PERPETUAL USE AS OPEN SPACE OR BUFFER ONLY, AND CANNOT BE DEVELOPED, SOLD, OR OTHERWISE CONVEYED WITHOUT THE CITY'S PERMISSION. THE CITY SHALL HAVE ACCESS GUARANTEED TO ALL DETENTION POND AREAS.
5. BIKEPATHS, SIDEWALKS, AND STREET TREES SHALL BE INSTALLED AS PART OF THE PUBLIC IMPROVEMENTS FOR THE ADJOINING STREET. BIKEPATHS, RESERVE-AREA SIDEWALKS, AND THE LANDSCAPED ENTRY MEDIAN AT BRAUMILLER ROAD SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
6. WITHIN THE TREE PRESERVATION ZONE EVERY EFFORT SHALL BE MADE TO PRESERVE THE EXISTING TREES. THE TREE PRESERVATION ZONE SHALL BE DEMARCATED WITH ORANGE PLASTIC SNOW FENCE, WITHIN THE DEMARCATED AREA THE DEVELOPER SHALL NEITHER PARK EQUIPMENT NOR STORE OR STOCKPILE SOIL OR OTHER MATERIALS. THE DEVELOPER SHALL REMOVE THE SNOW FENCE WHEN CONSTRUCTION IS COMPLETE.
7. THE BUFFER ALONG FUTURE GLENN ROAD WILL BE A 50' EASEMENT THAT CONTAINS A MOUNDED LANDSCAPED BUFFER SIMILAR TO THE EXISTING BUFFER ALONG SOUTH HOUR ROAD IN WILLOWBROOK FARMS. IT WILL BE INSTALLED BY THE DEVELOPER AS A PART OF THE ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR ANY FINAL PLAT THAT CONTAINS ANY OF THE 51 LOTS ALONG FUTURE GLENN ROAD. IT WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION (SEE NOTE 5). AN ADDITIONAL 10' R/W EASEMENT, ADJACENT TO BRAUMILLER ROAD AND FUTURE GLENN ROAD, WILL BE GRANTED.
8. WITHIN 30 DAYS AFTER FINAL PLAT APPROVAL THE DEVELOPER WILL TENDER THE 0.65 ACRE OPEN SPACE BETWEEN THE WAY AND BAUER PROPERTIES TO THE RESPECTIVE LANDOWNERS. THE DEVELOPER WILL STILL RECEIVE CREDIT FOR THE 0.65 ACRES AS OPEN SPACE.

DESIGN CRITERIA NOTES:

1. THE SITE SHALL HAVE A MAXIMUM GROSS DENSITY OF 2.85 UNITS PER ACRE.
2. ALL RANCH HOMES SHALL HAVE A MINIMUM OF 1,800 SF, EXCLUDING BASEMENTS, OPEN PORCHES, AND GARAGES. ALL TWO STORY HOMES SHALL HAVE A MINIMUM OF 2,000 SF, EXCLUDING BASEMENTS, OPEN PORCHES, AND GARAGES. ALL MODEL HOMES SHALL HAVE A MINIMUM OF 2,200 SF, EXCLUSIVE OF BASEMENTS, OPEN PORCHES, AND GARAGES.
3. THROUGHOUT THE DEVELOPMENT, THE SAME MODEL WITH THE SAME FRONT ELEVATION SHALL NOT BE LOCATED WITH FRONTAGE IMMEDIATELY ADJACENT TO ONE ANOTHER, NOR DIRECTLY ACROSS FROM EACH OTHER. AT LEAST 35% OF THE FRONT ELEVATION OF ALL HOMES SHALL BE FINISHED WITH NATURAL MATERIALS, INCLUDING BRICK, NATURAL STONE, OR WOOD SIDING.
4. THE MAIN SUBDIVISION ENTRANCES SHALL BE FROM BRAUMILLER ROAD AND GLENN ROAD. THE DEVELOPMENT SHALL HAVE A LANDSCAPED ENTRY WITH A MONUMENT SIGN AND LOW-LEVEL LIGHTING. LANDSCAPING SHALL INCLUDE A MIXTURE OF EVERGREEN AND DECIDUOUS PLANT MATERIALS, WHICH MAY INCLUDE TREES, SHRUBS, AND GROUNDCOVER, ANNUAL AND/OR PERENNIAL FLOWERS, AND MAY ALSO INCLUDE DECORATIVE FENCING AND OTHER ENTRY FEATURES.
5. INNOVATIVE STORMWATER MANAGEMENT TECHNIQUES WILL BE USED, AND COORDINATED WITH ODNR.

TREE PRESERVATION AREA NOTES:

AS REQUIRED BY THE HOMEOWNER'S ASSOCIATION, WITHIN THE TREE PRESERVATION AREA, NO BUILDING, STRUCTURE (OTHER THAN A FENCE THAT IS INSTALLED WITHOUT DAMAGING ANY TREES), PATIO, RECREATION OR ATHLETIC FACILITY, OR ANY OTHER IMPROVEMENT OF ANY KIND, WITH THE EXCEPTION OF PEDESTRIAN TRAILS AND PEDESTRIAN BRIDGES, MAY BE PLACED TEMPORARILY OR PERMANENTLY UPON, IN, OR UNDER THE AREAS DESIGNATED HEREON AS "TREE PRESERVATION AREA", NOR SHALL ANY WORK BE PERFORMED THEREON WHICH WOULD ALTER THE NATURAL STATE OF THE ZONE OR DAMAGE ANY OF THE TREES OR VEGETATION THEREIN PROMOTED, HOWEVER, THAT THE ZONE MAY BE DISTURBED TO THE EXTENT NECESSARY FOR HEALTH AND SAFETY REASONS, OR FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES. ANY PART OF THE ZONE DISTURBED BY MAINTENANCE SHALL BE RESTORED AS NEARLY AS PRACTICABLE TO THE ORIGINAL CONDITION. OTHERWISE, NO TREES OR VEGETATION SHALL BE REMOVED FROM THE ZONE, EXCEPT FOR THE REMOVAL OF DEAD, DISEASED, DECEASED, OR NOXIOUS TREES AND OTHER VEGETATION, OR AS MAY BE REQUIRED FOR CONSERVATION OR AESTHETIC PURPOSES, OR IN KEEPING WITH GOOD FOREST MANAGEMENT PRACTICES, AS DETERMINED BY THE HOMEOWNERS' ASSOCIATION.

VARIANCES:

1. THE DEVELOPER SHALL SEEK A SUBDIVISION VARIANCE TO PERMIT ON-STREET PARKING ON THE NON-FIRE HYDRANT SIDE OF THE STREET.
2. THE DEVELOPER SHALL SEEK A SUBDIVISION VARIANCE TO NON-PERFORM THE SIDEWALK INSTALLATION ALONG BRAUMILLER ROAD AND GLENN ROAD.
3. REQUIRED OPEN SPACE IS 20% BY CODE. THE DEVELOPER HAS OBTAINED A VARIANCE FROM THE BOARD OF ZONING APPEALS TO REQUIRE ONLY 9% OPEN SPACE.
4. ALL PRIVATE UTILITIES SHALL BE UNDERGROUND AND AT THE REAR OF ALL LOTS UNLESS OTHERWISE NOTED. THE LOTS ALONG GLENN ROAD EXTENDED, AND LOTS THAT INCLUDE AREA WITHIN THE TREE PRESERVATION ZONE ALONG THE SOUTHERN BORDER OF THE TRACT, SHALL REQUIRE A SUBDIVISION VARIANCE TO PLACE ALL UTILITIES IN THE FRONT YARD RIGHT-OF-WAY, WITH THE UTILITY BOXES BEING LOCATED IN THE SIDE YARDS.

APPROVED BY: CITY OF DELAWARE, OHIO

Approved this _____ day of _____ 2003

_____
Planning Commission Chairman, Delaware, Ohio

Approved and accepted this _____ day of _____, 2003, by Ordinance No. _____

by the Council for the City of Delaware, Ohio

_____
City Clerk, Delaware, Ohio

_____
Director of Planning and Community Development

0 50 100 200 300 NORTH

PREPARED FOR:
T & R Properties

OWNER
Braumiller Development LLC
Attn: Steve Ray, Tom Decker, (614) 923-4000

DEVELOPER
T & R Properties Inc.
Attn: Steve Ray, Tom Decker, (614) 923-4000

PRELIMINARY PLAT
BRAUMILLER SUBDIVISION
City of Delaware, Ohio

PREPARED BY:
R.D. Zande & Associates, Inc.
Landscape Architecture and Planning
Suite 1 - 4349 Bennett Memorial Road
Zanesville, Ohio 43701
(740) 452-4502
Fax (740) 452-4503

SCALE: 1" = 100'
DRAWN BY: BRR
September 29, 2003

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DESIGN CRITERIA

PROPOSED DISTRICT:	R-2
PROPERTY:	Hughes Farm, 49.678± acres
PROPERTY ADDRESS:	north of Cheshire Road, east of Braumiller Road
OWNER:	Don W. Hughes, Trustee and Estate of Lowell R. Hughes
APPLICANT:	Homewood Corporation and Rockford Homes, Inc.
DATE OF TEXT:	3/05/03
APPLICATION NO. :	PC 02-102 (re-zoning)
ORDINANCE NO.:	03-09

1. **INTRODUCTION:** The applicant proposes to rezoning the recently annexed Hughes Farm from A-1 to R-2 single family residential to allow for the development of a single-family subdivision east of Braumiller Road. The proposed development is adjacent to Cheshire Crossing to the east, an approximately 308 lot single family development zoned R-3 and just southeast of Dornoch, a 432 lot planned residential development in Liberty Township essentially developed to R-3 standards. The southern portion of the Hughes Farm contains existing trees and a natural wooded area that provides enhanced visual and aesthetic qualities to the site. The applicant desires to reasonably provide for the strategic preservation of existing trees to enhance the site and allow for lower density single family development meeting all of the R-2 zoning requirements of the Delaware zoning ordinances. The applicant proposes some additional design and site plan criteria to include select R-1 standards and densities and enhanced home sizes to accommodate a reasonable transition from R-3 to R-1 zoning standards in the area while preserving the natural features of the site.

2. **USE AND DEVELOPMENT STANDARDS; DESIGN CRITERIA, SITE PLAN:** The Residential District Regulations provided for in Chapter 1134 of the codified ordinances of the city of Delaware for an R-2 district establish the minimum standards for the site. The additional design criteria and conceptual site plan established herein and attached hereto shall also apply to the site.

   A. Tree Preservation.

      1. *Common Area/Open Space.* A minimum 3.0 acres natural wooded area of existing trees shall be preserved as common area/open space.

      2. *Perimeter Lots.* A sixty-foot tree preservation area shall be established from the rear lot line on all lots whose rear lot lines abut the east, south and west perimeter of the southern wooded portion of the site that does not abut Braumiller Road as shown on the attached concept plan.

      3. *Interior Lots.* A forty-five foot tree preservation area shall be established from the rear lot line on all lots whose rear lot lines abut the approximately 3 acre natural wooded area preserved as common area/open space.

   B. Density. The site shall have a maximum gross density of 2.5 units per acre.

C. Lot Requirements. All lots shall meet the minimum R-2 lot requirements of Section 1134.03 of the Codified Ordinances of the city of Delaware.

1. Fifty percent (50%) of the lots shall have a minimum lot width of 70 feet as required by 1134.03.

2. Twenty-five percent (25%) of the lots shall have a minimum lot width of 75 feet.

3. Twenty-five percent (25%) of the lots (including corner lots) shall have a minimum lot width of 80 feet.

D. Dwelling Unit Area Requirements.

1. All ranch homes shall have a minimum of 1,800 square feet exclusive of basements, open porches and garages.

2. All two-story homes shall have a minimum of 2,000 square feet exclusive of basements, open porches and garages.

3. All model homes shall have a minimum of 2,000 square feet exclusive of basements, open porches and garages.

E. Architectural Standards.

1. Throughout the development, the same model with the same front elevation shall not be located with frontage immediately adjacent to one another nor directly across from each other.

2. At least 35% of the front elevation of all homes shall be finished with natural materials including brick, natural or cultured stone, cedar siding or cement fiber siding (i.e. hardi plank).

F. Development Entry Features. The main subdivision entrance shall be from Braumiller Road. The development shall have a landscaped entry with a monument sign and low-level lighting. Landscaping shall include a mixture of evergreen and deciduous plant materials, which may include trees, shrubs and groundcover, annual and/or perennial flowers and may also include decorative fencing, and other entryway features. A minimum of $20,000 shall be spent on the entry features for the development.

Homewood Corporation

_____

by John Bain
Its Chief Operating Officer

Date: _____

Rockford Homes, Inc.

_____

by Robert E. Yoakam, Jr.
Its President

Date: _____

STATEMENT IN SUPPORT OF REZONING
FROM A1 TO R2
2562 Braumiller Road, 69.34± acres

The property subject of this Application for Zoning Change and Preliminary Subdivision Plat Application ("Site"), is approximately 69.34± acres located on the east side of Braumiller Road, north of Cheshire Road. On Wednesday, February 12, 2003, a Petition for Annexation of the Site was filed with the Delaware County Commissioners as a 100% Type Two expedited filing. On Monday, February 24, 2003, Delaware City Council passed a municipal service ordinance authorizing the appropriate municipal services.

Rezoning the property is necessary in light of the annexation discussed above, from A1 to R2 for single-family residential development. The proposed R2 zoning is consistent with the City of Delaware's Comprehensive Master Plan, which calls for low-density single-family residential development.

To the north and east of the Site is undeveloped Township property. To the south is property recently annexed and currently being rezoned for similar R2 development, known as the "Hughes Tract." To the west are the Thicket View Subdivision and Dornoch Estates.

With this Application, the Applicant is proposing high quality, single-family residences as exhibited on the preliminary plat, review for which has been concurrently filed.

Respectfully submitted,

CRABBE, BROWN & JAMES, LLP
John P. Kennedy, Esq.
500 S. Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4551 Fax: (614) 229-4559
jkennedy@cbjlawyers.com
Attorney for Applicant

191437

DESCRIPTION OF THE PROPOSED
ANNEXATION OF 69.34 ACRES +/-
TOWNSHIP OF LIBERTY, COUNTY OF DELAWARE, OHIO
TO
CITY OF DELAWARE, DELAWARE COUNTY, OHIO

Situate in the State of Ohio, County of Delaware, Township of Liberty, lying in Farm Lot 8, Section 4, Township 4, Range 19, United States Military District, and being all of a 34.834 acre tract (Tract 2) conveyed to Braumiller Development, LLC., by deed of record in Deed Book 102, Page 909 and a 34.834 acre tract (Tract 1) conveyed to Braumiller Development, LLC., by deed of record in Deed Book 92, Page 1465, all records herein of the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

BEGINNING, at an angle point in the existing City of Delaware Corporation Line, of a record in Plat Cabinet 3, Slide 23, Ordinance No. 02-124, said point also being the northeast corner of a 49.678 acre tract conveyed to Lowell R. Hughes (1/2 interest) by deed of record in Deed Book 553, Page 479 and to Don W. Hughes Trustee of the Don W. Hughes Family Trust Agreement (1/2 interest) by deed of record in Deed Book 636, Page 226;

Thence North 88°56'22" West, a distance of 1497.20 feet, along the line common to said 34.834 acre tract (Tract 2) and said 49.678 acre tract, to a point at the southeast corner of a 1.117 acre tract conveyed to Dale E. and Beverly H. Bauer by deed of record in Deed Book 542, Page 398;

Thence North 01°07'06" East, a distance of 324.36 feet, along the east line of said 1.117 acre tract, to a point;

Thence North 88°52'26" West, a distance of 469.24 feet, along the north line of said 1.117 acre tract, to a point in the easterly right-of-way line of Braumiller Road (Township Road 92, 70' right-of-way) and at the northwest corner of a 1.1 acre tract Lot 793 of THICKET VIEW SUBDIVISION NO. 1, a subdivision of record in Plat Book 14, Page 67 conveyed to Dale E. and Beverly H. Bauer;

Thence North 01°04'38" East, a distance of 60.00 feet, along the easterly right-of-way line of said Braumiller Road, to a point at the southwest corner of a 1.1 acre tract, Lot 792 of said THICKET VIEW SUBDIVISION NO. 1, conveyed to Charles M. and Karen L. Way;

Thence South 88°53'00" East, a distance of 469.17 feet, along the southerly line of said 1.1 acre tract, to a point at the southeast corner of a 0.516 acre tract conveyed to Charles M. and Karen L. Way;

Thence North 01°06'42" East, a distance of 399.76 feet, along the east line of said 0.516 acre tract, to a point at the northeast corner of a 0.861 acre tract conveyed to Jack and Patty Hootman by deed of record in Deed Book 542, Page 402;

Thence North 88°56'33" West, a distance of 469.41 feet, along the northerly line of said 0.861 acre tract, to a point in the easterly right-of-way line of said Braumiller Road and the northwest corner of a 0.803 acre tract conveyed to Jack and Patty Hootman by deed of record in Deed Book 478, Page 190;

Thence North 01°04'38" East, a distance of 422.69 feet, along the easterly right-of-way line of said Braumiller Road, to a point at the southwest corner of a tract Lot 833 of THICKET VIEW SUBDIVISION NO. 2, a subdivision of record in Plat Book 15, Page 84, conveyed to Robert L. and Constance E. Roser;

Thence South 89°11'11" East, a distance of 464.63 feet, along the south line of said tract, to a point at the southeast corner of a 0.500 acre tract conveyed to Robert L. and Constance E. Roser by deed of record in 658, Page 202;

Thence North 01°07'26" East, a distance of 659.85 feet, along the east line of said 0.500 acre tract, to a point in the south line of a 10.00 acre tract conveyed to Jer-Leen, Inc. by deed of record in Deed Book 451, Page 440 and the northeast corner of a 0.50 acre tract conveyed to Gerald O. Stayer and Carol J. Stayer by deed of record in Official Record 7, Page 453;

Thence South 88°29'51" East, a distance of 1501.23 feet, along the south line of said 10.00 acre tract, to a point in the line common to said Existing City of Delaware Corporation Line and a 155.862 acre tract conveyed to John F. Lane and John Daniel Lane by deed of record in Deed Book 571, Page 476;

Thence South 01°00'38" West, a distance of 1369.24 feet, along the line common to said Existing City of Delaware Corporation Line and said 155.862 acre tract, to a point at the northwest corner of a 27.499 acre tract conveyed to Harley Jay Scott by deed of record in Deed Book 540, Page 740;

Thence South 01°16'53" West, a distance of 487.90 feet, along the line common to said Existing City of Delaware Corporation Line and said 27.499 acre tract; to the **POINT OF BEGINNING**, containing 69.34 acres, more or less.

The bearings given in the above description are based on the bearing of North 01°04'38" East for the centerline of Braumiller Road, deed of record in Deed Book 636, Page 226, Recorder's Office, Delaware County, Ohio.

The above description is intended for annexation purposes only and not for the transfer of real property.

The above description is intended to be used as an Expedited Type 2 Annexation with a total perimeter of 8594.68 feet, a length of contiguity of 1497.20 feet and a seventeen (17) percent contiguity with the existing City of Delaware Corporation line.

The proposed annexation does not create any areas that would be surrounded on all sides by an existing corporation line while the location of said tract would remain in said township.



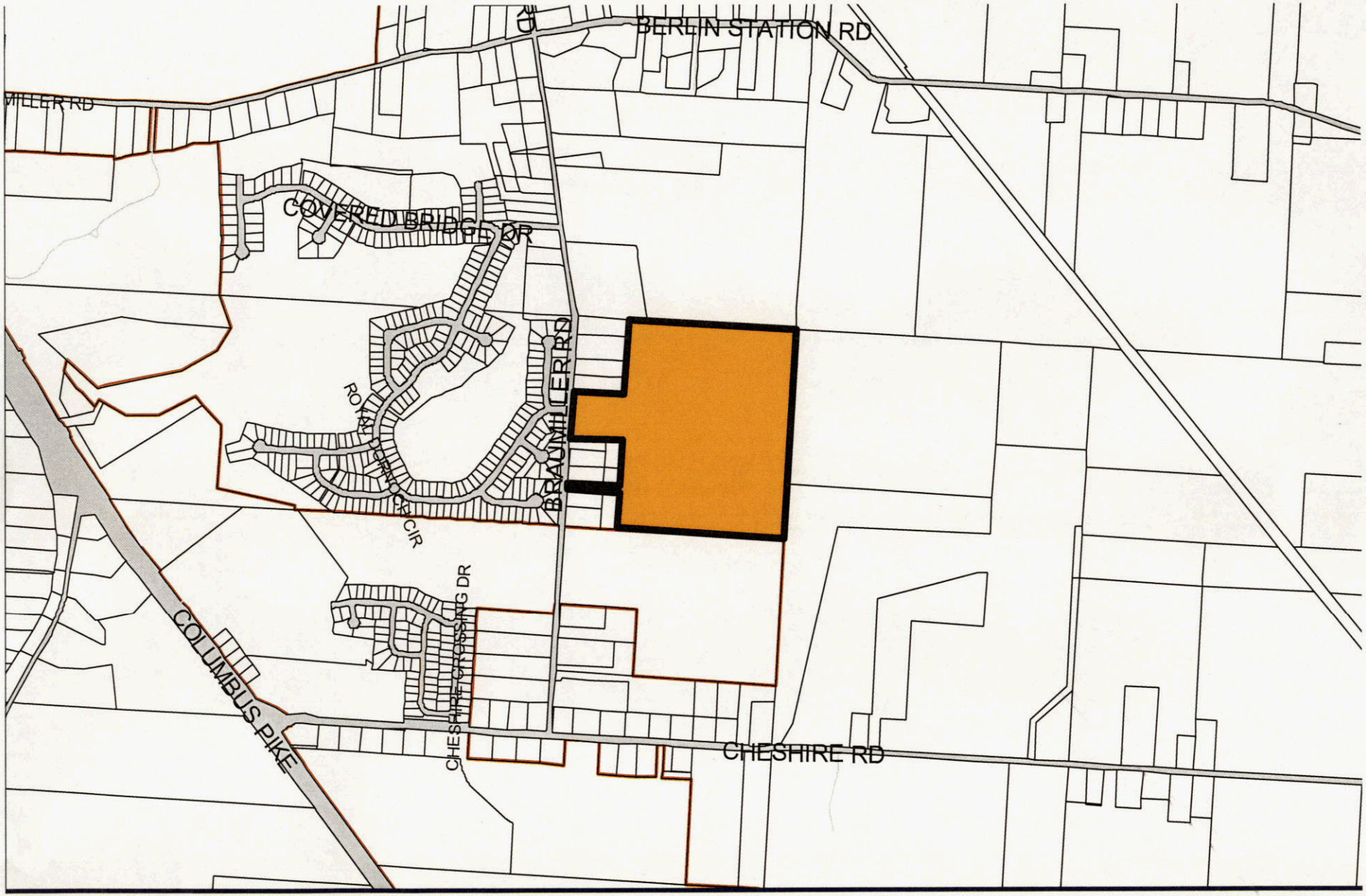
R.D. ZANDE & ASSOCIATES, INC.

Robert L. Clay February 4, 2003

Robert L. Clay Date

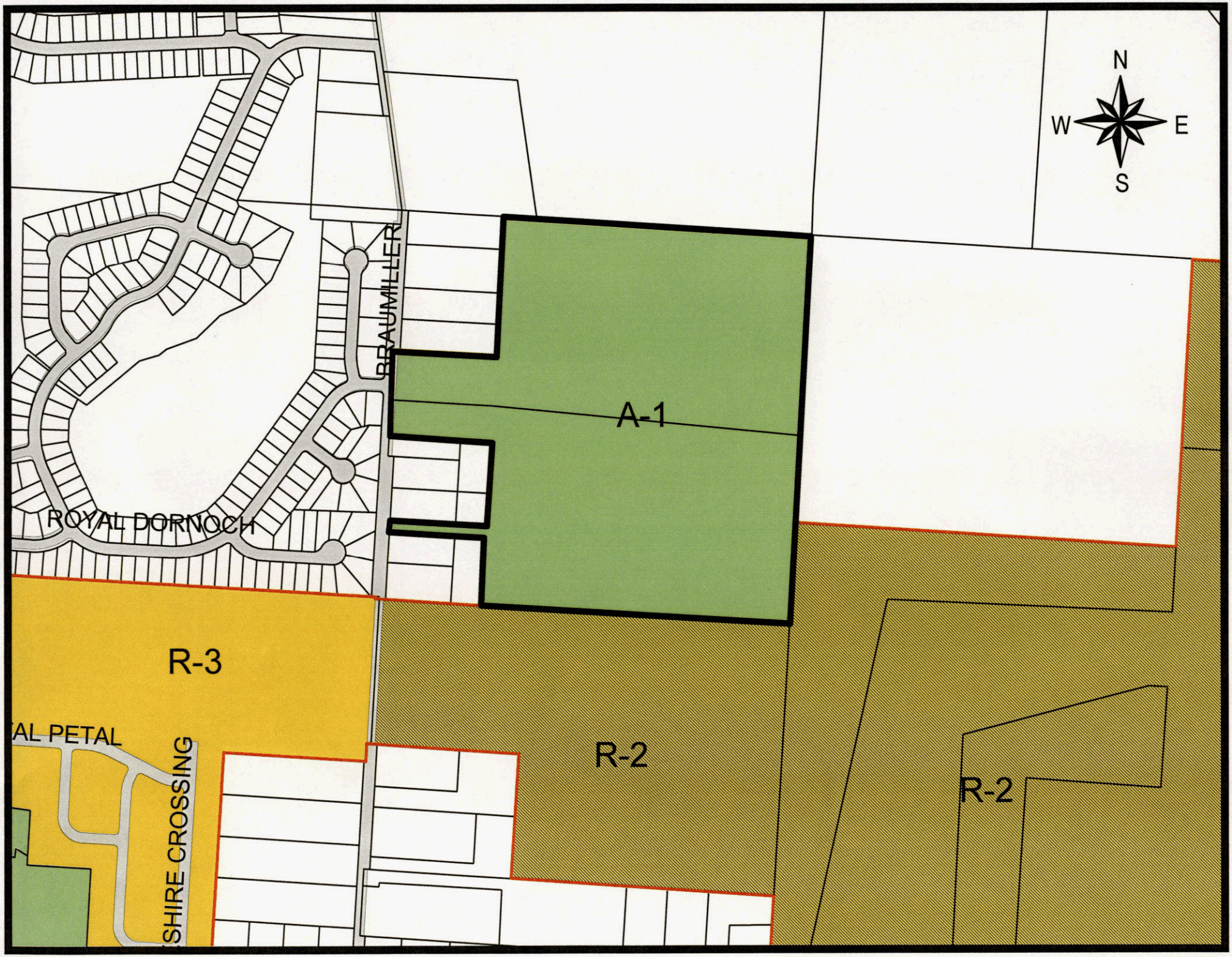
Registered Surveyor No. 8121

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PC03-023
BRAUMILLER SUBDIVISION
EAST OF BRAUMILLER, WEST OF GLENN (EXTENDED)
REZONING

N
W E
S


N
W
E
S
BRAUMILLER
A-1
ROYAL DORNOCH
R-3
R-2
R-2
AL PETAL
SHIRE CROSSING