ORDINANCE NO. 04-133

AN ORDINANCE APPROVING, WITH CONDITIONS, A REZONING OF THE 19.3 ACRES LOCATED AT THE NE CORNER OF US 23S AND CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO PMU (PLANNED MIXED USE DISTRICT) FOR THE PROPOSED FLOYD BROWNE ASSOCIATES OFFICE DEVELOPMENT AND ADJACENT CONDOMINIUM PROJECT.

WHEREAS, the Planning Commission at its meeting of July 7, 2004 recommended approval, with conditions, for a Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project (PC 04-068).

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

SECTION 1. That the Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project, be and the same is hereby confirmed, approved, and accepted, with the attached Text Limitations offered by the Applicant.

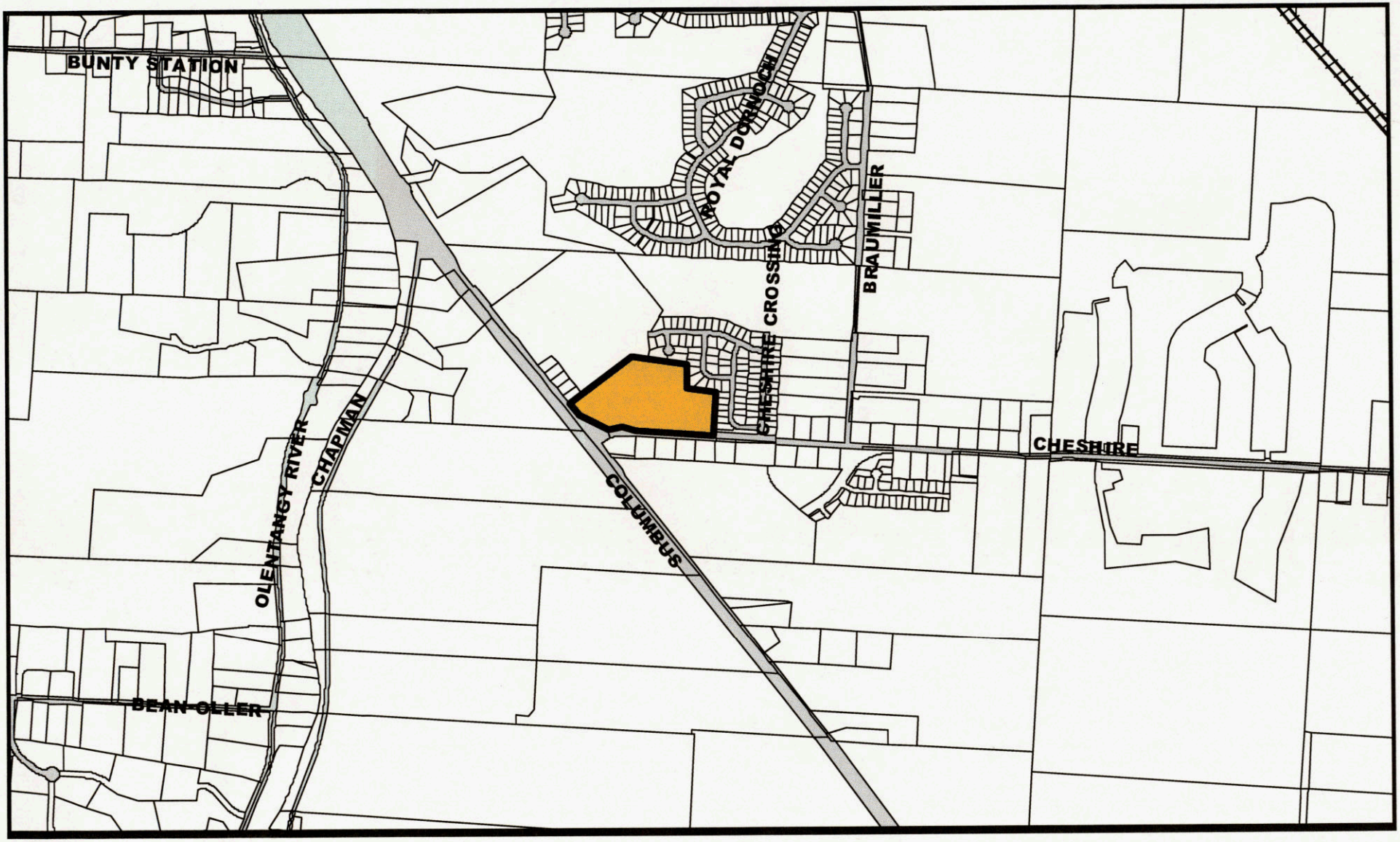
SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in 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: August 23, 2004 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Roby M Mathias
CITY CLERK

Windell Wheeler
MAYOR

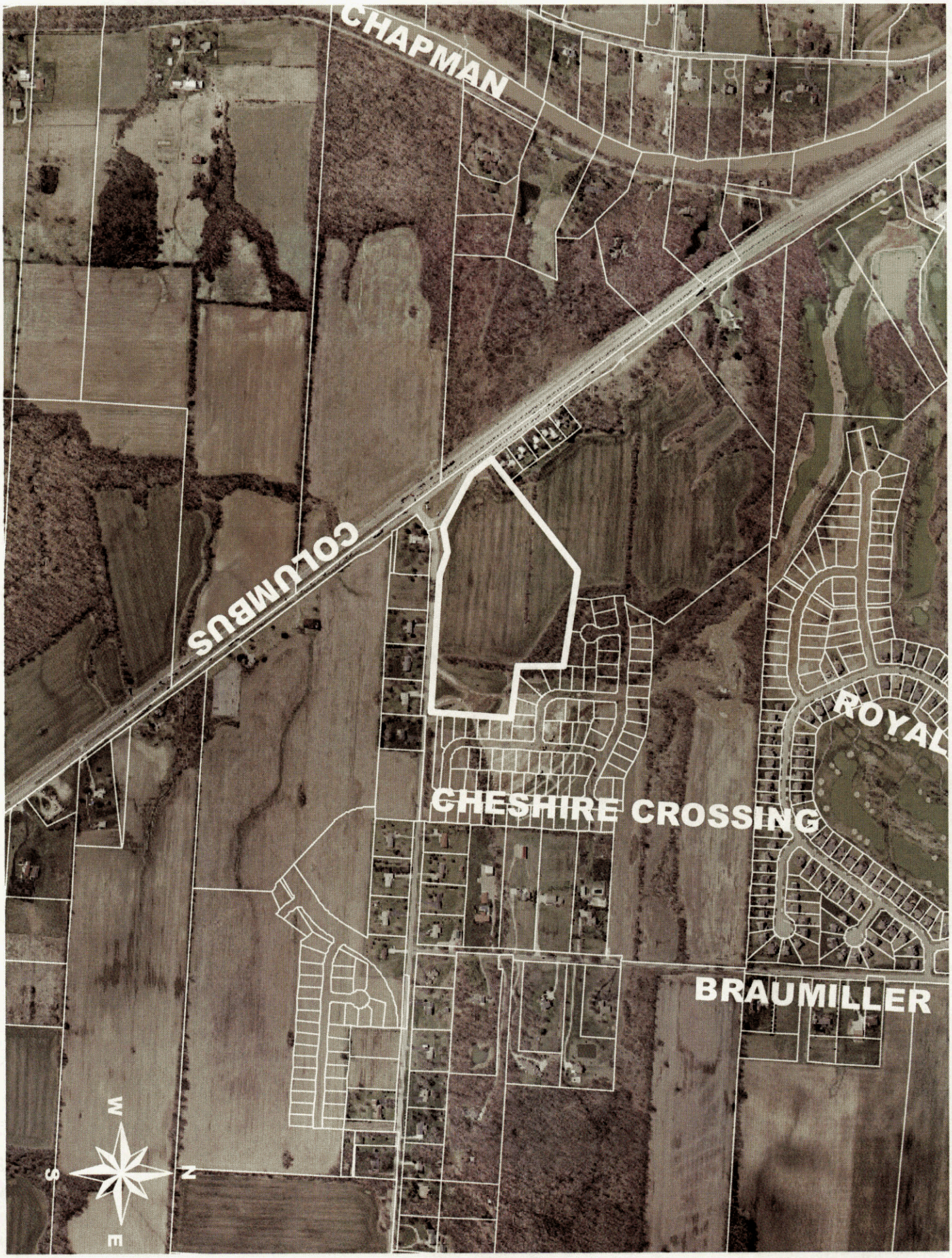


City of Delaware
GIS
Planning & Community Development

FLOYD BROWNE ASSOCIATES
NE CORNER US 23 / CHESHIRE ROAD
OFFICE SPACE FACILITY / RESIDENTIAL PROJECT

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S


STATION
A-1
A-1
A-1
ROYAL DORNOCH
CROSSING
CHESHIRE
BRAUMILLER
R-2
R-2
R-3
R-3
R-2
R-2
CHESHIRE
B-4
R-3
R-2
A-1
COLUMBUS
CHAPMAN
OLENTANGY RIVER
EAN-OLLER
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CHAPMAN
COLUMBUS
ROYAL
CHESHIRE CROSSING
BRAUMILLER
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MPV JIM

FLOYD BROWNE ASSOCIATES, FBA INC.

585 Sunbury Road Delaware, OH
43015-9795
740.363.6792
Fax 740.363.6536

e-mail: fbadelaware@fbainc.com

JUL 21 2004

Floyd Browne Associates, Inc.
No. 04-227-01

July 21, 2004

Melanie Piatt, Zoning Technician
City of Delaware Planning and Community Development
1 S. Sandusky Street
Delaware, Ohio 43015

Subject: Floyd Browne Corporate Complex
Case numbers PC 04-68, 04-69, 04-72

Dear Melanie:

Please find attached development plan and text revisions and responses to the Staff Analysis and Recommendations for the Preliminary Development Plan. Items in the revised development text that have been added are highlighted in yellow (Example). Items that have been stricken from the text are represented by a line struck through the text ~~(Example).~~

Also listed below are responses to the Staff Analysis and Recommendations. Staff comments are represented in *italics* and our responses are in **bold**.

Staff Analysis

- *Storm Sewer* – The development text, under Sub-Area A, Development Standards A., 14) on page 3 of the development text, mistakenly mentioned that a preliminary utility layout would be made available for Final Preliminary Development Plan. This is inaccurate. The above statement has been replaced with the following statement, **"A utility layout will be provided for Final Development Plan."**
- *Bike paths and pedestrian routes: An eight-foot bike path needs to be provided along the south and east boundary. The path alignment is conceptual and will be finalized with the Final Development Plan.* **The bike trail is shown on the plans and described in the text per the 6/30/04 submission.**

Staff Recommendation

1. *The Applicant needs to add an emergency access to/from the residential area through the office site.* **The applicant has not provided emergency access to the multi-family area. The applicant believes it is unnecessary and damaging to the property's uses to**

connect the Office and Residential areas. Both areas are proposed to have two (2) access points each – in accordance with all emergency and service access needs.

2. *The Applicant needs to commit to the improvements recommended by the City Engineer in the letter dated July 2, 2004.* **The Applicant will commit to the traffic improvements requested by the City of Delaware Engineer, per his July 2 letter. A note has been added to the development plan stating this. This note has also been inserted in the text in Sub-Area A, Development Standards A., 12) on page 3 of the development text.**

3. *The Applicant must obtain a Tree Clearance Permit prior to removal of any major trees before any building permits are approved.* **The applicant will obtain a tree permit prior to the removal of any trees.**

4. *For the residential area, the Applicant needs to use innovative storm water management techniques to be approved by the City and in consultation with ODNR before any building permits are approved for that development.* **Appropriate storm water management will be determined during final engineering.**

5. *The Applicant needs to make any revisions necessary to the Community Impact Assessment language prior to approval of the Preliminary Development Plan by City Council.* **Upon receiving comments from the City, the applicant will make the necessary revisions as appropriate.**

6. *The Applicant needs to make any revisions necessary to the Development Text language prior to approval of the Preliminary Development Plan by City Council.* **Upon receiving comments from the City, the applicant will make the necessary revisions as appropriate.**

7. *The subareas will need to be platted in the future to create separate parcels for the office and residential uses.* **Separate parcels will be created in the future by way of a lot split.**

8. *The Plan needs to be revised to indicate the location of handicapped spaces, per ADA regulations.* **Handicapped parking spaces have been noted on the development plan.**

9. *The Applicant needs to obtain approval signatures of the Environmental Analysis Map within 30 days of the Preliminary Development Plan approval by City Council.* **Upon receiving comments from the City, the applicant will make the necessary revisions as appropriate and will obtain the necessary signatures prior to approval by Council.**

10. *The Applicant needs to resolve the site size discrepancy.* **The applicant has reviewed the survey plat and legal description in conjunction with the auditor's acreage. The applicant has determined that the 19 +/- acre survey prepared by Floyd Browne Associates is accurate based on actual field surveys. The lot area shown by the auditor is approximate and not field verified, and may include right of way area that is not included with this project.**

11. *The parking space dimensions needs to be corrected on the Plan.* **The Parking space dimension has been revised to show the correct dimension of 19 feet.**

The following items listed below represent revisions made by the applicant.

1. An "outbuilding" has been added to the development plan. The following has been added to Sub-Area A, Development Standards A., 18) on page 3 of the development text: **"18) Accessory structures – The applicant will provide an outbuilding within the parking lot to be used for storage. The outbuilding will be constructed of natural materials, and will have a garage door and a pedestrian door. The outbuilding is subject to the same setback regulations as primary structures."**

2. The trash enclosure has been moved from the east side of the site to the west side of the site near the outbuilding and has been shown on the development plan.

3. In Sub-Area A, Development Standards A., 17) on page 3 of the development text under the Vehicle Wash station, "*40' x 22'* " has been replaced by **"18' x 19'."** Also the vehicle wash station has moved from the west side of the site to behind the main structure, this has been shown on the development plan.

4. In order to accommodate the addition of an outbuilding, moving the trash enclosure, and due to some changes to the building, some of the parking spaces have moved around, which is shown on the development plan. The parking space counts have not changed.

5. In Sub-Area A, Development Standards A., 13) on page 3 of the development text under the Phasing section, the total building build out changed from "*51,400 square feet*" to **"45,300 square feet."**

6. Three flag poles have been added to the development plan in front of the building. The following has been added to Sub-Area A, Development Standards A., 8) on page 2 of the development text: **"A maximum of three (3) flagpoles will be constructed as part of the project. Flagpoles will not exceed thirty (30) feet in height."**

7. The following has been removed from Sub-Area A, Development Standards A., 8) on page 2 of the development text, "*Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in the Signs section of the*

Delaware City Zoning Code. Entry identification signs and traffic controlling signs shall be permitted per the Signs section of the Delaware City Zoning Code."

8. The following has been added to Sub-Area A, Development Standards A., 8) on page 2 of the development text, **"The applicant will provide one free standing monument identification sign at the entrance on Cheshire Road. The sign will be a freestanding single sided sign with a maximum height of ten (10) feet. The sign will be located no closer than twenty (20) feet to the right of way / property line. The maximum sign panel square footage will be sixty (60) feet. Identification letters shall be a maximum of twelve (12) inches in size and a minimum of six (6) inches. The sign panel may contain up to five (5) different business names. Refer to Exhibit H for a conceptual sketch of the proposed freestanding monument sign. A directional sign will be provided at the entrance along the access drive. All directional and traffic control signs shall meet the requirements imposed in the Signs section of the Delaware City Zoning Code. The applicant will also provide signage on the 2 walls of the proposed building which are along road frontage of Cheshire Road and U.S. 23. This will include raised and lighted plastic letters that will be a maximum of three (3) feet in height."**

9. The following has been added to Sub-Area B, Development Standards 4) on page 4 a. building setbacks of the development text:

Adjacent to residential	**20 feet from lot line**
Adjacent to non-residential	**20 feet from lot line**

10. The following has been deleted from Sub-Area B, Development Standards 4) on page 4 a. building setbacks of the development text:

Perimeter	*25 feet from lot line*

11. The following has been added to Sub-Area B, Development Standards 4) on page 4 of the development text:

b. Building separation

Main wall to main wall	**30 feet**
End wall to end wall	**25 feet**
Main wall to end wall	**30 feet**
Main wall to driveway/parking	**15 feet**
End Wall to driveway/parking	**10 feet**
Building to private street	**15 feet from edge of pavement**

12. The following has been added to Sub-Area B, Development Standards 15) on page 5 of the development text: **"Common open space – Sub-Area B will be required to provide a minimum of fifteen (15) percent of common open space. Common open space includes all areas not paved or built upon. Detention / retention, utilities, easements, and walking paths may be permitted within the common open space."**

The applicant has submitted twelve (12) copies of a revised preliminary development plan, revised zoning development plan, Exhibit H, and revised text.

The applicant, per this application, requests your review and hearing on the next available Planning Commission meeting date (July 21, 2004). If you have any questions or need more information please feel free to call me.

Thank you for your consideration.

Sincerely,

Andrea M. Oyster

Andrea M. Oyster
Planning and Landscape Architecture

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Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: PC 04-068, 04-069, and 04-072
REQUESTS: Rezoning, Comprehensive Plan Amendment, and Preliminary Development Plan
PROJECT: Floyd Browne Facility
MEETING DATE: 07/21/04

APPLICANT & OWNER

Floyd Browne Associates
585 Sunbury Road
Delaware, OH 43015

Rainbow Development Corp.
865 King Avenue
Columbus, OH 43212

REQUEST

- PC 04-068 - Rezoning of the 22.518 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District).
- PC 04-069 - Preliminary Development Plan for the 4.5± acres located at the NE corner of US 23S and Cheshire Road.
- PC 04-072 - Amendment to the Comprehensive Plan to the 22.518 acres located at the NE corner of US 23S and Cheshire Road from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use.

PROPERTY LOCATION & DESCRIPTION

The parcel is located at the NE corner of US 23S and Cheshire Road. The current zoning is A-1 (Agricultural District), while the surrounding zoning is R-3 (Single-family Residential District) to the north and east, a mix of A-1 and B-4 (General Business District) to the south, and township zoning across US 23 to the west.

BACKGROUND

The Applicant proposes to construct a new office space facility on the 4.5 acres at the west end of the site, with condominium development on the remaining acreage. Economic incentives are being offered to attract this retention and expansion office development to the City. The Plan for the office portion proposes three phases of development totaling 45,300 square feet, with 25,200 square feet in Phase I, 18,200 square feet in Phase II, and a potential expansion of 8,000 square feet in Phase III. Details of the project are being worked out with Staff but an initial draft of a Development Text has been provided (see attachment). The condominium development is proposed at 90-120 dwelling units to occupy the remaining15± acres (6-8 du/ac.).

STAFF ANALYSIS – PC 04-072 – COMPREHENSIVE PLAN AMENDMENT

- **LAND USE**: The Comprehensive Plan recommends Moderate-Density Single-family and Low-Density Multi-family land uses for the site. This corner property abuts US 23S and Cheshire Road, two heavily-traveled roads, which would appear to make the proposed Mixed Use land use more appropriate and compatible. The Applicant has submitted a companion request to rezone the property to Planned Mixed Use to support the proposed office and condominium developments.

STAFF RECOMMENDATION - PC 04-072 - COMPREHENSIVE PLAN AMENDMENT

Staff recommends approval of the proposal to change the Comprehensive Plan recommendation for this site from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use.

FINDINGS OF FACT

- The proposal is consistent with the Economic Development component of the Comprehensive Plan.
- The proposal will be compatible with the current and future neighborhood conditions by providing a transition between single-family residential to the north and retail to the south.

STAFF ANALYSIS – PC 04-068 - REZONING

- **UNDERLYING ZONING**: The Applicant has not requested O (Office) and R-6 (Multi-family) as the underlying zoning districts for the two Sub-Areas.

- **DEVELOPMENT TEXT**: The Applicant has provided development text but Staff has not finished reviewing it. Staff will bring recommended changes to the Planning Commission meeting. The Applicant must make any Planning Commission revisions prior to submission of the Preliminary Development Plan to City Council.

STAFF RECOMMENDATION - PC 04-068 - REZONING

Staff recommends approval of a rezoning to O (Office) for the 4.5 acres and R-5 or R-6 (Multi-family) for the remainder, with a PMU (Planned Mixed Use) Overlay, when the companion Preliminary Development Plan is approved.

FINDINGS OF FACT

- The proposed rezoning will be consistent with the Comprehensive Plan, if it is amended as requested.

STAFF ANALYSIS – PC 04-069 – PRELIMINARY DEVELOPMENT PLAN

- **ROADS AND TRAFFIC**: The 4.5-acre parcel proposed for office use indicates one full access off Cheshire Road and one, right-in only access from the existing service drive that runs parallel to US 23. The Applicant should consider adding an emergency access to/from the residential area through the office site.

  The City Engineer recommends that the Applicant (see attached letter) construct an east-bound turn lane on Cheshire Road at the site entrance, construct the first 250 feet of access road through "Reserve J" in the Cheshire Crossing Subdivision to the future commercial development opposite, and pave an overlay of Cheshire Road from the site entrance to the access road. These improvements are to be made in lieu of a traffic study.
- **TREE PRESERVATION**: The Tree Replacement Plan has been approved. A Tree Clearance Permit must be obtained prior to approval of any building permits.
- **DESIGN**: The Applicant proposes all natural materials for the office area and aluminum and/or vinyl siding would not be permitted, except for the use of soffits, gutter, or shutters and finish material will not include exposed concrete or cinder block.

  The multi-family residential areas must be all natural materials, per Code.
- **WATER:** Water will be available through a 12-inch line that runs along US 23.
- **SANITARY SEWER:** Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. This line would be extended to Sub-Area A (office parcel) along the north boundary of the site.
- **STORM SEWER:** Stormwater will be managed through the use of retention/detention ponds, catch basins, and storm pipe. The Applicant proposes to provide Staff with a preliminary utility layout as part of the final submission of the Preliminary Development Plan.

  For the residential area, the Applicant needs to use innovative stormwater management techniques to be approved by the City and in consultation with ODNR.
- **PARKLAND AND OPEN SPACE**: Parkland and open space are not required, per Code for the office use. Staff recommends cash-in-lieu of parkland dedication for the residential area. R-6 zoning requires 20% open space.
- **BIKE PATHS AND PEDESTRIAN ROUTES**: An eight-foot bike path needs to be provided along the south and east boundary. The path alignment is conceptual and will be finalized with the Final Development Plan.
- **COMMUNITY IMPACT ASSESSMENT**: The Applicant has provided a Community Impact Assessment, which is currently under review by City Staff. The Applicant needs to make any revisions necessary prior to approval of the Preliminary Development Plan by City Council.

- **SUBDIVISION REGULATIONS**: The subareas will need to be platted in the future to create separate parcels for the office and residential uses.
- **CONDITIONAL USE PERMIT**: The proposed Planned Mixed Use Overlay requires that all development within a PMU District shall be subject to the conditional use approval process. Once Final Development Plans are submitted, the Conditional Use Permits must be as well.
- **PARKING**: The Applicant exceeds the Code-required amount of parking but the required handicapped spaces are not shown.
- **ENVIRONMENTAL ANALYSIS MAP**: An Environmental Analysis Map was submitted by the Applicant and is currently under review by City Staff (a copy is enclosed with this packet). The Planning Commission and City Council must also review the map for any necessary revisions and those revisions (including any approvals required by any other government agency) shall be placed as conditions on the approval of the Preliminary Development Plan. The Applicant needs to submit the approved Environmental Analysis Map on Mylar to Staff for signatures within 30 days of approval of the Preliminary Development Plan by Council.
- **MISCELLANEOUS**: The Development Plan suggests that the site is 19± acres but the County Auditor's information puts the size at 22.518 acres. The Applicant needs to resolve the site size discrepancy.

  There is a typographical error on Exhibit D. The drawing indicates parking spaces to be 20-foot by 9-foot but the Proposes Parking language indicates the spaces to be 19-foot by 9-foot.

STAFF RECOMMENDATION - PC 04-069 - PRELIMINARY DEVELOPMENT PLAN

Because of the unresolved issues, Staff recommends Tabling.

If the Planning Commission recommends approval, it should be with the condition that all of the below-listed Approval Conditions must be met before the case can be scheduled on a City Council agenda, except for items #3, 4, 7, and 9, which should be completed when appropriate and as indicated:

Status as of 07/15/04

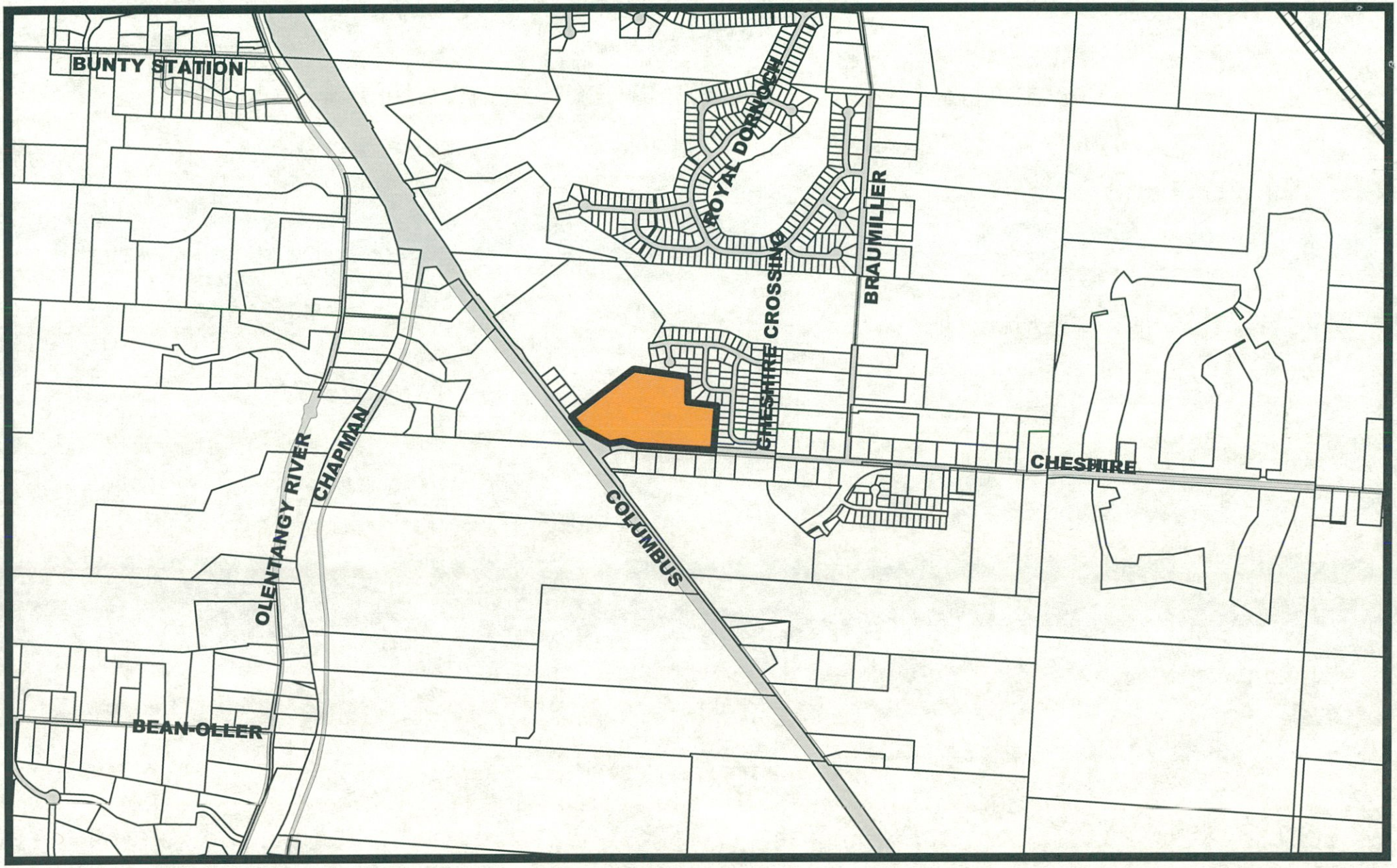
CONDITION	COMPLIANCE
1. The Applicant needs to add an emergency access to/from the residential area through the office site.	No
2. The Applicant needs to commit to the improvements recommended by the City Engineer in the letter dated July 2, 2004.	No
3. The Applicant must obtain a Tree Clearance Permit prior to removal of any major trees before any building permits are approved.	No
4. For the residential area, the Applicant needs to use innovative stormwater management techniques to be approved by the City and in consultation with ODNR before any building permits are approved for that development.	No
5. The Applicant needs to make any revisions necessary to the Community Impact Assessment language prior to approval of the Preliminary Development Plan by City Council.	No
6. The Applicant needs to make any revisions necessary to the Development Text language prior to approval of the Preliminary Development Plan by City Council.	No
7. The subareas will need to be platted in the future to create separate parcels for the office and residential uses.	No
8. The Plan needs to be revised to indicate the location of handicapped spaces, per ADA regulations.	No
9. The Applicant needs to obtain approval signatures of the Environmental Analysis Map within 30 days of the Preliminary Development Plan approval by City Council.	No
10. The Applicant needs to resolve the site size discrepancy.	No
11. The parking space dimensions needs to be corrected on the Plan.	No

DEVELOPER CONTRIBUTIONS

- Construction of an east-bound turn lane on Cheshire Road at the site entrance, construction of the first 250 feet of access road through "Reserve J" in the Cheshire Crossing Subdivision to the future commercial development opposite, and pavement overlay of Cheshire Road from the site entrance to the commercial access road.

FINDINGS OF FACT

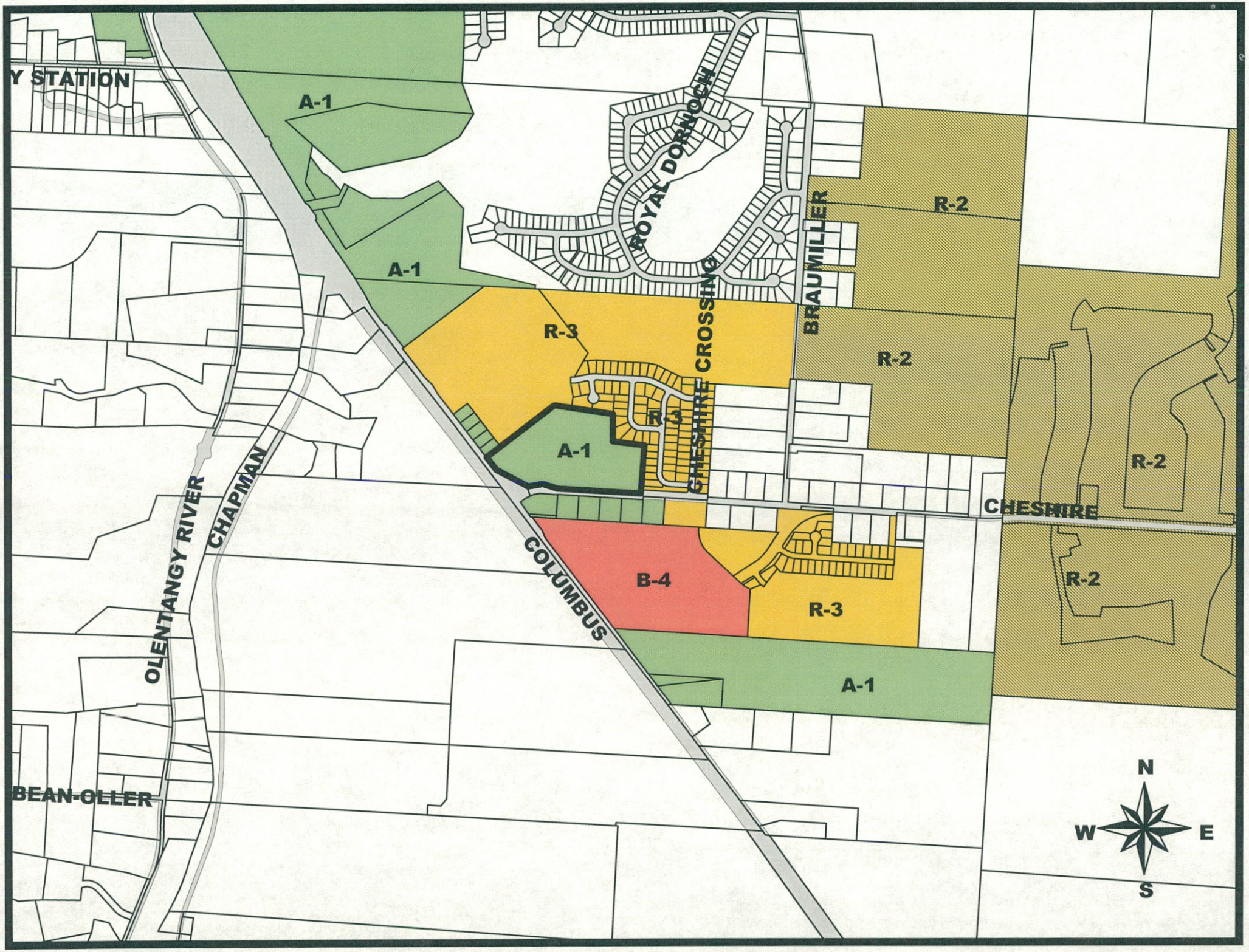
- The proposal is consistent with the Economic Development component of the Comprehensive Plan.
- The proposal will be compatible with the current and future neighborhood conditions by providing a transition between single-family residential to the north and retail to the south.
- The proposal will be consistent with the Land Use element of the Comprehensive Plan, if it is amended.
- The proposal will meet all applicable Code requirements, with fulfillment of the Approval Conditions.



City of Delaware
GIS
Planning & Community Development

FLOYD BROWNE ASSOCIATES
NE CORNER US 23 / CHESHIRE ROAD
OFFICE SPACE FACILITY / RESIDENTIAL PROJECT

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Y STATION
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A-1
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ROYAL DORNOCH
BRAUMILLER
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CHESHIRE CROSSING
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CHESHIRE CROSSING
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PC 04-069



Looking West along Cheshire Road to US 23

City Of Delaware
Engineering Department

20 East William Street, Delaware, Ohio 43015
(740) 369-2709 Fax: (740) 369-2659
www.delawareohio.net

July 2, 2004

Mr. Dan Whited, P.E.
Vice President
Floyd Browne Associates, Inc.
585 Sunbury Road
Delaware, Ohio 43015

RE: Floyd Browne New Offices Traffic Study

Dear Dan:

I am in receipt of your June 23, 2004 letter in which you request the City waive the requirements for a traffic study normally performed in conjunction with new development activity. Your letter further details several agreed upon roadway improvements to be constructed concurrently with the proposed office development including:

- *Construction of an east bound left turn lane on Cheshire Road at the site entrance.*
- *Construction of the first section (250'-0) of access road to the future commercial development opposite the Cheshire Crossing subdivision through "reserve J".*
- *Pavement overlay of Cheshire Road from the site entrance to the commercial access road.*

The stated purpose of a required traffic study per Section (I) of the City TIS standards is to "*provide a basis for assessing the transportation impacts of a new development or expansion of an existing development and the need for any improvements to the adjacent road system to provide satisfactory levels of service and address safety issues.*" It is my conclusion that your advance agreement to construct the above listed roadway improvements meets the intent and purpose of the traffic study. Both roadway safety and level of service are addressed by the described improvements as well as improved site access. Therefore, it is my recommendation that the requirement for a formal traffic study be waived for this project. It should be noted though that the proposed residential development portion associated with your property will be subject to traffic study requirements at the time it is considered. As a final note, consideration should be given to the proposed office property address as it is the intention of the City to rename the section of Cheshire Road your project is located on to "Old Cheshire Road". The name change will be concurrent with the connection of existing Cheshire to US23 at a new intersection south of the existing one.

Please take time to review the information I am providing and feel free to contact me if you have additional questions.

Sincerely,

Wm Ferrigno

William L. Ferrigno, PE
City Engineer

WLF:wlf

C: R. Thomas Homan, City Manager
Vince Papsidero, Planning Director
Melanie Piatt, Planning Technician
FBA Offices Project File
2004 WLF Memo/Letter File

DEVELOPMENT TEXT SUMMARY

DATE:	June 30, 2004
PROJECT NAME:	Floyd Browne Corporate Complex
APPLICATION NO.:	PC-04-069
EXISTING ZONING DISTRICT:	A-1 Agriculture
PROPOSED ZONING DISTRICT:	Sub-Area A- Planned Mix Use/Office (PMU/O) Sub-Area B-Planned Mix Use/Residential (PMU/R-6)
TOTAL REZONING ACREAGE:	19.1 acres
SUB-AREA A ACREAGE:	5.1 acres
SUB-AREA B ACREAGE:	14.0 acres
PROPERTY LOCATION:	Northeast corner of U.S. 23 and Cheshire Road
APPLICANT:	Floyd Browne Associates, Inc.
CURRENT OWNER:	Rainbow Development Corp.
EXISTING LAND USE:	Agriculture
PROPOSED LAND USE:	Office/Condominium

PLANNED MIXED USE DISTRICT/OFFICE TEXT

SUB-AREA A DEVELOPMENT STANDARDS: The following general development standards shall apply to Sub-Area A.

A. "Sub Area A" – Proposed Office Use

1) Lot Size – The applicant proposes to rezone the entire 19.1 as a Planned Mixed Use District. Sub Area A is planned to have an underlying zoning of Office and will include an area of approximately 5.1 acres for office development.

2) Permitted uses – Uses permitted in Sub Area A shall be uses associated with offices and professional services. Permitted uses include the following: administrative, professional services, financial institutions, medical and dental offices, research facilities, library, daycare center, and food services such as cafeterias. Accessory buildings will also be permitted within Sub Area A to be used for the storage.

3) Setbacks
   a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Public Roads	50 feet from right of way
Side yard	40 feet from property line
Rear Yard	40 feet from property line

   b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Public Roads	20 feet from right of way
Side yard	10 feet from property line
Rear Yard	10 feet from property line
Adjacent to existing residential	20 feet from property line
From main building	10 feet from structure wall

4) Lot Frontage – The proposed office development will have frontage along both U.S. 23 and Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

5) Building Coverage – Maximum lot coverage for structures only will be 40%. Maximum lot coverage for structures and pavement will be 80%.

6) Building Height – No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade to the eave of the structure.

7) Parking – Off-street parking shall comply with the regulations set forth in The Off Street Parking and Loading Regulations of the Delaware City Zoning Code. The applicant proposes 129 spaces in Phase I (100 required by Code), Phase II 45 spaces (33 required), Phase III 25 spaces for a total build out of 197 spaces (151 required).

8) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in the Signs section of the Delaware City Zoning Code. Entry identification signs and traffic controlling signs shall be permitted per the Signs section of the Delaware City Zoning Code.

9) Landscaping – Visual screening and landscape buffers shall be provided for areas within the Office District in accordance with the provisions set forth in the Landscaping and Screening Regulations of the Delaware City Zoning Code. A landscape plan will be submitted as part of the final development plan.

10) Lighting – All exterior lighting shall comply with the standards set forth in the Design Criteria and Performance Standards section of the Delaware City Zoning Code. A lighting plan will be submitted as part of the final development plan.

11) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

12) Access – Two access points shall be permitted to Sub Area A. Access point number one shall be permitted off of Cheshire Road. Access point number two shall be permitted off of the existing Service Drive that runs parallel to U.S. 23. Access number two shall only permit right turns into Sub Area A. No right turns shall be permitted from Sub Area A through access number two, to ensure that vehicles do not use the access road to merge onto U.S. 23. The applicant has initiated discussions with ODOT regarding access number two. No curb cuts are proposed along U.S. 23. All drives within Sub Area A will be private.

13) Phasing – It is anticipated that Sub Area A will be constructed in three (3) phases. Phase one will consist of a two (2) story 30,000 +/- square foot office building with 129 paved parking spaces, and is anticipated to begin construction in October of 2004. Phase 2 will consist of a two (2) story 10,000 +/- square foot addition, which will be added on to the first building phase, with 43 paved parking spaces. Construction of phase two (2) will be based on future growth of Floyd Browne Associates. The third potential phase will consist of a two (2) story 5,300 +/- square foot addition, with 25 paved parking spaces, that would be added on to phase two (2). Phase three (3) is potential expansion and it is unknown at this time when this would be constructed. Total build out of all phases equals one two story structure containing approximately 51,400 square feet.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. This

sanitary line will be extended to Sub-Area A along the north boundary of the site. City water will be available through a 12 inch line that runs along U.S. 23. Storm water management will be designed per the City of Delaware Standards. Storm water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided as part of the final submission of the preliminary development plan.

15) Trash enclosures – Trash receptacles shall be enclosed on four (4) sides by a brick or masonry wall constructed of materials that match or complement the principal building. One (1) shall contain a gate. The wall shall have a minimum height of six (6) feet. A chain link fence shall not be permitted.

16) Bike Path- An eight foot (8') bike path shall be provided along the south and east boundary as shown on Exhibit D- "Sub-Area A Development Plan." The bike trail alignment is conceptual and will be finalized through Final Engineering.

17) Vehicle Wash Station- The applicant will provide a vehicle wash station on the west side of the parking lot, approximately 40' by 22', and will contain a hose for the purpose of washing survey vehicles.

SUB-AREA B DEVELOPMENT STANDARDS

1) Lot Size – The applicant proposes to rezone the entire 19.1 acres as a Planned Mixed Use District. Sub Area B is planned to have an underlying zoning of R-6 and will include an area of approximately 14.0 acres for multi family condominium development.

2) Permitted uses – Uses permitted in Sub Area B include: multi family condominium, sales trailer for marketing condominiums, model condominiums, townhouses, offices related to the marketing and selling of condominiums, and may include a club house and pool.

3) Density – The applicant proposes a gross density of eight (8) dwelling units per acre for Sub Area B.

4) Setbacks
   a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Public Roads	25 feet from right of way line
Perimeter	25 feet from lot line

   b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Perimeter parking setback	6 feet from lot line
Public Roads	20 feet from right of way
Existing Adjacent Residential	20 feet from lot line

5) Lot Frontage – Sub Area B will have frontage along Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

6) Lot Coverage – Maximum lot coverage for structures and pavement shall be eighty percent (80%) of the total area of Sub Area B.

7) Building Height – No building or structure in this district shall exceed thirty five (35) feet in height measured from finished grade to the eave of the building.

8) Parking – Off-street parking shall comply with the regulations set forth in the Off Street Parking and Loading Regulations of the Delaware City Zoning Code. Three (3) parking spaces per unit shall be provided.

9) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in the Signs section of the Delaware City Zoning Code. Entry identification signs, traffic control signs, for sale signs and marketing signs shall be permitted per the Delaware City Zoning Code.

10) Landscaping – Visual screening and landscape buffers shall be provided as well as landscaping for each unit shall be provided for Sub Area B. All landscaping shall be in accordance with the provisions set forth in the Landscaping and Screening regulations of the Delaware City Zoning Code. A landscape plan will be provided at the time a preliminary development plan is submitted for Sub Area B.

11) Lighting – All exterior lighting shall comply with the standards set forth in the Design Criteria and Performance Standards section of the Delaware City Zoning Code. A lighting plan will be submitted as part of the final development plan for Sub Area B.

12) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

13) Access – Two access points to Sub Area B shall be permitted off of Cheshire Road. No curb cuts are proposed along U.S. 23. All streets within Sub Area B will be private.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. City water will be available through a 12 inch line that runs along U.S. 23. Storm water management will be designed per the City of Delaware Standards. Storm water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided at the time a preliminary development plan is submitted for Sub Area B.

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
COMPREHENSIVE PLAN AMENDMENT

PC 04-072

Property Location: 299 Cheshire Rd Zoning District: A-1

The current recommended land use is: Low density Multi-Family

The proposed land use is: Planned Mixed Use (PMU)

Why should this change be made? To provide A Flexible zoning management tool to meet the needs of a Mix use Development

Applicant Name: Floyd Browne Associates, Inc.

Applicant Address: 585 Sunbury Rd Delaware OH 43015

Contact Person: John McCann Phone: 740-363-6792

E-mail: JmcCann@FBAINC.com Fax: 740-363-6536

Property Owner Name: Rainbow Development Corp.

Property Owner Address: 865 King Ave, Columbus, OH 43212

Contact Person: SKIP Yassenoff Phone: 614-298-7122

E-mail: Fax: 614-291-3134

Engineer/Architect/Attorney: Floyd Browne Associates, INC

Address: 585 Sunbury Rd Delaware OH 43015

Contact Person: John McCann Phone: 614 740-363-6792

E-mail: JmCann@FBAINC.com Fax: 740-363-6536

The undersigned does hereby verify the truth and correctness of all facts and information presented with this application and authorizes field inspections by City Staff.

FLOYD BROWNE ASSOCIATES, INC. 6/10/04

Signature of Applicant (If not owner, attach Letter of Agency) Date

FEE = $500

FEES RECEIVED: $ 500 RECEIVED BY: ECORWIN DATE: 6/11/04

JUN 2004
RECEIVED

CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT
(740) 368-1650

REZONING APPLICATION
(See page 2 for the Fee Schedule)

PC 04-068

I/WE Rainbow Development BEING OWNER (S) OF

299 cheshire Rd Delaware OHIO 43015
(No.) (Street) (City - State - Zip Code)

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE, FOR THE CHANGE OF

LOT NUMBER(S) 419410020014000 COMPRISING _____ ACRES

LOCATED AT 299 cheshire Rd

FROM A-1 TO PMU(6)+PMU(R-6) CLASSIFICATION.
(Present Zoning) (Proposed Zoning)

NOTE: Please attach a legal description for each proposed zoning district and please detail if multiple zoning districts.

In the space provided below, give a detailed account of the intended use of the lot/lots and the reasons why this zoning change should be made (You may use a separate sheet if necessary):

the Applicant proposes A mixed use development. the uses proposed include an office building on one Lot at the Northeast intersection of cheshire Rd and U.S. 23, and a second Lot, behind the office building, For multi family Condominium Development.

Applicant Name: Floyd Browne Associates

Applicant Address: 585 Sunbury Rd Delaware OH 43015

Contact Person: John McCann Phone: 740-363-6792

Email: JMccann@FBAINC.com Fax: 740-363-6536

Owner Name (s): Rainbow Development

Owner Address: 865 King Ave Columbus OH 43212

Contact Person: SKip Yassenoff Phone: 614-298-7122

Email: _____ Fax: _____

For the public hearing regarding a rezoning proposal, the property owner shall post a sign conforming to the following (SEE EXAMPLE ATTACHED):

1. **The sign shall be posted on at least one of the parcels in the area proposed to be rezoned in a location visible from an adjacent street.**
2. **The sign shall be two (2) feet by two (2) feet with letters not less than two (2) inches in height notifying the public of the date, time and location of the upcoming hearing.**
3. **The sign shall be posted continuously for at least ten (10) days prior to the date of the required public hearing.**

THIS SIGN MUST BE POSTED FOR THE PLANNING COMMISSION PUBLIC HEARING, AS WELL AS THE PUBLIC HEARING AT CITY COUNCIL.

I/WE BEING OWNER (S) OF THE SUBJECT PROPERTY DO HEREBY VERIFY THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION AND AUTHORIZE FIELD INSPECTIONS BY CITY STAFF.

Stephanie J. Van Horden
Witness

Witness

Rainbow Development Co
Owner (s) Signature (s)

by S. L. Yassenoff, Pres
Owner (s) Signature (s)

S.L. Yassenoff
Owner (s) Printed Name (s)

Owner (s) Printed Name (s)

Sworn to before me and subscribed in my presence this 4th day of June, 2004

Russella Jo Steehler
Notary Public

FEE: $500 plus $50 per acre OR
$500 plus $50 per dwelling unit (if multi-family or condominium).

FEE: $ 1,450.00 RECEIVED BY: A. Cook DATE: 6-04-04

PAID
6-04-04 ck. 400408

RUSSELLA JO STEEHLER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 25, 2007

NOTARIAL SEAL STATE OF OHIO

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT

PRELIMINARY DEVELOPMENT PLAN APPLICATION

JUN 2004 RECEIVED

Date: 6/4/04 **PC** 04-069

Development Plan Name: Floyd Browne office

Location/Address of Development: 299 Cheshire Rd

Acreage: 19 +/- Zoning District: A-1 NOW -- PROPOSED O + R-6 WITH Planned Mixed Use OVERLAY

Type of Project: MIXED USE Square Footage: N/A

Number of Lots: 2 Number of Units: N/A

Applicant Name: Floyd Browne Associates

Applicant Address: 585 Sunbury Rd Delaware OHIO

Contact Person: John McCann Phone: 740-363-6792

Email: JMccann@FBAINC.com Fax: 740-363-6536

Property Owner Name: Rainbow Development Corp.

Property Owner Address: 865 King Ave Columbus OH 43212

Contact Person: Skip Yassenoff Phone: 614-298-7122

Email: Syassenoff@CS.com Fax: 614-291-3134

Engineer/Architect: Floyd Browne Associates

Address: 585 Sunbury Rd Delaware OH 43015

Contact Person: John McCann Phone: 740-363-6792

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Rainbow Development Corp — FLOYD BROWNE ASSOC., INC 6/4/04 (APPLICANT)

~~Signature of Applicant~~ OWNER Date

by S. L. Yassenoff, Pres 6/4/04

Signature of Owner (if different than Applicant) Date

FEE = **$750 plus $50 per acre (Please round the acreage up (1.2 acres = 2 acres = $800) OR $750 plus $50 per dwelling unit (if multi-family or condominium.)**

FEES RECEIVED: $ 1,700.00 RECEIVED BY: A. Craft DATE: 6-04-04

PAID 6-04-04 ck. 400407

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: PC 04-068, 04-069, and 04-072
REQUESTS: Concept Plan
PROJECT: Floyd Browne Facility
MEETING DATE: 07/07/04

APPLICANT & OWNER

Floyd Browne Associates
585 Sunbury Road
Delaware, OH 43015

Rainbow Development Corp.
865 King Avenue
Columbus, OH 43212

REQUEST

Concept Plan review for a proposed 19-acre Planned Mixed Use Development.

PROPERTY LOCATION & DESCRIPTION

The parcel is located at the NE corner of US 23S and Cheshire Road. The current zoning is A-1 (Agricultural District), while the surrounding zoning is R-3 (Single-family Residential District) to the north and east, a mix of A-1 and B-4 (General Business District) to the south, and township zoning across US 23 to the west.

BACKGROUND

The Applicant proposes to construct a new office space facility on the 4.5 acres at the northwest corner of the site and proposes residential development on the remaining acreage. Economic incentives are being offered to attract this retention and expansion office development to the City.

STAFF ANALYSIS

- **LAND USE**: The Comprehensive Plan recommends Moderate-Density Single-family and Low-Density Multi-family land uses for the site. This corner property abuts US 23S and Cheshire Road, two heavily-traveled roads, which would appear to make the proposed Planned Mixed Use Development more compatible. The Applicant has submitted a request to amend the Comprehensive Plan to Mixed Use to support the proposed Office and condominium developments.
- **CONCEPT PLAN**: The office space facility would be constructed in three phases (25,200 square feet in Phase I, 18,200 square feet in Phase II, and a potential expansion of 8,000 square feet in Phase III). Details of the project are being worked out with Staff but an initial draft of a Development Text has been provided with this packet. The condominium development is proposed at 90-120 dwelling units to occupy the 15± acres (6-8 du/ac.).

STAFF RECOMMENDATION

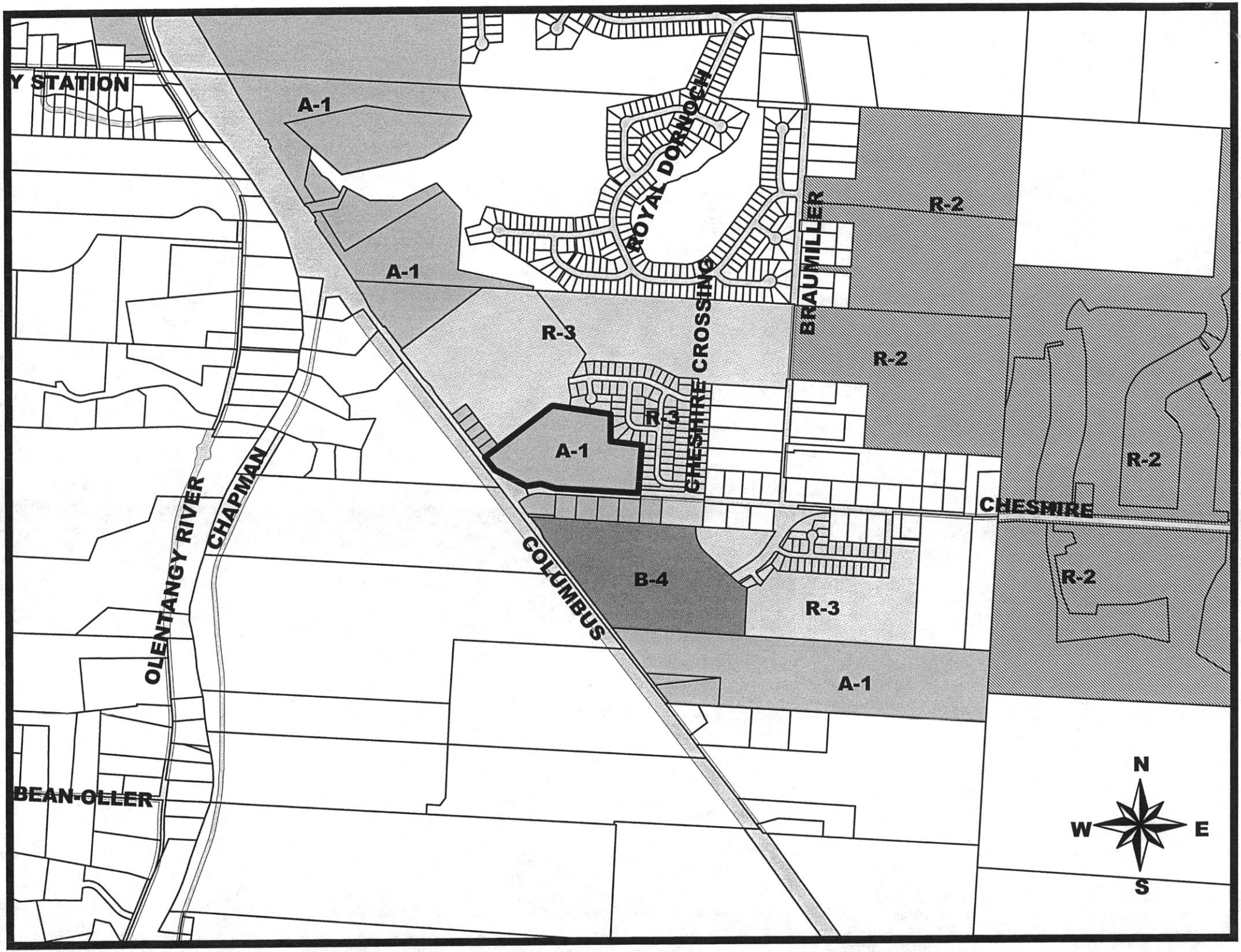
This is a Concept Plan review and the Applicant is looking for feedback from the Planning Commission. Staff supports the concept as an appropriate use of the land in this location.



City of Delaware
GIS
Planning & Community Development

FLOYD BROWNE ASSOCIATES
NE CORNER US 23 / CHESHIRE ROAD
OFFICE SPACE FACILITY / RESIDENTIAL PROJECT

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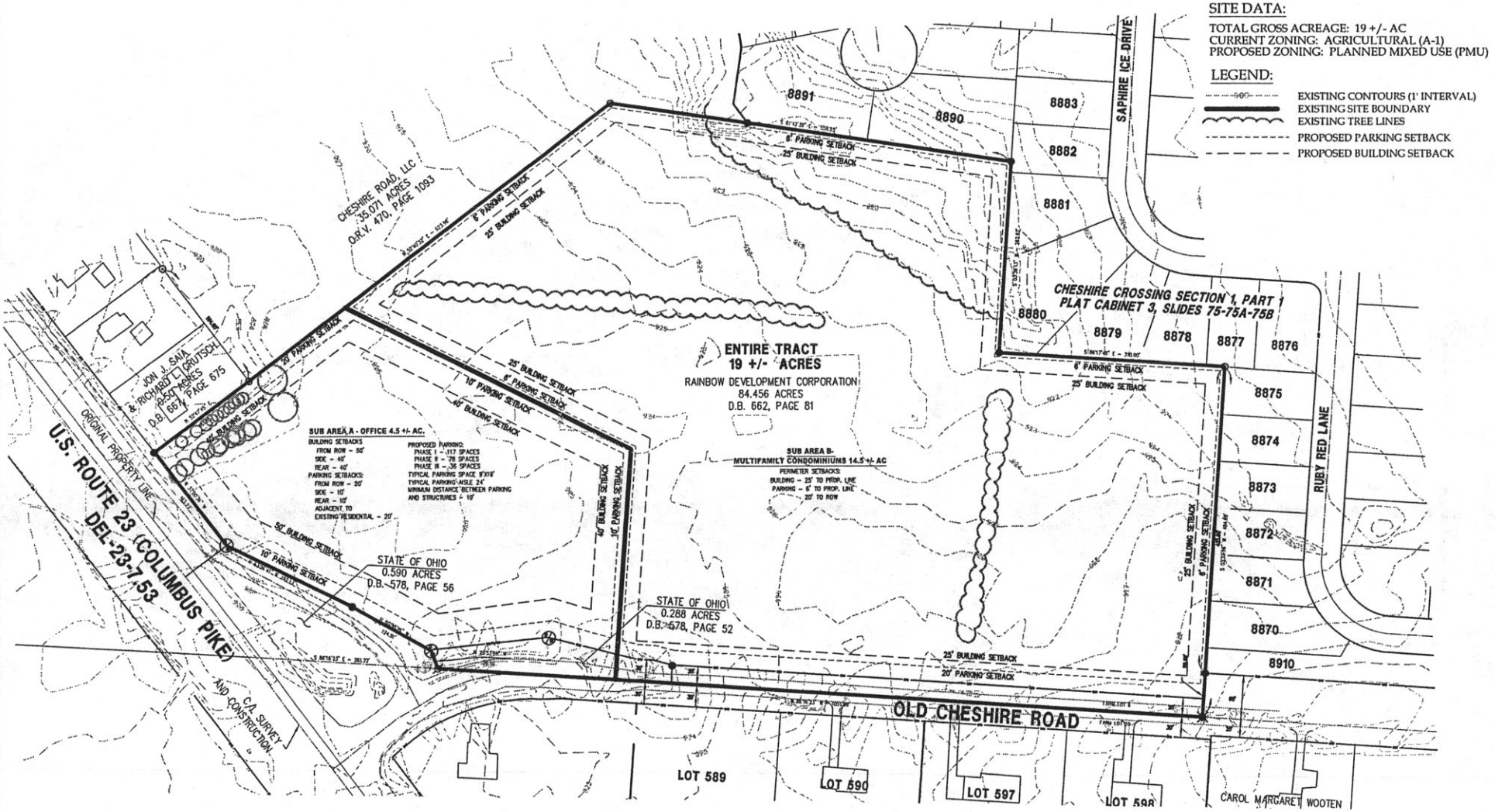

Y STATION
A-1
A-1
A-1
R-3
R-3
ROYAL DORNOCH
CHESHIRE CROSSING
BRAUMILLER
R-2
R-2
R-2
R-2
CHESHIRE
B-4
R-3
A-1
COLUMBUS
OLENTANGY RIVER
CHAPMAN
BEAN-OLLER
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S

CHAPMAN
COLUMBUS
CHESHIRE CROSSING
ROYAL
BRAUMILLER
W
S
N
E

PC 04-069



Looking West along Cheshire Road to US 23



FLOYD BROWNE CORPORATE COMPLEX

U.S. 23 AND CHESHIRE ROAD, CITY OF DELAWARE

PREPARED FOR AND BY:
FLOYD BROWNE ASSOCIATES, INC
OF DELAWARE
585 SUNBURY ROAD P.O.B. 363
DELAWARE, OHIO 43015-0363
(740) 363-6792 (740) 363-6536

ZONING
DEVELOPMENT PLAN

Floyd Browne Corporate Complex

Northeast corner of Cheshire Rd and U.S. 23
City of Delaware, Ohio

For amendment to the Delaware City Zoning Map

Submitted to:
City of Delaware
Planning & Community Development

Applicant:
Floyd Browne Associates, Inc.
585 Sunbury Road
Delaware, Ohio 43015
(740) 363-6792, telephone
(740) 363-6536, fax

Owner:
Rainbow Development Corporation
865 King Avenue
Columbus, Ohio 43212
(614) 291-3133, telephone

FLOYD BROWNE ASSOCIATES, FBA INC.

Submittal Date: 06/11/2004

JUN 11 2004

TABLE OF CONTENTS

Introduction.....**Section 1**

General Development Standards.....**Section 2**

Exhibits.....**Section 3**

Exhibit A- Location Map
Exhibit B- Surrounding Property Owners
Exhibit C – Zoning Development Plan
Exhibit D- "Sub Area A" Preliminary Development Plan

PLANNED MIXED USE DISTRICT TEXT

EXISTING ZONING DISTRICT:	A-1 Agriculture
PROPOSED ZONING DISTRICT:	PMU Planned Mixed Use
TOTAL ACRES TO BE ZONED:	19 +/- Ac
PROPERTY LOCATION:	Northeast corner of U.S. 23 & Cheshire Road
APPLICANT:	Floyd Browne Associates, Inc.
CURRENT OWNER:	Rainbow Development Corp.
DATE:	June 11, 2004
APPLICATION NO.:	_____

I. INTRODUCTION: The site under consideration for amendment to the Delaware City Zoning Map, being referred to as the "Floyd Browne Corporate Complex", is located at 299 Cheshire Road, which is at the northeast corner of U.S. 23 and Cheshire Road in Delaware City, Delaware County, Ohio. The site is approximately 1,330 feet west of Braumiller Road, 1,380 feet south of the Dornoch Estates Development, 2,200 feet east of the Olentangy River and immediately adjacent to the Cheshire Crossing single family development to the north and east. The site contains approximately 19 +/- acres and is currently zoned A-1 - Agricultural District. The applicant proposes to rezone the entire 19 +/- acres to Planned Mixed Use District for the development of professional office space and multi-family condominium.

The current owner of the property is Rainbow Development Corporation. The applicant is currently in negotiations to purchase the property. A letter of zoning authorization from the owner has been included with this application. The topography of the site is generally flat and most recently has been an agricultural field containing winter wheat stubble. The site has a small wooded portion in the northeast corner of the property consisting mostly of hardy wood deciduous trees and under story brush. A small tree line runs east-west through the property located approximately 500 feet north of Cheshire Road.

The land uses adjacent to the site consist of a combination of existing and future single family residential uses as well as agricultural uses. The land immediately to the east of the site is Phase 1 of the Cheshire Crossing Single Family Development, is currently under construction. The land on the north side of the site is currently in agricultural use, but is planned to be future phases of the Cheshire Crossing Single Family Development. The area immediately to the northwest and the land to the south (across Cheshire Rd) consists of residential uses with existing half acre single family lots to the northwest, and the existing Grace and Harry Jones Subdivision to the south. Finally, the land to the west (across U.S. 23), consists of a varying mix of residential and agricultural uses.

The project is proposed to consist of two (2) Sub Areas, Sub Area A which is planned to include office uses and Sub Area B, which is planned to include multi-family condominium development. The proposed development, as a Planned Mixed Use development, differs from

the Delaware City Comprehensive Plan which has the proposed site planned for Moderate Density Multi-Family development (6-8 du/ac). The applicant has engaged in informal discussions with the City to discuss the proposed development. The general development standards for this project are described below.

II. DEVELOPMENT STANDARDS: The following general development standards shall apply to the property.

A. "Sub Area A" – Proposed Office Use

1) Lot Size – The applicant proposes to rezone the entire 19 +/- as a Planned Mixed Use District. Sub Area A is planned to include an area of approximately 4.5 +/- acres for office development.

2) Permitted uses – Uses permitted in Sub Area A shall be uses associated with offices and professional services. Permitted uses include the following: administrative, professional services, financial institutions, and medical and dental offices.

3) Setbacks
   a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Public Roads	50 feet from right of way
Side yard	40 feet from property line
Rear Yard	40 feet from property line

   b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Public Roads	20 feet from right of way
Side yard	10 feet from property line
Rear Yard	10 feet from property line
Adjacent to existing residential	20 feet from property line

4) Lot Frontage – The proposed office development will have frontage along both U.S. 23 and Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

5) Building Coverage – The ground area occupied by buildings and structures shall not exceed forty percent (40%) of the total area of Sub Area A.

6) Building Height – No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established.

7) Parking – Off-street parking shall comply with the regulations set forth in Chapter 1161.

8) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in Chapter 1165. Entry identification signs and traffic controlling signs shall be permitted per Chapter 1165.

9) Landscaping – Visual screening and landscape buffers shall be provided for areas within the office district in accordance with the provisions set forth in Chapter 1166. A landscape plan will be provided as part of the final submission for the preliminary development plan.

10) Lighting – All exterior lighting shall comply with the standards set forth in Chapter 1171, section 1171.05. A lighting plan will be submitted as part of the final development plan.

11) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

12) Access – Two access points shall be permitted to Sub Area A. Access point number one shall be permitted off of Cheshire Road. Access point number two shall be permitted off of the existing access road that starts at Cheshire Road, accesses the existing residences and merges with U.S. 23. Access number two shall only permit right turns into Sub Area A. No right turns shall be permitted from Sub Area A through access number two, to ensure that vehicles do not use the access road to merge onto U.S. 23. The applicant has initiated discussions with ODOT regarding access number two. No curb cuts are proposed along U.S. 23. All drives within Sub Area A will be private.

13) Phasing – It is anticipated that Sub Area A will be constructed in three (3) phases. Phase one will consist of a two (2) story 25,200 square foot office building with 117 paved parking spaces, and is anticipated to begin construction in September of 2004. Phase 2 will consist of a two (2) story 18,200 square foot building, which will be added on to the first building phase, with 78 paved parking spaces. Construction of phase two (2) will be based on future growth of Floyd Browne Associates. The third potential phase will consist of a two (2) story 8,000 square foot building, with 36 paved parking spaces, that would be added on to phase two (2). Phase three (3) is potential expansion and it is unknown at this time when this would be constructed. Total build out of all phases equals one two story structure containing 51,400 square feet.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. Del-co water is available through an existing 12 inch line that runs along Cheshire Road. Storm water management will be designed per the City of Delaware Standards. Storm

water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided as part of the final submission of the preliminary development plan.

15) Trash enclosures – Trash receptacles shall be enclosed on four (4) sides by a brick or masonry wall constructed of materials that match or complement the principal building. One (1) shall contain a gate. The wall shall have a minimum height of six (6) feet. A chain link fence shall not be permitted.

B. "Sub Area B" - Multi Family Condominium

1) Lot Size – The applicant proposes to rezone the entire 19 +/- as a Planned Mixed Use District. Sub Area B is planned to include an area of approximately 14.5 +/- acres for multi family condominium development.

2) Permitted uses – Uses permitted in Sub Area B include: multi family condominium, sales trailer for marketing condominiums, model condominiums, offices related to the marketing and selling of condominiums, and may include a club house and pool.

3) Density – The applicant proposes a gross density of eight (8) dwelling units per acre for Sub Area B.

4) Setbacks

a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Perimeter building setback	25 feet from lot line
	25 feet from right of way

b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Perimeter parking setback	6 feet from lot line
	20 feet from right of way

5) Lot Frontage – Sub Area B will have frontage along Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

6) Building Coverage – The ground area occupied by buildings and structures shall not exceed twenty-five percent (25%) of the total area of Sub Area B.

7) Building Height – No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established.

8) Parking – Off-street parking shall comply with the regulations set forth in Chapter 1161. Two (2) parking spaces per unit shall be provided.

9) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in Chapter 1165. Entry identification signs, traffic control signs, for sale signs and marketing signs shall be permitted per Chapter 1165.

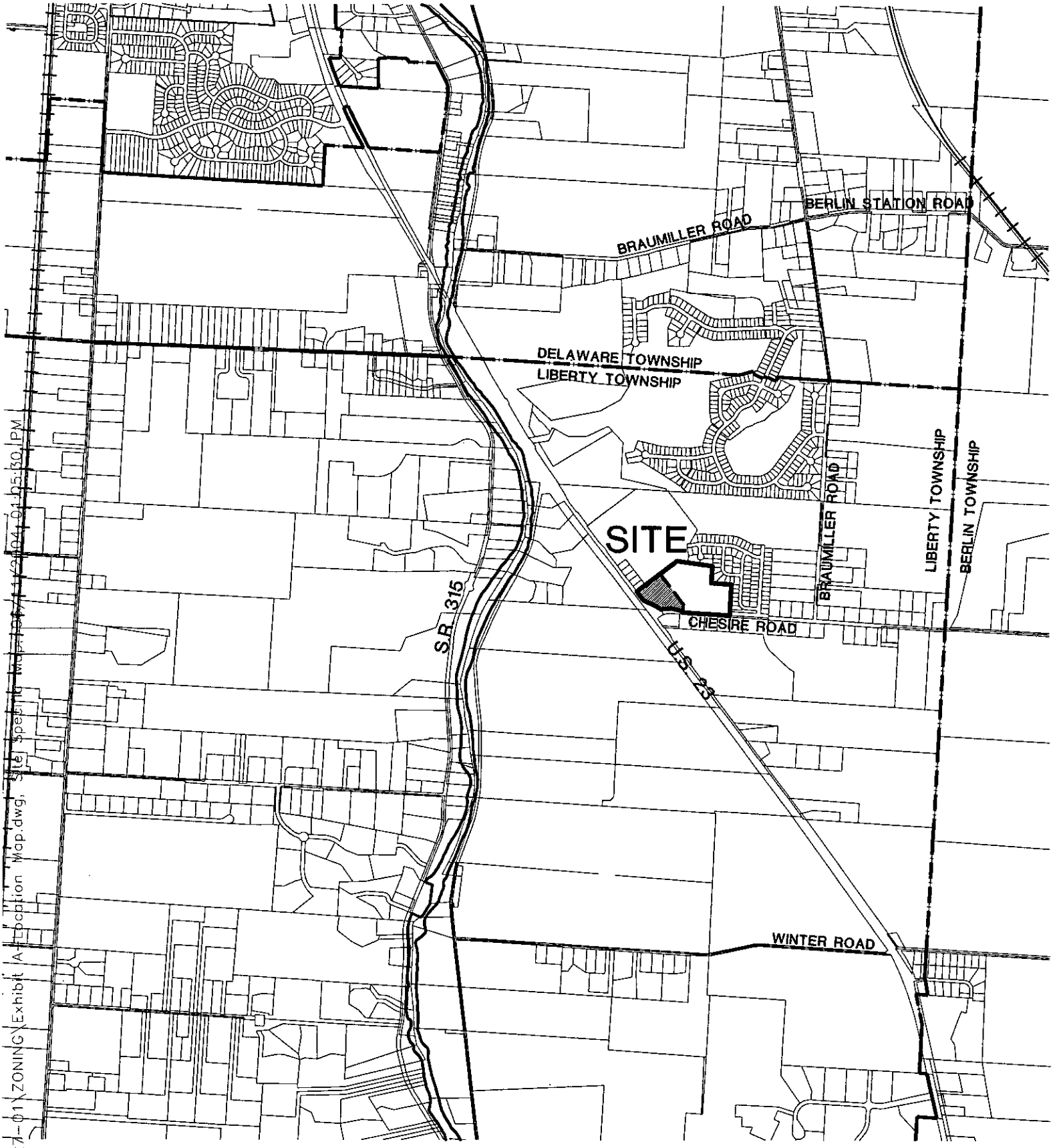
10) Landscaping – Visual screening and landscape buffers shall be provided as well as landscaping for each unit shall be provided for Sub Area B. All landscaping shall be in accordance with the provisions set forth in Chapter 1166. A landscape plan will be provided at the time a preliminary development plan is submitted for Sub Area B.

11) Lighting – All exterior lighting shall comply with the standards set forth in Chapter 1171, section 1171.05. A lighting plan will be submitted as part of the final development plan.

12) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

13) Access – Two access points to Sub Area B shall be permitted off of Cheshire Road. No curb cuts are proposed along U.S. 23. All streets within Sub Area B will be private.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. Del-co water is available through an existing 12 inch line that runs along Cheshire Road. Storm water management will be designed per the City of Delaware Standards. Storm water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided at the time a preliminary development plan is submitted for Sub Area B.



G:\Client\FBA\04\04-227-01\ZONING\Exhibit A Location Map.dwg, Site Specific Map, 6/11/2004 01:05:30 PM

NORTH

0 500 1000 2000 3000 4000

04-227-01
JUNE 11, 2004

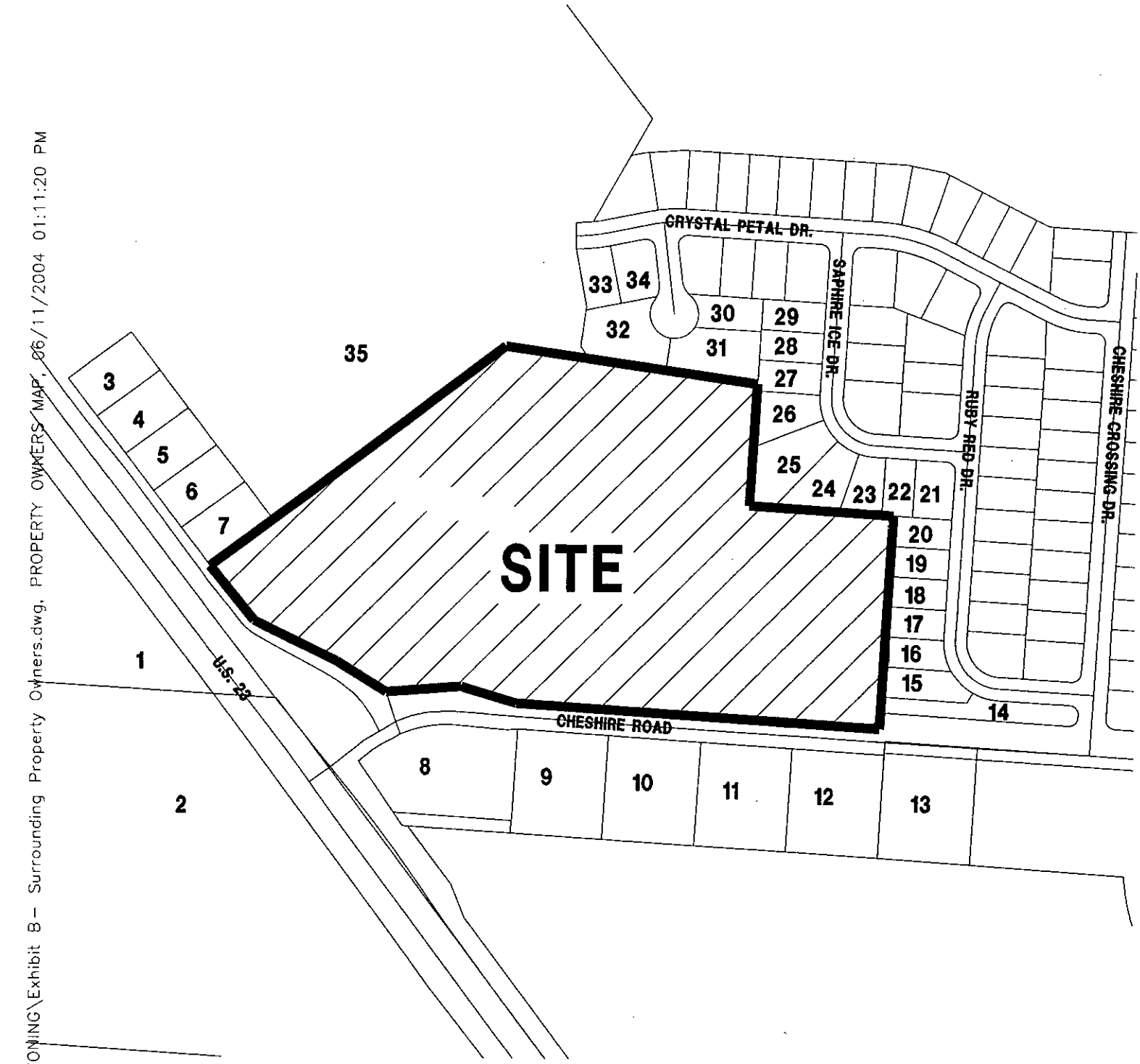
1" = 2000'

FLOYD BROWNE ASSOCIATES, FBA INC.

585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795

(740)363-6792
FAX (740)363-6536

EXHIBIT A
LOCATION MAP



G:\Client\FBA\04\04-227-01\ZONING\Exhibit B- Surrounding Property Owners.dwg, PROPERTY OWNERS MAP, 06/11/2004 01:11:20 PM

NORTH

0 150 300 600

04-227-01
6/11/04

1"=300'

EXHIBIT B
SURROUNDING PROPERTY OWNERS

FLOYD BROWNE ASSOCIATES, FBA INC.

585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795

(740)363-6792
FAX (740)363-6536

1. CAROLYN HAWKINS
5543 CHOWNING WAY
COLUMBUS OH 43213

2. RICK MUNDAY
3669 COLUMBUS PIKE
DELAWARE OH 43015

3. PAUL & KATHLEEN SPIERS
3681 COLUMBUS PIKE
DELAWARE OH 43015

4. DOROTHY SPIERS
3693 COLUMBUS PIKE RD
DELAWARE OH 43015

5. AARON & LINDA EAKIN
3711 COLUMBUS PIKE
DELAWARE OH 43015

6. JON SAIA
RICHARD GRUTSCH
1188 ROSEBANK DR
COLUMBUS OH 43235

7. PHYLLIS HAVENER
1859 BEDFORD RD
COLUMBUS OH 43212

8. MELANIE METZLER
70 CHESHIRE RD
DELAWARE OH 43015

9. MELANIE METZLER
70 CHESHIRE RD
DELAWARE OH 43015

10. ROBERT & SUSAN SHAW
170 CHESHIRE RD
DELAWARE OH 43015

11. ANTHONY & CHERYL PINTO
190 CHESHIRE RD
DELAWARE OH 43015

12. BERNARD & REBECCA MORETTI
222 CHESHIRE RD
DELAWARE OH 43015

13. CAROL MARGARET WOOTEN
280 CHESHIRE RD
DELAWARE OH 43015

14. CHESHIRE CROSSING HOMEOWN
C/O PSAM LTD
P O BOX 395
GROVE CITY OH 43213

15. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

16. MARLA KERR
ERIK DIEKMEYER
166 RUBY RED LN
DELAWARE OH 43015

17. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

18. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

19. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

20. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

21. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

22. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

23. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

24. ERIC MARTIN
136 SAPPHIRE ICE DR
DELAWARE OH 43015

25. THOMAS OLSON
130 SAPPHIRE ICE DR
DELAWARE OH 43015

26. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

27. BRIAN BARNHART
118 SAPPHIRE ICE DR
DELAWARE OH 43015

28. TODD & AMY DETWEILER
112 SAPPHIRE ICE DR
DELAWARE OH 43015

29. KRISTI LIVINGSTON
106 SAPPHIRE ICE DR
DELAWARE OH 43015

30. SARAH & JEFFERSON MOUCH
107 SUNNY SHELL CT
DELAWARE OH 43015

31. MATTHEW NEUENS
115 SUNNY SHELL CT
DELAWARE OH 43015

32. RUDY & PATRICIA GIVAN
106 SUNNY SHELL CT
DELAWARE OH 43015

33. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

34. CHESHIRE ROAD LLC.
3 EASTON OVAL STE 500
COLUMBUS OH 43219

35. CHESHIRE ROAD LLC.
3 EASTON OVAL STE 500
COLUMBUS OH 43219

G:\Client\FBA\04\04-227-01\ZONING\Exhibit B - Surrounding Property Owners.dwg, PROPERTY OWNERS LIST, 06/11/2004 01:11:54 PM

FLOYD BROWNE ASSOCIATES, FBA INC.

585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795

(740)363-6792
FAX (740)363-6538

EXHIBIT B
SURROUNDING
PROPERTY OWNERS

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT

PRELIMINARY DEVELOPMENT PLAN APPLICATION

RECEIVED JUN 2004

Date: 6/1/04 **PC** 04-069

Development Plan Name: Floyd Browne office

Location/Address of Development: 299 Cheshire Rd

Acreage: 19 +/- Zoning District: Planned Mixed Use

Type of Project: MIXED USE Square Footage: N/A

Number of Lots: 2 Number of Units: N/A

Applicant Name: Floyd Browne Associates

Applicant Address: 585 Sunbury Rd Delaware OHIO

Contact Person: John McCann Phone: 740-363-6792

Email: JMccann@FBAINC.com Fax: 740-363-6536

Property Owner Name: Rainbow Development Corp.

Property Owner Address: 865 King Ave Columbus OH 43212

Contact Person: Skip Yassenoff Phone: 614-298-7122

Email: Syassenoff@CS.com Fax: 614-291-3134

Engineer/Architect: Floyd Browne Associates

Address: 585 Sunbury Rd Delaware OH 43015

Contact Person: John McCann Phone: 740-363-6792

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Rainbow Development Corp
~~Signature of Applicant~~ OWNER

Date

Signature of Owner (if different than Applicant)

Date

FEE = **$750 plus $50 per acre (Please round the acreage up (1.2 acres = 2 acres = $800) OR $750 plus $50 per dwelling unit (if multi-family or condominium.)**

FEES RECEIVED: $ 1,700.00 RECEIVED BY: A. Croft DATE: 6-04-04

PAID 6-04-04 ck. 400407

PRESERVE AMERICA
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Planning *and* Community Development
CITY OF DELAWARE, OHIO

August 30, 2004

Dan Whited
Floyd Browne Associates
585 Sunbury Road
Delaware, OH 43015

Re: Decision for the Floyd Browne Office Building Rezoning (PC 04-068), Preliminary Development Plan (PC 04-069) and Comprehensive Plan Amendment (PC 04-072)
August 23, 2004 City Council Meeting

Dear Mr. Whited:

On August 23, 2004, City Council adopted Ordinance 04-132 for approval of the amendment to the Comprehensive Plan from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use, Ordinance 04-133 for approval of the rezoning of the 19.1 acres from A-1 (Agricultural District) to PMU (Planned Mixed Use District), with the Text Limitations offered by the Applicant, and Ordinance 04-134 for approval of the Preliminary Development Plan for the 5.1± acres located at the NE corner of US 23S and Cheshire Road, with the following approval conditions:

1. The Applicant commits to the improvements recommended by the City Engineer in his letter dated July 2, 2004.
2. For the residential area, the Applicant commits to using innovative stormwater management techniques to be approved by the City and in consultation with ODNR.
3. The Applicant makes any revisions necessary to the Community Impact Assessment language.
4. The Applicant makes any revisions necessary to the Development Text language.
5. The Plan is revised to indicate the location of handicapped spaces, per ADA regulations.
6. The Applicant obtains approval signatures for the Environmental Analysis Map.
7. The parking space dimensions are corrected on the Plan.
8. The signage to be increased to two 100-square foot signs (one on each façade).
9. The subareas are platted before January 1, 2005 to create separate parcels for the office and residential uses.

Once these applications are scheduled for City Council action, we will need 14 large copies and one 11" x 17" copy of the revised combined Preliminary and Final Development Plan.

If you have any questions, please contact the office at (740) 368-1650.

Sincerely,

Vince Papsidero, AICP
Director of Planning and Community Development

c: John McCann, Floyd Browne Associates
Skip Yassenoff, Rainbow Development Corp.
Technical Review Committee via email
Planning Commission Members
Files PC 04-068, 04-069, and 04-072

ORDINANCE NO. 04-133

AN ORDINANCE APPROVING, WITH CONDITIONS, A REZONING OF THE 19.3 ACRES LOCATED AT THE NE CORNER OF US 23S AND CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO PMU (PLANNED MIXED USE DISTRICT) FOR THE PROPOSED FLOYD BROWNE ASSOCIATES OFFICE DEVELOPMENT AND ADJACENT CONDOMINIUM PROJECT.

WHEREAS, the Planning Commission at its meeting of July 7, 2004 recommended approval, with conditions, for a Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project (PC 04-068).

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

SECTION 1. That the Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project, be and the same is hereby confirmed, approved, and accepted, with the attached Text Limitations offered by the Applicant.

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: August 23, 2004 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Roby Mathias
CITY CLERK

Linda Wheeler
MAYOR

ORDINANCE NO. 04-134

AN ORDINANCE APPROVING, WITH CONDITIONS, A PRELIMINARY DEVELOPMENT PLAN FOR THE 5.1± ACRES LOCATED AT THE NE CORNER OF US 23S AND CHESHIRE ROAD FOR THE PROPOSED FLOYD BROWNE ASSOCIATES OFFICE DEVELOPMENT AND ADJACENT CONDOMINIUM PROJECT.

WHEREAS, the Planning Commission at its meeting of July 7, 2004 recommended approval, with conditions, for a Preliminary Development Plan for the 5.1± acres located at the NE corner of US 23S and Cheshire Road for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project (PC 04-069).

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

SECTION 1. That the Preliminary Development Plan for the 5.1± acres located at the NE corner of US 23S and Cheshire Road for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project, be and the same is hereby confirmed, approved, and accepted, with the following conditions of approval, with the conditions that within 30 days of the Preliminary Development Plan approval by City Council:

1. The Applicant commits to the improvements recommended by the City Engineer in his letter dated July 2, 2004.
2. For the residential area, the Applicant commits to using innovative stormwater management techniques to be approved by the City and in consultation with ODNR.
3. The Applicant makes any revisions necessary to the Community Impact Assessment language.
4. The Applicant makes any revisions necessary to the Development Text language.
5. The Plan is revised to indicate the location of handicapped spaces, per ADA regulations.
6. The Applicant obtains approval signatures for the Environmental Analysis Map.
7. The parking space dimensions are corrected on the Plan.
8. The signage to be increased to two 100-square foot signs (one on each façade).

9. The subareas are platted before January 1, 2005 to create separate parcels for the office and residential uses.

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: August 23, 2004 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Roby Mathis
CITY CLERK

Windell Wheeler
MAYOR

Planning Commission Meeting 7/21/04

1. **Application PC 04-072 – Floyd Browne Associates – Comprehensive Plan Amendment:** A request by Floyd E. Browne & Associates for an amendment to the Comprehensive Plan to the 22.518 acres located at the NE corner of US 23S and Cheshire Road from Low Density Multi-family Residential to Mixed Use.
   Motion: Long/Morrison moved to approve PC 04-072. (6 in favor, 0 opposed) MOTION APPROVED
2. **Application PC 04-068 – Floyd Browne Associates – Rezoning:** A request by Floyd Browne Associates for a rezoning of the 22.518 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District).
   Motion: Long/Morrison moved to approve PC 04-068 to make the zoning consistent with the Comprehensive Plan. (6 in favor, 0 opposed) MOTION APPROVED
3. **Application PC 04-069 – Floyd Browne Associates – Preliminary Development Plan:** A request by Floyd Browne Associates for approval of a Preliminary Development Plan for the 4.5± acres located at the NE corner of US 23S and Cheshire Road.
   Motion: Long/Morrison moved to approve PC 04-069, subject to Staff Recommendations, with the signage to be increased to two 100-square foot signs (one on each façade); plus the 7/21/04 text limitations be approved, with the changes from townhouse to townhouse condo and all units be owner-occupied, with the exception of the clubhouse. (6 in favor, 0 opposed) MOTION APPROVED

Morrison-Does space for retention and detention count as open space?
Papsidero-The 15% for the multi-family piece has to be resolved at the Final Development Plan. For this part of the development, it would not be included.
Dan Whited (Floyd Browne)-There has been significant growth over the years. The current office in Delaware is over-crowded. We would like to consolidate the offices, which would relocate 26 jobs from Marion to Delaware. The building materials and style will be complimentary to the Grady Hospital project.
Papsidero-Code allows for 100 square feet total of signage.
Ebersole-Would like to allow signage on two sides because of the way the building sits.
Papsidero- The Planning commission can modify the code through the zoning text.
Long-How will the arrangement be worked since the detention pond will control residential development and will not be on that property.
Whited-There will be a shared easement so the office and residential will be able to maintain it.
Long-How many condos per foot print?
Whited-144 units at 8 units per acre.
Ebersole-This development will be abutting an up-scale neighborhood. That up-scale neighborhood may not be enthused in having multi-family in their backyard. We need strong limitations so the developer knows what to expect before submitting to the Planning Commission.
Dan Whited-They will be our neighbors too and that's why we are creating higher end condominiums, not apartments.
Long-Concerned that we don't know who will be developing the site and what will be built on this site.
Members discussed density for the site and agreed there should be no more than 8 du/ac
Long-I really want the office development to work.

Papsidero-That is an odd piece of ground. We suggest putting it in writing that the residential development must come back as a Preliminary Plan first.
Morrison-Site looks boring.
Whited-It looks boring but we don't know what will go in there.

Rudy Givan (106 Sunny Shell Ct)-Glad to see an office building on that site. The only thing I ask is for someone to look at the run-off from the creek. When the creek backs up, it floods the area and becomes a swamp for a period of time.
Erik Diekmeyer (166 Ruby Red Ln)-What is being requested?
Papsidero-The whole parcel is proposed to be planned mixed use, with subzonings for office space and residential development. With the residential portion there would be no more than 8 dwelling units per acre with a density bonus.
Ebersole-A year from now, can they come back and change the residential to office?
Papsidero-They can request any kind of amendment.

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Planning *and* Community Development
CITY OF DELAWARE, OHIO

August 9, 2004

Dan Whited
Floyd Browne Associates
585 Sunbury Road
Delaware, OH 43015

Re: Decision for the Floyd Browne Office Building Rezoning (PC 04-068), Preliminary Development Plan (PC 04-069) and Comprehensive Plan Amendment (PC 04-072)
July 21, 2004 Planning Commission Meeting

Dear Mr. Whited:

On July 21, 2004, the Planning Commission recommended approval of the amendment to the Comprehensive Plan from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use, rezoning of the 19.1 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District), and the Preliminary Development Plan for the 5.1± acres located at the NE corner of US 23S and Cheshire Road, with the following approval conditions, which must be met prior to scheduling this application before City Council with the exceptions of items #1, 2, 5, and 6:

1. The Applicant must obtain a Tree Clearance Permit prior to removal of any major trees before any building permits are approved.
2. For the residential area, the Applicant needs to use innovative stormwater management techniques to be approved by the City and in consultation with ODNR before any building permits are approved for that development.
3. The Applicant needs to make any revisions necessary to the Community Impact Assessment language prior to approval of the Preliminary Development Plan by City Council.
4. The Applicant needs to make any revisions necessary to the Development Text language prior to approval of the Preliminary Development Plan by City Council.
5. The Applicant needs to obtain approval signatures of the Environmental Analysis Map within 30 days of the Preliminary Development Plan approval by City Council.
6. The subareas will need to be platted in the future to create separate parcels for the office and residential uses.
7. A separate Preliminary Development Plan must be submitted for Sub Area B.
8. Two wall signs shall be permitted for the office building with each sign face not to exceed 100 square feet.

These applications are scheduled for a first reading at City Council on August 10. The public hearing will be held on August 23. Your attendance is recommended at the public hearing only.

If you have any questions, please contact the office at (740) 368-1650.

Sincerely,

Vince Papsidero, AICP
Director of Planning and Community Development

c: John McCann, Floyd Browne Associates
Skip Yassenoff, Rainbow Development Corp.
Technical Review Committee via email
Planning Commission Members
Files PC 04-068, 04-069, and 04-072

Certificate of Mailing

I hereby certify that a copy of the attached Staff Report was sent to the persons on the list below by ordinary mail, postage prepaid at Delaware, Ohio, this __16th__ day of ____July_____, 2004__.

Elizabeth Cox

PC04-068, 04-069 & 04-072

John McCann
Floyd Browne Associates
585 Sunbury Rd
Delaware OH 43015
jmccann@fbainc.com
dwhited@fbainc.com

Skip Yassenoff
Rainbow Development
865 King Ave
Columbus OH 43212

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: PC 04-068, 04-069, and 04-072
REQUESTS: Rezoning, Comprehensive Plan Amendment, and Preliminary Development Plan
PROJECT: Floyd Browne Facility
MEETING DATE: 07/21/04

APPLICANT & OWNER

Floyd Browne Associates	Rainbow Development Corp.
585 Sunbury Road	865 King Avenue
Delaware, OH 43015	Columbus, OH 43212

REQUEST

- PC 04-068 - Rezoning of the 22.518 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District).
- PC 04-069 - Preliminary Development Plan for the 4.5± acres located at the NE corner of US 23S and Cheshire Road.
- PC 04-072 - Amendment to the Comprehensive Plan to the 22.518 acres located at the NE corner of US 23S and Cheshire Road from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use.

PROPERTY LOCATION & DESCRIPTION

The parcel is located at the NE corner of US 23S and Cheshire Road. The current zoning is A-1 (Agricultural District), while the surrounding zoning is R-3 (Single-family Residential District) to the north and east, a mix of A-1 and B-4 (General Business District) to the south, and township zoning across US 23 to the west.

BACKGROUND

The Applicant proposes to construct a new office space facility on the 4.5 acres at the west end of the site, with condominium development on the remaining acreage. Economic incentives are being offered to attract this retention and expansion office development to the City. The Plan for the office portion proposes three phases of development totaling 45,300 square feet, with 25,200 square feet in Phase I, 18,200 square feet in Phase II, and a potential expansion of 8,000 square feet in Phase III. Details of the project are being worked out with Staff but an initial draft of a Development Text has been provided (see attachment). The condominium development is proposed at 90-120 dwelling units to occupy the remaining15± acres (6-8 du/ac.).

STAFF ANALYSIS – PC 04-072 – COMPREHENSIVE PLAN AMENDMENT

- **LAND USE:** The Comprehensive Plan recommends Moderate-Density Single-family and Low-Density Multi-family land uses for the site. This corner property abuts US 23S and Cheshire Road, two heavily-traveled roads, which would appear to make the proposed Mixed Use land use more appropriate and compatible. The Applicant has submitted a companion request to rezone the property to Planned Mixed Use to support the proposed office and condominium developments.

STAFF RECOMMENDATION - PC 04-072 - COMPREHENSIVE PLAN AMENDMENT

Staff recommends approval of the proposal to change the Comprehensive Plan recommendation for this site from Moderate-Density Single-family and Low-Density Multi-family Residential land uses to Mixed Use.

FINDINGS OF FACT

- The proposal is consistent with the Economic Development component of the Comprehensive Plan.
- The proposal will be compatible with the current and future neighborhood conditions by providing a transition between single-family residential to the north and retail to the south.

STAFF ANALYSIS – PC 04-068 - REZONING

- **UNDERLYING ZONING:** The Applicant has not requested O (Office) and R-6 (Multi-family) as the underlying zoning districts for the two Sub-Areas.

- **DEVELOPMENT TEXT**: The Applicant has provided development text but Staff has not finished reviewing it. Staff will bring recommended changes to the Planning Commission meeting. The Applicant must make any Planning Commission revisions prior to submission of the Preliminary Development Plan to City Council.

STAFF RECOMMENDATION - PC 04-068 - REZONING

Staff recommends approval of a rezoning to O (Office) for the 4.5 acres and R-5 or R-6 (Multi-family) for the remainder, with a PMU (Planned Mixed Use) Overlay, when the companion Preliminary Development Plan is approved.

FINDINGS OF FACT

- The proposed rezoning will be consistent with the Comprehensive Plan, if it is amended as requested.

STAFF ANALYSIS – PC 04-069 – PRELIMINARY DEVELOPMENT PLAN

- **ROADS AND TRAFFIC**: The 4.5-acre parcel proposed for office use indicates one full access off Cheshire Road and one, right-in only access from the existing service drive that runs parallel to US 23. The Applicant should consider adding an emergency access to/from the residential area through the office site.

  The City Engineer recommends that the Applicant (see attached letter) construct an east-bound turn lane on Cheshire Road at the site entrance, construct the first 250 feet of access road through "Reserve J" in the Cheshire Crossing Subdivision to the future commercial development opposite, and pave an overlay of Cheshire Road from the site entrance to the access road. These improvements are to be made in lieu of a traffic study.
- **TREE PRESERVATION**: The Tree Replacement Plan has been approved. A Tree Clearance Permit must be obtained prior to approval of any building permits.
- **DESIGN**: The Applicant proposes all natural materials for the office area and aluminum and/or vinyl siding would not be permitted, except for the use of soffits, gutter, or shutters and finish material will not include exposed concrete or cinder block.

  The multi-family residential areas must be all natural materials, per Code.
- **WATER:** Water will be available through a 12-inch line that runs along US 23.
- **SANITARY SEWER:** Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. This line would be extended to Sub-Area A (office parcel) along the north boundary of the site.
- **STORM SEWER:** Stormwater will be managed through the use of retention/detention ponds, catch basins, and storm pipe. The Applicant proposes to provide Staff with a preliminary utility layout as part of the final submission of the Preliminary Development Plan.

  For the residential area, the Applicant needs to use innovative stormwater management techniques to be approved by the City and in consultation with ODNR.
- **PARKLAND AND OPEN SPACE**: Parkland and open space are not required, per Code for the office use. Staff recommends cash-in-lieu of parkland dedication for the residential area. R-6 zoning requires 20% open space.
- **BIKE PATHS AND PEDESTRIAN ROUTES**: An eight-foot bike path needs to be provided along the south and east boundary. The path alignment is conceptual and will be finalized with the Final Development Plan.
- **COMMUNITY IMPACT ASSESSMENT**: The Applicant has provided a Community Impact Assessment, which is currently under review by City Staff. The Applicant needs to make any revisions necessary prior to approval of the Preliminary Development Plan by City Council.

- **SUBDIVISION REGULATIONS**: The subareas will need to be platted in the future to create separate parcels for the office and residential uses.
- **CONDITIONAL USE PERMIT**: The proposed Planned Mixed Use Overlay requires that all development within a PMU District shall be subject to the conditional use approval process. Once Final Development Plans are submitted, the Conditional Use Permits must be as well.
- **PARKING**: The Applicant exceeds the Code-required amount of parking but the required handicapped spaces are not shown.
- **ENVIRONMENTAL ANALYSIS MAP**: An Environmental Analysis Map was submitted by the Applicant and is currently under review by City Staff (a copy is enclosed with this packet). The Planning Commission and City Council must also review the map for any necessary revisions and those revisions (including any approvals required by any other government agency) shall be placed as conditions on the approval of the Preliminary Development Plan. The Applicant needs to submit the approved Environmental Analysis Map on Mylar to Staff for signatures within 30 days of approval of the Preliminary Development Plan by Council.
- **MISCELLANEOUS**: The Development Plan suggests that the site is 19± acres but the County Auditor's information puts the size at 22.518 acres. The Applicant needs to resolve the site size discrepancy.

  There is a typographical error on Exhibit D. The drawing indicates parking spaces to be 20-foot by 9-foot but the Proposes Parking language indicates the spaces to be 19-foot by 9-foot.

STAFF RECOMMENDATION - PC 04-069 - PRELIMINARY DEVELOPMENT PLAN

Because of the unresolved issues, Staff recommends Tabling.

If the Planning Commission recommends approval, it should be with the condition that all of the below-listed Approval Conditions must be met before the case can be scheduled on a City Council agenda, except for items #3, 4, 7, and 9, which should be completed when appropriate and as indicated:

Status as of 07/15/04

CONDITION	COMPLIANCE
1. The Applicant needs to add an emergency access to/from the residential area through the office site.	No
2. The Applicant needs to commit to the improvements recommended by the City Engineer in the letter dated July 2, 2004.	No
3. The Applicant must obtain a Tree Clearance Permit prior to removal of any major trees before any building permits are approved.	No
4. For the residential area, the Applicant needs to use innovative stormwater management techniques to be approved by the City and in consultation with ODNR before any building permits are approved for that development.	No
5. The Applicant needs to make any revisions necessary to the Community Impact Assessment language prior to approval of the Preliminary Development Plan by City Council.	No
6. The Applicant needs to make any revisions necessary to the Development Text language prior to approval of the Preliminary Development Plan by City Council.	No
7. The subareas will need to be platted in the future to create separate parcels for the office and residential uses.	No
8. The Plan needs to be revised to indicate the location of handicapped spaces, per ADA regulations.	No
9. The Applicant needs to obtain approval signatures of the Environmental Analysis Map within 30 days of the Preliminary Development Plan approval by City Council.	No
10. The Applicant needs to resolve the site size discrepancy.	No
11. The parking space dimensions needs to be corrected on the Plan.	No

DEVELOPER CONTRIBUTIONS

- Construction of an east-bound turn lane on Cheshire Road at the site entrance, construction of the first 250 feet of access road through "Reserve J" in the Cheshire Crossing Subdivision to the future commercial development opposite, and pavement overlay of Cheshire Road from the site entrance to the commercial access road.

FINDINGS OF FACT

- The proposal is consistent with the Economic Development component of the Comprehensive Plan.
- The proposal will be compatible with the current and future neighborhood conditions by providing a transition between single-family residential to the north and retail to the south.
- The proposal will be consistent with the Land Use element of the Comprehensive Plan, if it is amended.
- The proposal will meet all applicable Code requirements, with fulfillment of the Approval Conditions.

Certificate of Mailing

I hereby certify that a copy of the attached Staff Report was sent to the persons on the list below by ordinary mail, postage prepaid at Delaware, Ohio, this __2nd__ day of ____July_____, 2004__.

PC04-068, PC04-069 & PC04-072

Jason McCann & Dan Whited
Floyd Browne Associates
585 Sunbury Rd
Delaware OH 43015
jmccann@fbainc.com
dwhited@fbainc.com

Skip Yassenoff
Rainbow Development
865 King Ave
Columbus OH 43212
syassenoff@cs.com

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: PC 04-068, 04-069, and 04-072
REQUESTS: Concept Plan
PROJECT: Floyd Browne Facility
MEETING DATE: 07/07/04

APPLICANT & OWNER

Floyd Browne Associates
585 Sunbury Road
Delaware, OH 43015

Rainbow Development Corp.
865 King Avenue
Columbus, OH 43212

REQUEST

Concept Plan review for a proposed 19-acre Planned Mixed Use Development.

PROPERTY LOCATION & DESCRIPTION

The parcel is located at the NE corner of US 23S and Cheshire Road. The current zoning is A-1 (Agricultural District), while the surrounding zoning is R-3 (Single-family Residential District) to the north and east, a mix of A-1 and B-4 (General Business District) to the south, and township zoning across US 23 to the west.

BACKGROUND

The Applicant proposes to construct a new office space facility on the 4.5 acres at the northwest corner of the site and proposes residential development on the remaining acreage. Economic incentives are being offered to attract this retention and expansion office development to the City.

STAFF ANALYSIS

- **LAND USE**: The Comprehensive Plan recommends Moderate-Density Single-family and Low-Density Multi-family land uses for the site. This corner property abuts US 23S and Cheshire Road, two heavily-traveled roads, which would appear to make the proposed Planned Mixed Use Development more compatible. The Applicant has submitted a request to amend the Comprehensive Plan to Mixed Use to support the proposed Office and condominium developments.
- **CONCEPT PLAN**: The office space facility would be constructed in three phases (25,200 square feet in Phase I, 18,200 square feet in Phase II, and a potential expansion of 8,000 square feet in Phase III). Details of the project are being worked out with Staff but an initial draft of a Development Text has been provided with this packet. The condominium development is proposed at 90-120 dwelling units to occupy the 15± acres (6-8 du/ac.).

STAFF RECOMMENDATION

This is a Concept Plan review and the Applicant is looking for feedback from the Planning Commission. Staff supports the concept as an appropriate use of the land in this location.

Floyd Browne Corporate Complex

Northeast corner of Cheshire Rd and U.S. 23
City of Delaware, Ohio

For amendment to the Delaware City Zoning Map

Submitted to:
City of Delaware
Planning & Community Development

Applicant:
Floyd Browne Associates, Inc.
585 Sunbury Road
Delaware, Ohio 43015
(740) 363-6792, telephone
(740) 363-6536, fax

Owner:
Rainbow Development Corporation
865 King Avenue
Columbus, Ohio 43212
(614) 291-3133, telephone

FLOYD BROWNE ASSOCIATES, FBA INC.

Submittal Date: 06/11/2004

JUN 11 2004

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Exhibit C – Zoning Development Plan
Exhibit D- "Sub Area A" Preliminary Development Plan

PLANNED MIXED USE DISTRICT TEXT

EXISTING ZONING DISTRICT:	A-1 Agriculture
PROPOSED ZONING DISTRICT:	PMU Planned Mixed Use
TOTAL ACRES TO BE ZONED:	19 +/- Ac
PROPERTY LOCATION:	Northeast corner of U.S. 23 & Cheshire Road
APPLICANT:	Floyd Browne Associates, Inc.
CURRENT OWNER:	Rainbow Development Corp.
DATE:	June 11, 2004
APPLICATION NO.:	_____

I. INTRODUCTION: The site under consideration for amendment to the Delaware City Zoning Map, being referred to as the "Floyd Browne Corporate Complex", is located at 299 Cheshire Road, which is at the northeast corner of U.S. 23 and Cheshire Road in Delaware City, Delaware County, Ohio. The site is approximately 1,330 feet west of Braumiller Road, 1,380 feet south of the Dornoch Estates Development, 2,200 feet east of the Olentangy River and immediately adjacent to the Cheshire Crossing single family development to the north and east. The site contains approximately 19 +/- acres and is currently zoned A-1 - Agricultural District. The applicant proposes to rezone the entire 19 +/- acres to Planned Mixed Use District for the development of professional office space and multi-family condominium.

The current owner of the property is Rainbow Development Corporation. The applicant is currently in negotiations to purchase the property. A letter of zoning authorization from the owner has been included with this application. The topography of the site is generally flat and most recently has been an agricultural field containing winter wheat stubble. The site has a small wooded portion in the northeast corner of the property consisting mostly of hardy wood deciduous trees and under story brush. A small tree line runs east-west through the property located approximately 500 feet north of Cheshire Road.

The land uses adjacent to the site consist of a combination of existing and future single family residential uses as well as agricultural uses. The land immediately to the east of the site is Phase 1 of the Cheshire Crossing Single Family Development, is currently under construction. The land on the north side of the site is currently in agricultural use, but is planned to be future phases of the Cheshire Crossing Single Family Development. The area immediately to the northwest and the land to the south (across Cheshire Rd) consists of residential uses with existing half acre single family lots to the northwest, and the existing Grace and Harry Jones Subdivision to the south. Finally, the land to the west (across U.S. 23), consists of a varying mix of residential and agricultural uses.

The project is proposed to consist of two (2) Sub Areas, Sub Area A which is planned to include office uses and Sub Area B, which is planned to include multi-family condominium development. The proposed development, as a Planned Mixed Use development, differs from

the Delaware City Comprehensive Plan which has the proposed site planned for Moderate Density Multi-Family development (6-8 du/ac). The applicant has engaged in informal discussions with the City to discuss the proposed development. The general development standards for this project are described below.

II. DEVELOPMENT STANDARDS: The following general development standards shall apply to the property.

A. "Sub Area A" – Proposed Office Use

1) Lot Size – The applicant proposes to rezone the entire 19 +/- as a Planned Mixed Use District. Sub Area A is planned to include an area of approximately 4.5 +/- acres for office development.

2) Permitted uses – Uses permitted in Sub Area A shall be uses associated with offices and professional services. Permitted uses include the following: administrative, professional services, financial institutions, and medical and dental offices.

3) Setbacks
   a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Public Roads	50 feet from right of way
Side yard	40 feet from property line
Rear Yard	40 feet from property line

   b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Public Roads	20 feet from right of way
Side yard	10 feet from property line
Rear Yard	10 feet from property line
Adjacent to existing residential	20 feet from property line

4) Lot Frontage – The proposed office development will have frontage along both U.S. 23 and Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

5) Building Coverage – The ground area occupied by buildings and structures shall not exceed forty percent (40%) of the total area of Sub Area A.

6) Building Height – No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established.

7) Parking – Off-street parking shall comply with the regulations set forth in Chapter 1161.

8) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in Chapter 1165. Entry identification signs and traffic controlling signs shall be permitted per Chapter 1165.

9) Landscaping – Visual screening and landscape buffers shall be provided for areas within the office district in accordance with the provisions set forth in Chapter 1166. A landscape plan will be provided as part of the final submission for the preliminary development plan.

10) Lighting – All exterior lighting shall comply with the standards set forth in Chapter 1171, section 1171.05. A lighting plan will be submitted as part of the final development plan.

11) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

12) Access – Two access points shall be permitted to Sub Area A. Access point number one shall be permitted off of Cheshire Road. Access point number two shall be permitted off of the existing access road that starts at Cheshire Road, accesses the existing residences and merges with U.S. 23. Access number two shall only permit right turns into Sub Area A. No right turns shall be permitted from Sub Area A through access number two, to ensure that vehicles do not use the access road to merge onto U.S. 23. The applicant has initiated discussions with ODOT regarding access number two. No curb cuts are proposed along U.S. 23. All drives within Sub Area A will be private.

13) Phasing – It is anticipated that Sub Area A will be constructed in three (3) phases. Phase one will consist of a two (2) story 25,200 square foot office building with 117 paved parking spaces, and is anticipated to begin construction in September of 2004. Phase 2 will consist of a two (2) story 18,200 square foot building, which will be added on to the first building phase, with 78 paved parking spaces. Construction of phase two (2) will be based on future growth of Floyd Browne Associates. The third potential phase will consist of a two (2) story 8,000 square foot building, with 36 paved parking spaces, that would be added on to phase two (2). Phase three (3) is potential expansion and it is unknown at this time when this would be constructed. Total build out of all phases equals one two story structure containing 51,400 square feet.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. Del-co water is available through an existing 12 inch line that runs along Cheshire Road. Storm water management will be designed per the City of Delaware Standards. Storm

water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided as part of the final submission of the preliminary development plan.

15) Trash enclosures – Trash receptacles shall be enclosed on four (4) sides by a brick or masonry wall constructed of materials that match or complement the principal building. One (1) shall contain a gate. The wall shall have a minimum height of six (6) feet. A chain link fence shall not be permitted.

B. "Sub Area B" - Multi Family Condominium

1) Lot Size – The applicant proposes to rezone the entire 19 +/- as a Planned Mixed Use District. Sub Area B is planned to include an area of approximately 14.5 +/- acres for multi family condominium development.

2) Permitted uses – Uses permitted in Sub Area B include: multi family condominium, sales trailer for marketing condominiums, model condominiums, offices related to the marketing and selling of condominiums, and may include a club house and pool.

3) Density – The applicant proposes a gross density of eight (8) dwelling units per acre for Sub Area B.

4) Setbacks

a. Building Setbacks- The physical relationships of structure or use areas and their minimum yard spaces shall comply with the development plan.

Perimeter building setback	25 feet from lot line
	25 feet from right of way

b. Parking Setbacks – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan.

Perimeter parking setback	6 feet from lot line
	20 feet from right of way

5) Lot Frontage – Sub Area B will have frontage along Cheshire Road. At a minimum, there shall be 150 feet of frontage along existing public roads.

6) Building Coverage – The ground area occupied by buildings and structures shall not exceed twenty-five percent (25%) of the total area of Sub Area B.

7) Building Height – No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established.

8) Parking – Off-street parking shall comply with the regulations set forth in Chapter 1161. Two (2) parking spaces per unit shall be provided.

9) Signage – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed in Chapter 1165. Entry identification signs, traffic control signs, for sale signs and marketing signs shall be permitted per Chapter 1165.

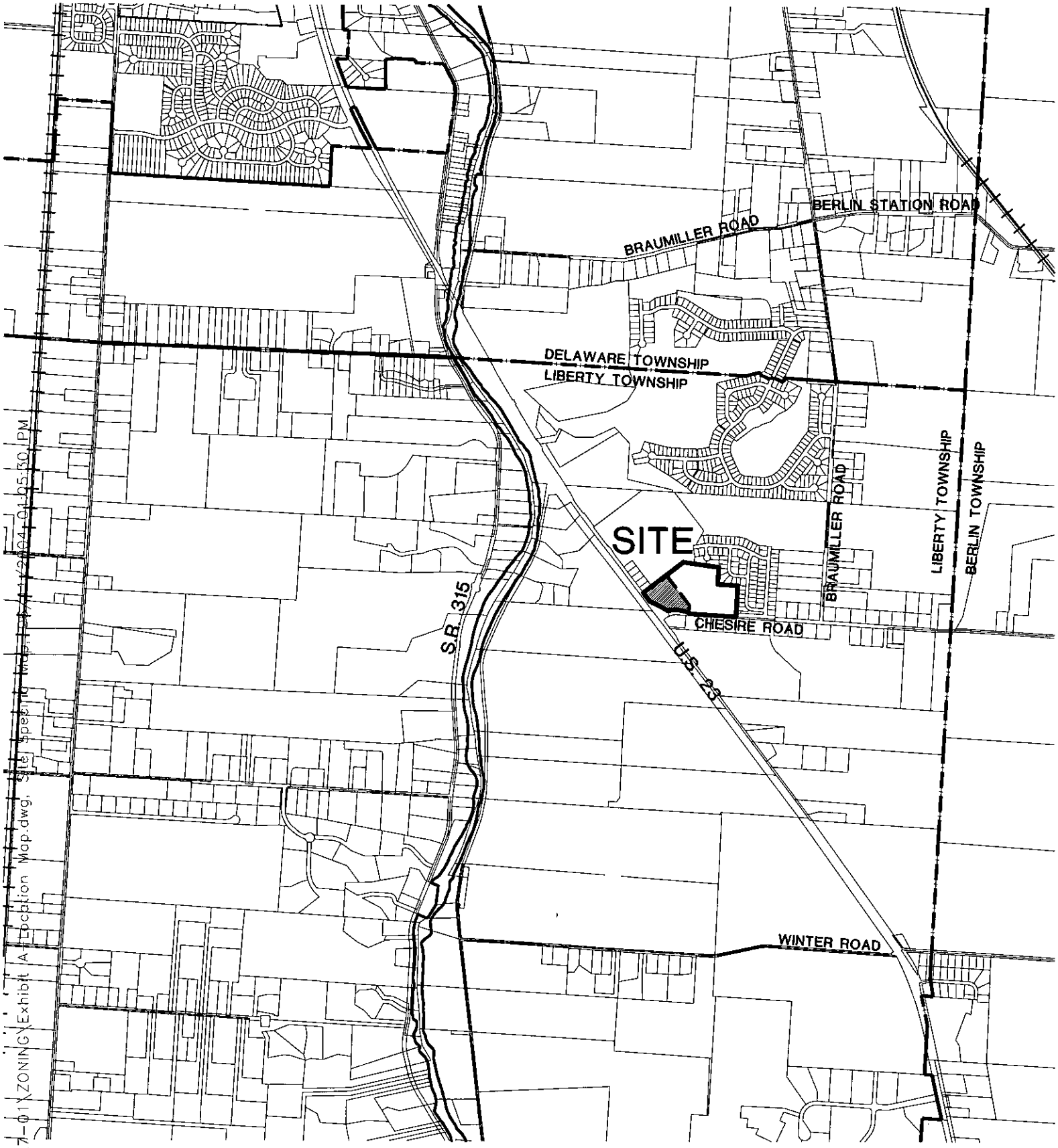
10) Landscaping – Visual screening and landscape buffers shall be provided as well as landscaping for each unit shall be provided for Sub Area B. All landscaping shall be in accordance with the provisions set forth in Chapter 1166. A landscape plan will be provided at the time a preliminary development plan is submitted for Sub Area B.

11) Lighting – All exterior lighting shall comply with the standards set forth in Chapter 1171, section 1171.05. A lighting plan will be submitted as part of the final development plan.

12) Architecture and Materials – All exterior finishes shall be of natural materials, aluminum and/or vinyl siding is not permitted except for the use of soffits, gutters or shutters. Finish materials also shall not include exposed concrete or cinder block.

13) Access – Two access points to Sub Area B shall be permitted off of Cheshire Road. No curb cuts are proposed along U.S. 23. All streets within Sub Area B will be private.

14) Utilities – Sanitary sewer service will be provided through the existing sanitary line that is stubbed to the east property line, along the Cheshire Crossing Subdivision. Del-co water is available through an existing 12 inch line that runs along Cheshire Road. Storm water management will be designed per the City of Delaware Standards. Storm water will be managed through the use of retention / detention ponds, catch basins, and storm pipe. A preliminary utility layout will be provided at the time a preliminary development plan is submitted for Sub Area B.



NORTH

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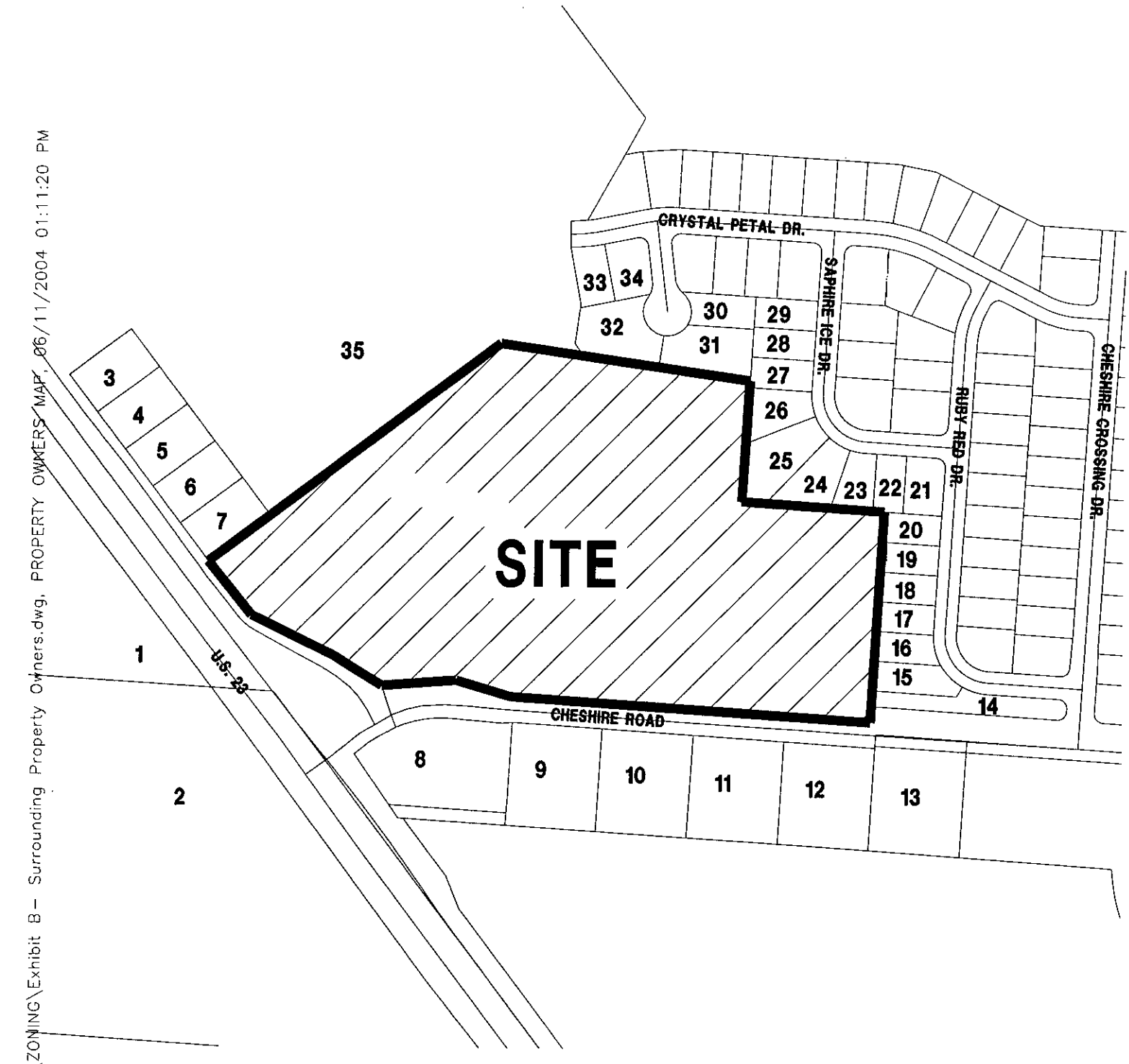
04-227-01
JUNE 11, 2004

1" = 2000'

EXHIBIT A
LOCATION MAP

FLOYD BROWNE ASSOCIATES, INC.
FBA
585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795
(740)363-6792
FAX (740)363-6536

G:\Client\FBA\04\04-227-01\ZONING\Exhibit A Location Map.dwg, Site Specific Map, 6/11/2004 04:05:30 PM



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NORTH

04-227-01
6/11/04

0 150 300 600

1"=300'

EXHIBIT B
SURROUNDING PROPERTY OWNERS

FLOYD BROWNE ASSOCIATES, FBA INC.

585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795

(740)363-6792
FAX (740)363-6536

1. CAROLYN HAWKINS
5543 CHOWNING WAY
COLUMBUS OH 43213

2. RICK MUNDAY
3669 COLUMBUS PIKE
DELAWARE OH 43015

3. PAUL & KATHLEEN SPIERS
3681 COLUMBUS PIKE
DELAWARE OH 43015

4. DOROTHY SPIERS
3693 COLUMBUS PIKE RD
DELAWARE OH 43015

5. AARON & LINDA EAKIN
3711 COLUMBUS PIKE
DELAWARE OH 43015

6. JON SAIA
RICHARD GRUTSCH
1188 ROSEBANK DR
COLUMBUS OH 43235

7. PHYLLIS HAVENER
1859 BEDFORD RD
COLUMBUS OH 43212

8. MELANIE METZLER
70 CHESHIRE RD
DELAWARE OH 43015

9. MELANIE METZLER
70 CHESHIRE RD
DELAWARE OH 43015

10. ROBERT & SUSAN SHAW
170 CHESHIRE RD
DELAWARE OH 43015

11. ANTHONY & CHERYL PINTO
190 CHESHIRE RD
DELAWARE OH 43015

12. BERNARD & REBECCA MORETTI
222 CHESHIRE RD
DELAWARE OH 43015

13. CAROL MARGARET WOOTEN
280 CHESHIRE RD
DELAWARE OH 43015

14. CHESHIRE CROSSING HOMEOWN
C/O PSAM LTD
P O BOX 395
GROVE CITY OH 43213

15. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

16. MARLA KERR
ERIK DIEKMEYER
166 RUBY RED LN
DELAWARE OH 43015

17. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

18. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

19. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

20. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

21. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

22. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

23. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

24. ERIC MARTIN
136 SAPPHIRE ICE DR
DELAWARE OH 43015

25. THOMAS OLSON
130 SAPPHIRE ICE DR
DELAWARE OH 43015

26. M/I HOMES OF CENTRAL OHIO
ATTN: LAND ACCOUNTING
3 EASTON OVAL STE 540
COLUMBUS OH 43219

27. BRIAN BARNHART
118 SAPPHIRE ICE DR
DELAWARE OH 43015

28. TODD & AMY DETWEILER
112 SAPPHIRE ICE DR
DELAWARE OH 43015

29. KRISTI LIVINGSTON
106 SAPPHIRE ICE DR
DELAWARE OH 43015

30. SARAH & JEFFERSON MOUCH
107 SUNNY SHELL CT
DELAWARE OH 43015

31. MATTHEW NEUENS
115 SUNNY SHELL CT
DELAWARE OH 43015

32. RUDY & PATRICIA GIVAN
106 SUNNY SHELL CT
DELAWARE OH 43015

33. DOMINION HOMES INC
5501 FRANTZ RD
DUBLIN OH 43017

34. CHESHIRE ROAD LLC.
3 EASTON OVAL STE 500
COLUMBUS OH 43219

35. CHESHIRE ROAD LLC.
3 EASTON OVAL STE 500
COLUMBUS OH 43219

G:\Client\FBA\04\04-227-01\ZONING\Exhibit B - Surrounding Property Owners.dwg, PROPERTY OWNERS LIST, 06/11/2004 01:11:54 PM

FLOYD BROWNE ASSOCIATES, FBA INC.
585 SUNBURY ROAD (U.S. 36)
DELAWARE, OHIO 43015-9795
(740)363-6792
FAX (740)363-6536

EXHIBIT B
SURROUNDING
PROPERTY OWNERS

6-15-04 Complete
PC04-068 mp

Chapter 1130
Amendments

1130.01	General provisions.	1130.05	Public hearing and notice by Planning Commission.
1130.02	Amendment procedures.	1130.06	Recommendation by the Planning Commission.
1130.03	Amendments initiated by property owner(s).	1130.07	Public hearing and notice by Council.
1130.04	Amendments initiated by Planning Commission or Council.	1130.08	Final action by Council.

SECTION 1130.01 GENERAL PROVISIONS.

Whenever the public necessity, convenience or general welfare require, Council may by ordinance, after receipt of recommendations thereof from the Planning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property in this Zoning Ordinance.

SECTION 1130.02 AMENDMENT PROCEDURES.

Amendments to this Zoning Ordinance may be initiated in one of the following ways:

(a) By the filing of an application by an owner or lessee within the area of the proposed change or affected by such amendment; or by any government official, unit or bureau affected by such amendment filing an application with Council.

(b) By the adoption of a motion by the Planning Commission.

(c) By the adoption of a motion by Council.

SECTION 1130.03 AMENDMENTS INITIATED BY PROPERTY OWNER(S).

An amendment initiated by an owner or lessee of property, or developer with an option on such property within the area proposed to be changed or affected by said amendment, shall be submitted and reviewed according to the following:

(a) Submission Requirements. Applications for amendments to both the text and map adopted as part of this Ordinance shall contain the following information:

(1) The name, address and phone number of the applicant(s) and the property owner if other than the applicant.

(2) A statement of reasons for the proposed amendment.

(3) A statement on the ways in which the proposed amendment relates to the Comprehensive Master Plan. applied for revision to Plan

(4) A tax map showing property lines, dimension, thoroughfares, existing and proposed zoning, and such other items as may be required by the Director of Planning and Community Development

(5) Payment of the appropriate fees as set forth in the schedule of fees adopted by Council.

(6) Amendments to the Zoning Map adopted as part of this Zoning Ordinance shall contain the following additional information:

A. Legal description of the parcel to be rezoned;

B. Present use;

C. Present zoning district;

D. Proposed zoning district;

E. Proposed use;

F. A vicinity map at a scale approved by the Director of Planning and Community Development showing all property lines, thoroughfares, existing and proposed

zoning, and such other items as the Director of Planning and Community Development may require; and

G. A list of all property owners and their mailing addresses who are within 150 feet from the parcel(s) proposed to be rezoned and others that may have substantial interest in the case. (ORD 02-54 Passed June 10, 2002)

(b) Review for Completeness. The Director of Planning and Community Development shall review the submitted application for completeness and compliance with the applicable submission requirements within ten (10) days of receipt of such application. If the application is deemed insufficient, the Director of Planning and Community Development shall notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Director of Planning and Community Development shall officially accept the application for consideration.

(c) Transmittal to Planning Commission. After the filing of a completed application by an owner, lessee of property or developer with an option on such property, the Director of Planning and Community Development shall transmit the application to the Planning Commission to begin the adoption process set forth in 1130.05 through 1130.08.

SECTION 1130.04 AMENDMENTS INITIATED BY PLANNING COMMISSION OR COUNCIL.

After the passage of a motion by the Planning Commission or the adoption of a resolution by Council, the motion or resolution shall be reviewed and considered by the Planning Commission and Council according to the process set forth in Sections 1130.05 through 1130.08.

SECTION 1130.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

Upon the receipt of an application or resolution or upon the passage of a motion, the Planning Commission shall set a date for a public hearing thereon. Notice of the public hearing shall comply with the following:

(a) Notice of the proposed amendment shall be published at least ten (10) days prior to the date of the required hearing, in one or more newspapers of general circulation in the City.

In addition, the Director of Planning and Community Development or designee shall send a notice to the tax mailing addresses of all property owners whose property is located within 150 feet of the parcel(s) proposed to be rezoned. (ORD 02-54 Passed June 10, 2002)

(b) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.

(c) In the event of a public hearing regarding a rezoning proposal, the property owner shall post a sign conforming to the following:

(1) The sign shall be posted on at least one of the parcels in the area proposed to be rezoned in a location visible from an adjacent street.

(2) The sign shall be two (2) feet by two (2) feet with letters not less than two (2) inches in height notifying the public of the date, time and location of the upcoming hearing.

(3) The sign shall be posted continuously for at least ten (10) days prior to the date of the required public hearing.

(d) The Planning Commission may continue or defer its consideration and no further written notice shall be required.

SECTION 1130.06 RECOMMENDATION BY THE PLANNING COMMISSION.

(a) Within sixty (60) days from receipt of the proposed amendment, and after the conclusion of the public hearing required in Section 1130.05, the Planning Commission shall recommend one of the following to Council.

(1) That the amendment be granted as requested;

Certificate of Mailing

I hereby certify that a copy of the attached Notice of Meeting or Public Hearing was sent to the persons on the attached list by ordinary mail, postage prepaid at Delaware, Ohio, this __7th___ day of ____July_____, 2004__.

Elizabeth Corwin

PC04-068, PC 04-072

*Highlighted items are within 150' of property you own or lease.

PUBLIC NOTICE

Notice is hereby given that the Planning Commission of the City of Delaware, Ohio, under Chapters 1130 and 1148 of the Codified Ordinances of the City of Delaware, will conduct a public hearing **at 7:00 p.m. Wednesday, July 21, 2004**. The meeting is scheduled to conclude at 10:00 p.m. but may be extended by the Commissioner members, if needed. Items not completed on July 21st will be carried over to Wednesday, August 4, 2004 at 7:00 p.m. Both meetings are to be held at the Delaware City Hall, City Council Chambers, 1 South Sandusky Street, Delaware, Ohio.

1. Application PC 04-063: A request by John Kennedy, representing T&R Land Development Co., for a rezoning of the 120.3 acres located at the NE corner of North Street and Berlin Station/Curve Roads from M-1 (Light Industrial District) and A-1 (Agricultural District) to PMU (Planned Mixed Use).
2. Application PC 04-068: A request by Floyd E. Browne & Associates for a rezoning of the 22.518 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District).
3. Application PC 04-072: A request by Floyd E. Browne & Associates for an amendment to the Comprehensive Plan that would change the 22.518 acres located at the NE corner of US 23S and Cheshire Road from Low Density Multi-family Residential to Mixed Use.
4. Application PC 04-076: A request by Richard and Linda Spradlin for a Conditional Use Permit for a Bed and Breakfast use to be located at 393 E. Central Avenue.

PLANNING COMMISSION
CITY OF DELAWARE, OHIO
Vince Papsidero
740/368-1652
e-mail: vpapsidero@delawareohio.net

Jon Saia
1188 Rosebank Dr
Columbus OH 43235

Aaron Eakin
3711 Columbus Pike
Delaware OH 43015

Phyllis Ann Havener
1859 Bedford
Columbus OH 43212

Carol Margaret Wooten
280 Cheshire Rd
Delaware OH 43015

Bernard Moretti
222 Cheshire Rd
Delaware OH 43015

Anthony Pinto
190 Cheshire Rd
Delaware OH 43015

Robert Shaw
170 Cheshire Rd
Delaware OH 43015

Melanie Metzler
70 Cheshire Rd
Delaware OH 43015

Cheshire Crossing
PO Box 395
Grove City OH 43213

M/I Homes
3 Easton Oval Ste 540
Columbus OH 43219

Marla Kerr
166 Ruby Red Ln
Delaware OH 43015

Dominion Homes
154 Ruby Red Ln
Delaware OH 43015

Eric Martin
136 Sapphire Ice Dr
Delaware OH 43015

Thomas Olson
130 Sapphire Ice Dr
Delaware OH 43015

Brian Barnhart
118 Sapphire Ice Dr
Delaware OH 43015

Todd Detweiler
112 Sapphire Ice Dr
Delaware OH 43015

Kristi Livingston
106 Sapphire Ice Dr
Delaware OH 43015

Heather Hohman
226 Crystal Petal Dr
Delaware OH 43015

Brian Hubler
214 Crystal Petal Dr
Delaware OH 43015

Mark Kern
101 Sunny Shell Ct
Delaware OH 43015

Sarah Mouch
107 Sunny Shell Ct
Delaware OH 43015

Matthew Neuens
115 Sunny Shell Ct
Delaware OH 43015

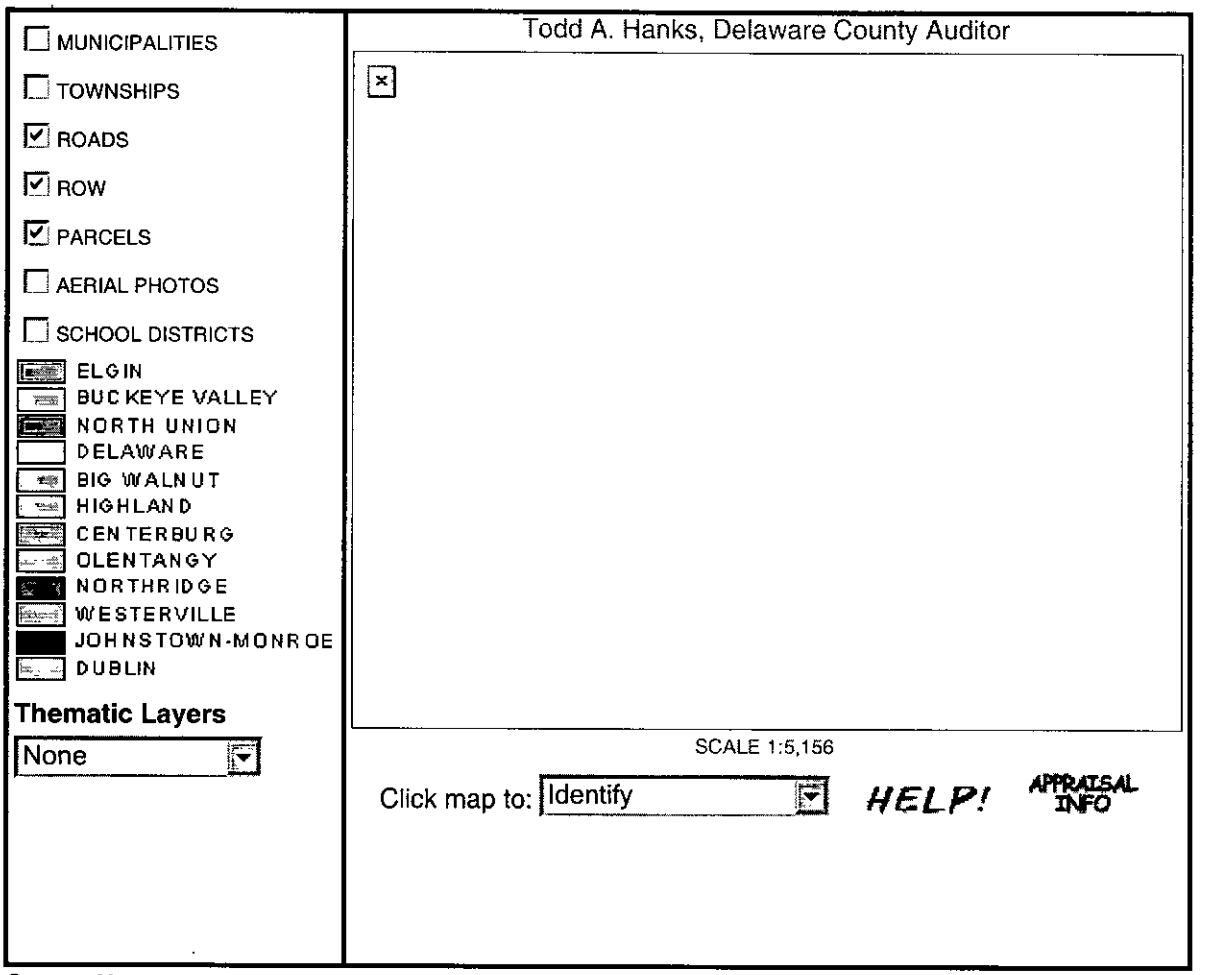
Rudy Givan
106 Sunny Shell Ct
Delaware OH 43015

Scott Wilkie
129 Sapphire Ice Dr
Delaware OH 43015

Brent Fisher
115 Sapphire Ice Dr
Delaware OH 43015

Jason Cash
149 Ruby Red Ln
Delaware OH 43015

P C04-068



Owner Name	Address	Parcel ID
~~RAINBOW DEVELOPMENT CORP~~	~~COLUMBUS PIKE, DELAWARE OH 43015~~	~~41941002005000~~
~~CHESHIRE ROAD LLC~~	~~CHESHIRE RD, DELAWARE OH 43015~~	~~41941002005002~~
SAIA JON	1188 Rosebank Dr Cols 43235 ~~3731 COLUMBUS PIKE~~, DELAWARE OH 43015	41941002015000
EAKIN AARON R	3711 COLUMBUS PIKE, DELAWARE OH 43015	41941002016000
~~HAWKINS CAROLYN E TRUSTEE~~	~~COLUMBUS PIKE, DELAWARE OH 43015~~	~~41941003005001~~
HAVENER PHYLLIS ANN	1859 Bedford Cols 43212 ~~COLUMBUS PIKE, DELAWARE OH 43015~~	41941003007000
WOOTEN CAROL MARGARET	280 CHESHIRE RD, DELAWARE OH 43015	41941004014000
MORETTI BERNARD R	222 CHESHIRE RD, DELAWARE OH 43015	41941004015000
PINTO ANTHONY E	190 CHESHIRE RD, DELAWARE OH 43015	41941004016000
SHAW ROBERT L	170 CHESHIRE RD, DELAWARE OH 43015	41941004017000
~~METZLER MELANIE~~	~~70 CHESHIRE RD, DELAWARE OH 43015~~	41941004018000
METZLER MELANIE	70 CHESHIRE RD, DELAWARE OH 43015	41941004019000
CHESHIRE CROSSING	~~188 CHESHIRE RD~~, DELAWARE OH 43015	41941007001000
M/I HOMES OF CENTRAL OHIO	P O Box 395 Grove City 43213 3 Easton Oval Ste 310 Cols 43219 ~~172 RUBY RED LN~~, DELAWARE OH 43015	41941007002000
KERR MARLA	166 RUBY RED LN, DELAWARE OH 43015	41941007003000
~~M/I HOMES OF CENTRAL OHIO~~	~~160 RUBY RED LN, DELAWARE OH 43015~~	41941007004000
DOMINION HOMES INC	154 RUBY RED LN, DELAWARE OH 43015	41941007005000
~~M/I HOMES OF CENTRAL OHIO~~	~~148 RUBY RED LN, DELAWARE OH 43015~~	41941007006000
~~DOMINION HOMES INC~~	~~140 RUBY RED LN, DELAWARE OH 43015~~	41941007007000
~~DOMINION HOMES INC~~	~~154 SAPPHIRE ICE DR, DELAWARE OH~~ 43015	41941007008000
~~M/I HOMES OF CENTRAL OHIO~~	~~148 SAPPHIRE ICE DR, DELAWARE OH 43015~~	41941007009000

DOMINION HOMES INC	142 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007010000
MARTIN ERIC W	136 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007011000
OLSON THOMAS J	130 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007012000
M/I HOMES OF CENTRAL OHIO	124 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007013000
BARNHART BRIAN J	118 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007014000
DETWEILER TODD O	112 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007015000
LIVINGSTON KRISTI L	106 SAPPHIRE ICE DR, DELAWARE OH 43015	41941007016000
HOHMAN HEATHER R	226 CRYSTAL PETAL DR, DELAWARE OH 43015	41941007017000
M/I HOMES OF CENTRAL OHIO	220 CRYSTAL PETAL DR, DELAWARE OH 43015	41941007018000
HUBLER BRIAN M	214 CRYSTAL PETAL DR, DELAWARE OH 43015	41941007019000
KERN MARK J	101 SUNNY SHELL CT, DELAWARE OH 43015	41941007020000
MOUCH SARAH E	107 SUNNY SHELL CT, DELAWARE OH 43015	41941007021000
NEUENS MATTHEW J	115 SUNNY SHELL CT, DELAWARE OH 43015	41941007022000
GIVAN RUDY L	106 SUNNY SHELL CT, DELAWARE OH 43015	41941007023000
DOMINION HOMES INC	100 SUNNY SHELL CT, DELAWARE OH 43015	41941007024000
CHESHIRE ROAD LLC	190 CRYSTAL PETAL DR, DELAWARE OH 43015	41941007025000
WILKIE SCOTT A	129 SAPPHIRE ICE DR, DELAWARE OH 43015	41941009001000
FISHER BRENT A	115 SAPPHIRE ICE DR, DELAWARE OH 43015	41941009002000
DOMINION HOMES INC	118 RUBY RED LN, DELAWARE OH 43015	41941009009000
DOMINION HOMES INC	171 RUBY RED LN, DELAWARE OH 43015	41941010001000
M/I HOMES OF CENTRAL OHIO	155 RUBY RED LN, DELAWARE OH 43015	41941010002000
CASH JASON A	149 RUBY RED LN, DELAWARE OH 43015	41941010003000
M/I HOMES OF CENTRAL OHIO	143 RUBY RED LN, DELAWARE OH 43015	41941010004000
DOMINION HOMES INC	137 RUBY RED LN, DELAWARE OH 43015	41941010005000
M/I HOMES OF CENTRAL OHIO	131 RUBY RED LN, DELAWARE OH 43015	41941010006000

ORDINANCE NO. 04-133

AN ORDINANCE APPROVING, WITH CONDITIONS, A REZONING OF THE 19.3 ACRES LOCATED AT THE NE CORNER OF US 23S AND CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO PMU (PLANNED MIXED USE DISTRICT) FOR THE PROPOSED FLOYD BROWNE ASSOCIATES OFFICE DEVELOPMENT AND ADJACENT CONDOMINIUM PROJECT.

WHEREAS, the Planning Commission at its meeting of July 7, 2004 recommended approval, with conditions, for a Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project (PC 04-068).

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

SECTION 1. That the Rezoning of the 19.3 acres located at the NE corner of US 23S and Cheshire Road from A-1 (Agricultural District) to PMU (Planned Mixed Use District) for the proposed Floyd Browne Associates Office Development and adjacent Condominium Project, be and the same is hereby confirmed, approved, and accepted, with the attached Text Limitations offered by the Applicant.

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: August 23, 2004 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Roby Mathias
CITY CLERK

Linda L Wheeler
MAYOR