ORDINANCE NO. 05-11

SCANNED

AN ORDINANCE APPROVING, WITH TEXT LIMITATIONS DATED FEBRUARY 28, 2005, AND CONDITIONS, A REZONING OF THE 262± ACRES LOCATED EAST OF US 23S AND NORTH OF PEACHBLOW ROAD TO R-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT), R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT), B-4 (GENERAL BUSINESS DISTRICT), AND PO/I (PLANNED OFFICE /INSTITUTIONAL DISTRICT), AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission at its meeting of January 5, 2005 recommended approval, with text limitations dated February 28, 2005, and conditions, for the Rezoning of 262± acres located east of US 23S and north of Peachblow Road to R-3 (Single-family Residential District), R-6 (Multi-family Residential District), B-4 (General Business District), and PO/I (Planned Office/Institutional District) (PC 05-004), and

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

SECTION 1. That the Rezoning of 262± acres located east of US 23S and north of Peachblow Road to R-3 (Single-family Residential District), R-6 (Multi-family Residential District), B-4 (General Business District), and PO/I (Planned Office/Institutional District), be the same and is hereby confirmed, approved, and accepted, with the text limitations dated February 28, 2005.

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.

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULES SUSPENSION: YEAS 7 NAYS 0
ABSTAIN 0

VOTE ON EMERGENCY CLAUSE: YEAS 7 NAYS 0

ABSTAIN 0

PASSED: February 28, 2005

YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Lindsey Hoshaw
CITY CLERK

Windell Hoeler
MAYOR

DELAWARE SOUTH ZONING TEXT
Development Standards

Delaware South Area
260 Acres - Zoning Case 05-004
February 28, 2005

Proposed Zonings:
B-4, PO/I, R-6, R-3

Sub Area Descriptions:

Sub Area I: Sub Area I shall be the area generally defined by Grady Boulevard on the south, US 23 on the west, the Ro Lane on the east, and the northern property boundary. (12.46± acres gross).

Sub Area II: Sub Area II shall be the area generally defined by Grady Boulevard on the north, US 23 on the west, the drainage swale on the east, and the southern property boundary adjacent to Delaware County JVS. (6.8± acres gross) (i.e. the Media Property)

Sub Area III: Sub Area III A shall be the area generally defined by Grady Boulevard on the south, the Ro Lane on the west, the drainage swale on the east, and the northern property boundary. (10.7± acres gross) Sub Area III B shall be the area generally defined by Grady Boulevard on the south, the drainage swale on the west, the Glenn Road on the east, and the northern property boundary. (8.68± acres gross)

Sub Area IV: Sub Area IV shall be the area generally defined by Grady Boulevard on the north, the drainage swale on the west, Glenn Road on the east, and the southern property boundary. (15.8± acres gross)

Sub Area V: Sub Area V shall be the area generally defined as the eastern 105± acres of the Ro / Lee Family Partnership Tract, including the Peachblow access lane. It is bordered by the Glenn Road on the west, the Tanglewood Golf Course along the northern property boundary, and extends to the adjacent Evans property on the south, and to the Grden and Barrows properties to the east. (106± acres gross)

Sub Area VI: Sub Area VI is the part of the Evans Investment Tract lying south of Sub Area V, with a portion bounded by Peachblow Road and bounded on the west the proposed Glenn Road and Delaware JVS (40.5 +/- acres gross).

Sub Area VII: Sub Area VII is the part of the Evans Investment Tract lying south and east of Sub Area VI, The southern portion is bounded by Peachblow Road. (18.5 +/- acres gross)

Sub Area VIII: Sub Area VIII is the remaining eastern portion of the Evans Investment Tract lying south of Sub Area V. (52 +/- acres gross)

A. Uses:

1) **Sub Areas I through IV and VI-B** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:

(1) Retail Development with a minimum gross floor area of 100,000 square feet or greater
(6) Funeral Home and related facilities
(7) Veterinary Office (no outside run or kennel)
(8) Veterinary Hospital (with or without kennel)
(9) Kennel, boarding stables
(10) Taxidermy shop
(11) Self-service storage

1143.02(d) Automotive and Transportation:

(2) Automotive Repair Garage (except as a part of a new car Automotive Sales dealership)
(3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
(6) Car Wash (except as a part of an Automotive Service Station)
(7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
(8) Truck, farm and recreational vehicles -- sales and storage

1143.02(e) Outdoor Display Storage:

(1) Outdoor Display
(2) Outdoor Storage

1143.02(f) Community Facilities:

(10) Public safety and service facility
(11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:

(1) Outdoor recreation and amusement
(3) Golf Courses and Country Clubs

(4) Drive-in theater

2) **Sub Area V**, shall allow all PO/I permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1141.02, specifically including a heliport for the private use of Grady Hospital and its invitees, Day care facilities for hospital employees and visitors, and residential care facilities, **excluding** only the following uses (except where noted), as numbered in the Code:

1141.02(a) Residential
- (1) Single-family dwelling
- (2) Multi-family dwelling

1141.02(c) Services
- (1) Funeral home and related facilities
- (2) Veterinarian offices (no outside run or kennel)
- (3) Veterinarian offices (with or without kennel)

3) **Sub Area VI A** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:

- (5) Funeral Home and related facilities
- (8) Kennel, boarding stables
- (9) Taxidermy shop
- (10) Self-service storage

1143.02(d) Automotive and Transportation:

- (3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
- (7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
- (8) Truck, farm and recreational vehicles -- sales and storage

1143.02(f) Community Facilities:

- (11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:

- (1) Outdoor recreation and amusement
- (3) Golf Courses and Country Clubs
- (4) Drive-in theater

provided, however, that if before this rezoning is heard by the Planning Commission the owner of the Evans Investment Tract does not acquire that part of the Joint Vocational School District property that will be located south and east of Glenn Road, then, at the option of the owner of the Evans Investment Tract, that part of Sub Area VI(A) that is south of Midpoint Road may be taken out of Sub Area VI(A) and made a part of Sub Area VII.

4) **Sub Area VII** shall allow all R-6 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

5) **Sub Area VIII** shall allow all R-3 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

6) Where any uses specifically permitted herein necessitate the granting of conditional use permits or variance, the City shall actively support the granting of such permits or variances on an expeditious basis.

B. Density:

1) In Sub Area I, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 6 lots in Sub Area I.

2) In Sub Area II, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 5 lots in Sub Area II.

3) In Sub Area III A, there shall be no more than 3 lots at a minimum of 1 acre in size.

4) In Sub Area III B, there shall be no more than 3 lots at a minimum of 1 acre in size.

5) In Sub Area IV, the minimum lot size shall be no less than 2 acres with the exception of one 1-acre lot (minimum) to be located at the southwest corner of Grady Boulevard and the Glenn Road. There shall be no more than a total of 4 lots in Sub Area IV, including the 1-acre corner lot.

6) The minimum lot sizes in Sub Areas V shall be 2 acres.

7) In Sub Area VI A, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 8 lots.

C. Setbacks and Height:

Sub Areas shall meet all the requirements of the base zoning, including the following standards:

1) Setbacks, which shall be measured from existing and planned road rights of way, shall be established as follows:

a) US 23: 80' Building setback and 50' parking setback from the existing (September 1, 2004) US 23 right of way.

b) Grady Boulevard planned 100' right of way for the first 200' east of US23: 50' building setback and 20' parking setback, excluding Sub Areas III and IV, whose setbacks shall be as follows:

	Building Setback	Parking Setback
Any Bldg. in III	90 feet	25 feet
One Story Bldg. in IV	90 feet	25 feet
> one story Bldg. in IV	120 feet	25 Feet

c) Ro Lane:

i) 80' building setback and 25' pavement setback for Sub Area V

d) Glenn Road:

i) 90' building setback and 60' pavement setback for Sub Area V
ii) 50' building setback and 20' pavement setback for Sub Areas III, IV and VI.

e) Internal Public Streets:

i) 80' building setback and 25' pavement setback for Sub Area V
ii) 35' building setback and 20' pavement setback for Sub Areas VI and VII

f) Side and rear yards:

i) 30' setback for buildings and 10' for pavement in Sub Areas I – VI A; provided that for the internal adjacent lot lines within Sub Area II the pavement setback shall be 0' to encourage shared parking and access.
ii) 30' setback for buildings and pavement in Sub Areas VI B except where adjacent to single family the building and pavement setbacks shall be increased to 50'
iii) 35' building and pavement setback for perimeter yards (north, east and west) in Sub Area VII

iv) Sub Area VIII side and rear yard setbacks shall be per code unless a buffer yard is specified herein.

g) Peachblow Road:

i) 50' building setback and 20' pavement setback for Sub Areas VI A
ii) 50' building and pavement setback for Sub Areas VII and VIII which shall serve as a buffer yard.

h) Peachblow Access Lane (a non-access private road to the Hospital Site):

i) setbacks to be established per Code section 1134.04.

2) Height:

a) Buildings shall be a maximum of 45' in height in Sub Areas I, II, III, and VI A.

b) In Sub Area IV, buildings shall be a maximum of 20' in height at the 50' building setback and a maximum of 45' in height at the 120' building setback.

c) Buildings shall be a maximum of 100' in height in Sub Area V.

d) Buildings shall be a maximum of 35' in height in Sub Areas VII and VIII.

e) Within Sub Area VI B, buildings located within 100' of residential structures shall not exceed 35' in height. Buildings located greater than 100' from residential structures shall not exceed 65' in height.

f) Accessory buildings shall be limited to one story and 20' in height.

D. Access, Parking, Loading and Other Traffic Related Standards and Commitments:

1) Grady Boulevard:

a) The proposed right-of-way shall be 100' wide to 200' east of US 23 right of way, then 80' wide to Glenn Road. There shall be no curb cuts on Grady Boulevard within 200' of the US 23 intersection.

b) A signal shall be installed at the intersection of Grady Boulevard and US 23 by the City of Delaware when warranted. The design of the signalization shall be performed and paid for by the Owners, subject to approval by the City and ODOT.

2) Ro Lane shall have a right-of-way of 60' minimum.

3) The Glenn Road shall have a right-of-way of 120', plus room for (a) the Grady Boulevard intersection modern roundabout, the interior of which shall be reserved by lease or easement to Grady Hospital for landscaping and signage supportive of uses on Sub Area V, and (b) the potential modern roundabout at the Midpoint Road intersection if warranted and approved in the future. Within Sub Areas III and IV, there shall be permitted one full access curb cut per lot, which shall not be closer than 200 feet to the initial curvature of the Glenn Road / Grady roundabout.

4) Sidewalks five feet in width shall be constructed within the rights of way on both sides of all public streets, with the exception of US 23 where no sidewalks are required, and with the further exception of the east side of Glenn Road wherein an eight foot bike path shall be constructed as a part of Glenn Road construction and to Delaware design specifications. Additionally, an eight foot bike path shall be constructed within the right of way on the east side of US 23 to Delaware design specifications.

5) A maximum of one curb cut per lot shall be permitted off Grady Boulevard. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

6) No curb cuts shall be permitted onto US 23.

7) At all locations, spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

8) A dedicated street to serve the Evans Investment Tract shall be provided as necessary approximately at a midpoint of the west property line of Sub Area VI A ("Midpoint Road"). The intersection of the Midpoint Road and Glenn Road shall initially be a full movement intersection. In the future, dependent on future traffic needs, the Midpoint Road intersection may be expanded to potentially include signalization, other traffic designs, or a modern roundabout to be constructed within the lands dedicated pursuant to subparagraph 3 above. A service drive or cross access easements shall be provided so that all of the outlots in Sub Area VI A shall have access to the Midpoint Road. In addition, two right in right out curb cuts shall be permitted along Glenn Road to serve Sub Area VI A, which shall be no closer than 200 feet to the Midpoint Road intersection. The City of Delaware shall consider permitting additional right-in right-out curb cuts along Glenn Road to serve Sub Area VI A subject to further traffic study and approval.

9) Curb cuts in Sub Area VI, VII and VIII are subject to final design by the property owner and approval by the City Engineer.

E. Architectural Standards:

Commercial Buildings:

1) All buildings shall be required to have a similar theme incorporating four-sided architecture, i.e. all facades treated equally. It is recognized that buildings will have service and loading areas. While these areas may not have the same degree of detail and finish as the other building façades, the building materials required in this section shall apply.

2) Buildings shall use natural materials such as stone, cultured stone, wood, brick and engineered siding products (including cementitious and other engineered siding products, but not vinyl or aluminum siding) (collectively "Natural Materials"). Man-made products such as stucco, EIFS, and Dryvit products shall also be permitted, but in no case shall a building be totally comprised of man-made products. Other materials may be used for windows, doors and limited accents. No concrete or split face block shall be permitted. Natural Materials must be incorporated on the first floor of every façade.

3) Color palette shall consist of earth tones. Additional colors may be used as accents but may not be high gloss or high chroma colors.

4) Aluminum and/or vinyl may be incorporated into the buildings for trim and details only such as: soffits, gutters, downspouts, shutters etc.

5) Single story buildings shall be required to have a pitched roof. Minimum roof slopes shall be 6:12. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

6) Flat roofs shall be permitted on buildings of two stories or greater. However, all roof-top mechanical equipment shall be completely screened in an enclosure that is compatible with the architecture and theme established for the building.

7) All ground mounted mechanical equipment shall be completely screened by a wall, fence, hedge or other appropriate screening method to the full height of such equipment.

8) Accessory buildings, enclosures, and any other structure that is appurtenant to any building on a lot shall be of similar design and materials.

9) Canopies and support columns associated with a building entry or business function must adhere to the same architectural design and material standards as presented herein.

10) Building fronts shall orient themselves to the public street whenever possible.

Residential Buildings:

1) At least 50% of the front façade elevation of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of Natural Materials. Man-made products such as stucco, EIFS, Dryvit, aluminum products shall also be permitted, but in no case shall a building be totally comprised of man-made products. No concrete or split face block shall be permitted.

2) A uniform mailbox and post with reflective numbers shall be required for all detached single family homes.

3) Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss or high chroma colors.

4) Buildings shall be required to have a minimum 6:12 roof pitch. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

5) All detached single family homes shall have at least a 2-car garage.

6) All multifamily buildings shall have facades (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) which consist of 100% all Natural Material.

F. Landscaping, Tree Preservation, and Screening Standards:

1) All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code; provided, however, that any trees removed as a part of construction of any of the roads within the Combined Properties shall not have to be replaced.

2) Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.

3) A single row of flowering ornamental trees shall be provided along Grady Boulevard and Glenn Road, within the tree lawns. These trees shall be spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.

4) Street trees shall be required along all other public streets within the tree lawns. Street trees shall be a minimum of 1¾" caliper, planted 40' on center, and shall be one consistent deciduous species per street.

5) All parking areas shall be screened from the public right-of-way at a height of 3'. Screening may be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Screening shall maintain 75% year-round opacity.

6) All buildings shall provide landscaping along the foundation and/or entry.

7) Loading and service areas must be screened from view of a public street or adjoining parcel/property.

G. Lighting:

Commercial Buildings:

1) External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage to off-site parcels. However, buildings and landscaping at entry location may be up-lit or down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels.

2) All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

3) All external outdoor lighting fixtures within a lot/parcel shall be from the same or similar manufacturer's type to insure compatibility.

4) Parking lot lighting standards shall not exceed 20' in height, including base.

5) No colored or flashing lights shall be used to light the exterior of buildings.

H. Graphics and Signage:

1) All signage and graphics shall conform to Chapter 1165 of the City of Delaware Zoning Code.

2) A major entry feature shall be established within Sub Area I within the setback area at the northeast corner of the intersection of US 23 and Grady Boulevard. Said entry feature shall be located in an easement of not more than 1/8 acre or less in size. Said entry feature shall provide at least 60% of the sign area to the user in Sub Area V. Sign shall not exceed 15' in height with a maximum of 110 square feet of sign area per face. Sign shall be mounted on a masonry base and incorporate landscaping, lighting and earth mounding. Minimum setback for this entry feature/signage shall be 10' from the right-of-way line. In no case, shall said

entry feature interfere with maintaining safe clear sight distances at intersections. See Exhibit.

3) Each commercial lot may have one ground sign per street frontage. Sign shall be mounted on a masonry base and be landscaped. Sign may not exceed 8' in height. Maximum sign area shall not exceed 30 square feet per face. The maximum number of tenants listed per sign shall be six.

4) All commercial lots in Sub Areas I, II, III, IV, V and VI B shall have signs that utilize the same sign box, maximum size, colors, address numbers, and masonry base as indicated in Attachment A.

5) No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.

6) No flashing, traveling, animated, or intermittently illuminated signs shall be used. No co-op signs, rotating signs, trailer type signs, tethered balloons, roof signs, banners or pennants shall be permitted.

7) Signage may be illuminated internally or externally. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.

DELAWARE SOUTH ZONING TEXT
Development Standards

Delaware South Area
260 Acres - Zoning Case_____
October 11, 2004
(Revised 1-5-05)

Proposed Zonings:
B-4, PO/I, R-6, R-3

Sub Area Descriptions:

Sub Area I: Sub Area I shall be the area generally defined by Grady Boulevard on the south, US 23 on the west, the Ro Lane on the east, and the northern property boundary. (12.46± acres gross).

Sub Area II: Sub Area II shall be the area generally defined by Grady Boulevard on the north, US 23 on the west, the drainage swale on the east, and the southern property boundary adjacent to Delaware County JVS. (6.8± acres gross) (i.e. the Media Property)

Sub Area III: Sub Area III A shall be the area generally defined by Grady Boulevard on the south, the Ro Lane on the west, the drainage swale on the east, and the northern property boundary. (10.7± acres gross) Sub Area III B shall be the area generally defined by Grady Boulevard on the south, the drainage swale on the west, the Glenn Road on the east, and the northern property boundary. (8.68± acres gross)

Sub Area IV: Sub Area IV shall be the area generally defined by Grady Boulevard on the north, the drainage swale on the west, Glenn Road on the east, and the southern property boundary. (15.8± acres gross)

Sub Area V: Sub Area V shall be the area generally defined as the eastern 105± acres of the Ro / Lee Family Partnership Tract, including the Peachblow access lane. It is bordered by the Glenn Road on the west, the Tanglewood Golf Course along the northern property boundary, and extends to the adjacent Evans property on the south, and to the Grden and Barrows properties to the east. (106± acres gross)

Sub Area VI: Sub Area VI is the part of the Evans Investment Tract lying south of Sub Area V, with a portion bounded by Peachblow Road and bounded on the west the proposed Glenn Road and Delaware JVS (40.5 +/- acres gross).

Sub Area VII: Sub Area VII is the part of the Evans Investment Tract lying south and east of Sub Area VI, The southern portion is bounded by Peachblow Road. (18.5 +/- acres gross)

Sub Area VIII: Sub Area VIII is the remaining eastern portion of the Evans Investment Tract lying south of Sub Area V. (52 +/- acres gross)

A. Uses:

1) **Sub Areas I through IV and VI-B** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:
- (6) Funeral Home and related facilities
- (7) Veterinary Office (no outside run or kennel)

(8) Veterinary Hospital (with or without kennel)
(9) Kennel, boarding stables
(10) Taxidermy shop
(11) Self-service storage

1143.02(d) Automotive and Transportation:
(2) Automotive Repair Garage (except as a part of a new car Automotive Sales dealership)
(3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
(6) Car Wash (except as a part of an Automotive Service Station)
(7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
(8) Truck, farm and recreational vehicles -- sales and storage

1143.02(e) Outdoor Display Storage:
(1) Outdoor Display
(2) Outdoor Storage

1143.02(f) Community Facilities:
(10) Public safety and service facility
(11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:
(1) Outdoor recreation and amusement
(3) Golf Courses and Country Clubs
(4) Drive-in theater

2) **Sub Area V**, shall allow all PO/I permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1141.02, specifically including a heliport for the private use of Grady Hospital and its invitees, Day care facilities for hospital employees and visitors, and residential care facilities, **excluding** only the following uses (except where noted), as numbered in the Code:

1141.02(a) Residential
(1) Single-family dwelling
(2) Multi-family dwelling
1141.02(c) Services
(1) Funeral home and related facilities
(2) Veterinarian offices (no outside run or kennel)
(3) Veterinarian offices (with or without kennel)

3) **Sub Area VI A** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:
(5) Funeral Home and related facilities
(8) Kennel, boarding stables
(9) Taxidermy shop
(10) Self-service storage

1143.02(d) Automotive and Transportation:

(3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
(7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
(8) Truck, farm and recreational vehicles -- sales and storage

1143.02(f) Community Facilities:
(11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:
(1) Outdoor recreation and amusement
(3) Golf Courses and Country Clubs
(4) Drive-in theater

provided, however, that if before this rezoning is heard by the Planning Commission the owner of the Evans Investment Tract does not acquire that part of the Joint Vocational School District property that will be located south and east of Glenn Road, then, at the option of the owner of the Evans Investment Tract, that part of Sub Area VI(A) that is south of Midpoint Road may be taken out of Sub Area VI(A) and made a part of Sub Area VII.

4) **Sub Area VII** shall allow all R-6 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

5) **Sub Area VIII** shall allow all R-3 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

6) Where any uses specifically permitted herein necessitate the granting of conditional use permits or variance, the City shall actively support the granting of such permits or variances on an expeditious basis.

B. Density:

1) In Sub Area I, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 6 lots in Sub Area I.

2) In Sub Area II, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 5 lots in Sub Area II.

3) In Sub Area III A, there shall be no more than 3 lots at a minimum of 1 acre in size.

4) In Sub Area III B, there shall be no more than 3 lots at a minimum of 1 acre in size.

5) In Sub Area IV, the minimum lot size shall be no less than 2 acres with the exception of one 1-acre lot (minimum) to be located at the southwest corner of Grady Boulevard and the Glenn Road. There shall be no more than a total of 4 lots in Sub Area IV, including the 1-acre corner lot.

6) The minimum lot sizes in Sub Areas V shall be 2 acres.

7) In Sub Area VI A, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 8 lots.

C. Setbacks and Height:

Sub Areas shall meet all the requirements of the base zoning, including the following standards:

1) Setbacks, which shall be measured from existing and planned road rights of way, shall be established as follows:

a) US 23: 80' Building setback and 50' parking setback from the existing (September 1, 2004) US 23 right of way.

b) Grady Boulevard planned 100' right of way for the first 200' east of US23: 50' building setback and 20' parking setback, excluding Sub Areas III and IV, whose setbacks shall be as follows:

	Building Setback	Parking Setback
Any Bldg. in III	90 feet	25 feet
One Story Bldg. in IV	90 feet	25 feet
> one story Bldg. in IV	120 feet	25 Feet

c) Ro Lane:
- i) 80' building setback and 25' pavement setback for Sub Area V

d) Glenn Road:
- i) 90' building setback and 60' pavement setback for Sub Area V
- ii) 50' building setback and 20' pavement setback for Sub Areas III, IV and VI.

e) Internal Public Streets:
- i) 80' building setback and 25' pavement setback for Sub Area V
- ii) 35' building setback and 20' pavement setback for Sub Areas VI and VII

f) Side and rear yards:
- i) 30' setback for buildings and 10' for pavement in Sub Areas I – VI A; provided that for the internal adjacent lot lines within Sub Area II the pavement setback shall be 0' to encourage shared parking and access.
- ii) 30' setback for buildings and pavement in Sub Areas VI B except where adjacent to single family the building and pavement setbacks shall be increased to 50'
- iii) 35' building and pavement setback for perimeter yards (north, east and west) in Sub Area VII
- iv) Sub Area VIII side and rear yard setbacks shall be per code unless a buffer yard is specified herein.

g) Peachblow Road:
- i) 50' building setback and 20' pavement setback for Sub Areas VI A
- ii) 50' building and pavement setback for Sub Areas VII and VIII which shall serve as a buffer yard.

h) Peachblow Access Lane (a non-access private road to the Hospital Site):
- i) setbacks to be established per Code section 1134.04.

2) Height:

a) Buildings shall be a maximum of 45' in height in Sub Areas I, II, III, and VI A.

b) In Sub Area IV, buildings shall be a maximum of 20' in height at the 50' building setback and a maximum of 45' in height at the 120' building setback.

c) Buildings shall be a maximum of 100' in height in Sub Area V.

d) Buildings shall be a maximum of 35' in height in Sub Areas VII and VIII.

e) Within Sub Area VI B, buildings located within 100' of residential structures shall not exceed 35' in height. Buildings located greater than 100' from residential structures shall not exceed 65' in height.

f) Accessory buildings shall be limited to one story and 20' in height.

D. Access, Parking, Loading and Other Traffic Related Standards and Commitments:

1) Grady Boulevard:

a) The proposed right-of-way shall be 100' wide to 200' east of US 23 right of way, then 80' wide to Glenn Road. There shall be no curb cuts on Grady Boulevard within 200' of the US 23 intersection.

b) A signal shall be installed at the intersection of Grady Boulevard and US 23 by the City of Delaware when warranted. The design of the signalization shall be performed and paid for by the Owners, subject to approval by the City and ODOT.

2) Ro Lane shall have a right-of-way of 60' minimum.

3) The Glenn Road shall have a right-of-way of 120', plus room for (a) the Grady Boulevard intersection modern roundabout, the interior of which shall be reserved by lease or easement to Grady Hospital for landscaping and signage supportive of uses on Sub Area V, and (b) the potential modern roundabout at the Midpoint Road intersection if warranted and approved in the future. Within Sub Areas III and IV, there shall be permitted one full access curb cut per lot, which shall not be closer than 200 feet to the initial curvature of the Glenn Road / Grady roundabout.

4) Sidewalks five feet in width shall be constructed within the rights of way on both sides of all public streets, with the exception of US 23 where no sidewalks are required, and with the further exception of the east side of Glenn Road wherein an eight foot bike path shall be constructed as a part of Glenn Road construction and to Delaware design specifications. Additionally, an eight foot bike path shall be constructed within the right of way on the east side of US 23 to Delaware design specifications.

5) A maximum of one curb cut per lot shall be permitted off Grady Boulevard. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

6) No curb cuts shall be permitted onto US 23.

7) At all locations, spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

8) A dedicated street to serve the Evans Investment Tract shall be provided as necessary approximately at a midpoint of the west property line of Sub Area VI A ("Midpoint Road"). The intersection of the Midpoint Road and Glenn Road shall initially be a full movement intersection. In the future, dependent on future traffic needs, the Midpoint Road intersection may be expanded to potentially include signalization, other traffic designs, or a modern roundabout to be constructed within the lands dedicated pursuant to subparagraph 3 above. A service drive or cross access easements shall be provided so that all of the outlots in Sub Area VI A shall have access to the Midpoint Road. In addition, two right in right out curb cuts shall be permitted along Glenn Road to serve Sub Area VI A, which shall be no closer than 200 feet to the Midpoint Road intersection. The City of Delaware shall consider permitting additional right-in right-out curb cuts along Glenn Road to serve Sub Area VI A subject to further traffic study and approval.

9) Curb cuts in Sub Area VI, VII and VIII are subject to final design by the property owner and approval by the City Engineer.

E. Architectural Standards:

Commercial Buildings:

1) All buildings shall be required to have a similar theme incorporating four-sided architecture, i.e. all facades treated equally. It is recognized that buildings will have service and loading areas. While these areas may not have the same degree of detail and finish as the other building façades, the building materials required in this section shall apply.

2) Buildings shall use natural materials such as stone, cultured stone, wood, brick and engineered siding products (including cementitious and other engineered siding products, but not vinyl or aluminum siding) (collectively "Natural Materials"). Man-made products such as stucco, EIFS, and Dryvit products shall also be permitted, but in no case shall a building be totally comprised of man-made products. Other materials may be used for windows, doors and limited accents. No concrete or split face block shall be permitted. Natural Materials must be incorporated on the first floor of every façade.

3) Alternate materials may be submitted for review and approval by the master developer.

4) Color palette shall consist of earth tones. Additional colors may be used as accents but may not be high gloss or high chroma colors.

5) Aluminum and/or vinyl may be incorporated into the buildings for trim and details only such as: soffits, gutters, downspouts, shutters etc.

6) Single story buildings shall be required to have a pitched roof. Minimum roof slopes shall be 6:12. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

7) Flat roofs shall be permitted on buildings of two stories or greater. However, all roof-top mechanical equipment shall be completely screened in an enclosure that is compatible with the architecture and theme established for the building.

8) All ground mounted mechanical equipment shall be completely screened by a wall, fence, hedge or other appropriate screening method to the full height of such equipment.

9) Accessory buildings, enclosures, and any other structure that is appurtenant to any building on a lot shall be of similar design and materials.

10) Canopies and support columns associated with a building entry or business function must adhere to the same architectural design and material standards as presented herein.

11) Building fronts shall orient themselves to the public street whenever possible.

Residential Buildings:

1) At least 50% of the front façade elevation of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of Natural Materials. Man-made products such as stucco, EIFS, Dryvit, aluminum products shall also be permitted, but in no case shall a building be totally comprised of man-made products. No concrete or split face block shall be permitted.

2) A uniform mailbox and post with reflective numbers shall be required for all detached single family homes.

3) Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss or high chroma colors.

4) Buildings shall be required to have a minimum 6:12 roof pitch. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

5) All detached single family homes shall have at least a 2-car garage.

6) All multifamily buildings shall have facades (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) which consist of 100% all Natural Material.

F. Landscaping, Tree Preservation, and Screening Standards:

1) All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code; provided, however, that any trees removed as a part of construction of any of the roads within the Combined Properties shall not have to be replaced.

2) Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.

3) A single row of flowering ornamental trees shall be provided along Grady Boulevard and Glenn Road, within the tree lawns. These trees shall be spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.

4) Street trees shall be required along all other public streets within the tree lawns. Street trees shall be a minimum of 1¾" caliper, planted 40' on center, and shall be one consistent deciduous species per street.

5) All parking areas shall be screened from the public right-of-way at a height of 3'. Screening may be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Screening shall maintain 75% year-round opacity.

6) All buildings shall provide landscaping along the foundation and/or entry.

7) Loading and service areas must be screened from view of a public street or adjoining parcel/property.

G. *Lighting:*

Commercial Buildings:

1) External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage to off-site parcels. However, buildings and landscaping at entry location may be up-lit or down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels.

2) All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

3) All external outdoor lighting fixtures within a lot/parcel shall be from the same or similar manufacturer's type to insure compatibility.

4) Parking lot lighting standards shall not exceed 20' in height, including base.

5) No colored or flashing lights shall be used to light the exterior of buildings.

H. Graphics and Signage:

1) All signage and graphics shall conform to Chapter 1165 of the City of Delaware Zoning Code.

2) A major entry feature shall be established within Sub Area I within the setback area at the northeast corner of the intersection of US 23 and Grady Boulevard. Said entry feature shall be located in an easement of not more than 1/8 acre or less in size. Said entry feature shall provide at least 60% of the sign area to the user in Sub Area V. Sign shall not exceed 15' in height with a maximum of 110 square feet of sign area per face. Sign shall be mounted on a masonry base and incorporate landscaping, lighting and earth mounding. Minimum setback for this entry feature/signage shall be 10' from the right-of-way line. In no case, shall said entry feature interfere with maintaining safe clear sight distances at intersections. See Exhibit.

3) Each commercial lot may have one ground sign per street frontage. Sign shall be mounted on a masonry base and be landscaped. Sign may not exceed 8' in height. Maximum sign area shall not exceed 30 square feet per face. The maximum number of tenants listed per sign shall be six.

4) All commercial lots in Sub Areas I, II, III, IV, V and VI B shall have signs that utilize the same sign box, maximum size, colors, address numbers, and masonry base as indicated in Attachment A.

5) No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.

6) No flashing, traveling, animated, or intermittently illuminated signs shall be used. No co-op signs, rotating signs, trailer type signs, tethered balloons, roof signs, banners or pennants shall be permitted.

7) Signage may be illuminated internally or externally. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.

DELAWARE SOUTH ZONING TEXT
Development Standards

Delaware South Area
260 Acres - Zoning Case_____
October 11, 2004

Proposed Zonings:
B-4, PO/I, R-6, R-3

Sub Area Descriptions:

Sub Area I: Sub Area I shall be the area generally defined by Grady Boulevard on the south, US 23 on the west, the Ro Lane on the east, and the northern property boundary. (12.46± acres gross).

Sub Area II: Sub Area II shall be the area generally defined by Grady Boulevard on the north, US 23 on the west, the drainage swale on the east, and the southern property boundary adjacent to Delaware County JVS. (6.8± acres gross) (i.e. the Media Property)

Sub Area III: Sub Area III A shall be the area generally defined by Grady Boulevard on the south, the Ro Lane on the west, the drainage swale on the east, and the northern property boundary. (10.7± acres gross) Sub Area III B shall be the area generally defined by Grady Boulevard on the south, the drainage swale on the west, the Glenn Road on the east, and the northern property boundary. (8.68± acres gross)

Sub Area IV: Sub Area IV shall be the area generally defined by Grady Boulevard on the north, the drainage swale on the west, Glenn Road on the east, and the southern property boundary. (15.8± acres gross)

Sub Area V: Sub Area V shall be the area generally defined as the eastern 105± acres of the Ro / Lee Family Partnership Tract, including the Peachblow access lane. It is bordered by the Glenn Road on the west, the Tanglewood Golf Course along the northern property boundary, and extends to the adjacent Evans property on the south, and to the **GArden** and Barrows properties to the east. (106± acres gross)

Sub Area VI: Sub Area VI is the part of the Evans Investment Tract lying south of Sub Area V, with a portion bounded by Peachblow Road and bounded on the west the proposed Glenn Road and Delaware JVS. (40.5 +/- acres gross).

Sub Area VII: Sub Area VII is the part of the Evans Investment Tract lying south and east of Sub Area VI, The southern portion is bounded by Peachblow Road. (18.5 +/- acres gross)

Sub Area VIII: Sub Area VIII is the remaining eastern portion of the Evans Investment Tract lying south of Sub Area V. (52 +/- acres gross)

A. Uses:

1) **Sub Areas I through IV and VI-B** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02 (c) Retail and Services:

(6) Funeral Home and related facilities
(7) Veterinary Office (no outside run or kennel)
(8) Veterinary Hospital (with or without kennel)
(9) Kennel, boarding stables
(10) Taxidermy shop
(11) Self-service storage

1143.02 (d) Automotive and Transportation:

(2) Automotive Repair Garage (except as a part of a new car Automotive Sales dealership)
(3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
(6) Car Wash (except as a part of an Automotive Service Station)
(7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
(8) Truck, farm and recreational vehicles -- sales and storage

1143.02 (e) Outdoor Display Storage:

(1) Outdoor Display
(2) Outdoor Storage

1143.02 (f) Community Facilities:

(10) Public safety and service facility
(11) Public utility substation or distribution facility

1143.02 (g) Recreation and Entertainment:

(1) Outdoor recreation and amusement
(3) Golf Courses and Country Clubs
(4) Drive-in theater

2) **Sub Area V**, shall allow all PO/I permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1141.02, specifically including a heliport for the private use of Grady Hospital and its invitees, Day care facilities for hospital employees and visitors, and residential care facilities, excluding only the following uses (except where noted), as numbered in the Code:

1141.02 (a) Residential
- (1) Single-family dwelling
- (2) Multi-family dwelling

1141.02 (c) Services
- (1) Funeral home and related facilities
- (2) Veterinarian offices (no outside run or kennel)
- (3) Veterinarian offices (with or without kennel)

3) **Sub Area VI A** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, excluding only the following uses (except where noted), as numbered in the Code:

1143.02 (c) Retail and Services:
- (5) Funeral Home and related facilities
- (8) Kennel, boarding stables
- (9) Taxidermy shop
- (10) Self-service storage

1143.02 (d) Automotive and Transportation:
- (3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
- (7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
- (8) Truck, farm and recreational vehicles -- sales and storage

1143.02 (f) Community Facilities:
- (11) Public utility substation or distribution facility

1143.02 (g) Recreation and Entertainment:
- (1) Outdoor recreation and amusement
- (3) Golf Courses and Country Clubs
- (4) Drive-in theater

provided, however, that if before this rezoning is heard by the Planning Commission the owner of the Evans Investment Tract does not acquire that part of

the Joint Vocational School District property that will be located south and east of Glenn Road, then, at the option of the owner of the Evans Investment Tract, that part of Sub Area VI(A) that is south of Midpoint Road may be taken out of Sub Area VI(A) and made a part of Sub Area VII.

4) **Sub Area VII** shall allow all R-6 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, excluding Section 1134.02(a)(10) mobile homes.

5) **Sub Area VIII** shall allow all R-3 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, excluding Section 1134.02(a)(10) mobile homes.

6) Where any uses specifically permitted herein necessitate the granting of conditional use permits or variance, the City shall actively support the granting of such permits or variances on an expeditious basis.

B. Density:

1) In Sub Area I, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 6 lots in Sub Area I.

2) In Sub Area II, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 5 lots in Sub Area II.

3) In Sub Area III A, there shall be no more than 3 lots at a minimum of 1 acre in size.

4) In Sub Area III B, there shall be no more than 3 lots at a minimum of 1 acre in size.

5) In Sub Area IV, the minimum lot size shall be no less than 2 acres with the exception of one 1-acre lot (minimum) to be located at the southwest corner of Grady Boulevard and the Glenn Road. There shall be no more than a total of 4 lots in Sub Area IV, including the 1-acre corner lot.

6) The minimum lot sizes in Sub Areas V shall be 2 acres.

7) In Sub Area VI A, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 8 lots.

C. Setbacks and Height:

Sub Areas shall meet all the requirements of the base zoning, including the following standards:

1) Setbacks, which shall be measured from existing and planned road rights of way, shall be established as follows:

a) US 23: 80' Building setback and 50' parking setback from the existing (September 1, 2004) US 23 right of way.

b) Grady Boulevard planned 100' right of way for the first 200' east of US23: 50' building setback and 20' parking setback, excluding Sub Areas III and IV, whose setbacks shall be as follows:

	Building Setback	Parking Setback
Any Bldg. in III	90 feet	25 feet
One Story Bldg. in IV	90 feet	25 feet
> one story Bldg. in IV	120 feet	25 Feet

c) Ro Lane:

i) 80' building setback and 25' pavement setback for Sub Area V

d) Glenn Road :

i) 90' building setback and 60' pavement setback for Sub Area V
ii) 50' building setback and 20' pavement setback for Sub Areas III, IV and VI.

e) Internal Public Streets:

i) 80' building setback and 25' pavement setback for Sub Area V
ii) 35' building setback and 20' pavement setback for Sub Areas VI and VII

f) Side and rear yards:

i) 30' setback for buildings and 10' for pavement in Sub Areas I – VI A; provided that for the internal adjacent lot lines within Sub Area II the pavement setback shall be 0' to encourage shared parking and access.
ii) 30' setback for buildings and pavement in Sub Areas VI B except where adjacent to single family the building and pavement setbacks shall be increased to 50'
iii) 35' building and pavement setback for perimeter yards (north, east and west) in Sub Area VII
iv) Sub Area VIII side and rear yard setbacks shall be per code unless a buffer yard is specified herein.

g) Peachblow Road:

i) 50' building setback and 20' pavement setback for Sub Areas VI A
ii) 50' building and pavement setback for Sub Areas VII and VIII which shall serve as a buffer yard.

h) Peachblow Access Lane (a non-access private road to the Hospital Site):

i) Setbacks to be established per Code section 1134.04.

2) Height:

a) Buildings shall be a maximum of 45' in height in Sub Areas I, II, III, and VI A.

b) In Sub Area IV, buildings shall be a maximum of 20' in height at the 50' building setback and a maximum of 45' in height at the 120' building setback.

c) Buildings shall be a maximum of 100' in height in Sub Area V.

d) Buildings shall be a maximum of 35' in height in Sub Areas VII and VIII.

e) Within Sub Area VI B, buildings located within 100' of residential structures shall not exceed 35' in height. Buildings located greater than 100' from residential structures shall not exceed 65' in height.

f) Accessory buildings shall be limited to one story and 20' in height.

D. Access, Parking, Loading and Other Traffic Related Standards and Commitments:

1) Grady Boulevard:

a) The proposed right-of-way shall be 100' wide to 200' east of US 23 right of way, then 80' wide to Glenn Road. There shall be no curb cuts on Grady Boulevard within 200' of the US 23 intersection.

b) A signal shall be installed at the intersection of Grady Boulevard and US 23 by the City of Delaware when warranted. The design of the signalization shall be ~~done by~~ **performed and paid for by** the Owners, subject to approval by the City and ODOT.

2) Ro Lane shall have a right-of-way of 60' minimum.

3) The Glenn Road shall have a right-of-way of 120', plus room for (a) the Grady Boulevard intersection modern roundabout, the interior of which shall be reserved by lease or easement to Grady Hospital for landscaping and signage supportive of uses on Sub Area V, and (b) ~~the~~ **a potential** Midpoint Road intersection modern roundabout **if warranted and approved in the future**. Within Sub Areas III and IV, there shall be permitted one full access curb cut per lot, which shall not be closer than 200 feet to the initial curvature of the Glenn Road / Grady ~~rotary~~ **roundabout**.

4) Sidewalks five feet in width shall be constructed within the rights of way on both sides of all public streets, with the exception of US 23 where no sidewalks are required, and with the further exception of the east side of Glenn Road wherein an eight foot bike path shall be constructed, all as a part of ~~road~~ **Glenn Road** construction and to Delaware design specifications. **An eight-foot bikeway shall be required along US 23.**

5) A maximum of one curb cut per lot shall be permitted off Grady Boulevard. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

6) No curb cuts shall be permitted onto US 23.

7) **At all locations,** spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

8) A dedicated street to serve the Evans Investment Tract shall be provided as necessary approximately at a midpoint of the west property line of Sub Area VI A ("Midpoint Road"). The intersection of the Midpoint Road and Glenn Road shall initially be a full movement intersection. ~~**At such time as a traffic signal is warranted at that intersection, the City of Delaware shall construct a modern roundabout at that intersection.**~~ A service drive or cross access easements shall be provided so that all of the outlots in Sub Area VI A shall have access to the Midpoint Road. In addition, two right in right out curb cuts shall be permitted along Glenn Road to serve Sub Area VI A, which shall be no closer than 200 feet to the Midpoint Road intersection. The City of Delaware shall consider permitting additional right-in right-out curb cuts along Glenn Road to serve Sub Area VI A **subject to further traffic study and approval**.

9) Curb cuts in Sub Area VI, VII and VIII are subject to final design by the property owner and approval by the City Engineer.

E. Architectural Standards:

Commercial Buildings:

1) All buildings shall be required to have a similar theme incorporating four-sided architecture, i.e. all facades treated equally. It is recognized that buildings will have service and loading areas. While these areas may not have the same degree of detail and finish as the other building façades, the building materials required in this section shall apply.

2) Buildings shall use natural materials such as stone, cultured stone, wood, brick and engineered siding products (including cementitious and other engineered siding products, but not vinyl or aluminum, siding) (collectively "Natural Materials"). Man-made products such as stucco, EIFS, and Dryvit products shall also be permitted, but in no case shall a building be totally comprised of man-made products. Other materials may be used for windows, doors and limited accents. No concrete or split face block shall be permitted. Natural Materials must be incorporated on the first floor of every façade.

3) Alternate materials may be submitted for review and approval by the master developer.

4) Color palette shall consist of earth tones. Additional colors may be used as accents but may not be high gloss or high chroma colors.

5) Aluminum and/or vinyl may be incorporated into the buildings for trim and details only such as: soffits, gutters, downspouts, shutters etc.

6) Single story buildings shall be required to have a pitched roof. Minimum roof slopes shall be 6:12. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

7) Flat roofs shall be permitted on buildings of two stories or greater. However, all roof-top mechanical equipment shall be completely screened in an enclosure that is compatible with the architecture and theme established for the building.

8) All ground mounted mechanical equipment shall be completely screened by a wall, fence, hedge or other appropriate screening method to the full height of such equipment.

9) Accessory buildings, enclosures, and any other structure that is appurtenant to any building on a lot shall be of similar design and materials.

10) Canopies and support columns associated with a building entry or business function must adhere to the same architectural design and material standards as presented herein.

11) Building fronts shall orient themselves to the public street whenever possible.

Residential Buildings:

1) At least 50% of the front façade elevation of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of Natural Materials. Man-made products such as stucco, EIFS, Dryvit, aluminum products shall also be permitted, but in no case shall a building be totally comprised of man-made products. No concrete or split face block shall be permitted.

2) A uniform mailbox and post with reflective numbers shall be required for all detached single family homes.

3) Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss or high chroma colors.

4) Buildings shall be required to have a minimum 6:12 roof pitch. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

5) All detached single family homes shall have at least a 2 -car garage.

6) All multifamily buildings shall have facades (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) which consist of 100% all Natural Material.

F. Landscaping, Tree Preservation, and Screening Standards:

1) All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code; provided, however, that any trees removed as a part of construction of any of the roads within the Combined Properties shall not have to be replaced.

2) Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.

3) A single row of flowering ornamental trees shall be provided along Grady Boulevard and Glenn Road, within the tree lawns. These trees shall be spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.

4) Street trees shall be required along all other public streets within the tree lawns. Street trees shall be a minimum of 1¾" caliper, planted 40' on center, and shall be one consistent deciduous species per street.

5) All parking areas shall be screened from the public right-of-way at a height of 3'. Screening may be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Screening shall maintain 75% year-round opacity.

6) All buildings shall provide landscaping along the foundation and/or entry.

7) Loading and service areas must be screened from view of a public street or adjoining parcel/property.

G. Lighting:

Commercial Buildings:

1) External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage to off-site parcels. However, buildings and landscaping at entry location may be up-lit or down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels.

2) All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

3) All external outdoor lighting fixtures within a lot/parcel shall be from the same or similar manufacturer's type to insure compatibility.

4) Parking lot lighting standards shall not exceed 20' in height, including base.

5) No colored or flashing lights shall be used to light the exterior of buildings.

H. Graphics and Signage:

1) All signage and graphics shall conform to Chapter 1165 of the City of Delaware Zoning Code.

2) A major entry feature shall be established within Sub Area I within the setback area at the northeast corner of the intersection of US 23 and Grady Boulevard. Said entry feature shall be located in an easement of not more than 1/8 acre or less in size. Said entry feature shall provide at least 60% of the sign area to the user in Sub Area V. Sign shall not exceed 15' in height with a maximum of 110 square feet of sign area per face. Sign shall be mounted on a masonry base and incorporate landscaping, lighting and earth mounding. Minimum setback for this entry feature/signage shall be 10' from the right-of-way line. In no case, shall said entry feature interfere with maintaining safe clear sight distances at intersections. See Exhibit.

3) Each commercial lot may have one ground sign per street frontage. Sign shall be mounted on a masonry base and be landscaped. Sign may not exceed 8' in height. Maximum sign area shall not exceed 30 square feet per face. The maximum number of tenants listed per sign shall be six.

4) All commercial lots in Sub Areas I, II, III, IV, V and VI B shall have signs that utilize the same sign box, maximum size, colors, address numbers, and masonry base as indicated in Attachment A.

5) No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.

6) No flashing, traveling, animated, or intermittently illuminated signs shall be used. No co-op signs, rotating signs, trailer type signs, tethered balloons, roof signs, banners or pennants shall be permitted.

7) Signage may be illuminated internally or externally. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / UPDATED STAFF REPORT

CASE NUMBER: PC 05-004
REQUEST: Rezoning
PROJECT: Grady Memorial Hospital
MEETING DATE: January 5, 2005

APPLICANT/OWNERS
Porter Wright Morris & Arthur
41 South High Street
Columbus, Ohio 43215-6194

See attached list of property owners

REQUEST
Rezoning of the 262± acres located east of US 23S and north of Peachblow Road to R-3 (Single-family Residential District), R-6 (Multi-family Residential District), B-4 (General Business District), and PO/I (Planned Office/Institutional District).

PROPERTY LOCATION & DESCRIPTION
The properties are located east of US 23S and north of Peachblow Road. The properties are currently still in Berlin and Liberty townships and are zoned in the township at this time. The annexation is to be considered by City Council prior to February 28. The surrounding zoning is township zoning on all sides, with the exception of A-1 (Severence property) and R-2 with a Planned Residential Overlay (Glenross Golf Club) to the north.

BACKGROUND
The Applicant proposes to rezone the properties to allow commercial and institutional uses supportive and compatible with the relocation of Grady Memorial Hospital to the interior 105-acre tract adjacent and south of the Glenross Golf Club, with approximately 65 acres devoted to residential uses. Zoning text has been proposed for this development and should be reviewed and acted upon as part of this rezoning request. It was originally reviewed as part of the pre-annexation agreement that was previously approved by City Council.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN**: The recently adopted Comprehensive Plan identifies this area as the Southeast Gateway with a relocated Grady Hospital as the core use and related office, retail and services uses recommended in the US 23 corridor. The Plan recommends Mixed Use on the Ro/Lee parcels west of the Grady site, Institutional for the Grady site, and Mixed Use for the Evans site. The Plan also shows Glenn Road extended south between the Ro/Lee and Grady sites.
- **REZONING**: The Applicant proposes straight zoning (without a planned overlay), but this creates complications with the Zoning Text, being that it cannot be approved under the provisions of the Zoning Code. A Planned Mixed-Use Overlay would permit flexibility in the Code whereas the straight zoning would require variances for some of the proposed standards indicated in the proposed Zoning Text. Staff supports amending of the application to the PMU District. The PMU requires a Preliminary Development Plan, but Staff recommends conditioning this approval to allow Preliminary Development Plan submittals with the individual subareas.
- ***PROPOSED ZONING TEXT**: The Applicant is proposing to zone the properties under the B-4, PO/I, R-6, and R-3 districts. Generally speaking the Ro/Lee parcels west of the Grady site would be zoned B-4 for office and retail uses, the Grady site would be zoned PO/I for hospital, office, and assisted living uses, the Evans site would be zoned B-4 along Glenn Road for retail uses, B-4 in the northwest quadrant behind Glenn Road for office uses, R-6 to the south for multi-family uses, and R-3 for the half to the east for single-family uses. In general the proposed zoning districts are consistent with the Comprehensive Plan because a zoning text is offered that details the program for each parcel. The proposed uses have been responsive to Staff comments regarding the quality of this development.
- **PROPOSED DEVELOPMENT STANDARDS**: The proposed text establishes a high set of standards for the development of these tracts. Lot sizes and setbacks either meet or exceed the Code. Of note, building height is set at 100 feet for the Grady Sub Area and 45 feet is the height limit for the Ro/Lee parcels allowing for office and hotel development. Each commercial lot is allowed only one ground sign (on a masonry base) per street frontage.
- **DENSITY/INTENSITY**: In Sub Area I, the minimum lot size shall be no less than one acre and there shall be no more than a total of six lots in Sub Area I. In Sub Area II, the minimum lot size shall be no less than one acre and there shall be no more than a total of five lots in Sub Area II. In Sub Area III A, there shall be no

more than three lots at a minimum of one acre in size. In Sub Area III B, there shall be no more than three lots at a minimum of one acre in size. In Sub Area IV, the minimum lot size shall be no less than two acres with the exception of one one-acre lot (minimum) to be located at the southwest corner of Grady Boulevard and Glenn Road. There shall be no more than a total of four lots in Sub Area IV, including the one-acre corner lot. The minimum lot sizes in Sub Area V shall be two acres. In Sub Area VI A, the minimum lot size shall be no less than one acre and there shall be no more than a total of eight lots.

- **PROPOSED ARCHITECTURE STANDARDS**: The proposed architecture standards establish a high quality for the development. Four-sided architecture is required on all commercial buildings and natural materials are required. Color palette is earth tones. Roof forms are pitched on single-story buildings and flat on multi-story buildings (roof top mechanicals are required to be screened). Accessory buildings are to match principal buildings. Text notes that alternate materials may be submitted for review and approval by the master developer. With the adopted zoning text and Final Development Plan requirements, there is no zoning latitude to allow alternate materials except via a variance. This provision should be deleted.

  For residential buildings, 50% of front elevation shall consist of natural materials (in no case shall a building be totally comprised of "man-made" products).

- **VARIANCES:** The text requires City support and expeditious processing of variances. Staff is concerned that it cannot legally agree to supporting all variances without knowing in advance what the variance requests will be. It is preferable to remove subsection A.6 from the text.

- **PROPOSED LANDSCAPING:** The text proposes flowering ornamental trees on Grady Boulevard and Glenn Road. This will require separate approval by the Shade Tree Commission, as will all other street tree and landscaping plans. The text also requires the screening of all off-street parking lots with a three-foot high screen (natural, walls, or fencing) with a 75% year-round opacity.

- **PROPOSED ROAD IMPROVEMENTS**: These improvements are addressed in Section D. The City Engineer has several comments regarding the text which need to be addressed in the text.

STAFF RECOMMENDATION

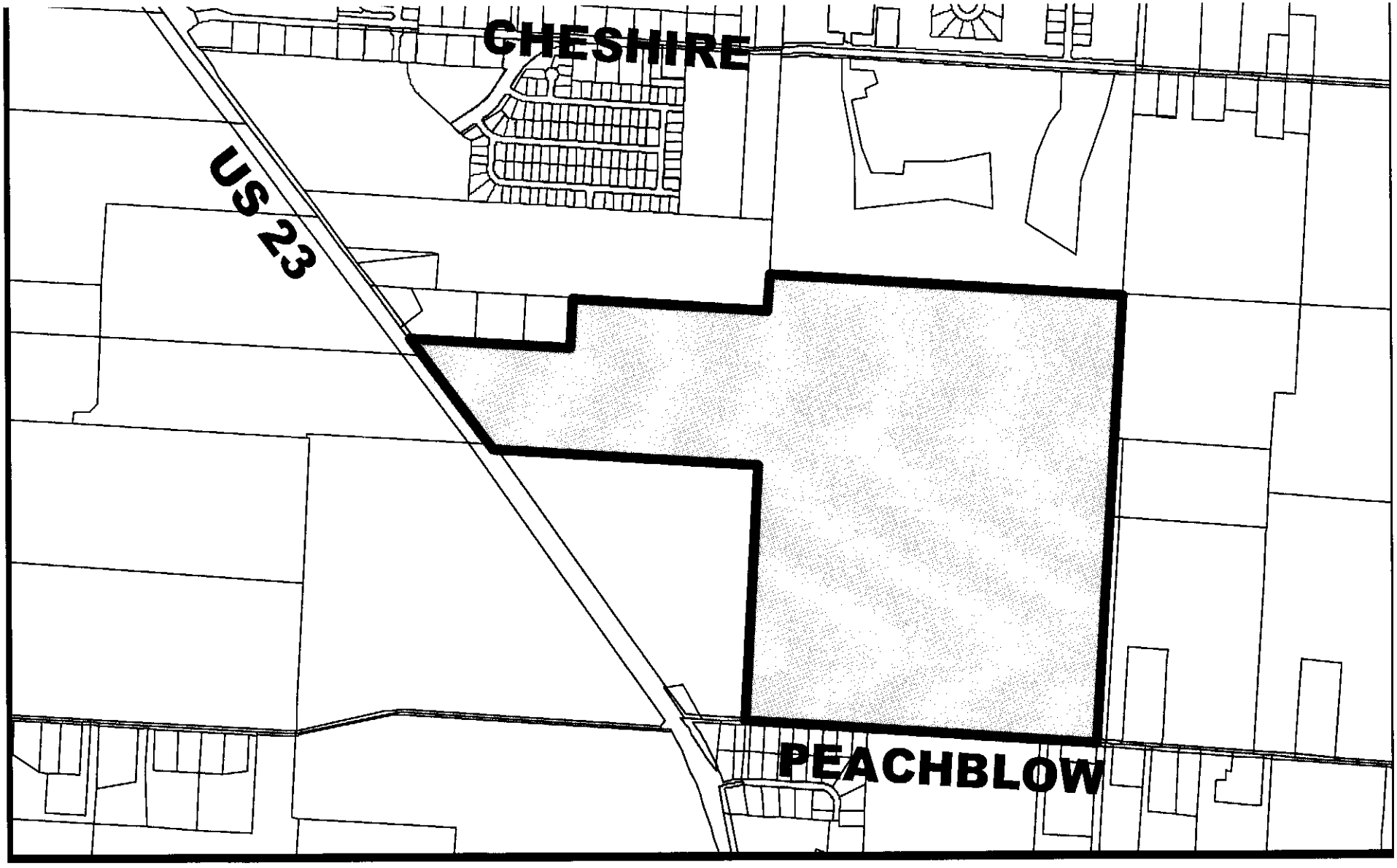
Staff supports the rezoning of the 262± acres located east of US 23S and north Peachblow Road to R-3 (Single-family Residential District), R-6 (Multi-family Residential District), B-4 (General Business District), and PO/I (Planned Office/Institutional District), with the following conditions:

Status as of 1/04/05

CONDITION	COMPLIANCE
1. The rezoning be amended to the Planned Mixed-Use District.	No
2. A Preliminary Development Plan must be submitted with each Sub Area.	No
3. Deletion of subsection A.6 regarding Staff support of variances.	No
4. Subsection D.3 should be revised to add language indicating that the Ro Lane right-of-way shall be dedicated at the time Grady Boulevard is constructed. Ro Lane is to be constructed concurrent with the first development project on the Ro tract.	No
5. Subsection D.5 should be revised to add that the curb cuts may be subject to some limitations (i.e. right-in/right-out depending on the configuration of the road serving the particular lot.).	No

FINDINGS OF FACT

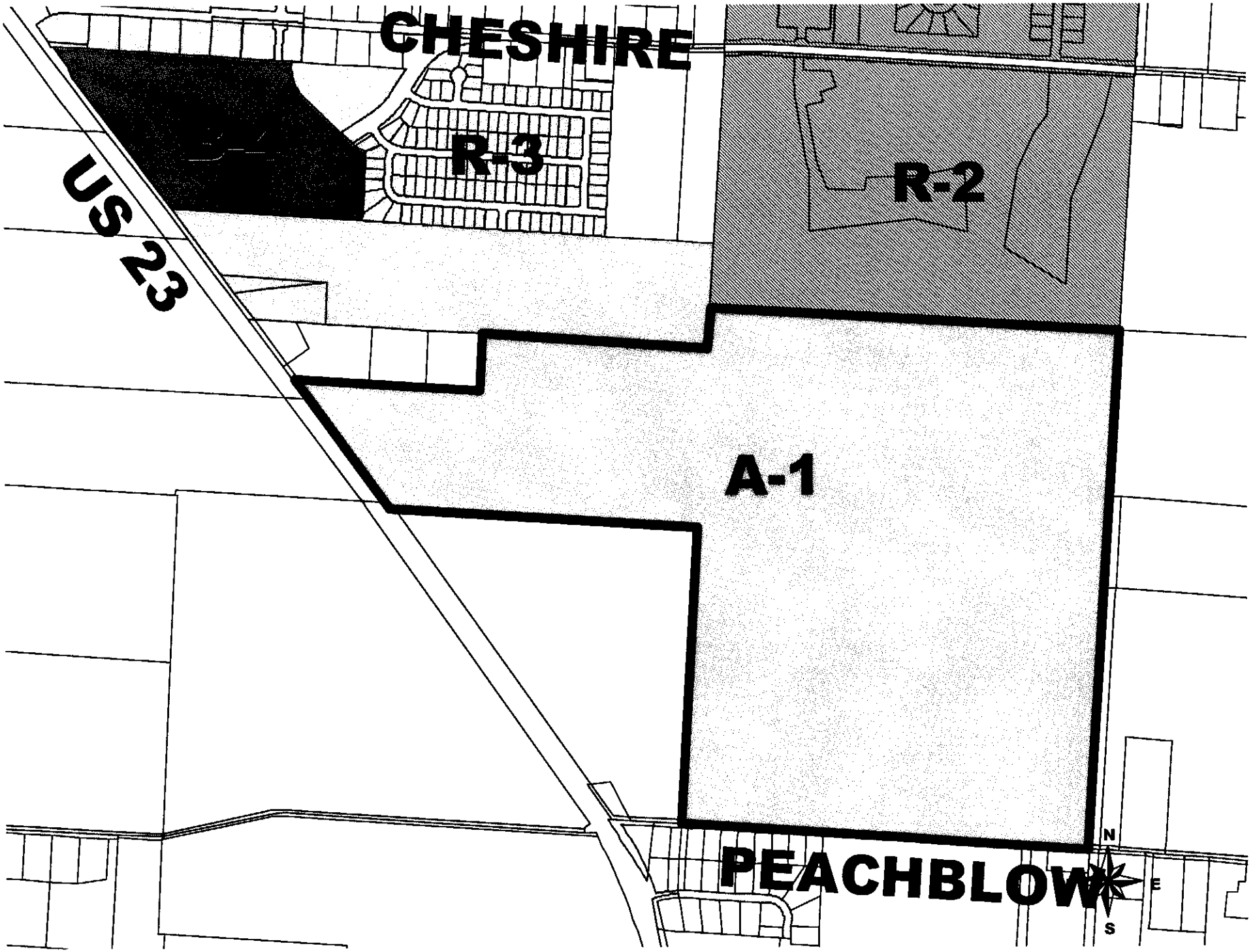
- The proposed zoning is consistent with the zoning in the area that is recommended by the Comprehensive Plan for these properties.



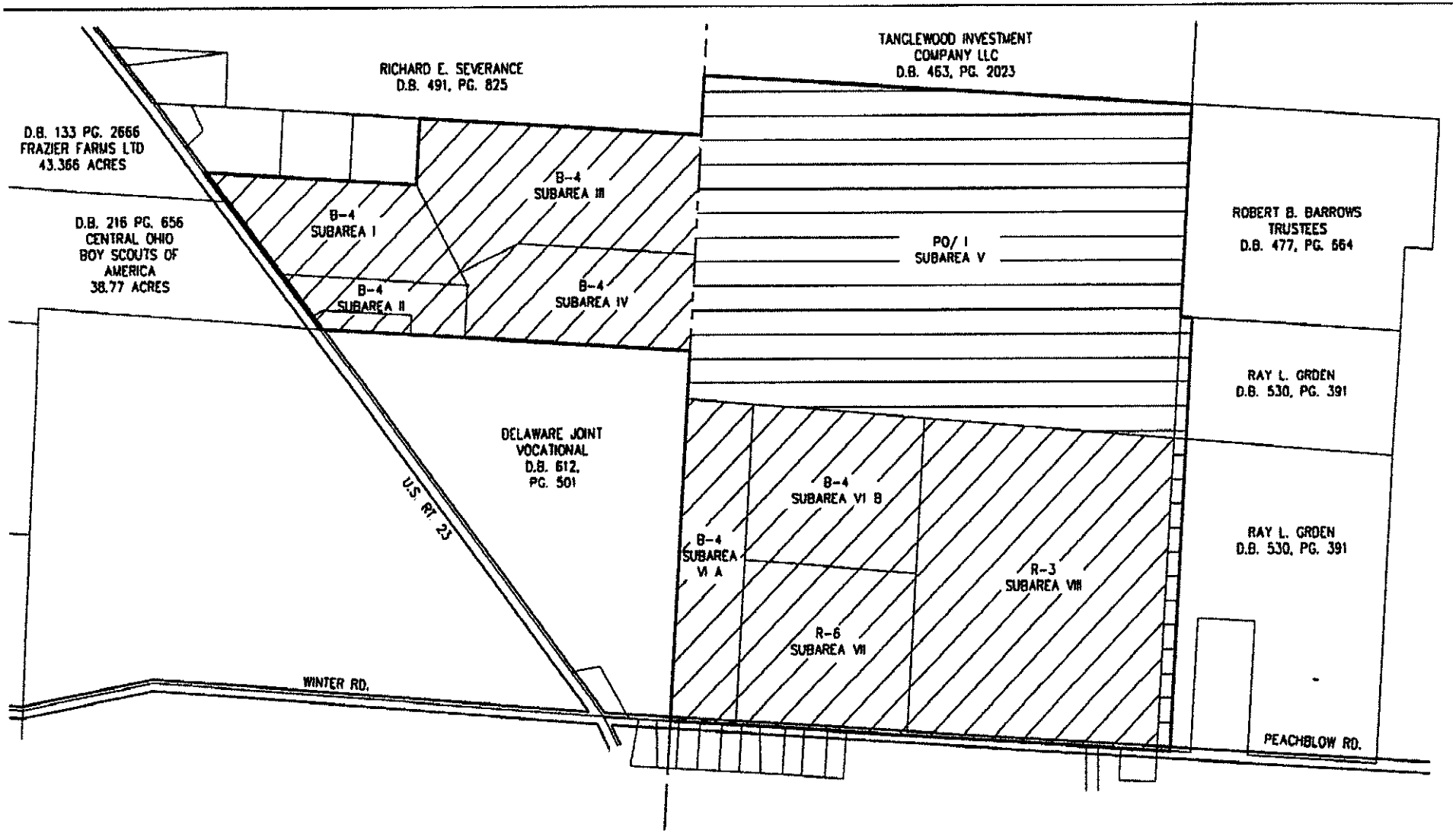
City of Delaware
GIS
Planning & Community Development

PC05-004
GRADY HOSPITAL
EAST OF US 23 AND NORTH OF PEACHBLOW
REZONING

N
W E
S

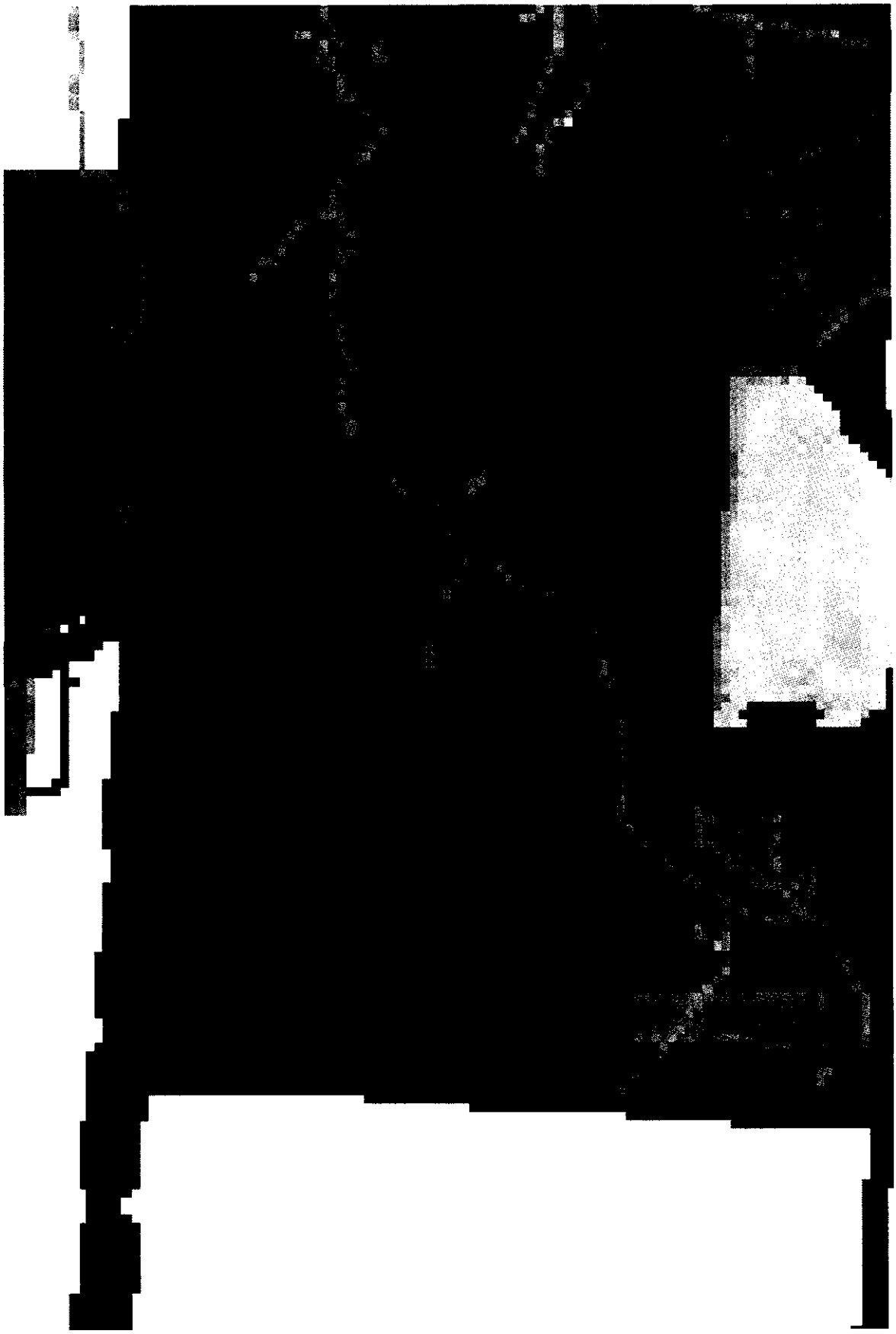

CHESHIRE
R-3
R-2
US 23
A-1
PEACHBLOW
N
E
S

US 23
CHESHIRE
PEACHBLOW
N
S
E
W



PROJECT: CITY OF DELAWARE, OHIO	JOB NO.: 14572677
SUBJECT: REZONING DESCRIPTIONS	DATE: 1/05/04
BY: MASTERS CHECKED: JG	

URS
277 W. NATIONWIDE BLVD.
COLUMBUS, OHIO 43215
(614) 464-4500 Fax: 464-4568
ARCHITECTS • ENGINEERS • PLANNERS



MOTIONS SUMMARY
DELAWARE PLANNING COMMISSION

Regular Meeting
January 5, 2005 - 7:00 p.m.
City Hall Council Chambers - 1 South Sandusky Street

1. **Roll Call**
   Members Present –Maria Vonada, Brad Ebersole, Lea Morrison, Ross Long and Mary Jane Santos
   Members Absent – Charles Van Gundy and Terry Hazlett
   Staff Present –Jim Jennings (Associate Planner), Matt Weber (Assistant City Engineer) and Elizabeth Corwin (Planning Secretary).
   Motion: Morrison/Long moved to excuse Van Gundy from the meeting. (All Ayes)
   Motion: Ebersole/Vonada moved to excuse Hazlett from the meeting. (5 in favor, 0 opposed) MOTION APPROVED

2. **Election of Officers**
   Motion: Long/Ebersole moved to elect Mary Jane Santos as Chair. (5 in favor, 0 opposed) MOTION APPROVED
   Motion: Long/Morrison moved to elect Charles Van Gundy as Vice Chair. (5 in favor, 0 opposed) MOTION APPROVED

3. **Minutes:** Approval of the Motions Summary and acceptance of the audio recording for the December 1, 2004 Regular Meeting to comprise the Minutes of the Meeting.
   Motion: Ebersole/Morrison moved to approve the December 1, 2004 Minutes. (4 in favor, 0 opposed, 1 abstained [Vonada]) MOTION APPROVED

Business - Consideration of:

4. **Application PC 05-004 – Grady Hospital – Rezoning:** A request by the Jeff McNealey, representing Lee Family partnership, Evans Capital Investments Ltd, and Media Investments LLC, to zone the 262± acres located east of US 23S and north Peachblow Road to R-3 (Single-family Residential District), R-6 (Multi-family Residential District), B-4 (General Business District), and PO/I (Planned Office/Institutional District), with a Planned Mixed Use Overlay.
   Motion: Long/Morrison moved to approve PC 05-004, subject to Staff Recommendations, to amend the Rezoning to Planned Mixed Use District, with the condition that the language in E.3 be deleted, plus to exclude from the B-4 zoning, a retail development with a minimum of 1,000 square feet. (5 in favor, 0 opposed) MOTION APPROVED
   Motion: Ebersole/Vonada moved to approve PC 05-004, subject to Staff Recommendations excluding condition #1, with the conditions that the language in E.3 be deleted and to exclude from the B-4 zoning, a retail development with a minimum of 1,000 square feet. (4 in favor, 1 opposed [Long]) MOTION APPROVED

5. **Application PC 04-131 – Cheshire Crossing West – Extension of approval expiration:** A request by M/I Homes of Central Ohio LLC, representing Rainbow Development Corp., for approval of an extension of the Subdivision Plat Approval Deadline for the construction of 98 single-family lots on 34.9± acres in the Cheshire Crossing West Subdivision that is located east of US 23S and north of Cheshire Road.
   Motion: Long/Morrison moved to approve PC 04-131. (5 in favor, 0 opposed) MOTION APPROVED

6. **Application PC 05-002 – Lexington Blvd r-o-w – Subdivision Variance for Lot Splits:** A request by the City of Delaware for approval of a Subdivision Variance to allow the Elk's property located north of US 36W at Carson farms Blvd. to be split into 3 parcels to create 2 building lots and a right-of-way parcel without undergoing the full subdivision process.
   Motion: Ebersole/Vonada moved to approve PC 05-002, subject to Staff Recommendations. (5 in favor, 0 opposed) MOTION APPROVED

7. **Application PC 05-003 – Willowbrook East – Subdivision Variance for sidewalks:** A request by Dunmoor Homes, representing Colt's Run Development LLC, for approval of a Subdivision Variance to extend the deadline for the installation of sidewalks for the Willowbrook East Final Plat
   Motion: Ebersole/Vonada moved to approved PC 05-003, subject to Staff Recommendations. (5 in favor, 0 opposed) MOTION APPROVED

8. **Application PC 05-001 – Amend Planning and Zoning Code – Fences and Walls plus Accessory Uses:** A request by the City of Delaware to amend Chapter 1121 Definitions, Chapter 1152 Fences and Walls, plus Chapter 1156 Accessory Uses of the Planning and Zoning Code.