ORDINANCE NO. 05-69

AN ORDINANCE APPROVING A REZONING OF THE 2.562± ACRES LOCATED AT 70 CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO B-4 (GENERAL BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of February 16, 2005 recommended approval of a Rezoning of the 2.562± acres located at 70 cheshire road from A-1 (Agricultural District) to B-4 (General Business District) (PC 05-026), and

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

SECTION 1. That the Rezoning of the 2.562± acres located at 70 cheshire road from A-1 (Agricultural District) to B-4 (General Business District), be the same and is hereby confirmed, approved, and accepted, with the following permitted and conditional uses, as agreed to by the City and the Applicant:

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

20. Health club
21. Hotel/motel with restaurant

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 ___ NAYS ___
ABSTAIN —

PASSED: August 8, 2005 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Cindy A Quarrie
CITY CLERK

Windell Wheeler
MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 05-026
REQUEST: Rezoning
PROJECT: Metzler Property
MEETING DATE: May 18, 2005

APPLICANT/OWNERS

Cheshire Developers, LLC
200 W. Berry Street, Suite 800
Ft. Wayne, IN 46802-2248

Melanie Metzler
11 St. Andrews Way
Aiken, SC 29803-5634

REQUEST

Rezoning of the 2.562± acres located at 70 Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District).

PROPERTY LOCATION & DESCRIPTION

The property is located at 70 Cheshire Road, which is on the SE corner of US Route 23 and Cheshire Road. The surrounding zoning is B-4 (General Business District) to the south (Sturgis/Shoppes at Delaware proposal), A-1 to the east, O (Office District) and R-6 (Multiple-family Residential District) with a Planned Mixed Use Overlay to the north (Floyd Browne development and condo site), and township zoning to the west.

BACKGROUND

The Applicant proposes to rezone the property to incorporate the land into the proposed commercial development to the south (Sturgis site/Shoppes at Delaware).

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan recommends Commercial uses for this site and identifies this area as the Cheshire Subarea with a relocated Grady Hospital as the core use and related office, retail and services uses recommended in the US 23 corridor. The Plan indicates that the properties fronting US 23 are appropriate for a mix of limited retail, office, medical services, and health-care related uses in a campus environment. Strip retail is not supported in this area.
- **ACCESSIBILITY:** This site is directly affected by the relocation of Cheshire Road in that it will not have full access at US 23 when existing Cheshire Road at US 23 intersection becomes a right-in, right-out upon the completion of the new, realigned Cheshire Road. The applicant will incorporate these properties and their access into the overall Sturgis (Shops of Delaware) plan with future submittals for the development.

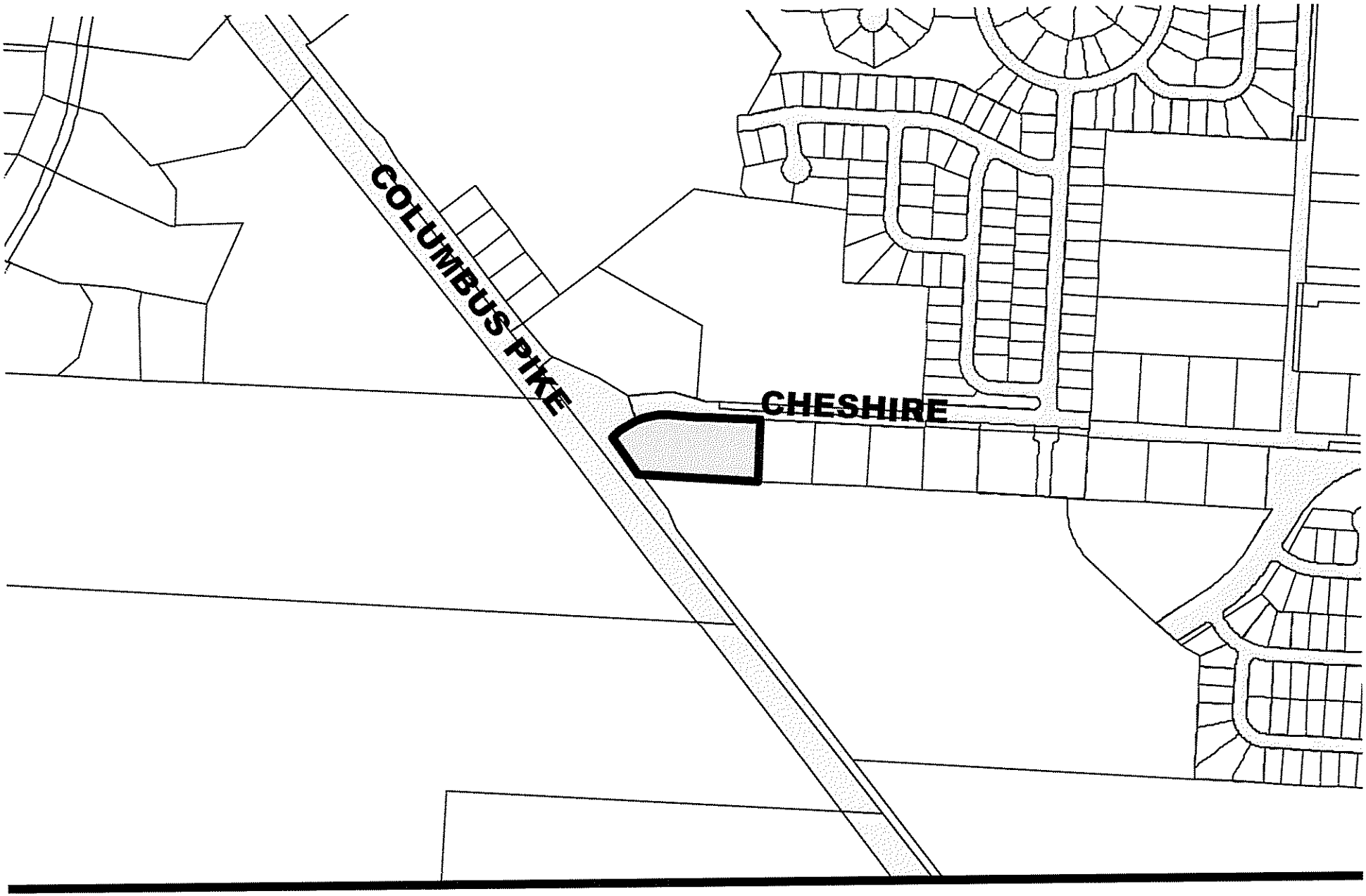
STAFF RECOMMENDATION

Staff supports the rezoning of the 2.562± acres located at 70 Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District).

FINDINGS OF FACT

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

COMMISSION NOTES:



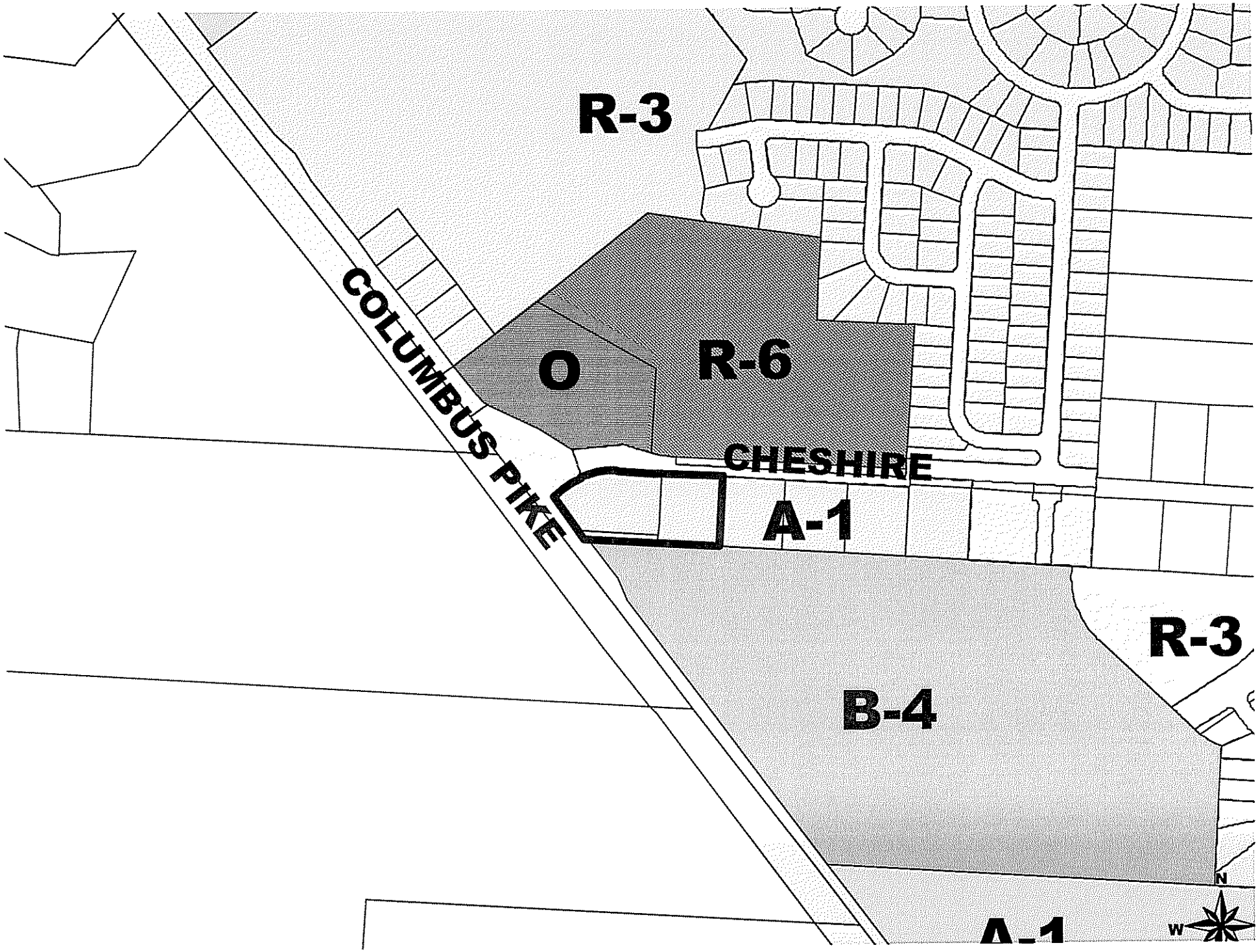
PC05-0026

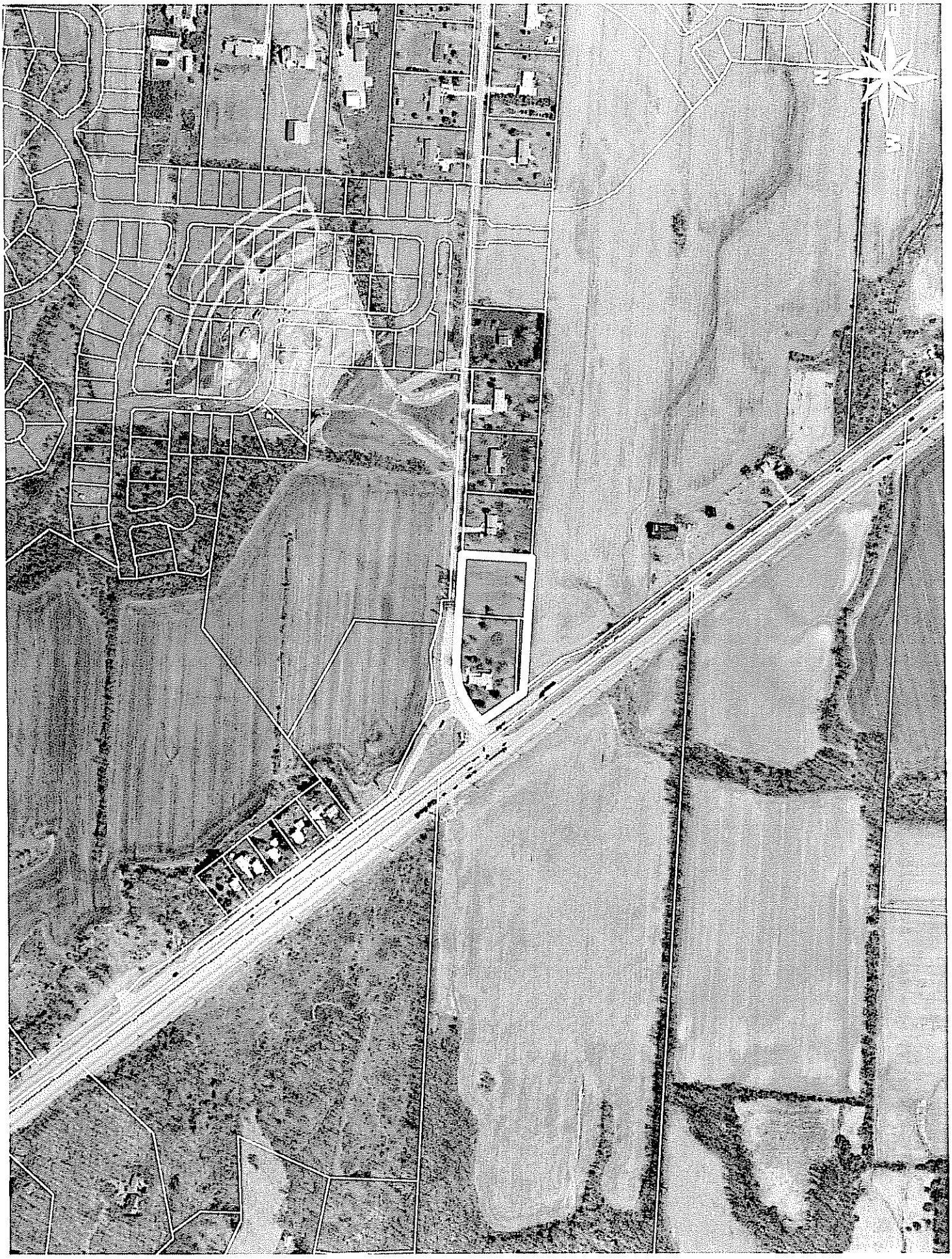
METZLER PROPERTY

70 CHESHIRE ROAD

City of Delaware
GIS
Planning & Community Development

N
W
E


R-3
COLUMBUS PIKE
O
R-6
CHESHIRE
A-1
R-3
B-4
A-1
N
W

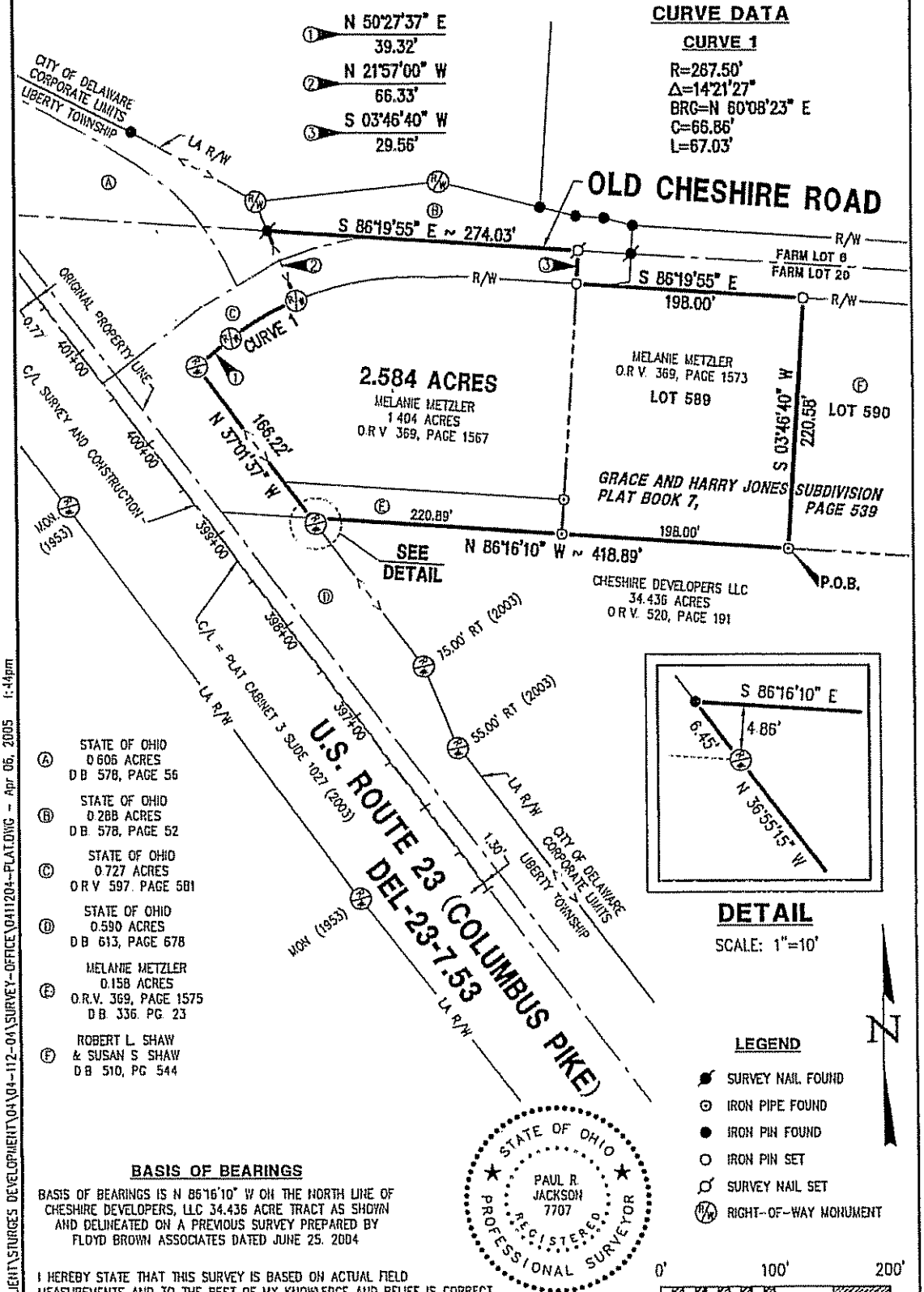


Floyd Browne Group
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Central Ohio
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www.floydbrowne.com

PLAT OF SURVEY FOR

STURGES DEVELOPMENT

SITUATE IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,
BEING PART OF FARM LOT 20, SECTION 4, TOWNSHIP 4, RANGE 19,
UNITED STATES MILITARY LANDS
APRIL 6, 2005



Ⓐ STATE OF OHIO
0.606 ACRES
D.B. 578, PAGE 56

Ⓑ STATE OF OHIO
0.288 ACRES
D.B. 578, PAGE 52

Ⓒ STATE OF OHIO
0.727 ACRES
O.R.V. 597, PAGE 581

Ⓓ STATE OF OHIO
0.590 ACRES
D.B. 613, PAGE 678

Ⓔ MELANIE METZLER
0.158 ACRES
O.R.V. 369, PAGE 1575
D.B. 336, PG. 23

Ⓕ ROBERT L. SHAW
& SUSAN S. SHAW
D.B. 510, PG. 544

BASIS OF BEARINGS

BASIS OF BEARINGS IS N 86°16'10" W ON THE NORTH LINE OF CHESHIRE DEVELOPERS, LLC 34.436 ACRE TRACT AS SHOWN AND DELINEATED ON A PREVIOUS SURVEY PREPARED BY FLOYD BROWN ASSOCIATES DATED JUNE 25, 2004

STATE OF OHIO
PAUL R. JACKSON
7707
REGISTERED
PROFESSIONAL SURVEYOR

I HEREBY STATE THAT THIS SURVEY IS BASED ON ACTUAL FIELD MEASUREMENTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT

Paul R. Jackson — 4/6/05

PAUL R. JACKSON, PS — DATE
PROFESSIONAL SURVEYOR NO. 7707

FILE NO 04-112-04

File: G:\CLIENTS\STURGES DEVELOPMENT\04-112-04\SURVEY-OFFICE\041204-PLAT.DWG - Apr 06, 2005 1:44pm

6. **Application PC 05-014 – City Water Tower – Preliminary and Final Development Plans:** A request by the City of Delaware Public Utilities Department for a Combined Preliminary and Final Development Plan for a new 160-foot high elevated water tower for the property located at 409 Cheshire Road.
   Motion: Long/Morrison moved to Table PC05-014 to the June 15, 2005 Meeting. (5 in favor, 1 opposed [Santos]) MOTION APPROVED

7. **Application PC 05-016 – Delaware County Public Safety Radio Co-location – Administrative Review:** A request by the State of Ohio Department of Public Safety State Hwy. Patrol for an Administrative Review of an additional antenna and equipment shelter for the State Highway Patrol operations for the property located at 1500 Columbus Pike.
   Motion: Van Gundy/Vonada moved to approve PC05-016. (6 in favor, 0 opposed) MOTION APPROVED

8. **Application PC 05-025 – Delaware County Medic 1 Addition – Administrative Review:** A request by the Delaware County EMS for an Administrative Review of a 700-square foot addition for the property located at 909 State Route 23.
   Motion: Hazlett/Vonada moved to approve PC05-025, as presented. (6 in favor, 0 opposed) MOTION APPROVED

9. **Application PC 05-033 – Evans Adhesive - Administrative Review:** A request by EXXCEL Project Management, Inc. representing the McBride Family LLC for Administrative Approval of a 1,500-square foot addition and driveway for the property located at 1201 S. Houk Road.
   Motion: Van Gundy/Vonada moved to approve PC 05-033, subject to Staff Recommendations deleting recommendation # 2 and #4. (6 in favor, 0 opposed) MOTION APPROVED

10. **Application PC 05-026 – Metzler Property – Rezoning:** A request by Cheshire Developers, LLC representing Melanie A. Metzler for the rezoning of 2.562 acres located at 70 Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District).
    Motion: Van Gundy/Vonada moved to approve PC05-026, subject to Staff Recommendations and the text limitations placed on the Sturgess Property (Shoppes at Delaware). (5 in favor, 0 opposed, 1 abstained [Long]) MOTION APPROVED

11. **Application PC 05-030 – Inno-Pak - Combined Preliminary and Final Development Plans:** A request by Fed One Dublin, LLC representing IPG of Ohio, LLC for a Combined Preliminary and Final Development Plans for the construction of a warehouse facility and associated office proposed on the north side of Pittsburgh Drive, west of Houk Road and east of Section Line Road.
    Motion: Long/Morrison moved to approve PC05-030, subject to the 14 conditions in the revised 5/18/05 Staff Report. (6 in favor, 0 opposed) MOTION APPROVED

12. *Remove from the Table to Table to June 15, 2005 Meeting:*
    A. **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.
       Motion: Van Gundy/Hazlett moved to remove from the Table to Table to June 15, 2005. (6 in favor, 0 opposed) MOTION APPROVED

13. **Planning Director's Report - None**

14. **Commission Member Comments and Discussion -**

15. **Next Regular Meeting:** June 15, 2005 – 7:00 p.m.

16. **Adjournment**
    Motion: Van Gundy/Hazlett moved to adjourn at 9:19 p.m. (All Ayes)

MINUTES CONSIST OF THIS MOTIONS SUMMARY AND THE AUDIO RECORDING OF THE MEETING.
MOTION: ---/--- moved to approve the Minutes, as --------. (-- in favor, -- opposed, -- abstained) MOTION APPROVED

_____
Mary Jane Santos, Chairman

_____
Elizabeth Corwin, Secretary