ORDINANCE NO. 05-93

AN ORDINANCE APPROVING A REZONING OF 6.076 TOTAL ACRES FROM A-1 (AGRICULTURAL DISTRICT) TO B-4 (GENERAL BUSINESS DISTRICT) WITH TEXT LIMITATIONS FOR THE PROPERTY'S LOCATED AT 170, 190, 222, 280 CHESHIRE ROAD, AND PARCEL 41941004009000 (CHESHIRE PROPERTIES).

WHEREAS, the Planning Commission at its meeting of July 20, 2005 recommended approval of a Rezoning of 6.076 total acres from A-1 (Agricultural District) to B-4 (General Business District) with text limitations for the property's located at 170, 190, 222, 280 Cheshire Road, and parcel 41941004009000 (PC 05-049), and

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

SECTION 1. That the Rezoning of 6.076 total acres from A-1 (Agricultural District) to B-4 (General Business District) with text limitations for the property's located at 170, 190, 222, 280 Cheshire Road, and parcel 41941004009000, be the same and is hereby confirmed, approved, and accepted, with the following Permitted and Conditional Uses, as requested by 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
22. Additional accessory uses will include off street parking and loading areas, fencing and screening, signs, swimming pool (with hotel/motel use), and trash receptacles.
23. The Applicant will also create and record a set of covenants, restrictions and standards for the subject property which will further depict use standards, architectural controls, etc.

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 1

PASSED: Sept 12, 2005 YEAS 6 NAYS 0 ABSTAIN 1

ATTEST: Cindy Munro
CITY CLERK

Windell Wheeler
MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 05-049
REQUEST: Rezoning
PROJECT: Cheshire Road Property
MEETING DATE: *July 20, 2005*

APPLICANT/OWNERS

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

See application for property owner list

REQUEST

Rezoning of 6.076 total acres from A-1 (Agricultural District) to B-4 (General Business District) with text limitations.

PROPERTY LOCATION & DESCRIPTION

The five properties (170, 190, 222, 280 Cheshire Road, and parcel 41941004009000) are located on the south side of Cheshire Road, east of US Route 23. The surrounding zoning is B-4 (General Business District) to the south (Sturgis/Shoppes at Delaware proposal), township zoning to the east, R-3 (Single-family Residential District) and R-6 (Multiple-family Residential District) with a Planned Mixed Use Overlay to the north, and A-1 (Agricultural District) to the west.

BACKGROUND

The Applicant proposes to rezone the properties 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 these sites 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. Additionally, the Plan recommends a portion of parcel 41941004009000 (the eastern most property in this request) be retained as open space. This can incorporated with the development plan submittal for the properties. 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:** These sites are 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 (Shoppes at Delaware) plan with future submittals for the development. Staff prefers all access through the Shoppes at Delaware, maximum of one access to Old Cheshire (to be located across from west access to Lakes at Cheshire).

STAFF RECOMMENDATION

Staff supports the rezoning of the 6.076 total acres from A-1 (Agricultural District) to B-4 (General Business District) 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

Additional accessory uses will include off street parking and loading areas, fencing and screening, signs, swimming pool (with hotel/motel use), and trash receptacles. The Applicant will also create and record a set of covenants, restrictions and standards for the subject property which will further depict use standards, architectural controls, etc.

FINDINGS OF FACT

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



City of Delaware
GIS
Planning & Community Development

PC05-049
CHESHIRE RD & US 23
STURGES/CHESHIRE RD
REZONING

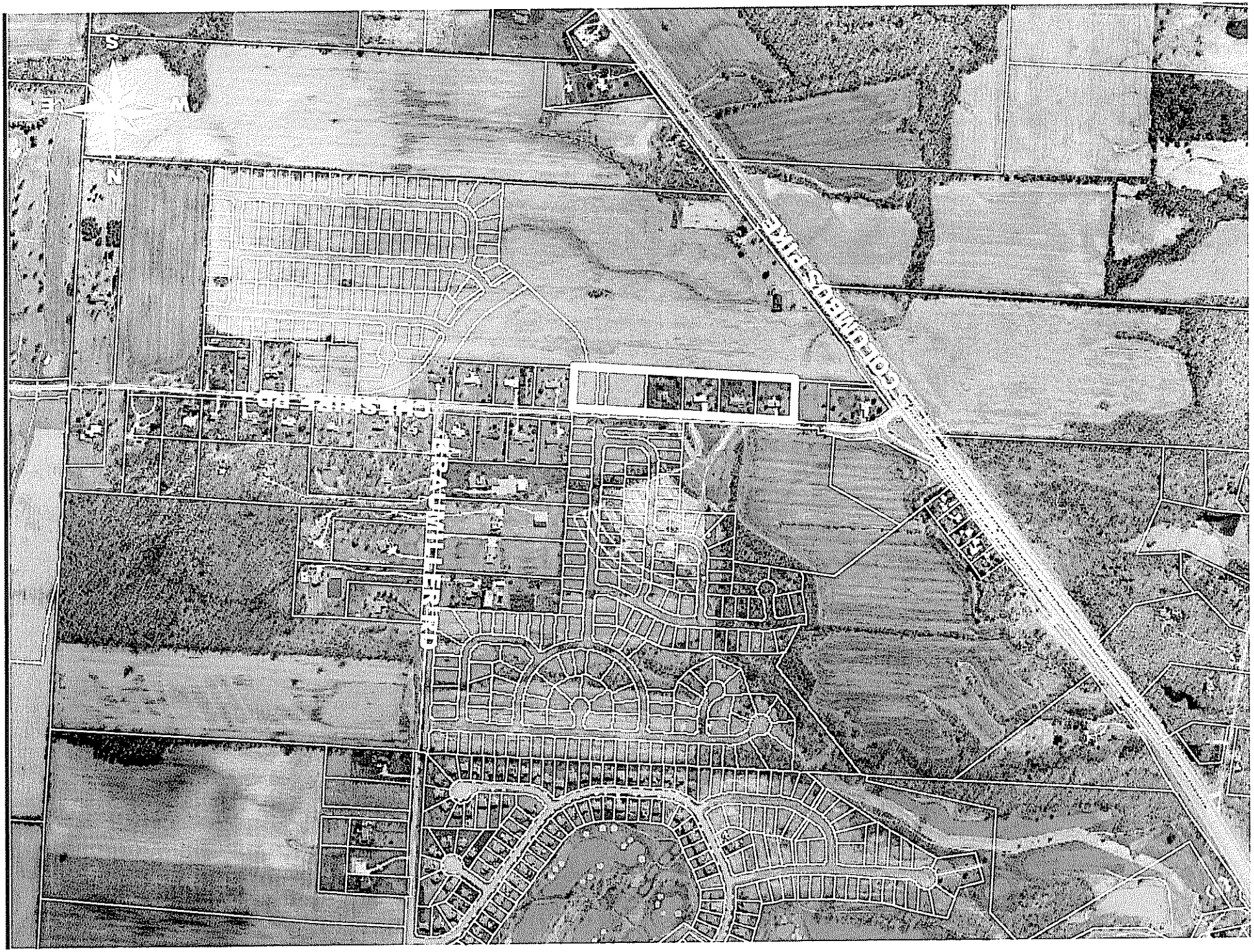
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Zoning



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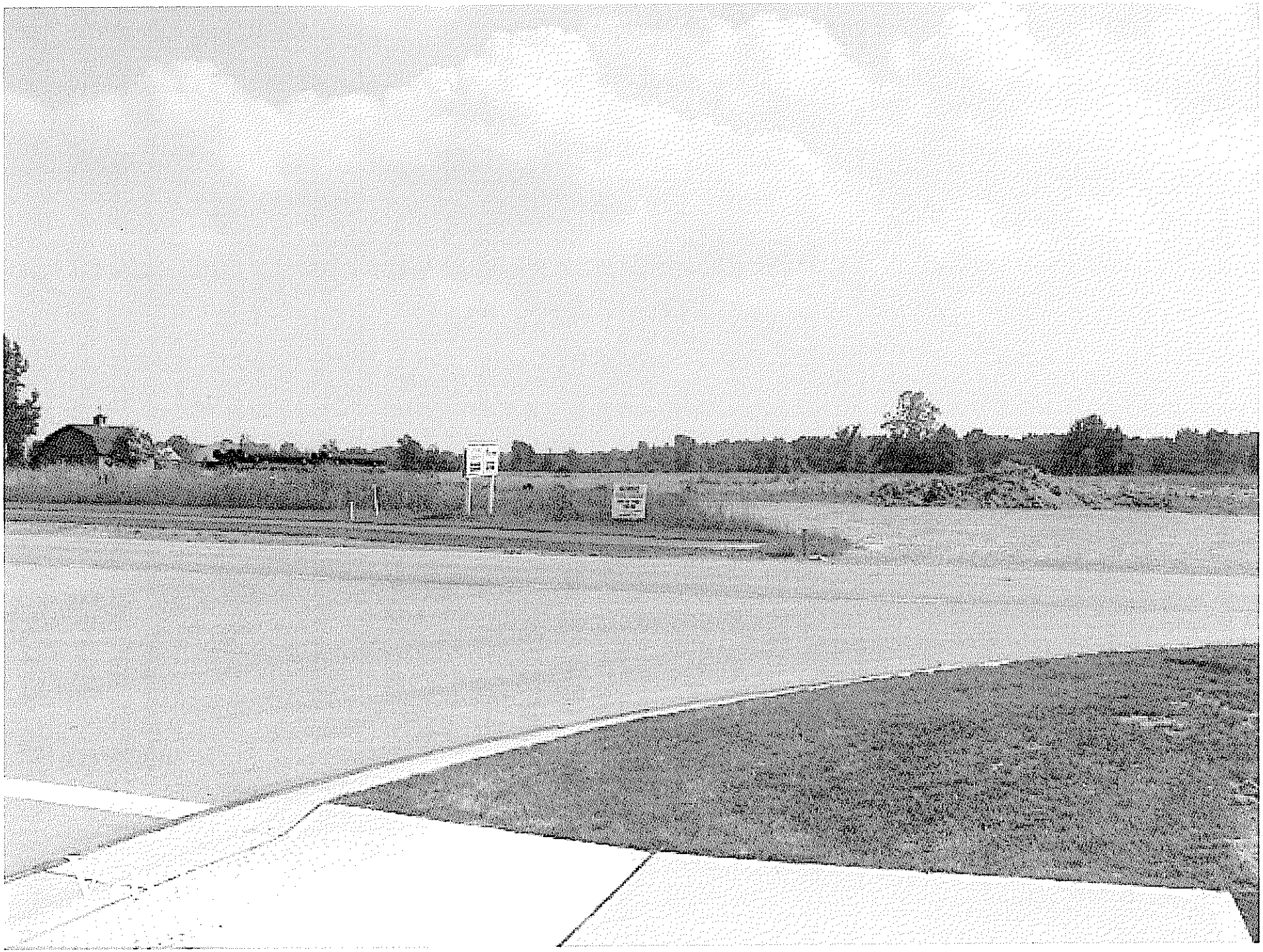
Chapter 17


1910 Cheshire Rd

Bike Rentals


280 Cheshire Rd.


Vacant Parcel



Motion: Long/VanGundy moved to approve Application PC 05-047 subject to the Staff conditions, specifically to Staff conditions 5 and 6 that we would re-import the language relating to the shade trees and to the fencing and incorporating all the staff recommendations specifically those two and that it include the baseball field. (5 in favor, 0 opposed) MOTION APPROVED

10. **Application PC 05-041 – Mingo Park Recreation Facility Addition Administrative Review:** A request by the City of Delaware Recreation Services Department for Administrative Approval of a 3,280-square foot Recreation Center for the Mingo Park Facility located at 500 E. Lincoln Avenue.

    Motion: VanGundy/Morrison moved to approve Application PC 05-041 with the Staff recommendations. (5 in favor, 0 opposed) MOTION APPROVED.

11. **Application PC 05-042 – Advanced Auto Parking Lot Administrative Review:** A request by Advanced Auto Parts Distribution Center for Administrative Approval of a new 215-foot by 300-foot asphalt parking lot addition for the Advanced Auto Parts Warehouse located at 1675 U.S. Route 42 South.

    Motion: Hazlett/Morrison moved to approve Application PC 05-042 subject to the Staff recommendations. (5 in favor, 0 opposed) MOTION APPROVED.

12. **Application PC 05-043 – Methodist Theological School Maintenance Barn Administrative Review:** A request by Corna/Kokosing Construction Company, representing Methodist Theological School of Ohio for Administrative Approval of a 2,900-square foot maintenance barn to be located at 3081 Columbus Pike.

    Motion: Long/Hazlett moved to approve Application PC 05-043 subject to the Staff conditions with the exception of Staff condition no. 3 that it read the access drive and parking area need to be constructed in accordance with code and condition no. 4 that the approval not approve the lean-to and if the lean-to is to be added that they would need to come back for another review of that but incorporate all the rest of the conditions. (5 in favor, 0 opposed) MOTION APPROVED.

13. **Application PC 05-048 – West Central Doctors Rezoning:** A request by Judith Held, Richard Carter, and Paul Krouse for approval of a Rezoning from R-1 (Single-family Residential District) to O (Office), with text limitations for the properties located at 653, 665, and 695 W. Central Avenue and a request by Victoria Fomich for approval of a Rezoning from R-6 (Multiple-family Residential District) to O (Office) for the property located at 701 W. Central Avenue, with text limitations.

    Motion: VanGundy/Hazlett moved to approve Application PC 05-048 with the Staff recommendations. (4 in favor, 1 opposed [Morrison]) MOTION APPROVED.

14. **Application PC 05-049 –Cheshire Road Properties Rezoning:** A request by Cheshire Developers, LLC, representing Robert and Susan Shaw, Anthony and Cheryl Pinto, Bernard and Rebecca Moretti, Carol Margaret Wooten, and Cheshire Road, LLC, for approval of a Rezoning of 6.076 total acres from A-1 (Agricultural District) to B-4 (General Business District) with text limitations for the five properties located on the south side of Cheshire Road, east of US Route 23.

    Motion: Long/VanGundy moved to approve Application PC 05-049 with text limitation and those text limitations be identical to the Sturgis project previously approved by the Planning Commission and that the actual language be attached prior to going City Council. (5 in favor, 0 opposed) MOTION APPROVED.