ORDINANCE NO. 06-15

AN ORDINANCE APPROVING A REZONING OF 7.69 ACRES FROM R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) AND B-3 (COMMUNITY BUSINESS DISTRICT) TO PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT) AND REZONING 47.70 ACRES TO PLANNED MIXED USE DISTRICT OVERLAY LOCATED ON THE EAST AND WEST SIDES OF HENRY STREET FOR PROPERTY WHICH IS PART OF THE OHIO WESLEYAN UNIVERSITY ATHLETIC COMPLEX.

WHEREAS, the Planning Commission at its meeting of July 20, 2005 recommended approval of a Rezoning of 7.69 acres from R-6 (Multi-family Residential District) and B-3 (Community Business District) to PO/I (Planned Office/Institutional District) and Rezoning 47.70 acres to Planned Mixed Use District Overlay located on the east and west sides of Henry Street for property which is part of the Ohio Wesleyan University Athletic Complex (PC 05-024), and

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

SECTION 1. That the Rezoning of 7.69 acres from R-6 (Multi-family Residential District) and B-3 (Community Business District) to PO/I (Planned Office/Institutional District) Rezoning 47.70 acres to Planned Mixed Use District Overlay located on the east and west sides of Henry Street for property which is part of the Ohio Wesleyan University Athletic Complex, be the same and is hereby confirmed, approved, and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: YEAS 6 NAYS 0 ABSTAIN 0

PASSED: Feb 27, 2006 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Cindy Denison
CITY CLERK

Wendell W Heuler
MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 05-024, 05-045, 05-046, 05-047
REQUEST: Rezoning, CUP, Preliminary Development Plan, and Final Development Plan
PROJECT: Ohio Wesleyan University Athletic Fields and Building Complex Area
MEETING DATE: July 20, 2005

APPLICANT & OWNER

Ohio Wesleyan University
61 S. Sandusky Street
Delaware, OH 43015

The Collaborative, Inc.
500 Madison Avenue
Toledo, OH 43604

REQUEST

- PC 05-024 – Rezoning of 7.69 acres from R-6 (Multiple-family Residential District) and B-3 (Community Business District to PO/I (Planned Office/Institutional District) with a Planned Mixed Use District overlay.
- PC 05-045 – Conditional Use Permit approval for a Planned Mixed Use District overlay for the 47.70 acres of OWU property.
- PC 05-046 – Preliminary Development Plan approval for the OWU Athletic Fields, Parking, Press Boxes, and Turf and Aquatics Facility.
- PC 05-047 - Final Development Plan approval for the OWU Varsity Softball Field, associated parking lot, and 2-story press box.

PROPERTY LOCATION & DESCRIPTION

The Ohio Wesleyan University recreation areas are located on the east and west sides of S. Henry Street. The current zoning of the properties is a mix of PO/I (Planned Office/Institutional District), B-3 (Community Business District), and R-6 (Multiple-family Residential District). The surrounding zoning is R-4 and M-2 to the east, a mix of M-2 and R-7 to the south, a mix of R-6, B-3, and a mix of PO/I to the west and north.

BACKGROUND

The Ohio Wesleyan University proposes to widen the existing football lawn area to allow for lacrosse (east side of S. Henry Street north of abandoned railroad); construct an entry addition and reduce the existing parking lot #1 to 63 spaces for the existing Branch Rickey facility (west side of S. Henry Street, north of Wilmer Street); construct a 34,500-square foot Turf and Aquatics Building (west side of S. Henry Street, south of Wilmer Street); expand the existing women's field hockey field to make it regulation size (east side of S. Henry Street, south of abandoned railroad); add a press box to the existing baseball field (east side of S. Henry Street, south of Harrison Street); and construct a varsity softball field, associated parking lot, and 2-story press box (east side of S. Henry Street, north of Wootring Street). Portions of the properties are incorrectly zoned for the uses proposed and thus require the rezoning to Planned Office/Institutional. Additionally, at the request of Staff, the applicant is proposing a PMU (Planned Mixed Use) Overlay over the athletic fields. Eventually, this overlay will be expanded over the entire University campus as development occurs. The text will be added to as the expansion occurs to incorporate standards appropriate for the area it serves.

STAFF ANALYSIS

- **LAND USE:** The recreational and institutional uses of the area will not change except for the expansion of those uses as indicated above in the background section of this report. Outside of the University property, the proposed development is to be located in an area that is predominantly residential in character. The Comprehensive Plan recommends Institutional land use for the properties. The rezoning and overlay placement of the Planned Mixed Use (PMU) District would allow for the recreational uses to operate in the PO/I District without the need for a lengthy list of variances. The PMU text offers the University the ability to tailor requirements that more applicable to their use and existing conditions. This is an excellent tool for the University and City to use in this location given the unique nature of the University.
- **ROADS, TRAFFIC & ACCESS:** Along Henry Street next to the new softball field, a curb cut is shown to allow access for maintenance equipment to the fields. This service access needs to be moved to align with Wootring as part of the engineering plan review and approval.

The applicant has requested a waiver to the traffic impact study (see attached letter). The City Engineer supports the waiver request since the improvements are not creating many new trips outside of what are already to the area, but asks that the City monitor the access points, parking lot layout and internal circulation road improvements.

- **ENGINEERING:** The Applicant needs to obtain any final engineering approvals before a Building Permit is issued. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the engineering department once a complete plan set is submitted for review. Engineering is only required at this time for the softball field and associated press box for it is the only proposal that is part of the submitted Final Development Plan. Any required easements for storm drainage or other infrastructure must be coordinated with the Engineering Department.
- **UTILITIES**: Water service is proposed to the varsity baseball and softball field press box through a one-inch service line from the existing main along Henry Street. Sanitary to the varsity baseball and softball field press box is being provided through a 6-inch lateral from the main along Henry Street.

  Utilities will be designed per City standards and will be provided as part of the Final Development Plan for the proposals outside of the varsity softball field press box.
- **TREE PRESERVATION**: There are no trees being removed as part of the varsity softball field, associated parking lot, or press box. Tree Preservation/Replacement Plans for the remaining proposals will be provided at the time of the Final Development Plans.
- **DESIGN**: The Applicant has agreed within the development text to design each building appropriately for its intended use and to compliment the existing surroundings.

  The varsity softball field press box is a two-story building constructed with bi-colored split face block with cedar trim, a standing seam metal roof, and aluminum frame windows. The press box will include a concession area, maintenance facility, press box, and restrooms. The dugouts for the varsity softball field will be constructed of similar materials as the press box.

  Fencing is being provided around the softball field. This fencing is proposed as chain link. It must be vinyl coated in dark, neutral color to meet code. The development text proposes the fencing will be located in accordance with NCAA height and location standards rather than City requirements. Staff is not opposed but text should be added that limits this divergence only to fencing subject to NCAA regulations.
- **LIGHTING**: Lighting Plans will be submitted with each Final Development Plan. The varsity softball field parking area will not be lit since it will only be utilized during daylight hours. If lighting is ever added to the athletic fields the parking lot is required to be lighted at the same time.
- **PARKING**: The applicant is not showing any on-street parking on Henry Street. The City Safety and Service Committee does not support on-street parking given the speed limit of 35 mph on Henry Street. A new off-street parking area is proposed south of the varsity softball field. The location was chosen to maintain as much usable green space as possible for the University while still providing additional parking. The engineering plans are not showing proper or sufficient curbing around the parking area. The applicant needs to work the Engineering Department on the design and location details of the parking lot curbing.
- **DEVELOPMENT TEXT:** The applicant has submitted a Planned Mixed Use District Development Text with the proposal. Throughout this report, Staff has made comments resulting in revisions to this development text which will need to be complied with prior to scheduling these proposals on a City Council agenda. The development text must be finalized and signed by both the City and OWU within 30 days of City Council approval.
- **SIDEWALKS AND BIKE PATHS**: The City's Springfield Branch Phase II Bikepath project, expected to be constructed in 2005, will be closely coordinated between the City and OWU to insure that the design and construction are compatible with a pedestrian link and possible campus "gateway" modeled on a significantly scaled down version of the original concept, which had anticipated vacating a portion of Wilmer Street. OWU must begin immediately to determine the scope of their participation, including additional earthwork to remove the embankment to the grade of Wilmer Street. The City and OWU must provide easements to each other (from the City to OWU to enable OWU to design, construct and maintain a pedestrian walkway crossing

the City's Springfield Bikepath project and from OWU to the City to enable to the City to design, construct and maintain a bikepath to Todd Street, on the southernmost area of the Roy Rike Soccer Complex).

A bikepath has been provided extending north from the southern parking area to Hayes Street. This will provide an important pedestrian connection linking the baseball and softball fields to the main campus. ADA ramps and crossings must be added and shown on the plans at Hayes, Harrison, and Wootring Streets. The applicant has agreed to provide the ramps and will work with Engineering on the design details. Additionally, the applicant is showing the path to be made of asphalt and located in the right-of-way. The path needs to be moved outside of the right-of-way entirely and constructed at minimum width of 6 feet to meet code requirements of 5 feet and constructability reasons of an asphalt path.

- **LANDSCAPING:** A Landscaping Plan has been provided for the varsity softball field and is scheduled on the July 26 Shade Tree Commission agenda. In the development text, the applicant is requesting divergences from the required landscaping. Staff does not support part of this request. It is very important that street trees and the required front yard trees and shrubs be provided. This will beautify Henry Street and there is no need for the divergence. Staff does support the request to reduce the required amount of interior parking lot trees. Parking is a premium on the OWU campus and there is very limited space in which to provide it. As proposed, the applicant is very close to meeting the interior parking lot screening overall. Requiring conformance with Code will reduce the parking that is able to be provided.

  Street trees can be provided in the right-of-way under overhead utilities. The applicant must work with Grounds & Facilities/Shade Tree Commission on tree species and size for street trees under overheads. Additionally the required front yard plantings have not been provided. These need to be shown and the details worked out with the Shade Tree Commission. Once approved by the Shade Tree Commission, a copy of the approved Landscaping Plan must be provided for the Planning Department files.

  Given the proximity of US 23 to the southern parking area and the orientation of the parking towards US 23, Staff is concerned the headlights of any vehicle parking in the eastern spaces will distract drivers on US 23. To mitigate this Staff recommends evergreen plantings (shrubs or trees or a combination) of sufficient height be provided along the east side of the parking area to screen the headlights.
- **COMMUNITY IMPACT ASSESSMENT:** The applicant has requested a waiver from the required Community Impact Assessment (see attached letter). The City supports the waiver and asks that the Planning Commission omit the requirement along with their recommendation on these applications.
- **MISCELLANEOUS:** The title sheet and the development text for the varsity softball field plans indicate that a 25-space parking lot is proposed but the Concept Master Plan (Preliminary Development Plan) indicates a 20-space parking lot. This discrepancy must be corrected.

STAFF RECOMMENDATION - PC 05-024 - REZONING

Staff recommends approval of the Rezoning of 7.69 acres from R-6 (Multiple-family Residential District) and B-3 (Community Business District to PO/I (Planned Office/Institutional District) and approval of the Planned Mixed Use District Overlay for 48.80 acres with the conditions that all of the below-listed approval conditions must be met before the case can be scheduled on a City Council agenda:

Status as of 07/12/05

CONDITION	COMPLIANCE
1. Text added to the fence section stating City code requirements will be met for all fencing not subject to NCAA regulations.	No
2. The text be revised to meet the street planting and front yard landscaping requirements of code.	No
3. The Planning Commission must decide whether to omit the requirement for a CIA along with their recommendation on these applications. Staff recommends the CIA not be required for reasons stated in the applicant's request	Planning Commission action required.

FINDINGS OF FACT

- The proposal will be consistent with the Comprehensive Plan if the Rezoning is approved.

STAFF RECOMMENDATION– PC 05-045 – CONDITIONAL USE PERMIT

Staff recommends approval of the Conditional Use Permit for a Planned Mixed Use District overlay for the 47.70 acres of OWU property.

Status as of 07/12/05

FINDINGS OF FACT

- The proposal will be consistent with the Comprehensive Plan once the Rezoning is approved.

STAFF RECOMMENDATION - PC 05-046 – PRELIMINARY DEVELOPMENT PLAN

Staff recommends approval of the Preliminary Development Plan for the OWU Athletic Fields, Parking, Press Boxes, and Turf and Aquatics Facility, with the condition that all of the below-listed approval conditions must be met before the case can be scheduled on a City Council agenda:

Status as of 07/13/05

CONDITION	COMPLIANCE
1. The discrepancy between the Preliminary Development Plan and Final Development Plan related to the number of parking spaces in parking area IV must be corrected on the Preliminary Development Plan.	No
2. ADA ramps and crossings must be added and shown on the Plans at Hayes, Harrison, and Wootring Streets.	No

FINDINGS OF FACT

- The proposed development will be consistent with the Comprehensive Plan once the amendment is approved.

STAFF RECOMMENDATION - PC 05-047 – FINAL DEVELOPMENT PLAN

Staff recommends approval of the Final Development Plan for the OWU Varsity Softball Field, associated parking lot, and 2-story press box, with the condition that all of the below-listed Approval Conditions must be met before the case can be scheduled on a City Council agenda:

Status as of 07/12/05

CONDITION	COMPLIANCE
1. The maintenance equipment access along Henry Street next to the new softball field must be coordinated and designed per the Engineering Department. The access must be moved to align with Wootring to avoid a mid-block crossing.	No
2. The parking lot must be curbed to the specifications of the Engineering Department.	No
3. The applicant needs to obtain any final engineering approvals before a Building Permit is issued. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the engineering department once a complete plan set is submitted for review. Any required easements must be provided and coordinated with the Engineering Department.	No
4. The bikepath must be placed outside of the right-of-way and be a minimum of 6 feet in width. ADA	No

ramps and crossings must be added and shown on the Plans at Hayes, Harrison, and Wootring Streets.	
5. Throughout this report, Staff has made comments resulting in revisions to this development text which will need to be complied with prior to scheduling these proposals on a City Council agenda. The development text must be finalized and signed by both the City and OWU within 30 days of City Council approval.	No
6. The landscaping plan must be revised to provide street trees and front yard landscaping as required by code. Additionally appropriate plantings must be provided on the east side of the parking area IV to mitigate headlights on US 23 travelers. The revised landscaping plan must be submitted to the Shade Tree Commission for approval.	No
7. Once approved by the Shade Tree Commission, a copy of the approved Landscaping Plan for the varsity softball field must be provided for the Planning Department files.	No

DEVELOPER CONTRIBUTIONS

- None.

FINDINGS OF FACT

- The proposed development will be consistent with the Comprehensive Plan once the Rezoning is approved.

PLANNED MIXED USE DISTRICT / INSTITUTIONAL DEVELOPMENT TEXT

The following Development Text shall apply to the Ohio Wesleyan University (OWU) Athletic Fields and Building Complex Area as shown on the Concept Master Plan/ Preliminary Development Plan included with this request. This text is proposed with the understanding that all existing OWU athletic and recreational fields and related buildings and structures, roadways, service areas, off-street parking areas, pedestrian walkways, access points, lighting, signage, fencing and landscaping located within Areas A, B, C, D, E, and F shall not be effected by this Planned Mixed Use District (PMU) and are considered to be "grandfathered" in place as they currently exist. The Concept Master Plan/Preliminary Development Plan will not expire as long as the softball field project is started within one year of acceptance of this PMU by the City of Delaware, City Council.

1) PERMITTED USES: Those uses permitted shall be university and recreational facilities including athletic fields and related buildings and structures, roadways, service areas, off-street parking areas, pedestrian walkways, access points, lighting, signage, fencing, and landscaping.

2) LOT SIZE: OWU proposes to create an Overlay District for the six areas, as shown on the Concept Master Plan as parcels A, B, C, D, E, and F, totaling approximately 48 acres. The Overlay District is to be a Planned Mixed Use District (PMU) with an underlying zoning of Planned Office / Institutional District (PO/I). Areas A, C, and D are already zoned Planned Office/Institutional District (PO/I). A portion of Area B and E will be rezoned to PO/I. All of Area F will be rezoned to PO/I. The total area for the rezoning is approximately 8 acres, as shown on the Concept Master Plan/Preliminary Development Plan.

3) LOT FRONTAGE: As shown on the Concept Master Plan/Preliminary Development Plan the six parcels have their frontage on S. Sandusky Street, Wilmer St., Henry St., Hayes St., and/or Harrison Ave.

4) SETBACKS:

a) Structures shall be located as shown on the Concept Master Plan/Preliminary Development Plan but shall not be setback any less than the following:

	Proposed		POI Code Req'd.
Front Yard	20	feet from the Right-of-Way	50
Side Yard	25	feet from the Property Line	30
Rear Yard	25	feet from the Property Line	30
Adjacent to Residential	(N/A)	feet from the Property Line	75
Spacing between Principal Use Structures	30 feet		30

b) Off-street Parking shall be located as shown on the Concept Master Plan/Preliminary Development Plan but shall not be setback any less than the following:

	Proposed		POI Code Req'd.
Front Yard	15	feet from the Right-of-way	20
Side Yard	5	feet from the Property Line	5
Rear Yard	5	feet from the Property Line	5
Adjacent to Residential	(N/A) feet from the Property Line		10
From Major Buildings	10 feet		10

5) LOT COVERAGE:

a) Structures and paved areas combined shall not cover more than eighty percent (80%) of the areas as shown on the Concept Master Plan/Preliminary Development Plan.

b) Structures alone shall not cover more than forty percent (40%) of the areas as shown on the Concept Master Plan/Preliminary Development Plan.

6) BUILDING HEIGHT: No building or structure shall exceed 65 feet in height measured from the finished grade to the eaves of the structure.

7) PARKING: All new off-street parking shall be in such numbers and such locations as shown on the Concept Master Plan.

	Required	Proposed
Softball (Lot IV)	15	25
Turf & Aquatic (Lots II, III)	230	224
Branch Rickey Entry (Lot I)	0	-15
Total	245	234

The Branch Rickey Addition is an entrance into the gymnasium and spill out space during events. It will not increase the number of users for the facility. The turf facility without fixed seating is 34,500 SF.

8) SIGNAGE: A Signage Plan indicating the location, materials, colors, lettering style and size, etc. consistent with existing OWU campus signage shall be submitted as part of the Final Development Plan and shall meet the requirements of the Signs Section of the Delaware City Zoning Code. An exemption shall be granted, however, for sponsorship and advertising signage placed for spectator viewing in the outfields or along athletic fields sidelines, provided they are not intended to be viewed from any public right-of-way or parking areas. An exemption shall also allow one free standing sign per Athletic field, building or facility.

9) LANDSCAPING: A detailed Landscape Plan shall be submitted as part of the Final Development Plans.

	Req'd	Proposed
STREET TREES		
Henry Street		
Softball	24	0
Turf & Aquatics	11	0
FRONT YARD TREES		
Henry Street		
Softball	19	22
Turf & Aquatics	9	9
PARKING LOT SCREEN		
Lot I (Henry St)	Yes	Yes
Lot II (Henry St)	Yes	Yes
Lot III (Harrison St)	Yes	Yes
Lot IV (Henry St)	Yes	Yes
PARKING LOT INTERIOR TREES		
Lot I	8	4
Lot II	17	16
Lot III	7	4
Lot IV	0	5

Street trees shall be installed in accordance with the City Code as determined by the Shade Tree Commission.

10) LIGHTING: All exterior lighting will comply with the standards set forth in the Design Criteria and Performance Standards Section of the Delaware City Zoning Code with the exception that Parking Lots 3 and 4 will not be lit. The fields served by Parking Lots 3 and 4 will not be utilized except during daylight hours and therefore lighting will not be necessary for the roadways and off-street parking areas serving them. All other areas that will be lighted shall comply with the appropriate Section of the Delaware Zoning Code while limiting light pollution to adjoining properties. If at any time lighting is added to the outdoor athletic fields, off-street parking areas serving the outdoor athletic fields will be lighted in conformance with the Zoning Code in effect at the time lighting is added.

11) FENCING: Fencing shall meet City Code except all fencing associated with athletic facilities shall be permitted in front yards, side yards and rear yards and shall not have maximum height requirements. Such fencing shall be in accordance with NCAA standards and will not be screened with landscaping.

12) ARCHITECTURE AND MATERIALS: All buildings will be appropriately designed for its Intended use and to complement existing surroundings.

13) SITE LAYOUT: Athletic and recreational facilities including fields and related buildings and structures, roadways, service areas, off-street parking areas, pedestrian walkways and access points shall be as shown on the Concept Master Plan/Preliminary Development Plan. The proposed and future sidewalk along the east side of Henry Street shall be asphalt in lieu of concrete.

14) PHASING: On the Concept Master Plan/Preliminary Development Plan included with this Text, existing buildings are shown as purple and existing athletic fields are shown as dark green. Proposed buildings and additions are shown as orange and proposed athletic fields are shown in a light brown color. It is assumed at this time that the proposed softball field and adjoining off-street parking indicted on Parcel F will be constructed in 2005/2006. Other proposed building or additions and additions to existing athletic fields will be developed when funding is available. The targeted schedule for the next project is 5 years.

15) UTILITIES: Will be designed by a registered design professional per City of Delaware Standards. A Utility Layout Plan will be provided as part of the Final Development Plans.

16) MECHANICAL EQUIPMENT: Shall be screened from view from the public right-of-way and adjoining properties.

17) TRASH ENCLOSURES: All trash enclosures and outdoor storage areas shall be screened or enclosed so as not to be visible from the public right-of-way or adjoining properties.

18) PRESERVATION OF NATURAL FEATURES: Existing stands of mature trees, topography and stream beds shall be preserved to the maximum extent possible as shown on the Concept Master Plan/Preliminary Development Plan.

19) MAINTENANCE OF LANDSCAPE AND SHARED PARKING AREAS: Maintenance of the landscaped areas shall be performed by OWU staff at the same level as the remainder of the OWU campus. There are no parking areas shared with other property owners.

20) CONVEYANCE OF DESIGN CRITERIA TO FUTURE PURCHASERS: Not applicable, as the property shall remain in the ownership and use of OWU.

21) POLLUTION SPECIFICATIONS & NOISE STUDY: Because of the intended use and ownership of the property, pollution specifications, regulatory permits, and noise studies are not required.

Motion: Long/Morrison moved to deny Application PC 04-101. (2 in favor, 3 opposed [VanGundy, Hazlett and Santos]) MOTION DENIED

B. **Application PC 04-102 – Northwood Comprehensive Plan Amendment:** A request by the City of Delaware to amend the Comprehensive Plan to re-designate 514 W. Central Avenue from Moderate-Density Single-Family to Office/Flex Office.

Motion: Long/Morrison moved to deny Application PC 04-102. (2 in favor, 3 opposed [VanGundy, Hazlett and Santos]) MOTION DENIED

C. **Application PC 05-034 – Lakes at Cheshire-Preliminary and Final Development Plan:** A request by Lakes at Cheshire, LLC, representing Planned Communities Development, LLC, for Combined Preliminary and Final Development Plan approval for 117 condominium units on 14.696± acres located at the NE corner of US 23S and Cheshire Road just east of the Floyd Browne Office Facility.

Motion: Long/VanGundy moved to approve Application PC 05-034 subject to the remaining staff conditions that have not been complied with as set forth in the amended staff report dated July 20, 2005. (5 in favor, 0 opposed) MOTION APPROVED

6. **Application PC 05-024 – Ohio Wesleyan University Rezoning:** A request by OWU to rezone 7.69 acres from R-6 (Multiple-family Residential District) and B-3 (Community Business District to PO/I (Planned Office/Institutional District) with a Planned Mixed Use District overlay for the properties located on the east and west sides of S. Henry Street and on E. Harrison Street.

   Motion: Long/VanGundy moved to approve Application PC 05-024 subject to the staff conditions and specifically as to the text limitations proposed; as to the text limitations in paragraph no. 11 that it should read as follows, Fencing shall meet City Code except all fencing associated with athletic facilities shall be permitted in front yards, side yards and rear yards and shall not have maximum height requirements. Such fencing shall be in accordance with NCAA standards and will not be screened with landscaping.; and on the second condition referring to the landscaping under paragraph 9 that the two sentences; No street tress shall be provided at the Softball field because of low power lines; and No street trees shall be provided at Turf & Aquatics because of the proposed bike path, be deleted and in their place would be; Street trees shall be install in accordance with the City Code as determined by the Shade Tree Commission and further that we would approve the Staff recommendation that the community impact assessment be waived. (5 in favor, 0 opposed) MOTION APPROVED

7. **Application PC 05-045 – Ohio Wesleyan University Conditional Use Permit:** A request by OWU for Conditional Use Permit approval of a Planned Mixed Use District overlay for the properties located on the east and west sides of S. Henry Street and on E. Harrison Street.

   Motion: Long/VanGundy moved to approve Application PC 05-045 as proposed. (5 in favor, 0 opposed) MOTION APPROVED

8. **Application PC 05-046 – Ohio Wesleyan University Preliminary Development Plan:** A request by OWU for Preliminary Development Plan approval for the OWU Athletic Fields and Building Complex for the properties located on the east and west sides of S. Henry Street and on E. Harrison Street.

   Motion: Long/VanGundy moved to approve Application PC 05-046 subject to the two conditions set forth in the staff report relating to the discrepancy in the ADA laws. (5 in favor, 0 opposed) MOTION APPROVED

9. **Application PC 05-047 – Ohio Wesleyan University Final Development Plan:** A request by OWU for Final Development Plan approval for the OWU Softball Field and Pressbox for the properties located on the east and west sides of S. Henry Street and on E. Harrison Street.

CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT

REZONING APPLICATION

PC 05-024

4/912/02046000
519434070008000

I/we wish to change the zoning of lot number(s) 519434100080000 comprising the 7.69 acres that are located at (street address) S. HENRY ST. AND E. HARRISON ST
from (present zoning) R-6 AND B-3 to (proposed zoning) P.O.I.

NOTE: Please attach a legal description for each proposed zoning district.

For the Planning Commission public hearing plus for the City Council public hearing, the Applicant shall post a sign conforming to the following:

1. **A sign shall be posted on all road frontages of all parcels in the area proposed to be rezoned in a location visible from an adjacent street.**
2. **Each sign shall be at least three (3) feet by three (3) feet with letters not less than six (6) inches in height notifying the public of the date, time and location of the upcoming hearing.**
3. **Each sign shall be posted continuously for at least ten (10) days prior to the date of the required public hearing.**
4. **The sign shall be removed within five (5) business days of the decision of City Council.**

Why this zoning change should be approved: LAND IS OWNED BY OWU AND IS CURRENTLY USED FOR ATHLETICS. INTEND TO IMPROVE AN ATHLETIC FACILITIES IN THE FUTURE.

Applicant Name: OHIO WESLEYAN UNIVERSITY

Applicant Address: 61 S. SANDUSKY ST.

Contact Person: CHRIS SETZER Phone: 740-368-3404

E-mail: CJSETZER@OWU.EDU Fax: 740-368-3498

Property Owner Name: SAME

Property Owner Address: _____

Contact Person: _____ Phone: _____

E-mail: _____ Fax: _____

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

Witness _____ Owner or Agent Signature _____

Witness _____ CHRISTOPHER J. SETZER
Owner or Agent Printed Name

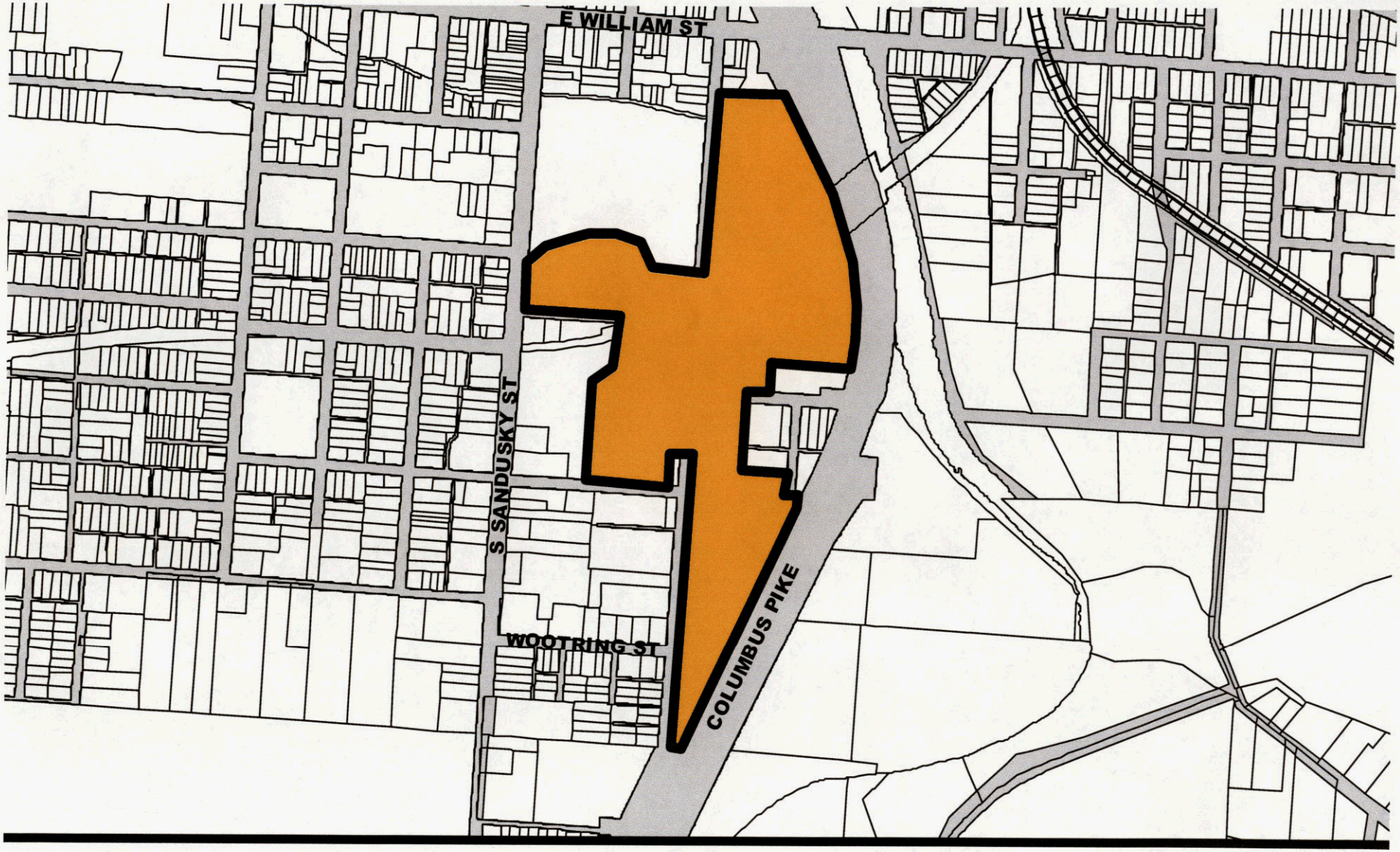
Sworn to before me and subscribed in my presence this 4th day of April, 2005

Notary Public

MARY LOU SHANNON
Notary Public, State of Ohio
My Commission Expires 6-13-2005

FEE: $250 for a Single-family lot ... $500 plus $100 per acre for all other development

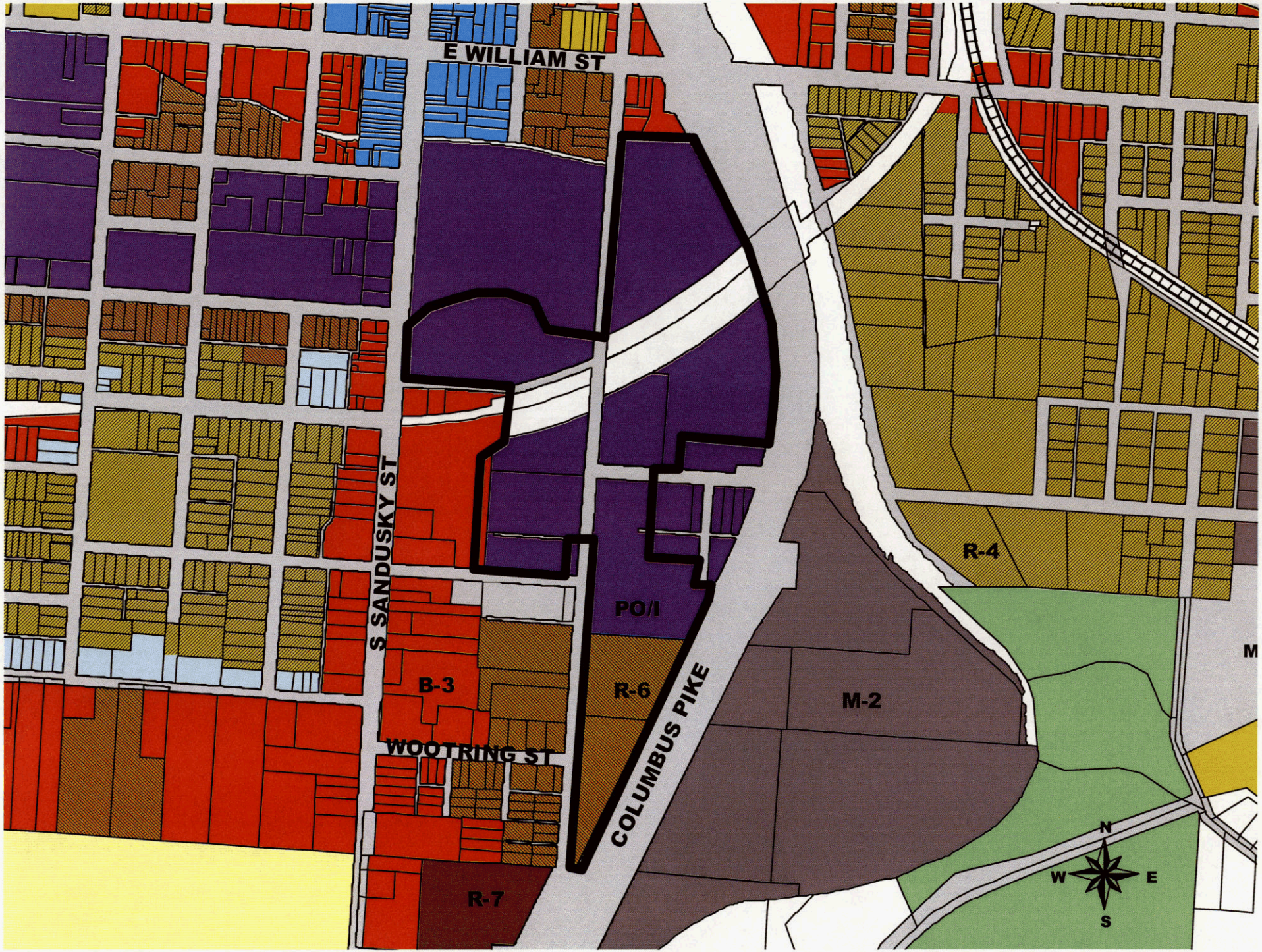
FEE: $_____ RECEIVED BY: _____ DATE: _____



City of Delaware
GIS
Planning & Community Development

PC05-024, PC05-045, PC05-046 & PC05-047
OHIO WESLEYAN UNIVERSITY
REZONING, CONDITIONAL USE,
PRE DEV PLAN & FINAL DEV PLAN

N
W E
S


E WILLIAM ST
S SANDUSKY ST
COLUMBUS PIKE
WOOTRING ST
PO/I
B-3
R-6
R-7
M-2
R-4
N
W
E
S