ORDINANCE NO. 06-35

AN ORDINANCE APPROVING A REZONING OF TWO PARCELS CONSISTING OF A TOTAL 53.707 ACRES FROM A-1 (AGRICULTURAL DISTRICT) TO M-1 (LIGHT MANUFACTURING DISTRICT) WITH A PMU (PLANNED MIXED USE) OVERLAY LIMITING THE USES TO THOSE USES IDENTIFIED ON THE ATTACHED ZONING TEXT FOR THE GARDNER/MYERS PROPERTIES LOCATED ON THE NORTHWEST SIDE OF US 42, SOUTH OF AIRPORT ROAD, AND NORTH OF SLACK ROAD.

WHEREAS, the Planning Commission at its meeting of March 15, 2006 recommended approval of a Rezoning of two parcels consisting of a total 53.707 acres from A-1 (Agricultural District) to M-1 (Light Manufacturing District) with a PMU (Planned Mixed Use) Overlay limiting the uses to those uses identified on the attached zoning text for the Gardner/Myers properties located on the northwest side of US 42, south of Airport Road, and north of Slack Road (PC 06-030).

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

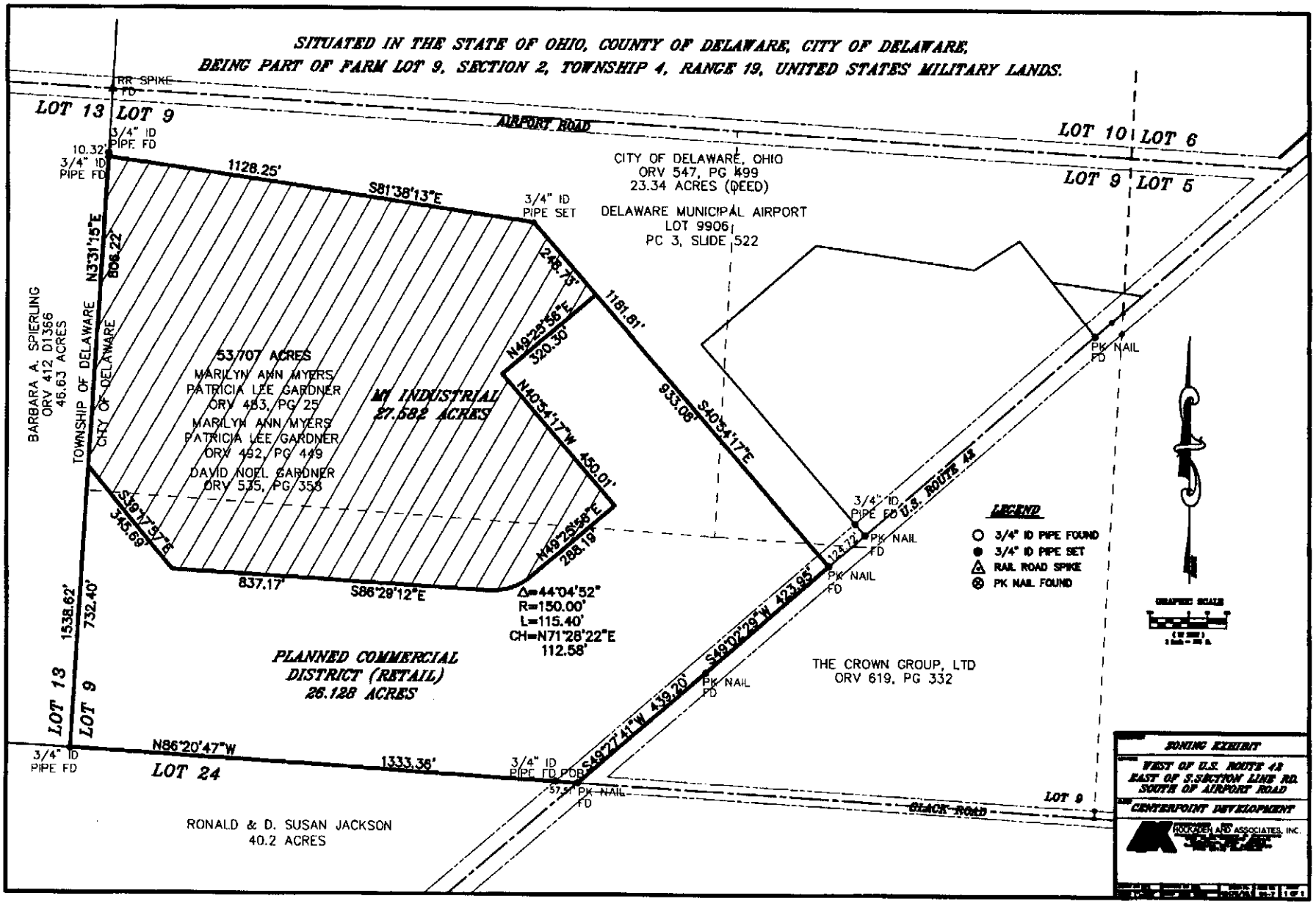
SECTION 1. That the Rezoning of two parcels consisting of a total 53.707 acres from A-1 (Agricultural District) to M-1 (Light Manufacturing District) with a PMU (Planned Mixed Use) Overlay limiting the uses to those uses identified on the attached zoning text for the Gardner/Myers properties located on the northwest side of US 42, south of Airport Road, and north of Slack Road, be the same and is hereby confirmed, approved, and accepted, as presented.

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.

PASSED: May 8, 2006 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Cindy Moore
CITY CLERK

Windell W Keeler
MAYOR


SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,
BEING PART OF FARM LOT 9, SECTION 2, TOWNSHIP 4, RANGE 19, UNITED STATES' MILITARY LANDS.
RR SPIKE FD
LOT 13
LOT 9
AIRPORT ROAD
LOT 10
LOT 6
LOT 9
LOT 5
3/4" ID PIPE FD
10.32'
3/4" ID PIPE FD
1128.25'
S81°38'13"E
3/4" ID PIPE SET
CITY OF DELAWARE, OHIO
ORV 547, PG 499
23.34 ACRES (DEED)
DELAWARE MUNICIPAL AIRPORT
LOT 9906
PC 3, SLIDE 522
BARBARA A. SPIERLING
ORV 412 D1366
46.63 ACRES
TOWNSHIP OF DELAWARE
CITY OF DELAWARE
N3°31'15"E
806.22'
248.75'
1161.61'
N49°25'56"E
320.30'
S40°34'17"E
933.08'
53.707 ACRES
MARILYN ANN MYERS
PATRICIA LEE GARDNER
ORV 483, PG 25
MARILYN ANN MYERS
PATRICIA LEE GARDNER
ORV 492, PG 449
DAVID NOEL GARDNER
ORV 535, PG 358
M1 INDUSTRIAL
27.582 ACRES
N40°54'17"W
450.01'
S49°17'57"E
345.69'
N49°25'56"E
288.19'
837.17'
S86°29'12"E
Δ=44°04'52"
R=150.00'
L=115.40'
CH=N71°28'22"E
112.58'
PK NAIL FD
3/4" ID PIPE FD
U.S. ROUTE 42
123.22'
PK NAIL FD
PK NAIL FD
S49°02'29"W 423.95'
S49°27'41"W 439.20'
PK NAIL FD
LEGEND
3/4" ID PIPE FOUND
3/4" ID PIPE SET
RAIL ROAD SPIKE
PK NAIL FOUND
GRAPHIC SCALE
PLANNED COMMERCIAL
DISTRICT (RETAIL)
26.128 ACRES
THE CROWN GROUP, LTD
ORV 619, PG 332
1538.62'
732.40'
LOT 13
LOT 9
3/4" ID PIPE FD
N86°20'47"W
1333.36'
LOT 24
3/4" ID PIPE FD POB
57.5'
PK NAIL FD
LOT 9
BLACK ROAD
RONALD & D. SUSAN JACKSON
40.2 ACRES
ZONING EXHIBIT
WEST OF U.S. ROUTE 42
EAST OF S.SECTION LINE RD.
SOUTH OF AIRPORT ROAD
CENTERPOINT DEVELOPMENT
ROCKADEN AND ASSOCIATES, INC.

OVERALL DEVELOPMENT USES (53.707 acres)

The following uses as derived from the M-1 (Light Manufacturing) District shall be permitted either by right (P), conditionally permitted (C), or accessory in nature to the principal use (A) on the entire 53.707 acre site. Any use not listed shall be considered prohibited. All requirements of the Airport Overlay District shall be met. Uses listed in **bold** are have been added as permitted uses.

Use	M-1 Light Industrial
(a) Offices	**P**
(1) Research and development facility	P
(2) Office – professional, administrative and sales	P
(3) Training facility	P
(b) Storage and Distribution	
(1) Distribution facility/truck terminal	C
(2) Warehouse or indoor storage facility	P
(3) Storage (aboveground) of flammable liquids	C
(c) Outdoor Storage	
(1) Storage (general) of materials	A
(2) Storage of fleet vehicles for operation of principal use	A
(3) Storage of equipment for sale or rental	A
(d) Manufacturing and Processing	
(1) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(e) Transportation	
(1) Accessory airport-related uses – see Section 1145.07	**P**
(f) Other	
(1) Public safety facility	**P**
(2) Public service/maintenance facility	**P**
(3) Public utility substation or distribution facility	C
(4) Electricity-generating windmill (ORD 04-91 Passed 6-14-04)	C
(g) Accessory Uses	
(1) Any use deemed accessory to the principal use	**P**

PARKING

The minimum amount of parking provided shall be that indicated on the approved final development plan.

SITE LIGHTING

The minimum amount of site lighting provided shall be that indicated on the approved final development plan.

OTHER REQUIREMENTS

Unless otherwise shown or noted on the approved final development plan, all other requirements of the Zoning Code shall be met.

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 06-030
REQUEST: Rezoning
PROJECT: Myers/Gardner Property
MEETING DATE: March 15, 2006

APPLICANT/OWNERS

G. Bradford Johnson
8800 Lyra Drive
Columbus, Ohio 43240

Marilyn Myers & David Gardner
2295 Snook Drive
Naples, Florida 34102

REQUEST

Rezoning of two parcels consisting of a total 53.707 acres from A-1 (Agricultural District) to M-1 (Light Manufacturing District) with a PMU (Planned Mixed Use) Overlay for the properties located on the northwest side of US 42, south of Airport Road, and north of Slack Road.

PROPERTY LOCATION & DESCRIPTION

The properties are located on the northwest side of US 42, south of Airport Road, and north of Slack Road. The current zoning of the property is A-1 (Agricultural District). The surrounding zoning is M-2 (General Manufacturing District) to the north and east, M-1 (Light Manufacturing District) to the south, and township zoning to the west.

BACKGROUND

The site is currently used as a crop farm. Sawmill Parkway is proposed to be extended north from Home Road in Liberty Township into the City and end at Section Line Road just south of the Municipal Airport. As currently aligned, the southern portion of this site will have frontage on Sawmill Parkway. As a result, the applicant proposes to rezone the entire property (53.707 acres) for manufacturing purposes (M-1) with a PMU Overlay to allow for possible commercial and office uses on the southern 26.128 acres of the site which will have frontage on Sawmill Parkway in the future. No current end users have been identified for either piece of property. The 27.528 acre tract adjacent to the airport is appropriate for industrial use in the future.

STAFF ANALYSIS

- **LAND USE**: The area consists of the Delaware Municipal Airport to the immediate north, a township residential development (Stone Acres) to the northeast along US 42, Jegs to the east across US 42, and crop farmland to the south that is currently zoned for M-1 uses. The Comprehensive Plan recommends Light Manufacturing land uses for this property. The proposed zoning district is consistent with the Comprehensive Plan land use designation, while allowing for the possible minimum commercial uses that will undoubtedly like to be adjacent to the Sawmill Parkway corridor.
- **PLANNED MIXED USE**: With this request, the entire 53.707 acres will allow uses permitted or conditionally permitted in the M-1 District. The modifications proposed to the M-1 District uses are as follows:
  1. Public safety and service facilities were made permitted uses rather than conditionally permitted uses.
  2. Accessory airport related uses were made permitted uses rather than prohibited uses.
  3. Accessory uses were modified to include any use deemed accessory to the principal use (parking lot, sign, dumpster enclosure, etc).

  On the southern 26.128 acres (shown as Planned Commercial) additional uses that are considered permitted and conditionally permitted uses in the B-4 (General Business) District will be allowed. Several modifications and restrictions that were made to the B-4 District uses include the following:

  1. Funeral home and related facilities was removed as permitted uses.
  2. Taxidermy was removed as a conditionally permitted use.
  3. Self-service storage was removed as a permitted use.
  4. Automotive sales and rental was removed as a permitted use.
  5. Car wash (stand alone facility) was removed as permitted use.
  6. Truck, farm, recreational vehicle storage was removed as permitted use. Sales remain as a permitted use.
  7. Outdoor display is further limited to that which is associated with a principal use.
  8. Day care center, child/adult was removed as permitted use.
  9. Public safety and service facilities (local service) were permitted uses rather than conditionally permitted uses.

10. Outdoor recreation and amusement was removed as permitted use.
11. Drive-in theater was removed as permitted use.
12. Indoor recreation and entertainment was removed as permitted use.
13. Health club was removed as a permitted use.
14. Accessory uses were modified to include any use deemed accessory to the principal use (parking lot, sign, dumpster enclosure, etc).

Although the proposed zoning still allows the southern area to develop as an industrial use, with the extension of Sawmill Parkway it is logical to envision commercial and office uses being attracted to the intersection with US 42. Staff believes such a request is appropriate and is consistent with a similar land use pattern taking shape on the City's eastern edge at the Kroger Distribution Center. Additionally, such uses are presently not provided any where in the immediate area to service the growing industrial uses and their employees. The Comprehensive Plan does recommend light manufacturing land use for the entire site. With this proposed rezoning and as stated, the site still may develop with a manufacturing use. Until such time that a development plan is submitted showing a use other than light manufacturing, the Comprehensive Plan does not need to be amended.

While both the City Engineer and County Engineer are relatively certain the Sawmill Parkway extension will front a portion of this property, final alignments and construction documents have not been established. Even should Sawmill Parkway be in close proximity to this property (not actually provide fronting the property) Staff is supportive of this proposal. However, Staff believes that should the Sawmill Parkway alignment shift so that the extension is more than 1,000 feet from nearest point of this property, the PMU Overlay shall expire leaving the M-1 base District, thereby eliminating all non-M-1 District uses. Additionally, no non-M-1 District uses shall be permitted until the County Engineer and City Engineer can state with absolute certainty the Sawmill Parkway extension will be within the 1,000 feet area as described.

The PMU Overlay does require development text to be submitted. This text is necessary at the time a development plan is submitted and shall be made a part of the overlay but attached at that time. With the rezoning, the only requirement is to set forth the proposed uses as shown with this application.

For clarification, the southern 26.128 acres are listed as Planned Commercial on the site plan and the northern 27.582 acres are listed as M-1 Industrial. As discussed in this report, the entire site is to be zoned M-1 District with a PMU Overlay. The M-1 District uses are permitted on the entire 53.707 acres. Only the southern portion will allow for the additional potential of commercial and office uses given Sawmill Parkway's proximity. The applicant needs to work with Staff to clarify the exhibits and text so that the two are consistent and clear.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning of two parcels consisting of a total 53.707 acres from A-1 (Agricultural District) to M-1 (Light Manufacturing District). Staff also recommends approval of the rezoning of two parcels consisting of 53.707 acres to allow a PMU (Planned Mixed Use) Overlay for the properties located on the northwest side of US 42, south of Airport Road, and north of Slack Road with the following condition that:

1. The applicant clarifies the exhibits and text so that the two are consistent and clear as approved by Staff.
2. Should the Sawmill Parkway alignment shift so that the extension is more than 1,000 feet from nearest point of this property, the PMU Overlay shall expire thereby eliminating all non-M-1 District uses.
3. No non-M-1 District uses shall be permitted until the County Engineer and City Engineer can state with absolute certainty the Sawmill Parkway extension will be within the 1,000 feet area.

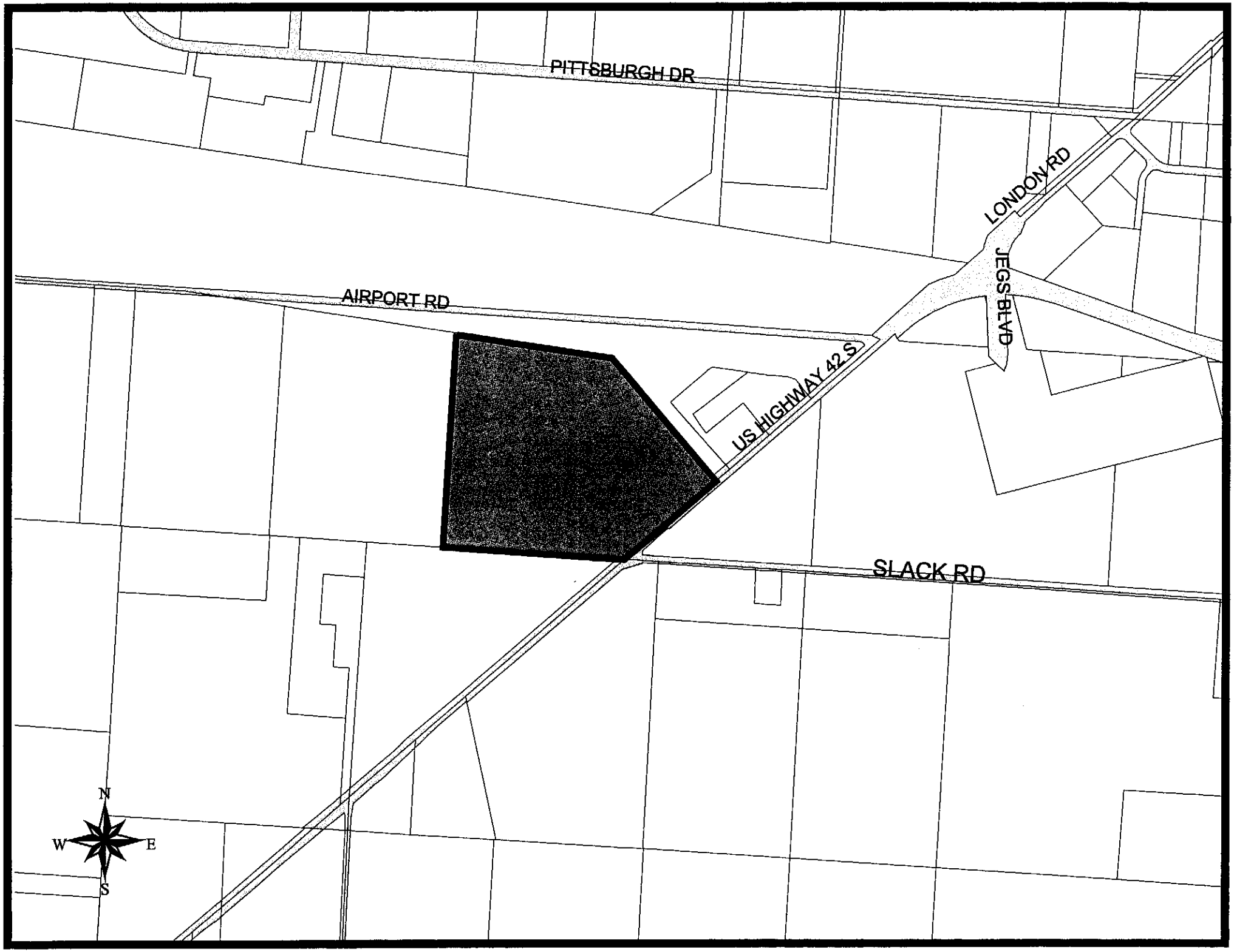
CONCLUSIONS

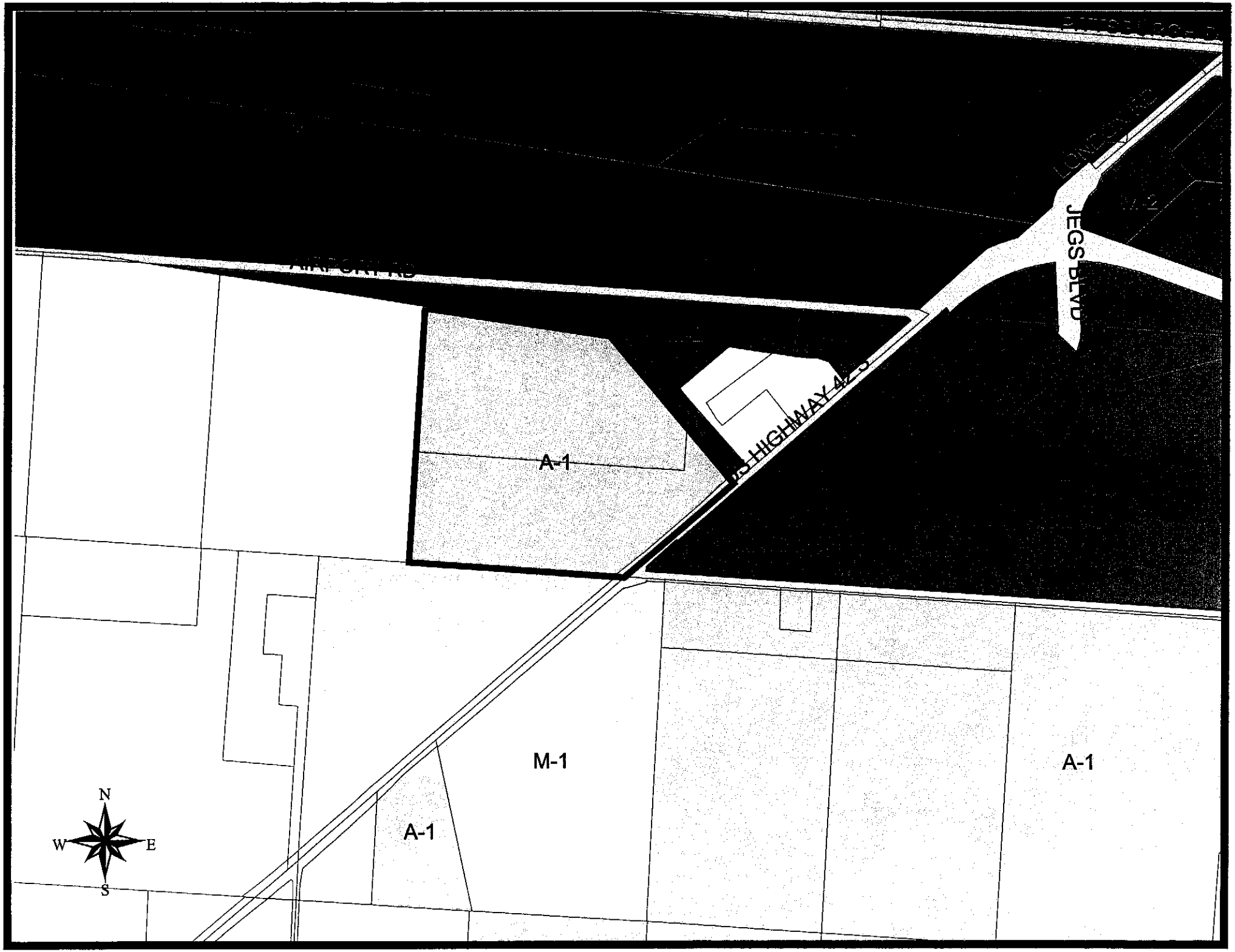
- The proposed Zoning District is consistent with the Comprehensive Plan land use recommendation.

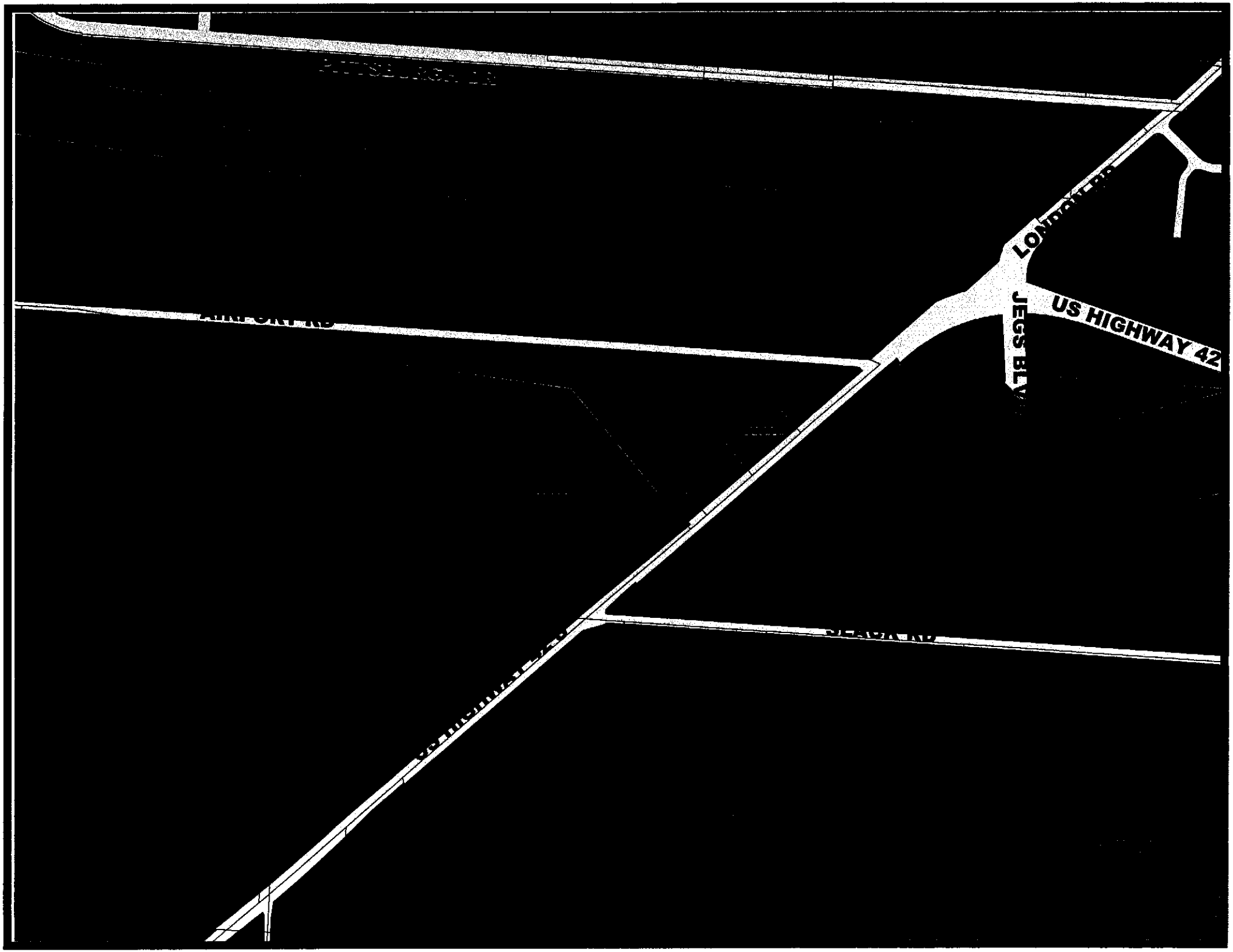
COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled*_____

CONDITIONS/MISCELLANEOUS:


PITTSBURGH DR
LONDON RD
JEGS BLVD
AIRPORT RD
US HIGHWAY 42 S
SLACK RD
N
W
E
S


JEGS BLVD
A-1
M-1
A-1
A-1
N
W
E
S


US HIGHWAY 42


AIRPORT RD
JEGS BLVD
LONDON
US HIGHWAY 42 S
N
W
E
S

CENTERPOINT
DEVELOPMENT

Gardner 42 Site
Zoning Application
Supplemental Information As Required By Section 1130.03
March 6, 2006

1130.03(a)(1) Applicant: G. Bradford Johnson
CenterPoint Development, LLC
8800 Lyra Drive, Suite 150
Columbus, OH 43240
614.436.6100

1130.03(a)(2) The property is currently zoned Agricultural and has been since its annexation to the city. As utilities have been extended closer to the site and large industrially zoned properties absorbed, the site has begun to ripen as a development site.

1130.03(a)(3) The Delaware Comprehensive Plan identifies the site as industrial. The recent "firming up" of the Sawmill Parkway corridor indicates that a logical utilization for a portion of the site is retail.

1130.03(a)(4) See attached.

1130.03(a)(5) See attached.

1130.03(a)(6) A. See attached.
B. CAUV farmland
C. Agricultural
D. I-1, with a PMU overlay
E. The proposed site would be developed as follows:

i. Approximately 32± acres have been proposed to be [redacted] manufacturing [redacted] The site will allow substantial expansion

ii. The balance of the site would be utilized for circulation and B-4 retail uses. No B-4 uses would be permitted on the 32± acre site, except for incidental retail uses for a small outlet store for the manufacturer.

F. See attached.

G. See attached.

DESCRIPTION OF 53.707 ACRE TRACT
WEST OF U.S. ROUTE 42
EAST OF SOUTH SECTION LINE ROAD
SOUTH OF AIRPORT ROAD

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lot 9, Section 2, Township 4, Range 19, United States Military Lands and being 53.707 acres of the land conveyed to Marilyn Ann Myers and Patricia Lee Gardner in Official Record Volume 483, Page 25 and Official Record Volume 492, Page 449 and to David Noel Gardner in Official Record Volume 535, Page 358 (all references refer to records in the Delaware County Recorder's Office, Ohio) and more fully described as follows:

Beginning at an existing PK nail at the centerline intersection of U.S. Route 42 and Slack Road on the southerly line of said Farm Lot 9 being the Point of Beginning;

Thence North 86°20'47" West a distance of 1333.36 feet, along the southerly line of said Farm Lot 9, passing over and existing ¾" ID pipe at 57.51 feet to an existing ¾" ID pipe at the southwest corner of said Farm Lot 9 and southeast corner of Farm Lot 13;

Thence North 3°31'15" East a distance of 1538.62 feet, along the westerly line of said Farm Lot 9 and easterly line of said Farm Lot 13, to an existing ¾" ID pipe at a southwesterly property corner of the City of Delaware, Ohio (ORV 547, Pg 499);

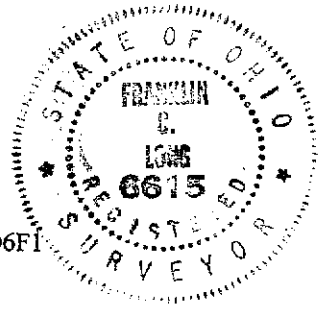
Thence South 81°38'13" East a distance of 1128.25 feet, along a southerly property line of said City of Delaware, to a ¾" ID pipe set;

Thence South 40°54'17" East a distance of 1181.81 feet, along a southwesterly property line of said City of Delaware, to an existing PK Nail in the centerline of said U.S. Route 42;

Thence South 49°02'29" West a distance of 423.95 feet, along the center line of said U.S. Route 42, to an existing PK Nail;

Thence South 49°27'41" West a distance of 439.20 feet, along the center line of said U.S. Route 42, to the Point of Beginning containing 53.707 acres more or less total of which 0.708 acres is part of the 19.685 acres in Tract I Parcel A, 25.468 acres is part of the 25.5 acres of Tract I Parcel B and 27.531 acres is part of the 40 acres of Tract 2, according to an actual field survey made in March of 2006.

Bearings are based upon the westerly line of Farm Lot 9, an assumed bearing of North 3°31'15 East was used and all other bearings based upon this meridian.

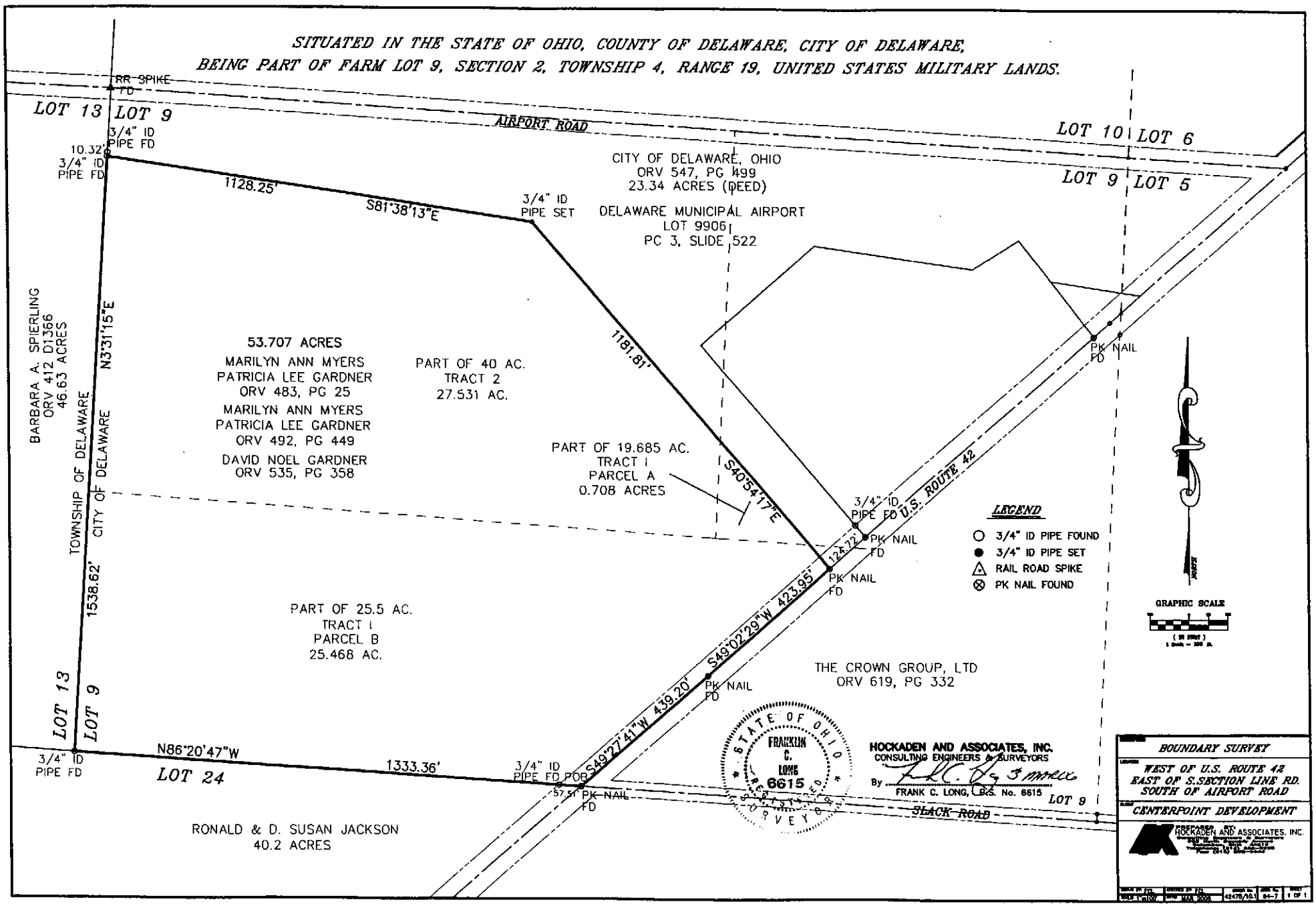


HOCKADEN AND ASSOCIATES, INC.
Consulting Engineers and Surveyors

3 MAR 06

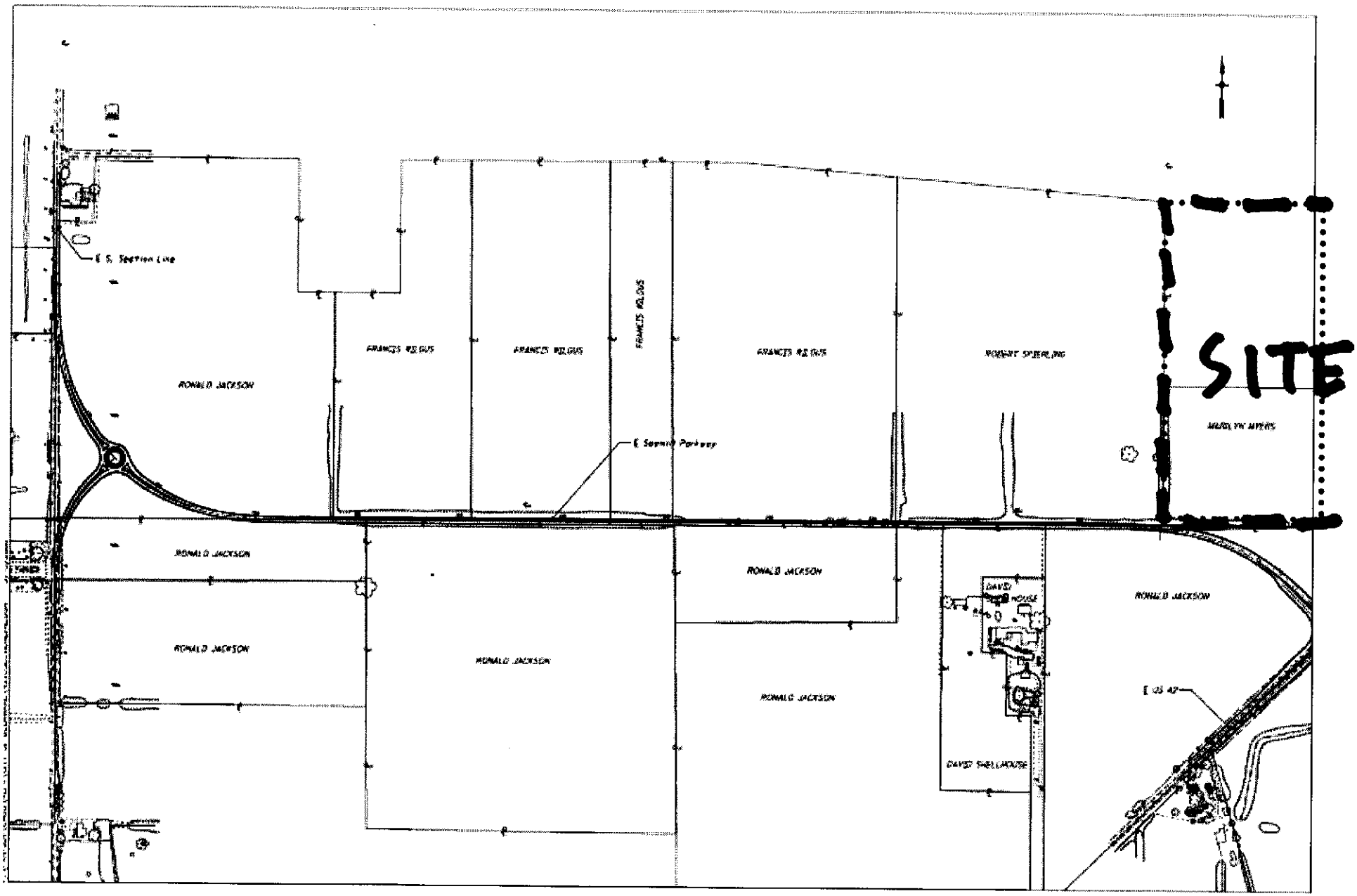
Frank C. Long
Professional Surveyor No. 6615

42475/10.1-030306F1


SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,
BEING PART OF FARM LOT 9, SECTION 2, TOWNSHIP 4, RANGE 19, UNITED STATES MILITARY LANDS.
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LOT 9
AIRPORT ROAD
LOT 10
LOT 6
LOT 9
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10.32'
3/4" ID PIPE FD
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MARILYN ANN MYERS
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DAVID NOEL GARDNER
ORV 535, PG 358
PART OF 40 AC.
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PART OF 19.685 AC.
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RAIL ROAD SPIKE
PK NAIL FOUND
GRAPHIC SCALE
STATE OF OHIO
FRANKLIN C. LONG
6615
REGISTERED SURVEYOR
HOCKADEN AND ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
By
FRANK C. LONG, P.S. No. 6615
BOUNDARY SURVEY
WEST OF U.S. ROUTE 42
EAST OF S.SECTION LINE RD.
SOUTH OF AIRPORT ROAD
CENTERPOINT DEVELOPMENT
PREPARED BY: HOCKADEN AND ASSOCIATES, INC.



SAWMILL PKWY ALIGNMENT


E S. Section Line
RONALD JACKSON
FRANCES REGIS
FRANCES REGIS
FRANCES REGIS
FRANCES REGIS
ROBERT SPERLING
SITE
MARILYN MYERS
E Summit Parkway
RONALD JACKSON
RONALD JACKSON
RONALD JACKSON
RONALD JACKSON
RONALD JACKSON
RONALD JACKSON
DAVIS HOUSE
DAVIS SHELLHOUSE
E US 87

