2013-1130

Buehler's Retail Shopping Center
800 West Central Avenue

Development Text
Amended Planned Unit Development District

1. DESCRIPTION OF DEVELOPMENT

Buehler's Food Markets Inc. is proposing to expand the existing Buehler's Retail Shopping Center to allow for the development of commercial uses along the West Central Avenue frontage of the site. Today, the zoning boundary encompasses 17.704 acres and consists of two parcels, including the 16.59 acre main parcel, containing the existing shopping center and parking, and the smaller 1.114 acre parcel located in the southwest corner along West Central Avenue and is currently occupied by an existing single family house which is leased out by Buehler's to private renters. The site is part of the larger planned unit development originally zoned in January of 1985 (Ordinance 85-21) and is bordered by Buehler Drive on the east, R-3 residential uses to the north, township residences to the west, and West Central Avenue to the south.

2. EXISTING ZONING & USE

The property is currently zoned B-3 (General Business District) with a Planned Unit Development (PUD) with uses consistent with the original zoning that was approved for the site in 1985. The site is currently occupied by the original Buehler's Fresh Food Market and drive-thru pharmacy, Delaware County Bank and Ace Hardware.. Access to the site is provided by four curb cuts on Buehler Drive and single exit only drive on West Central Avenue.

3. PROPOSED ZONING & USE

The applicant is proposing new commercial uses along the West Central Avenue Frontage. The proposal requires a rezoning amendment to the existing planned unit development that seeks to clarify and modify the permitted uses and development requirements per this development text and approval of an amended Final Development Plan.. The expansion of commercial development will include architectural design that is non-prototypical and is compatible with the surrounding development, a re-location of the existing access drive onto West Central Avenue, a new right-in only curb cut on West Central Avenue, landscaping and signage standards to include an improved landscape treatment along West Central Avenue, and an extension of the existing pedestrian sidewalk to the west property line. As part of the re-development, on the westernmost parcel the existing home and the existing barn would be removed, the storm water detention basin currently located along the frontage of West Central Avenue would be relocated and the existing mounding located between West Central Avenue and the east/west service road would be removed. To accommodate these changes, the existing storm water detention basin on the west side of the property will be enlarged and all existing trees removed from the frontage of West Central Avenue shall be replaced per Chapter 1168 Tree Preservation Regulations.

The aforementioned revisions would amend the existing Final Development Plan and would deem the existing development to be incompliance with the zoning code. However, any new building proposed along West Central Avenue will require Final Development Plan approval by the Planning Commission and City Council consistence with the development text and applicable zoning code regulations in effect at the time of application.

4. GENERAL DEVELOPMENT STANDARDS

a. **Conformance with Codified Ordinances and Comprehensive Plan -** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

b. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval at the time of Final Development Plan.

c. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major increase in the building area.
(2) Major change in the approved location of land uses.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, that results in a change in operating characteristics or character.

d. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor increase of less than 10% in the building area.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the building.

5. PROPOSED USES

The project is to be developed generally with a mix of commercial and retail uses consistent with the uses listed below and in conformance with the requirements of the City of Delaware Zoning Code and this development text.

a) **Uses.** The following uses shall be considered permitted or conditionally permitted as represented in the chart below by a P, C or L respectively, and as defined by Chapter 1121 of the Zoning Code. Regardless of any other regulations in the current zoning code, any use not listed as P, C or L in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process. The use list shall control and supersede any other use regulations.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Buehler's Retail Shopping Center**
(a) Residential	
(1) Single Family	L
(b) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services	P

Land Use Category	Buehler's Retail Shopping Center
(c) Retail and Services	
(1) Retail and service establishments with a minimum gross floor area of 100,000 square feet or greater (ORD 04-42 Passed 03/22/04)	P
(2) Retail and service establishments in completely enclosed buildings	P
(3) Restaurant – table service	P
(4) Restaurant – counter service	P
(5) Stand-Alone ATM Facility (drive-thru or walk-up)	P
(6) Funeral home and related facilities	C
(7) Veterinary office (no outside run or outside kennel)	P
(8) Veterinary hospital (no outside run or outside kennel)	C
(d) Automotive and Transportation	
(1) Drive-thru facility associated with any principal permitted or conditionally permitted use	P
(e) Outdoor Display/Storage	
(1) Outdoor display	L
(2) Outdoor storage	L
(f) Community Facilities	
(1) Places of Worship	P
(2) Day care center, child/adult	C
(3) Public safety & service facility	P
(g) Recreation and Entertainment	
(1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center)	C
(2) Health club	P

(1) **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning

Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

a. **Single Family Use** – The existing single family house shall not be expanded and/or shall not be converted into a multi-family use.
b. **Outdoor Storage Area** – Ace Hardware is permitted to have a maximum of 15 U-Haul's or similar vehicles at one time in the western parking lot.
c. **Outdoor Display** – Buehler's Food Market and Ace Hardware are permitted outdoor display of seasonal items at the entrance areas to the building and at some locations in the parking lot.

1) **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards* **	**Buehler's Retail Shopping Center**
(a) Minimum lot area	1 acre
(b) Minimum lot width and frontage*	120 ft.
(c) Maximum building coverage	40%
(d) Maximum lot coverage**	70%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements (condo lease lines) connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of the parcel and converting to a percentage. Collectively, lot coverage shall not exceed an average 70%.

***The lot standards and minimum building and parking setbacks are measured from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

2) **Building Setback Standards.** The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks* **	**Buehler's Retail Shopping Center**
(a) Setback from SR 37 (West Central Avenue)	40 ft.
(b) Setback from Buehler Drive	40 ft.
(c) Side setback for out lots along West Central Avenue	20 ft.
(d) Side setback adjacent to west property line	50 ft.
(e) Rear setback	20 ft.

***The lot standards and minimum building and parking setbacks are measureed from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

3) **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks* **	**Buehler's Retail Shopping Center**
(1) Setback from SR 37 (West Central Avenue)	20 ft.
(2) Setback from Buehler Drive	20 ft.
(3) Setback from any interior private access drive or street.	5 ft.
(4) Setback from interior property lines	5' or as approved on the Final Development Plan
(5) Setback adjacent to residential use district	20 ft

***The lot standards and minimum building and parking setbacks are measured from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

4) **Maximum Building Height.** The maximum height of any building or structure shall be 45 feet as measured from finished floor elevation to the highest point of the roof.

5) **Building Design.** All buildings regardless of use shall meet the building design requirements of Section 1143.11 and 1171.00 of the City of Delaware Zoning Code.

a) General Design Requirements.

(1) The architectural design of all commercial/retail buildings and office buildings shall be traditional in nature and shall establish proper transitional relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures on a lot shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. All buildings and portions thereof shall retain traditional building massing. Buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass. No prototypical architectural buildings shall be accepted.

(2) Required architectural features shall include large transparent storefronts and window systems, roof elements such as dormers, cupolas, roof spires, and hip and gable roofs to emphasize and reduce the building scale at the building storefront.

(3) Buildings shall be oriented toward West Central Avenue whenever possible.

(4) The design of the buildings should incorporate green elements where feasible and practical to promote progressive design (solar panels, rooftop rain gardens, permeable pavement, etc) as approved on a Final Development Plan.

b) Exterior Design Elements.

(1) Predominant exterior building materials shall be of high quality. The permissible building materials shall include the following or shall be a comparable material as approved by the City of Delaware:

(i) Brick
(ii) Wood/Engineered Wood (Hardiplank)
(iii) Stone/Synthetic Stone
(iv) Stucco/Synthetic Stucco (commonly known as "EIFS") as accent bands or small decorative elements only
(v) Design Brick (integrally colored concrete units)/Quick-brik of appropriate size and quality for the elevation for which it is being applied
(vi) Dimensional Asphalt Shingles
(vii) Prefinished Metal Standing Seam Roof Systems
(viii) Slate/Synthetic Slate

(b) Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials.

(c) Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, buildings shall generally have a similar degree of exterior finishes on all sides and compositions of similar building materials shall be used on all building elevations.

(d) Façade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

(e) Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.

(f) All exterior service doors and overhead doors other than entry/exits shall be made of a heavy gauge metal painted to blend in with the exterior brick, stone or any other approved wall building material

(g) All building appurtenances (coping, downspouts, etc) shall be painted to match the adjacent building material color of each new building.

(h) A building materials board and color samples shall be submitted for final development plan approval.

c) Building Massing and Articulation

(1) Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, building facades shall include a repeating pattern that shall include no less than three of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(2) Each exterior elevation shall be predominately composed of brick masonry, stone or wood (engineered wood). Brick masonry units shall be sized from standard modular to king size. Utility "design brick" brick (4" high nominal units, 3 5/8" high x 15 5/8" long, that are colored at the time of fabrication) shall be permitted. Jack arches and/header details shall be utilized above storefronts and window openings. Belt lines (horizontal accent bands) shall be used to break up larger masonry walls which can be recessed or pulled from the main wall plane. Soldier courses may be used above door and window openings or as part of a belt line (horizontal accent band). Detail bricks shall be of an accent color that is complimentary to the field brick on the building. Other exterior elevation elements shall include roof fascias and detailed parapet cornices. The same palette of exterior finishes and color shall be used on all sides of a building, unless otherwise detailed in this zoning text.

(3) Unless fully screened by mounding or landscaping as described in this zoning text below or as otherwise approved as part of the Final Development Plan, walls shall have no more than 20 feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

(4) Roof lines shall provide variations in height and profile to reduce the mass and scale of a structure and to add visual interest. Roof lines shall be residential in character to preserve proper transition to adjacent residential uses while appropriately addressing existing road frontages.

(5) All building facades facing a public right-of-way shall employ a minimum of forty percent (40%) fenestration and architectural articulation/details or other architectural elements as described in this text to reduce building scale, add visual interest and create pedestrian visibility and transparency.

(6) Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation above:

(i) The wall faces an area devoted solely to loading and delivery and the wall is completely screened from view from all public rights-of-way, parking areas, drive aisles and abutting residential uses or residentially zoned properties. Screening shall be accomplished through the use of landscaping and/or mounding.

(7) No "artworks, panels, paintings, etc., "shall be permitted on any walls of the building.

d) Roofs.

(1) The following types of roofs are permitted:
(i) Pitched roofs with gabled or hipped ends
(ii) Glass roofs are acceptable in portions of a structure
(iii) Mansard roofs
(iv) Flat roof with a parapet to screen mechanical equipment.

(2) Roof materials shall be asphalt shingles, cedar shakes or man-made cedar shake looking, slate or synthetic slate, prefinished standing seam metal or a comparable material as approved by the City of Delaware. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance.

(3) The minimum pitch for a sloped roof shall be 6:12.

(4) Gutters shall be metal-type and shall be painted to match fascias. Downspouts shall be installed in a manner comparable to and consistent with the buildings and architecture. Scuppers shall be used at the rear of the building if desired. Through wall scuppers may be permitted where parapet walls are used. Scupper boxes and downspouts at the rear of the building shall be painted to blend in with exterior building color or shall be manufactured with a pre-finished metal of a color which compliments the finished material to which it is affixed. Overflow drains may be an open scupper through a masonry parapet in a manner comparable to and consistent with the buildings and architecture. An open scupper shall be detailed to minimize its appearance on the building elevation.

e) Screening.

(1) Rooftop equipment, solar panels, antennas, and similar protrusions shall be installed in compliance with all applicable provisions of the Zoning Code. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to completely conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all roof mounted equipment shall be completely screened through the use of parapet walls, or other architectural building elements compatible with the building design. All screening elements shall be consistent with the style of architecture of the center. Individual screening units may be considered where other means are impractical. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Zoning Code and shall be screened when visible to the public view.

(2) All exterior mechanical equipment and appurtenances not located on a roof, including, but not limited to, transformers, air conditioning units not located on rooftops, wall or sprinkler pumps, storage tanks shall be located in designated service areas and where not otherwise prohibited shall be suitably screened by means of fences, walls, opaque landscaping, or other appropriate screening as approved as part of the Final Development Plan so as not to be visible from any street or adjacent lot. Electrical wireways, meters, gas meter sets, telephone enclosures and other building services/utility devices shall be painted to match the wall finish to which they are attached.

(3) Loading docks, trash collection, and similar facilities and functions, as provided for by code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from the public. Screen wall materials shall be the same as the building materials and consistent in design. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

6) **Parking.** The amount of parking proposed on the submitted amended Final Development Plan for the existing Buehler's Retail Shopping Center which includes Buehler's Food Market, Delaware County Bank and Ace Hardware is hereby deemed to be incompliance with the zoning code. Any new building fronting West Central Avenue would have to comply with the minimum

parking requirements based on their specific use or as modified on any approved Final Development Plan. Where necessary for connectivity and access management throughout the development and to adjacent properties, cross access easements shall be provided.

a) No overnight parking (10:00 pm to 7:00 am) except for employees and limited/accessory uses shall be allowed. This includes, but is not limited to RV's and trucks. Overnight parking is defined as any vehicle parked on the site longer than 4 hours except when employees and limited/accessory uses.

7) **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan unless modified herein.

   a) A continuous landscape treatment of shrubs, piers, and ornamental trees shall be provided along the West Central Avenue frontage as shown in the amended Final Development Plan.
   b) The existing mound and trees, located between West Central Avenue and the east/west service road, are to be removed and all trees shall be replaced as required by the City of Delaware Zoning Code as shown on the amended Final Development Plan or the City shall a payment in lieu of replacement. Tree replacement will occur near or around the expanded detention basin on the west of the property and to improve / increase the buffer between the Buehler's Retail Shopping Center and the adjacent residential properties to the north and west.
   c) Street trees placed every 40 feet on center shall be provided along all public and private street and wherever such streets are adjacent to parking spaces.
   d) Parking lots shall be landscaped in a manner that minimizes the direct views of expanses of parking spaces and encourages safe vehicular movement, at a minimum, as depicted on the approved amended Final Development Plan. Each island within the parking lot shall be landscaped in accordance with the Zoning Code.
   e) Wherever possible along building frontages with a pedestrian walkway a mix of year-round and seasonal foundation plantings shall be provided as well as tree wells or planters of other similar plantings included in the pedestrian walkway.
   f) Ground mounted equipment shall be screened from view using plant materials, opaque decorative fencing, or mounding providing 100% year round opacity.

8) **Pedestrian Connectivity.** Pedestrian connectivity will be provided throughout the development with sidewalk connections from the public and private streets to proposed development as shown on the amended Final Development Plan. The existing sidewalk along West Central Avenue shall be extended to the western property line of the Buehler's Retail Shopping Center consistent with any redevelopment with that site.. Sidewalks, a minimum 5 feet in width, will also be provided along all storefronts and leading to any side and rear customer entrances.

9) **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current City of Delaware Zoning Code. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility.

10) **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165.16(c) and the amended Final Development Plan or any subsequent Final Development Plans All signs shall be in conformance with the approved comprehensive sign plan. The comprehensive sign plan shall meet the following requirements. Unless noted below, all signs shall meet the current Zoning Code.

    a) Freestanding Signs. The Shopping Center shall be permitted a maximum of two freestanding signs with one located at the intersection of West Central Avenue and Buehler Drive and one

located at the relocated access point on West Central Avenue into Buehler's Retail Shopping Center.

1) Each sign shall be a maximum 15 high (including the required monument base) and shall be limited up to 3 panels.
2) Each sign shall have a maximum width of 10 feet.
3) Each sign shall have a maximum sign area of 72 square feet per side.
4) Each sign shall have a minimum 3.5 feet high limestone monument base in conformance with the Gateways and Corridors Plan.
5) Each sign maybe internally illuminated
6) Each sign shall be limited to two colors or as approved by staff.
7) No freestanding signs are permitted for the outbuildings.

b) Wall Signs. Existing wall signs on Buehler's Food Market, Delaware County Bank and Ace Hardware shall be deemed permitted as constructed on the effective date of this ordinance. Any new building wall signs shall meet the following requirement:

1) One wall sign is permitted per primary tenant per frontage of a public street.
2) The size of the signs shall comply with the zoning code maximum requirements or as approved on the Final Development Plan.
3) The signs shall be individually cut internally illuminated channel letters or halo type (reverse channel letter) at a minimum as opposed to an internally illuminated sign cabinet. For the purpose of this text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. The illumination creates a soft glow or "halo" behind the letter.
4) Changeable copy and changeable face signs are prohibited.
5) Businesses located within a business shall be limited to one non-illuminated wall sign not exceeding 2 square feet and located in a general sign band area as shown on a Final Development Plan and no building shall have more than 2 such signs.

c) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the site and the Gateways & Corridors Plan. Any changeable copy and changeable face signs are prohibited except for the time and temperature sign of the Delaware County Bank which would be grandfathered without any future revisions.

d) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of the comprehensive sign plan for the development. All other signs shall meet the current Zoning Code. Initial grand opening signs that comply with the current zoning code are permitted for 30 days. No streamers, balloons, spinners, other air activated devices, billboards, search lights, or other temporary or permanent signs or attraction devices shall be permitted.

11) Tree Removal and Replacement. Tree removal and replacement shall meet the requirements of Chapter 1168 Tree Preservation Regulations with the following replacement schedule and as approved on an amended Final Development Plan:

a) Trees in poor condition shall be required to be replaced.
b) Trees in fair condition shall be replaced at 50%.
c) Trees in good condition shall be replaced at 100%.
d) Ash trees shall not be replaced and must be removed from the site.
e) Credit may be given for preservation of existing, qualifying major trees per the schedule above. Credit may be given for any site trees proposed to be planted that are

not otherwise required by the zoning code regulations. This credit shall be applied toward fulfillment of any calculated removal and replacement requirements only and shall in no event exceed 100% replacement credit. Final replacement and/or credits shall be per an approved Final Development Plan and Tree Survey.

f) The development requires the removal of 676 caliper inches with 440 caliper inches that are being replaced. This yields a shortfall of 236 caliper inches that translates into a payment of $23,600 (236 x $100 per caliper inch) to the City in lieu of replacement.

12) Roadway Improvements - The City approved a traffic impact study submitted by the applicant which requires the following improvements for the future building out of the property in a phased approach:

a) Phase 1 – The construction of one building fronting West Central Avenue shall require the following traffic improvements:

(1) A new right-in only curb cut on West Central Avenue (construction of a drop lane shall be determined by a more detailed analysis of the traffic impact study per the City Engineer) shall be constructed.

(2) The existing western curb cut shall be relocated and expanded to a three legged intersection movement prohibiting left in turn movement from West Central Avenue.

(3) The southernmost curb cut on Buehler's Drive shall be allowed to remain full movement at this time.

b) Phase 2 – The construction of a second building fronting West Central Avenue shall require the following traffic improvements:

(1) West Central Avenue shall be widened to include an eastbound left hand turn lane into the relocated entrance drive on West Central Avenue per the City Engineers requirements.

(2) The southern service road that intersects with Buehler's Drive shall be limited to right-in/right-out movements only.

ORDINANCE NO. 13-50

AN ORDINANCE FOR BUEHLER FOOD MARKET INC., APPROVING A REZONING AMENDMENT TO THE EXISTING PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE EXPANSION OF THE EXISTING RETAIL SHOPPING CENTER AT 800 WEST CENTRAL AVENUE ON APPROXIMATELY 17.704± ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) WITH A PUD OVERLAY.

WHEREAS, the Planning Commission at its meeting of July 17, 2013 recommended approval of a Rezoning Amendment to the Existing Planned Unit Development (PUD) for Buehler Food Market Inc., to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.704± acres on property zoned B-3 (Community Business District) with a PUD Overlay. (PC 2013-1130), and

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

SECTION 1. That the Rezoning Amendment to the Existing Planned Unit Development (PUD) for Buehler Food Market Inc., to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.704± acres on property zoned B-3 (Community Business District) with a PUD Overlay, the same and is hereby confirmed, approved, and accepted, with the following condition that:

1. Any change of use of any existing structure or property shall require conformance to all provisions of the Development Text and the most recently approved Final Development Plan except for Building Setback Standards, Parking Setbacks, and Building Design. Such exception shall not be granted for any addition, exterior modification, enlargement, or exterior alteration of the building or site.

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: 8/26, 2013 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

MAYOR

CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2013-1130 & 1131
REQUEST: Multiple Requests
PROJECT: Buehler's Retail Shopping Center
MEETING DATE: July 17, 2013

APPLICANT/OWNER
Buehler Food Markets Inc.
1401 Old Mansfield Road
Wooster, Ohio 44691

REQUEST
2013-1130: A request by Buehler Food Market Inc., for approval of a Rezoning Amendment to the existing Planned Unit Development (PUD) to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.704 acres on property zoned B-3 (Community Business District) with a PUD Overlay.
2013-1131: A request by Buehler Food Market Inc., for approval of an Amended Final Development Plan to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.704 acres on property zoned B-3 (Community Business District) with a PUD Overlay.

PROPERTY LOCATION & DESCRIPTION
The property is located on the north side of West Central Avenue between Buehlers Drive and Crestview Drive. The subject site is zoned B-3 (Community Business District) with a Planned Unit Development (PUD) Overlay The properties to the north and east are zoned R-3 (One-Family Residential District) while the property to the south across West Central Avenue is zoned R-6 (Multi-Family Residential District). The single-family residentially zoned properties to the west are in Delaware Township.

BACKGROUND
Buehler Food Market Inc., is proposing to expand the existing Buehler's Retail Shopping Center to allow for the development of commercial buildings along the frontage of West Central Avenue. The expansion will include architectural design that is compatible with the surrounding development, a relocation of the existing access drive onto West Central Avenue, a new right-in only curb cut on West Central Avenue, the elimination of the existing mound, house and barn, improved landscaping treatment along West Central Avenue and completion of the sidewalk along West Central Avenue. To accommodate these changes, the existing storm water basin on the west side of the property will be enlarged with the planting of new trees to replace the trees removed. Finally, this represents the opportunity to clarify and add significant detail to the original PUD zoning passed nearly three decades ago which is today incomplete at best and inadequate at worst to the current City standards.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The City's goal for Land Use is: "A sustainable community is desired of thriving neighborhoods, business areas, and civic places that comprise an outstanding quality of life and physical environment".

  The supporting principles for Land Use are the following as it pertains to the subject site:

  - Neighborhood commercial areas will be supported, office development will be a priority, and industrial development will be a priority, especially in the southwest and east parts of the City to take advantage of highway and rail access. Pedestrian and bike connections will be emphasized.
  - As the City grows outward to accommodate new growth, it will also strongly encourage growing inward through redevelopment and reinvestment in older areas.

  The subject site is located in the Delaware Run Subarea of the Comprehensive Plan with a land use designation of "Commercial." There is one land use recommendations that generally pertains to the corridor but not specifically to the subject site:

  LU 27.2 Commercial development will be limited to two major locations. Westfield Shopping Center and the retail node in Willowbrook Farms. Limited potential for mixed commercial (retail and office) may be supported in the following locations depending on

the quality of the proposal. West Central Avenue at Houk Road (if there is an emphasis on office development), Marysville Road at Section Line Road and limited intensification (infill and redevelopment, but not expansion) in the current retail node on West Central Avenue.

The Economic Development component of the Comprehensive Land Use Plan addresses Retail and Downtown Development with objective and strategies and has the following recommendations for such developments:

ED 21 Enhance Suburban Gateways. In order to enhance the competitiveness of the City's suburban retail areas, there is a need to ensure a high-quality physical environment. These strategies will be prepared in 2003-04.

ED21.1 Design and Implement Streetscape Enhancements Urban design improvements are appropriate along the City's main commercial corridors, particularly US23, which acts as a key gateway to the City from growing southern Delaware County. The City will design streetscape enhancements as part of a development plan and design guidelines for that area.

ED21.2 Avoid Haphazard Development -The City will avoid haphazard single-use suburban retail development along these corridors in favor of mixed-use development. The design guidelines will respond to this issue.

ED21.3 Encourage Grocery Store Anchored Retail Centers -For areas designated for retail development, it is preferable that shopping centers anchored by attached grocery stores over clusters of big box retailers. These types of centers would better meet local needs for goods and services.

The Community Character component of the Comprehensive Land Use Plan addresses Neighborhoods with objectives and strategies and has the following recommendations for such developments:

CC27 Ensure Conservation of the City's Older Neighborhoods. The City's older neighborhoods, particularly those in the Urban Subareas, must be conserved to maintain or enhance their viability. This means that inappropriate uses should be discouraged and/or prohibited. New development that is appropriate within a specific neighborhood should not exceed the general density of that area. New construction should be supported, but it must be in scale, mass and character of the neighborhood.

CC27.2 Preserve Neighborhood Integrity
The City does not support rezonings or development plans that are inconsistent with the general character of an older neighborhood.

CC27.3 Support Neighborhood-Scale Retail and Civic Uses
The Planning Department encourages retail uses at appropriate locations that meet neighborhood needs for goods and services and supports civic uses that complement neighborhoods, such as parks, bikepaths, neighborhood schools, and churches.

CC28. Encourage Mixed-Use Development to Support Neighborhoods. Mixing uses in residential areas can be very beneficial, but must be done properly to ensure the uses are well integrated and impacts are minimal. For instance, a mixed-use building along an arterial could serve as a neighborhood anchor. It could contain residences on upper floors, neighborhood-oriented retail and offices on the first floor, and a civic use.

CC28.1 Develop Guidelines

The Planning Department will prepare guidelines and zoning requirements that provide a framework for considering and approving mixed-use buildings. The Department also promotes the concept to developers with sufficiently large tracts of land to make such development economically feasible.

The Growth Management component of the Comprehensive Plan addresses Preservation and Conservation of Developed Sites with objectives and strategies and has the following recommendations for such developments:

GM12. Ensure that New Development Preserves Environmental Resources, Provides Connectivity, and Enhances its Environs. New development must fulfill the design priorities of the Comprehensive Plan to preserve and integrate with open space and environmental resources, connect to surrounding developments, and in general enhance the surrounding environs. New development should not denigrate the community, create eyesores, or ignore the unique characteristics of a site.

GM13. Protect the City's Inventory of Commercial, Office, and Industrial Land by Ensuring that New Development Enhances those Areas and does not Compromise Development Potential. Land is a finite resource and, once developed, is difficult to alter in use or character. The City's supply of land appropriate for non-residential development is also a limited resource, despite the over abundance of commercially zoned land on the City's eastside. Its competitive value is one of the few strong market conditions that attract industrial business to the community. The conservation of this land for business development is critical to balancing the City's growth.

GM13.1Discourage Inappropriate Uses

Land uses that are inappropriate for non-residential land will be discouraged and/or not supported in the zoning process.

GM13.2Conserve Appropriate Sites

Land that is zoned for industry, retail, services, or office development will be conserved for such uses, other than to reallocate land among these zoning districts to fulfill the recommendations of the Comprehensive Plan – unless the zoning is inconsistent with a particular location.

The analysis of the comprehensive plan is likely determined if a "macro" or "micro" interpretation of the Comprehensive Land Use Plan is applied. The subject site is designated "Commercial" and one could determine from a "macro" perspective the site would not be primarily under the purview of the Land Use Chapter because the site was built and active since 1987. With this interpretation, the site should be reviewed primarily under the purview of the Economic Development, Community Character and Growth Management chapters of the plan that identifies objectives and strategies for grocery store anchor retail centers and preserving and conserving neighborhoods and developed sites. However, from a "micro "perspective the vacant area in front of Buehler Retail Shopping Center is not improved today and could be viewed under the purview primarily of the Land Use Chapter which does not support any future development on the subject site.

In conclusion, a Comprehensive Land Use Plan is typically a "macro" level plan that guides growth for a City by parcels with specific goals, objectives and recommendations along with the fact that the subject property has been built and active for decades leads staff to recommend the "macro" level interpretation. In addition,

the subject property owner has requested and received approval of several small expansions of the Retail Shopping Center (see zoning history below) that would also support staff's interpretation. Also, the Comprehensive Land Use Plan identifies general locations for new retail shopping centers but does not necessarily limits the continue use, expansion or relevance of the existing retail shopping center in this corridor. The subject property exists as retail center at this time and nothing in this proposal adds additional land to the retail shopping center but only represents a limited intensification to the existing retail shopping center and therefore complies with the Land Use Chapter of the Comprehensive Plan. Therefore, staff maintains an amended Planned Unit Development (PUD) Overlay District with a detailed site plan and building elevations with specific development text that addresses the transportation, utility, environmental (landscaping), site design and architectural issues in a sensitive, practical and modern manner would likely result in a better and more effective long term plan for the neighborhood, owner and the City.

- **ZONING:** The property is currently zoned B-3 (Community Business District) with a Planned Unit Development (PUD) Overlay which was approved by City Council in 1985 (Ordinance 85-21). The proposal would require a rezoning amendment to the PUD and an amendment to the final development plan. Any new future building fronting West Central Avenue would require Preliminary and Final Development Plan approval per the approved development text and minimum zoning requirements.

  As mentioned above, the subject property has an extensive zoning history with the following approvals:

  - Ordinance 85-21 – April 8, 1985 – City Council approved the current Buehler Retail Shopping Center rezoning of B-3 General Business and a Commercial Planned Unit Development with two conditions:
    - That a fence be erected and maintained between said 3.5 acres and Carlisle Elementary School to the east.
    - That sidewalks be constructed and maintained within said Planned Unit Development along the north side of West Central Avenue and both sides of the street which is to be constructed within said development.
      - Although no specific conditions were approved in the ordinance, the following pertinent development requirements were documented on the public record:
        - The plan calls for 2 acres of green space with 4.5 foot high mounding in front of the development.
        - The building is setback 260 feet.
        - The building will be 85,000 square feet.
        - The building will be entirely brick and landscaped.
        - The house and barn in front will remain.
        - The parking lot will be depressed and will not show from the street.
        - A 90 seat restaurant will be included.
        - Buehler's will install the traffic signal on Central Avenue at a cost of $40,000 to $45,000 and additional lanes on West Central at a cost of $20,000.
  - Ordinance 86-23 – March 10, 1986 – City Council accepted the Preliminary-Final Plat of Buehler's Subdivision and declaring an emergency with the following conditions:
    - Meeting the specifications with regard to traffic signal.
    - Conforming to the intersection design as recommend by the Department of Public Works.
  - Ordinance 90-53 – July 23, 1990 – City Council approved an ordinance amending the Planned Unit Development (PUD) for Buehler's Food Market on West Central Avenue to allow the expansion of the restaurant and banking facilities at this location.
  - Ordinance 01-39 – May 14, 2001 – City Council approved a Conditional Use Permit for an outdoor display area for Buehler's Food Market located at 800 West Central Avenue.
  - PC 05-039 – June 15, 2005 - The Planning Commission approved an Administrative Review with conditions of a 5,385 square foot addition and 9 new parking spaces for a new Ace Hardware.

- PC 06-120 – November 15, 2006 – The Planning Commission approved a Development Plan Exemption with conditions for the construction of a detached barn for Ace Hardware at 800 West Central Avenue.
- PC 09-031 – July 15, 2009 – The Planning Commission approved a Development Plan Exemption with conditions for exterior alterations associated with a new customer Click, Load & Go vehicular loading zone at 800 West Central Avenue.
- Ordinance 11-100 – December 12, 2011 – City Council approved a Final Development Plan Amendment for Buehler Foods allowing the demolition of the residential house located at 800 West Central Avenue.

- **DEVELOPENT TEXT:** Being an amended PUD Overlay, the Development Text sets forth the development standards and requirements for this development. Staff has reviewed and is in support of the text. It should be noted that this text allows for a higher quality development from both a site planning and architectural design standpoint than that which would be permitted or required under a base zoning district or the original PUD. Additionally, this text allows a great deal of flexibility in the location of uses provided certain limitations aimed at protecting the existing adjacent single-family residential uses. The text updates would clarify and better define the parameters of the PUD.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. 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.
- **TRAFFIC IMPACT, ROAD AND ACCESS:** The applicant has submitted a traffic impact study that was reviewed and approved by the City. The results of the study yielded turning movement modifications and improvements based on the future build out of the property in a phased approach. Phase I, which is the construction of one new building fronting West Central Avenue, would require the following traffic improvements which are identified on the amended Final Development Plan. There would be two curb cuts from West Central Avenue accessing the site with the easternmost new curb cut being a right-in only (construction of a drop lane would be determined by a more detailed analysis of the traffic impact study per the City Engineer) and the relocation and expansion of the existing western curb cut to allow a three legged intersection movement prohibiting left in turn movements from West Central Avenue. In addition, the southernmost service road that intersects with Buehler's Drive would remain full movement at this time. Phase II, which is the construction of a second building fronting West Central Avenue, would require the widening of West Central Avenue to include a left hand turn lane into the relocated and expanded westernmost entrance drive on West Central Avenue per the City Engineer. In addition, the southern service road that intersects with Buehler's Drive would be limited to right-in/right-out movements only.
- **UTILITIES:** The subject site currently has sanitary sewer and water services provided by the City. The owner is relocating the storm water and water lines and easements to maximize the development potential of the land fronting West Central Avenue. In addition, the storm water detention basin located on the western portion of the site would be enlarged to accommodate the future development.
- **SITE CONFIGURATION:** The relocation of the existing entrance drive from West Central Avenue along with the elimination of the mound, barn and existing house would allow the 3.78 acres existing land to be developed between West Central Avenue and Buehler's service road. As mentioned earlier, the house, barn and mounding which provides an existing buffer would be removed in this proposal. Brent Carson, Delaware County Historical Society President, indicated neither the barn nor the house has any significant historical value and are just a typical house and barn built several decades ago. The subject land would yield up to three outbuildings (A, B & C) with associated parking. At this time the owner would rather own and lease the property to tenants rather than create individual owner occupied out parcels for each future use. Therefore, the amended Final Development Plan addresses the road network, the elimination of the existing mound, barn and house, improved landscaping treatment along West Central Avenue and installation of a sidewalk along West Central Avenue and the enlargement of the existing storm water basin on the west side of the property. However, the layout would allow the owner to parcel out the lots in the future if needed. Each outbuilding

would require Preliminary and Final Development Plan approval by the Planning Commission and City Council that would have to comply with the amended PUD development text and the minimum zoning requirements.

- **PEDESTRAIN CONNECTIVITY:** The sidewalk would be extended along West Central Avenue from Buehler's Drive to the western property line of the site. The sidewalks would be constructed incrementally with the first phase extended to the relocated entrance on West Central Avenue to match the phased traffic improvements to keep from tearing out new sidewalks. The final link of the sidewalk would be constructed as the property west of the relocated entrance develops or when roadway improvements are constructed. The property west of the site is in the township and there are not any sidewalks in this area. Therefore, a connection would not be compromised with the incremental construction of the sidewalk.
- **BUILDING DESIGN:** Although no buildings are proposed in this applicant, the amended Final Development Plan approval identified the general location and access to the building areas along with the amended Planned Unit Development text identifying specific building design requirements. Again, each outbuilding would require Preliminary and Final Development Plan approval by the Planning Commission and City Council that would have to comply with the amended PUD development text and the minimum zoning requirements.
- **TREE REMOVAL & REPLACEMENT:** The applicant prepared a tree survey and identified 84 (6 inch caliper or larger) trees on the site with 13 of the trees being preserved. Therefore, 71 trees that measure 676 caliper inches would be removed while 176 new trees would be planted. To ensure compatibility and consistency with similar recent PUD approvals, the proposed PUD district allows for credits for preservation of trees, reduction of replacement value for trees in poor and fair condition and credit for installation of trees above the zoning code requirements. Therefore, the tree replacement cost would be $23,600 after analyzing the tree survey (676 caliper inches removed and 440 caliper inches installed equals a 236 caliper inch shortfall x $100 per caliper inch replacement cost).
- **LANDSCAPING & SCREENING:** The amended Final Development Plan identifies a landscape plan that indicates 176 trees will be planted on the site. This includes required street trees along West Central Avenue, Buehler's Drive, the relocated entrance drive and the existing service drive, buffering along the western property line and trees adjacent to and within the proposed parking lots. In addition, there are several mature trees that are located in the Buehler's Food Market parking lot that would remain and coupled with the proposed enhanced screening would likely provide an effective buffer comparable to the current buffer of mounding, trees, barn and house. Again, each new building would have to achieve compliance with the minimum landscaping requires and receive Preliminary and/or Final Development Plan approval by the Planning Commission and City Council.
- **SIGNAGE:** The development would be permitted up to two freestanding signs total with one sign at the intersection of Buehler's Drive and West Central Avenue and one sign at the relocated entrance on West Central Avenue that would have to comply with the adopted Gateways and Corridor Plan including the incorporation of a limestone base to match the future outbuildings. The specific size, color and materials of the freestanding sign have not been identified but shall comply with the requirements of the approved amended PUD development text. This will allow for well-designed and coordinated signage with the ability to have tenant panels.

  The signage for any future outbuilding shall also comply with the requirements of the approved development text of the amended PUD and would require Preliminary and Final Development Plan approval by the Planning Commission and City Council. Outbuildings will not be allowed any freestanding individual signs but will be allowed building signage. A comprehensive sign plan will be required to be submitted for review and approval by staff for the entire retail shopping center prior to any signs being constructed.

STAFF RECOMMENDATION (2013-1130 AMENDED REZONING)

Staff recommends approval of a request by Buehler Food Market Inc., for a Rezoning Amendment to the existing Planned Unit Development (PUD) to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.54 acres on property zoned B-3 (Community Business District) with a PUD Overlay, with the following condition:

1. Any change of use of any existing structure or property shall require conformance to all provisions of the Development Text and the most recently approved Final Development Plan except for Building Setback

Standards, Parking Setbacks, and Building Design. Such exception shall not be granted for any addition, exterior modification, enlargement, or exterior alteration of the building or site.

STAFF RECOMMENDATION (2013-1131 AMENDED FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Buehler Food Market Inc., for approval of an Amended Final Development Plan to allow the expansion of the existing retail shopping center at 800 West Central Avenue on approximately 17.54 acres on property zoned B-3 (Community Business District) with a PUD Overlay with the following conditions that:

1. Any change of use of any existing structure or property shall require conformance to all provisions of the Development Text and amended Final Development Plan except for Building Setback Standards, Parking Setbacks, and Building Design. Such exception shall not be granted for any addition, exterior modification, enlargement, or exterior alteration of the building or site.
2. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. 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.
3. The construction of Phase 1, which is the construction of one outbuilding, shall require all of the following improvements to be completed concurrent with any construction (as proposed on the amended Final Development Plan):
   a. A new right-in only curb cut on West Central Avenue (construction of a drop lane shall be determined by a more detailed analysis of the traffic impact study per the City Engineer) shall be constructed.
   b. The existing western curb cut shall be relocated and expanded to a three legged intersection movement prohibiting left in turn-movements from West Central Avenue.
   c. The southernmost curb cut on Buehler's Drive shall be allowed to remain full movement at this time.
4. The construction of Phase 2, which is the construction of a second building, shall require all of the following improvements to be completed concurrent with any construction:
   a. West Central Avenue shall be widened to include an eastbound left hand turn lane into the relocated entrance drive on West Central Avenue per the City Engineers requirements.
   b. The southern service road that intersects with Buehler's Drive shall be limited to right-in/right-out movements only.
5. Any new building shall require Preliminary and Final Development Plan approval that complies with the amended PUD development text and the minimum zoning code requirements.
6. The sidewalk shall be extended to the relocated entrance on West Central Avenue. The final section of the sidewalk that extends to the western property line shall be constructed as the property west of the relocated entrance develops or when the roadway improvements are constructed, whichever is first.
7. The tree replacement fee of $23,600 shall be paid to the City prior to construction drawing approval for any site improvements.
8. If any work commences on eliminating the mound, house or barn or any roadway or utility improvements occurs, the proposed trees shall be installed per the submitted amended Final Development Plan along West Central Avenue, Buehler's Drive, the relocated entrance road and the service road.
9. A comprehensive sign plan shall be submitted to staff for review and approval prior to any sign being constructed and shall be in accordance with the adopted development text.

2013-1130

Buehler's Retail Shopping Center
800 West Central Avenue

Development Text
Amended Planned Unit Development District

1. DESCRIPTION OF DEVELOPMENT

Buehler's Food Markets Inc. is proposing to expand the existing Buehler's Retail Shopping Center to allow for the development of commercial uses along the West Central Avenue frontage of the site. Today, the zoning boundary encompasses 17.704 acres and consists of two parcels, including the 16.59 acre main parcel, containing the existing shopping center and parking, and the smaller 1.114 acre parcel located in the southwest corner along West Central Avenue and is currently occupied by an existing single family house which is leased out by Buehler's to private renters. The site is part of the larger planned unit development originally zoned in January of 1985 (Ordinance 85-21) and is bordered by Buehler Drive on the east, R-3 residential uses to the north, township residences to the west, and West Central Avenue to the south.

2. EXISTING ZONING & USE

The property is currently zoned B-3 (General Business District) with a Planned Unit Development (PUD) with uses consistent with the original zoning that was approved for the site in 1985. The site is currently occupied by the original Buehler's Fresh Food Market and drive-thru pharmacy, Delaware County Bank and Ace Hardware.. Access to the site is provided by four curb cuts on Buehler Drive and single exit only drive on West Central Avenue.

3. PROPOSED ZONING & USE

The applicant is proposing new commercial uses along the West Central Avenue Frontage. The proposal requires a rezoning amendment to the existing planned unit development that seeks to clarify and modify the permitted uses and development requirements per this development text and approval of an amended Final Development Plan.. The expansion of commercial development will include architectural design that is non-prototypical and is compatible with the surrounding development, a re-location of the existing access drive onto West Central Avenue, a new right-in only curb cut on West Central Avenue, landscaping and signage standards to include an improved landscape treatment along West Central Avenue, and an extension of the existing pedestrian sidewalk to the west property line. As part of the re-development, on the westernmost parcel the existing home and the existing barn would be removed, the storm water detention basin currently located along the frontage of West Central Avenue would be relocated and the existing mounding located between West Central Avenue and the east/west service road would be removed. To accommodate these changes, the existing storm water detention basin on the west side of the property will be enlarged and all existing trees removed from the frontage of West Central Avenue shall be replaced per Chapter 1168 Tree Preservation Regulations.

The aforementioned revisions would amend the existing Final Development Plan and would deem the existing development to be incompliance with the zoning code. However, any new building proposed along West Central Avenue will require Final Development Plan approval by the Planning Commission and City Council consistence with the development text and applicable zoning code regulations in effect at the time of application.

4. GENERAL DEVELOPMENT STANDARDS

a. **Conformance with Codified Ordinances and Comprehensive Plan -** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

b. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval at the time of Final Development Plan.

c. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major increase in the building area.
(2) Major change in the approved location of land uses.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, that results in a change in operating characteristics or character.

d. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor increase of less than 10% in the building area.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the building.

5. PROPOSED USES

The project is to be developed generally with a mix of commercial and retail uses consistent with the uses listed below and in conformance with the requirements of the City of Delaware Zoning Code and this development text.

a) **Uses.** The following uses shall be considered permitted or conditionally permitted as represented in the chart below by a P, C or L respectively, and as defined by Chapter 1121 of the Zoning Code. Regardless of any other regulations in the current zoning code, any use not listed as P, C or L in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process. The use list shall control and supersede any other use regulations.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Buehler's Retail Shopping Center**
(a) Residential	
(1) Single Family	L
(b) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services	P

Land Use Category	Buehler's Retail Shopping Center
(c) Retail and Services	
(1) Retail and service establishments with a minimum gross floor area of 100,000 square feet or greater (ORD 04-42 Passed 03/22/04)	P
(2) Retail and service establishments in completely enclosed buildings	P
(3) Restaurant – table service	P
(4) Restaurant – counter service	P
(5) Stand-Alone ATM Facility (drive-thru or walk-up)	P
(6) Funeral home and related facilities	C
(7) Veterinary office (no outside run or outside kennel)	P
(8) Veterinary hospital (no outside run or outside kennel)	C
(d) Automotive and Transportation	
(1) Drive-thru facility associated with any principal permitted or conditionally permitted use	P
(e) Outdoor Display/Storage	
(1) Outdoor display	L
(2) Outdoor storage	L
(f) Community Facilities	
(1) Places of Worship	P
(2) Day care center, child/adult	C
(3) Public safety & service facility	P
(g) Recreation and Entertainment	
(1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center)	C
(2) Health club	P

(1) **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning

Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

a. **Single Family Use** – The existing single family house shall not be expanded and/or shall be converted into a multi-family use.
b. **Outdoor Storage Area** – Ace Hardware is permitted to have a maximum of 15 U-Haul's or similar vehicles at one time in the western parking lot.
c. **Outdoor Display** – Buehler's Food Market and Ace Hardware are permitted outdoor display of seasonal items at the entrance areas to the building and at some locations in the parking lot.

1) **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards* **	**Buehler's Retail Shopping Center**
(a) Minimum lot area	1 acre
(b) Minimum lot width and frontage*	120 ft.
(c) Maximum building coverage	40%
(d) Maximum lot coverage**	70%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements (condo lease lines) connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of the parcel and converting to a percentage. Collectively, lot coverage shall not exceed an average 70%.

***The lot standards and minimum building and parking setbacks are measured from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

2) **Building Setback Standards.** The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks* **	**Buehler's Retail Shopping Center**
(a) Setback from SR 37 (West Central Avenue)	40 ft.
(b) Setback from Buehler Drive	40 ft.
(c) Side setback for out lots along West Central Avenue	20 ft.
(d) Side setback adjacent to west property line	50 ft.
(e) Rear setback	20 ft.

***The lot standards and minimum building and parking setbacks are measureed from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

3) **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks* **	**Buehler's Retail Shopping Center**
(1) Setback from SR 37 (West Central Avenue)	20 ft.
(2) Setback from Buehler Drive	20 ft.
(3) Setback from any interior private access drive or street.	5 ft.
(4) Setback from interior property lines	5' or as approved on the Final Development Plan
(5) Setback adjacent to residential use district	20 ft

***The lot standards and minimum building and parking setbacks are measured from parcel lines and/or easement lines (condo lease lines) per the approved final development plan.

4) **Maximum Building Height.** The maximum height of any building or structure shall be 45 feet as measured from finished floor elevation to the highest point of the roof.

5) **Building Design.** All buildings regardless of use shall meet the building design requirements of Section 1143.11 and 1171.00 of the City of Delaware Zoning Code.

a) General Design Requirements.

(1) The architectural design of all commercial/retail buildings and office buildings shall be traditional in nature and shall establish proper transitional relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures on a lot shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. All buildings and portions thereof shall retain traditional building massing. Buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass. No prototypical architectural buildings shall be accepted.

(2) Required architectural features shall include large transparent storefronts and window systems, roof elements such as dormers, cupolas, roof spires, and hip and gable roofs to emphasize and reduce the building scale at the building storefront.

(3) Buildings shall be oriented toward West Central Avenue whenever possible.

(4) The design of the buildings should incorporate green elements where feasible and practical to promote progressive design (solar panels, rooftop rain gardens, permeable pavement, etc) as approved on a Final Development Plan.

b) Exterior Design Elements.

(1) Predominant exterior building materials shall be of high quality. The permissible building materials shall include the following or shall be a comparable material as approved by the City of Delaware:

(i) Brick
(ii) Wood/Engineered Wood (Hardiplank)
(iii) Stone/Synthetic Stone
(iv) Stucco/Synthetic Stucco (commonly known as "EIFS") as accent bands or small decorative elements only
(v) Design Brick (integrally colored concrete units)/Quick-brik of appropriate size and quality for the elevation for which it is being applied
(vi) Dimensional Asphalt Shingles
(vii) Prefinished Metal Standing Seam Roof Systems
(viii) Slate/Synthetic Slate

(b) Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials.

(c) Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, buildings shall generally have a similar degree of exterior finishes on all sides and compositions of similar building materials shall be used on all building elevations.

(d) Façade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

(e) Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.

(f) All exterior service doors and overhead doors other than entry/exits shall be made of a heavy gauge metal painted to blend in with the exterior brick, stone or any other approved wall building material
(g) All building appurtenances (coping, downspouts, etc) shall be painted to match the adjacent building material color of each new building.
(h) A building materials board and color samples shall be submitted for final development plan approval.

c) Building Massing and Articulation

(1) Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, building facades shall include a repeating pattern that shall include no less than three of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(2) Each exterior elevation shall be predominately composed of brick masonry, stone or wood (engineered wood). Brick masonry units shall be sized from standard modular to king size. Utility "design brick" brick (4" high nominal units, 3 5/8" high x 15 5/8" long, that are colored at the time of fabrication) shall be permitted. Jack arches and/header details shall be utilized above storefronts and window openings. Belt lines (horizontal accent bands) shall be used to break up larger masonry walls which can be recessed or pulled from the main wall plane. Soldier courses may be used above door and window openings or as part of a belt line (horizontal accent band). Detail bricks shall be of an accent color that is complimentary to the field brick on the building. Other exterior elevation elements shall include roof fascias and detailed parapet cornices. The same palette of exterior finishes and color shall be used on all sides of a building, unless otherwise detailed in this zoning text.

(3) Unless fully screened by mounding or landscaping as described in this zoning text below or as otherwise approved as part of the Final Development Plan, walls shall have no more than 20 feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

(4) Roof lines shall provide variations in height and profile to reduce the mass and scale of a structure and to add visual interest. Roof lines shall be residential in character to preserve proper transition to adjacent residential uses while appropriately addressing existing road frontages.

(5) All building facades facing a public right-of-way shall employ a minimum of forty percent (40%) fenestration and architectural articulation/details or other architectural elements as described in this text to reduce building scale, add visual interest and create pedestrian visibility and transparency.

(6) Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation above:

(i) The wall faces an area devoted solely to loading and delivery and the wall is completely screened from view from all public rights-of-way, parking areas, drive aisles and abutting residential uses or residentially zoned properties. Screening shall be accomplished through the use of landscaping and/or mounding.

(7) No "artworks, panels, paintings, etc., "shall be permitted on any walls of the building.

d) Roofs.

(1) The following types of roofs are permitted:
(i) Pitched roofs with gabled or hipped ends
(ii) Glass roofs are acceptable in portions of a structure
(iii) Mansard roofs
(iv) Flat roof with a parapet to screen mechanical equipment.

(2) Roof materials shall be asphalt shingles, cedar shakes or man-made cedar shake looking, slate or synthetic slate, prefinished standing seam metal or a comparable material as approved by the City of Delaware. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance.

(3) The minimum pitch for a sloped roof shall be 6:12.

(4) Gutters shall be metal-type and shall be painted to match fascias. Downspouts shall be installed in a manner comparable to and consistent with the buildings and architecture. Scuppers shall be used at the rear of the building if desired. Through wall scuppers may be permitted where parapet walls are used. Scupper boxes and downspouts at the rear of the building shall be painted to blend in with exterior building color or shall be manufactured with a pre-finished metal of a color which compliments the finished material to which it is affixed. Overflow drains may be an open scupper through a masonry parapet in a manner comparable to and consistent with the buildings and architecture. An open scupper shall be detailed to minimize its appearance on the building elevation.

e) Screening.

(1) Rooftop equipment, solar panels, antennas, and similar protrusions shall be installed in compliance with all applicable provisions of the Zoning Code. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to completely conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all roof mounted equipment shall be completely screened through the use of parapet walls, or other architectural building elements compatible with the building design. All screening elements shall be consistent with the style of architecture of the center. Individual screening units may be considered where other means are impractical. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Zoning Code and shall be screened when visible to the public view.

(2) All exterior mechanical equipment and appurtenances not located on a roof, including, but not limited to, transformers, air conditioning units not located on rooftops, wall or sprinkler pumps, storage tanks shall be located in designated service areas and where not otherwise prohibited shall be suitably screened by means of fences, walls, opaque landscaping, or other appropriate screening as approved as part of the Final Development Plan so as not to be visible from any street or adjacent lot. Electrical wireways, meters, gas meter sets, telephone enclosures and other building services/utility devices shall be painted to match the wall finish to which they are attached.

(3) Loading docks, trash collection, and similar facilities and functions, as provided for by code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from the public. Screen wall materials shall be the same as the building materials and consistent in design. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

6) **Parking.** The amount of parking proposed on the submitted amended Final Development Plan for the existing Buehler's Retail Shopping Center which includes Buehler's Food Market, Delaware County Bank and Ace Hardware is hereby deemed to be incompliance with the zoning code. Any new building fronting West Central Avenue would have to comply with the minimum

parking requirements based on their specific use or as modified on any approved Final Development Plan. Where necessary for connectivity and access management throughout the development and to adjacent properties, cross access easements shall be provided.

a) No overnight parking (10:00 pm to 7:00 am) except for employees and limited/accessory uses shall be allowed. This includes, but is not limited to RV's and trucks. Overnight parking is defined as any vehicle parked on the site longer than 4 hours except when employees and limited/accessory uses.

7) **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan unless modified herein.

   a) A continuous landscape treatment of shrubs, piers, and ornamental trees shall be provided along the West Central Avenue frontage as shown in the amended Final Development Plan.
   b) The existing mound and trees, located between West Central Avenue and the east/west service road, are to be removed and all trees shall be replaced as required by the City of Delaware Zoning Code as shown on the amended Final Development Plan or the City shall a payment in lieu of replacement. Tree replacement will occur near or around the expanded detention basin on the west of the property and to improve / increase the buffer between the Buehler's Retail Shopping Center and the adjacent residential properties to the north and west.
   c) Street trees placed every 40 feet on center shall be provided along all public and private street and wherever such streets are adjacent to parking spaces.
   d) Parking lots shall be landscaped in a manner that minimizes the direct views of expanses of parking spaces and encourages safe vehicular movement, at a minimum, as depicted on the approved amended Final Development Plan. Each island within the parking lot shall be landscaped in accordance with the Zoning Code.
   e) Wherever possible along building frontages with a pedestrian walkway a mix of year-round and seasonal foundation plantings shall be provided as well as tree wells or planters of other similar plantings included in the pedestrian walkway.
   f) Ground mounted equipment shall be screened from view using plant materials, opaque decorative fencing, or mounding providing 100% year round opacity.

8) **Pedestrian Connectivity.** Pedestrian connectivity will be provided throughout the development with sidewalk connections from the public and private streets to proposed development as shown on the amended Final Development Plan. The existing sidewalk along West Central Avenue shall be extended to the western property line of the Buehler's Retail Shopping Center consistent with any redevelopment with that site.. Sidewalks, a minimum 5 feet in width, will also be provided along all storefronts and leading to any side and rear customer entrances.

9) **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current City of Delaware Zoning Code. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility.

10) **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165.16(c) and the amended Final Development Plan or any subsequent Final Development Plans All signs shall be in conformance with the approved comprehensive sign plan. The comprehensive sign plan shall meet the following requirements. Unless noted below, all signs shall meet the current Zoning Code.

    a) Freestanding Signs. The Shopping Center shall be permitted a maximum of two freestanding signs with one located at the intersection of West Central Avenue and Buehler Drive and one

located at the relocated access point on West Central Avenue into Buehler's Retail Shopping Center.

1) Each sign shall be a maximum 15 high (including the required monument base) and shall be limited up to 3 panels.
2) Each sign shall have a maximum width of 10 feet.
3) Each sign shall have a maximum sign area of 72 square feet per side.
4) Each sign shall have a minimum 3.5 feet high limestone monument base in conformance with the Gateways and Corridors Plan.
5) Each sign maybe internally illuminated
6) Each sign shall be limited to two colors or as approved by staff.
7) No freestanding signs are permitted for the outbuildings.

b) Wall Signs. Existing wall signs on Buehler's Food Market, Delaware County Bank and Ace Hardware shall be deemed permitted as constructed on the effective date of this ordinance. Any new building wall signs shall meet the following requirement:

1) One wall sign is permitted per primary tenant per frontage of a public street.
2) The size of the signs shall comply with the zoning code maximum requirements or as approved on the Final Development Plan.
3) The signs shall be individually cut internally illuminated channel letters or halo type (reverse channel letter) at a minimum as opposed to an internally illuminated sign cabinet. For the purpose of this text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. The illumination creates a soft glow or "halo" behind the letter.
4) Changeable copy and changeable face signs are prohibited.
5) Businesses located within a business shall be limited to one non-illuminated wall sign not exceeding 2 square feet and located in a general sign band area as shown on a Final Development Plan and no building shall have more than 2 such signs.

c) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the site and the Gateways & Corridors Plan. Any changeable copy and changeable face signs are prohibited except for the time and temperature sign of the Delaware County Bank which would be grandfathered without any future revisions.

d) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of the comprehensive sign plan for the development. All other signs shall meet the current Zoning Code. Initial grand opening signs that comply with the current zoning code are permitted for 30 days. No streamers, balloons, spinners, other air activated devices, billboards, search lights, or other temporary or permanent signs or attraction devices shall be permitted.

11) **Tree Removal and Replacement**. Tree removal and replacement shall meet the requirements of Chapter 1168 Tree Preservation Regulations with the following replacement schedule and as approved on an amended Final Development Plan:

a) Trees in poor condition shall be required to be replaced.
b) Trees in fair condition shall be replaced at 50%.
c) Trees in good condition shall be replaced at 100%.
d) Ash trees shall not be replaced and must be removed from the site.
e) Credit may be given for preservation of existing, qualifying major trees per the schedule above. Credit may be given for any site trees proposed to be planted that are

not otherwise required by the zoning code regulations. This credit shall be applied toward fulfillment of any calculated removal and replacement requirements only and shall in no event exceed 100% replacement credit. Final replacement and/or credits shall be per an approved Final Development Plan and Tree Survey.

f) The development requires the removal of 676 caliper inches with 440 caliper inches that are being replaced. This yields a shortfall of 236 caliper inches that translates into a payment of $23,600 (236 x $100 per caliper inch) to the City in lieu of replacement.

12) Roadway Improvements - The City approved a traffic impact study submitted by the applicant which requires the following improvements for the future building out of the property in a phased approach:

a) Phase 1 – The construction of one building fronting West Central Avenue shall require the following traffic improvements:

(1) A new right-in only curb cut on West Central Avenue (construction of a drop lane shall be determined by a more detailed analysis of the traffic impact study per the City Engineer) shall be constructed.

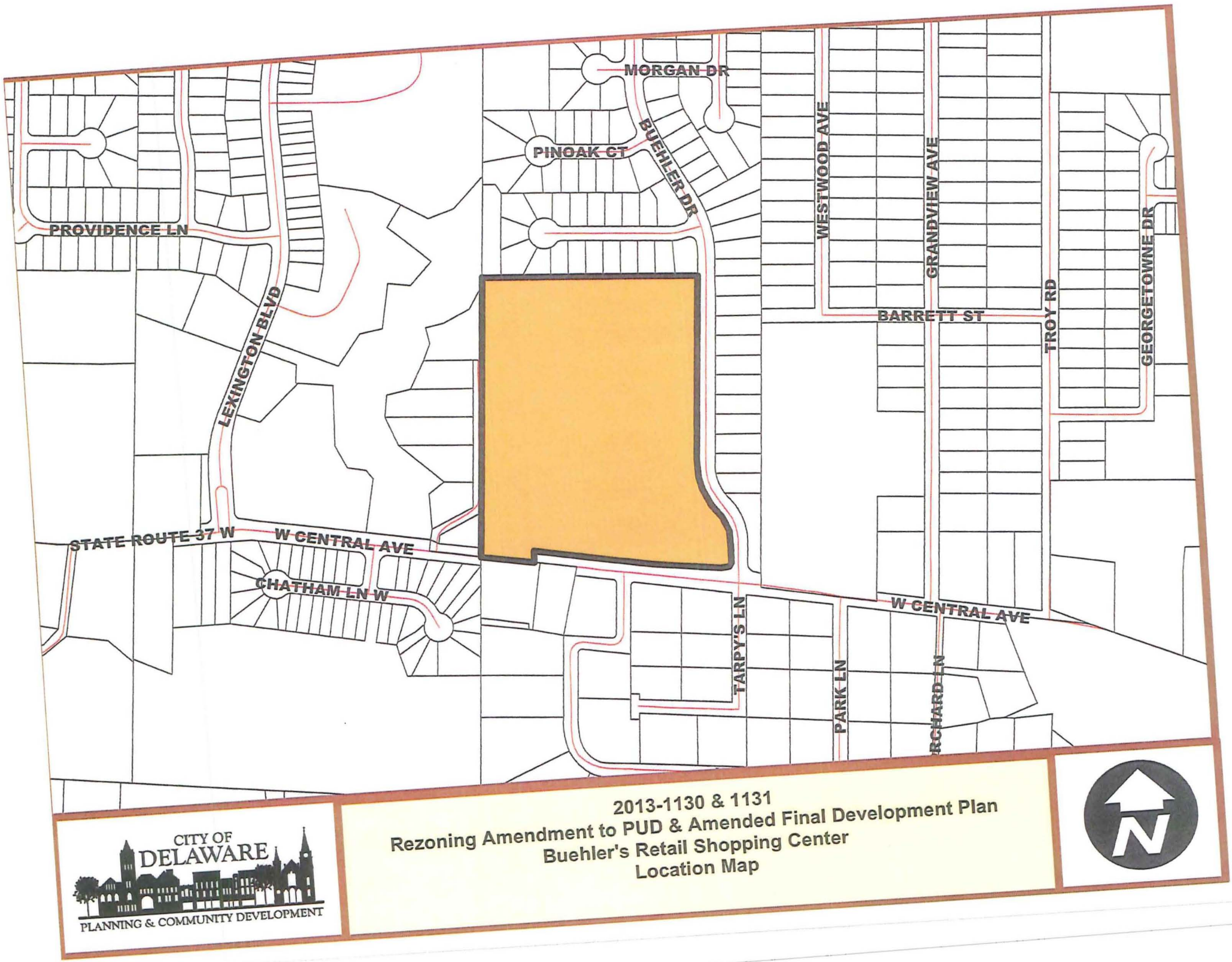
(2) The existing western curb cut shall be relocated and expanded to a three legged intersection movement prohibiting left in turn movement from West Central Avenue.

(3) The southernmost curb cut on Buehler's Drive shall be allowed to remain full movement at this time.

b) Phase 2 – The construction of a second building fronting West Central Avenue shall require the following traffic improvements:

(1) West Central Avenue shall be widened to include an eastbound left hand turn lane into the relocated entrance drive on West Central Avenue per the City Engineers requirements.

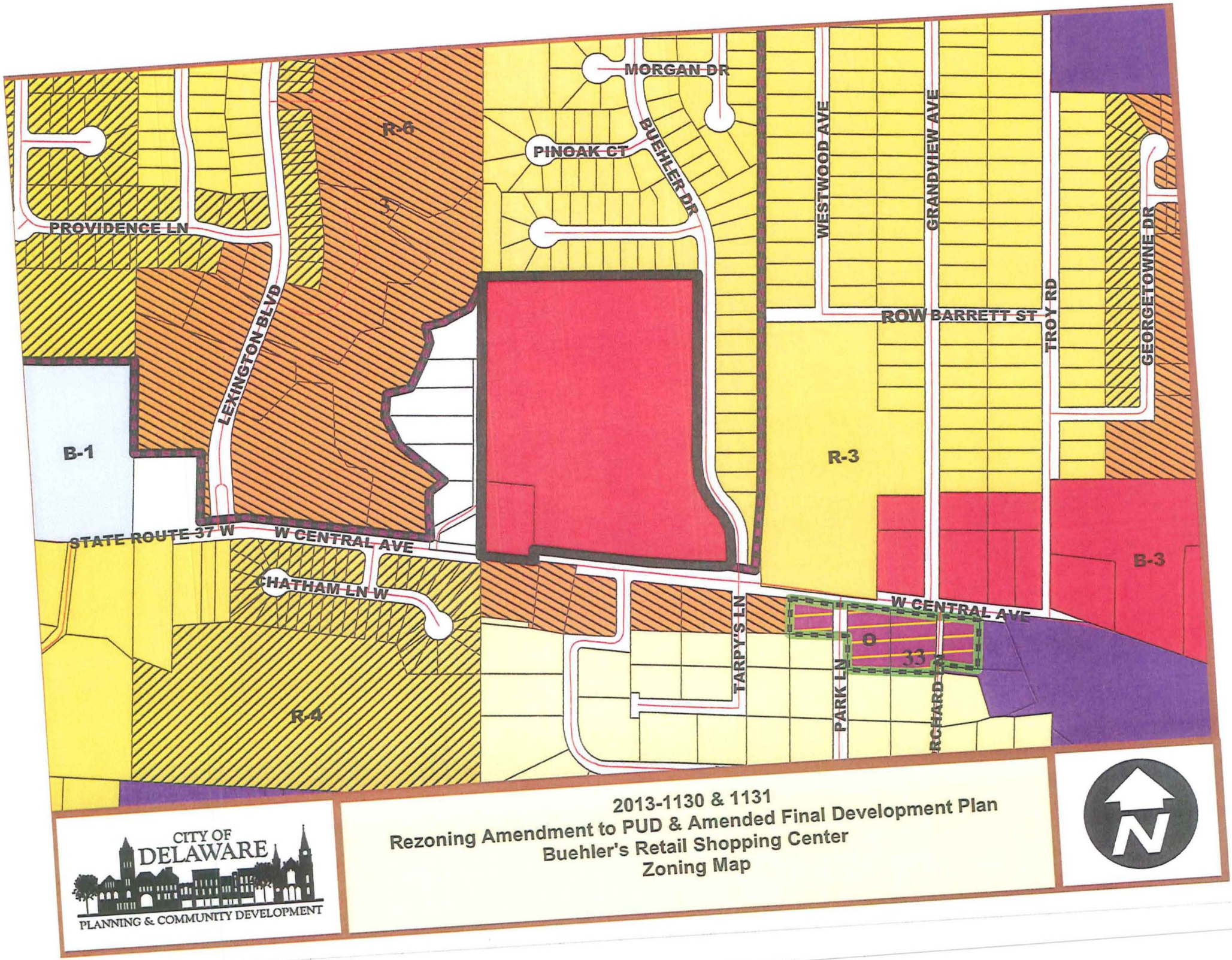
(2) The southern service road that intersects with Buehler's Drive shall be limited to right-in/right-out movements only.

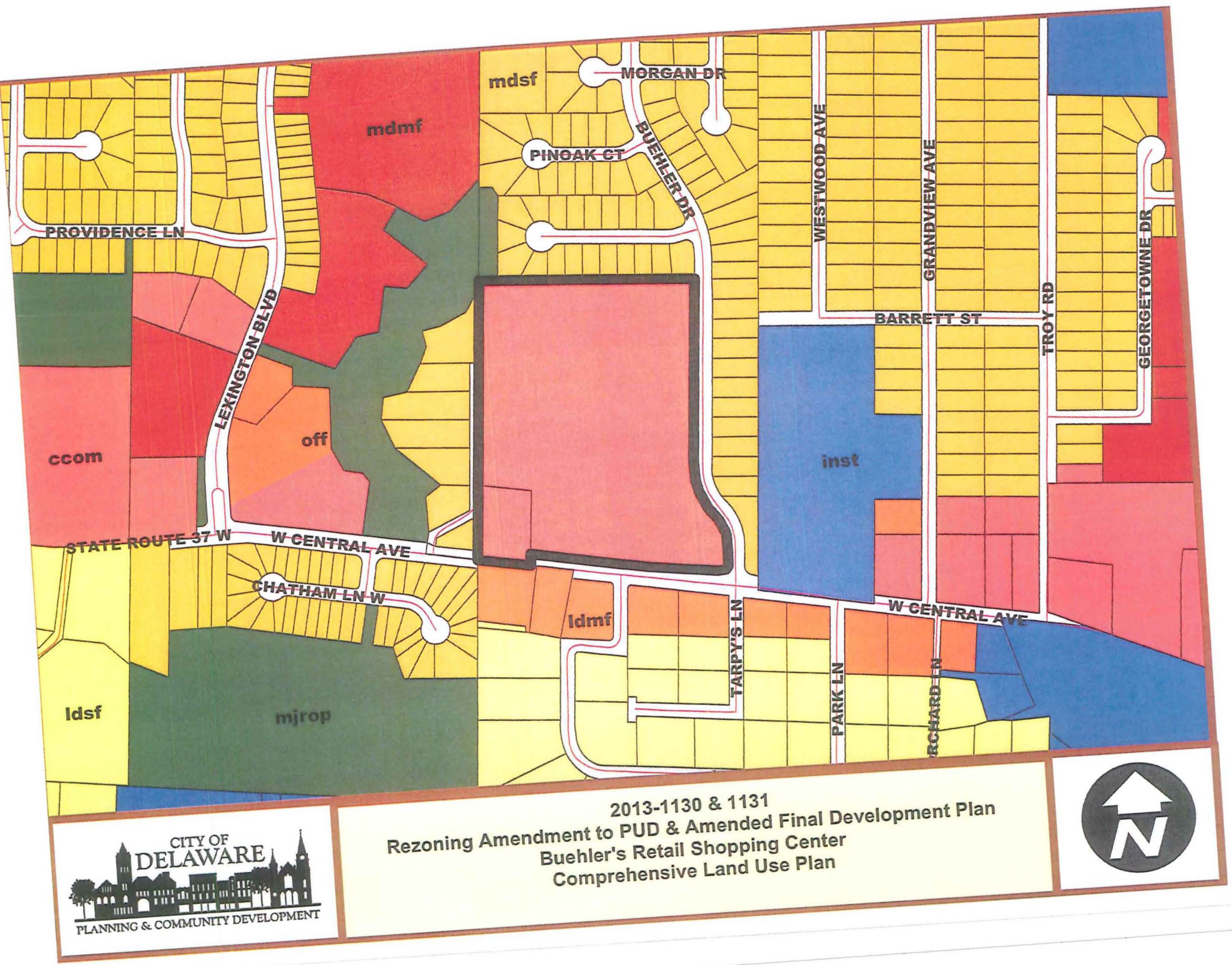


CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

2013-1130 & 1131
Rezoning Amendment to PUD & Amended Final Development Plan
Buehler's Retail Shopping Center
Location Map

N


MORGAN DR
PINOAK CT
BUEHLER DR
WESTWOOD AVE
GRANDVIEW AVE
TROY RD
GEORGETOWNE DR
ROW BARRETT ST
PROVIDENCE LN
LEXINGTON BLVD
R-6
R-3
B-1
B-3
R-4
STATE ROUTE 37 W
W CENTRAL AVE
CHATHAM LN W
TARPY'S LN
PARK LN
RCHARD LN
O
33
CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT
2013-1130 & 1131
Rezoning Amendment to PUD & Amended Final Development Plan
Buehler's Retail Shopping Center
Zoning Map
N


mdsf
MORGAN DR
mdmf
PINOAK CT
BUEHLER DR
WESTWOOD AVE
GRANDVIEW AVE
TROY RD
GEORGETOWNE DR
PROVIDENCE LN
LEXINGTON BLVD
BARRETT ST
ccom
off
inst
STATE ROUTE 37 W
W CENTRAL AVE
CHATHAM LN W
ldmf
TARPY'S LN
PARK LN
W CENTRAL AVE
ldsf
mjrop
CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT
2013-1130 & 1131
Rezoning Amendment to PUD & Amended Final Development Plan
Buehler's Retail Shopping Center
Comprehensive Land Use Plan
N



CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

2013-1130 & 1131
Rezoning Amendment to PUD & Amended Final Development Plan
Buehler's Retail Shopping Center
Aeiral (2010)

N

EDGE

330 WEST SPRING STREET, SUITE 350
COLUMBUS, OHIO 43215
614-486-3343

CONSULTANTS

PRELIMINARY
NOT FOR CONSTRUCTION

SEAL

Buehler's Fresh Foods Re-Zoning

City of Delaware, Ohio

PROJECT TITLE

For:
Buehler Food Markets, Inc.

CLIENT

PROJECT NO. 13017
Date 05/06/13
Revisions

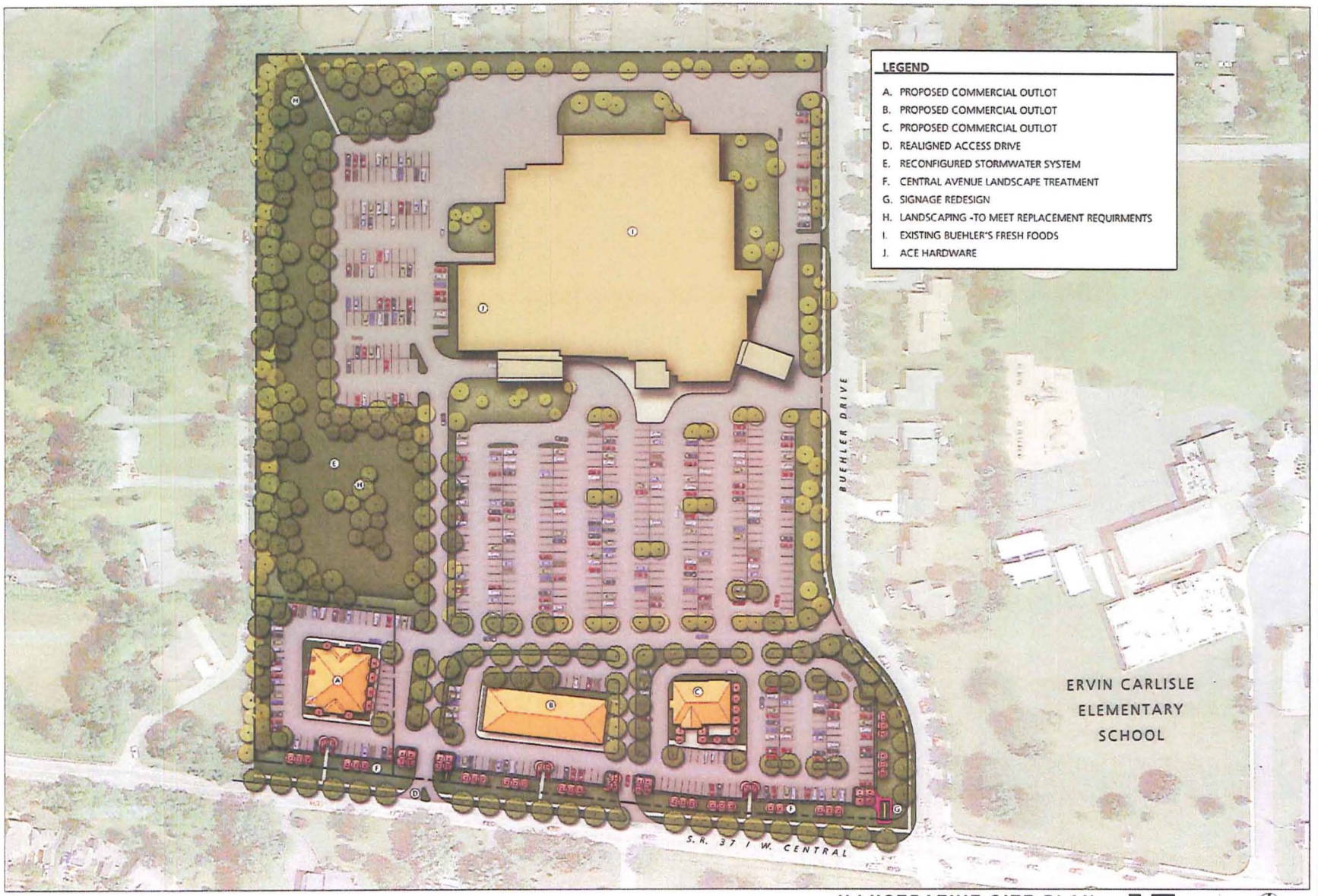
Sheet Title

VICINITY MAP

Sheet Number

EXHIBIT A

EDGE
CONSULTANTS
PRELIMINARY
NOT FOR CONSTRUCTION
SEAL
Buehler's Fresh Foods Re-Zoning
City of Delaware, Ohio
PROJECT TITLE
For: Buehler Food Markets, Inc
OWNER
EXISTING CONDITIONS PLAN
EXHIBIT B
EXISTING CONDITIONS PLAN
GRAPHIC SCALE
NORTH
BUEHLER'S FRESH FOODS
(I-2 ZONING)
(I-2 ZONING)
(I-2 ZONING)



ILLUSTRATIVE SITE PLAN

0' 30' 60' 120' NORTH

EDGE
PLANNING+LANDSCAPE ARCHITECTURE+URBAN DESIGN
330 WEST SPRING STREET, SUITE 350
COLUMBUS, OHIO 43215
614-486-3343
CONSULTANTS

SEAL
PRELIMINARY
NOT FOR CONSTRUCTION

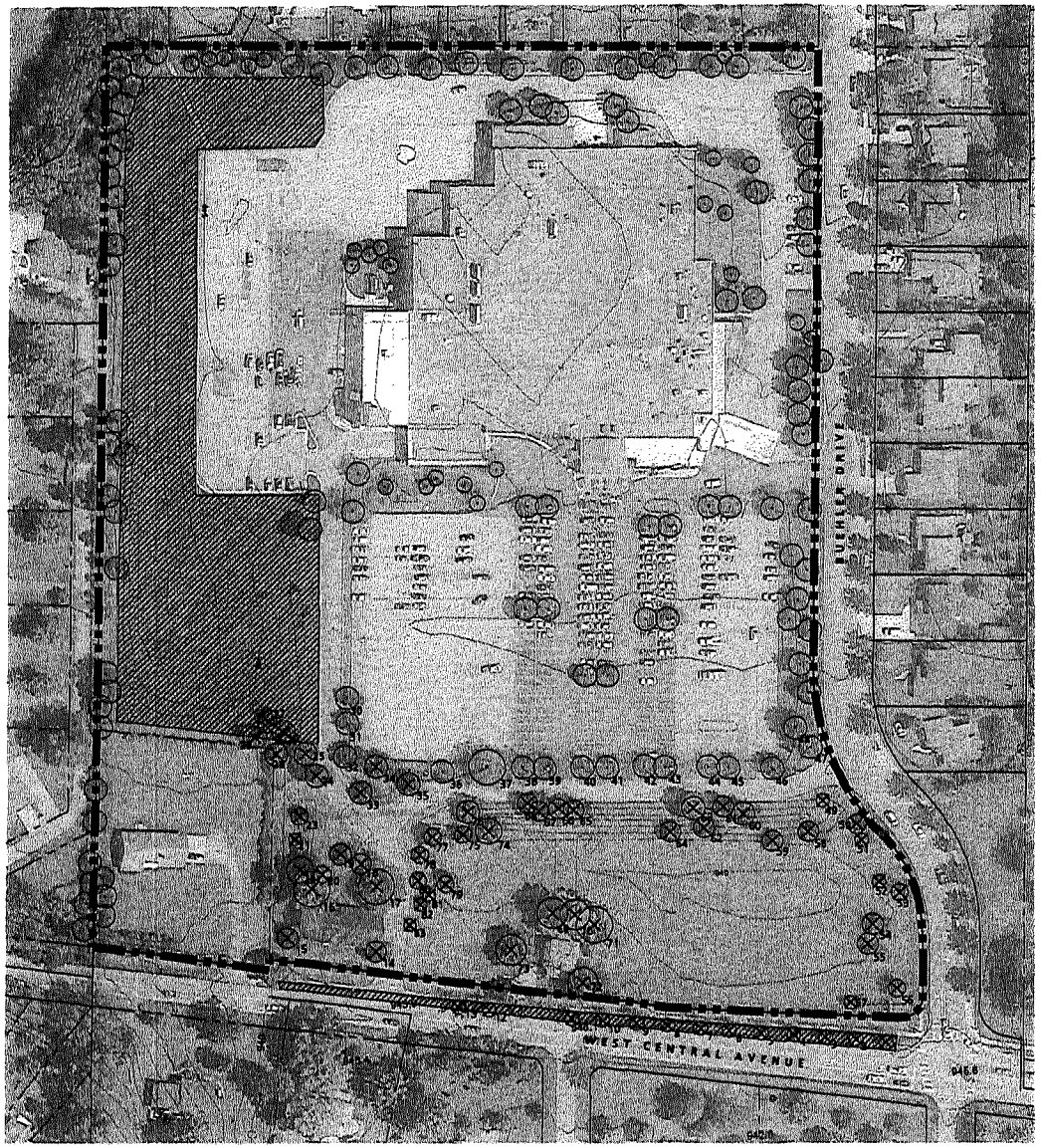
PROJECT TITLE
Buehler's Fresh Foods Re-Zoning
City of Delaware, Ohio

CLIENT
For:
Buehler Food Markets, Inc.

PROJECT NO. 13017
Date 07/12/13
Revisions

Sheet Title
ILLUSTRATIVE SITE PLAN

Sheet Number
EXHIBIT E



TREE SURVEY LIST

NUMBER	CALIPER	SPECIES	CONDITION	SAVED / REMOVED
1	18"	Pear	Poor	Removed
2	8"	Pear	Poor	Removed
3	8"	Pear	Poor	Removed
4	18"	Pear	Poor	Removed
5	8"	Pear	Poor	Removed
6	8"	Pear	Poor	Removed
7	18"	Pear	Poor	Removed
8	8"	Pear	Poor	Removed
9	18"	Pear	Poor	Removed
10	18"	Pear	Poor	Removed
11	18"	Pear	Poor	Removed
12	18"	Pear	Poor	Removed
13	12"	Pear	Poor	Removed
14	11"	Red Maple	Good	Removed
15	8"	Red Maple	Good	Removed
16	60"	Catalpa	Fair	Removed
17	48"	Mulberry	Fair	Removed
18	11"	Sugar Maple	Good	Removed
19	8"	Red Maple	Good	Removed
20	12"	Spruce	Good	Removed
21	8"	Spruce	Good	Removed
22	8"	Spruce	Good	Removed
23	18"	Spruce	Good	Removed
24	18"	Zelkova	Good	Removed
25	18"	Zelkova	Good	Removed
26	14"	Pine	Good	Removed
27	14"	Pine	Good	Removed
28	18"	Pine	Good	Removed
29	12"	Spruce	Good	Removed
30	11"	Zelkova	Good	
31	11"	Zelkova	Good	
32	13"	Zelkova	Good	
33	8"	Red Maple	Good	Removed
34	12"	Red Maple	Good	Removed
35	8"	Red Maple	Good	Removed
36	12"	Crab Apple	Fair	Removed
37	21"	Honey Locust	Good	
38	13"	Honey Locust	Good	
39	13"	Honey Locust	Good	
40	14"	Honey Locust	Good	
41	14"	Honey Locust	Good	
42	13"	Honey Locust	Good	
43	13"	Honey Locust	Good	
44	12"	Honey Locust	Good	
45	14"	Honey Locust	Good	
46	14"	Zelkova	Good	
47	17"	Zelkova	Fair	Removed
48	18"	Zelkova	Good	Removed
49	8"	Crab Apple	Fair	Removed
50	10"	Crab Apple	Fair	Removed
51	8"	Crab Apple	Fair	Removed
52	8"	Crab Apple	Fair	Removed
53	10"	Crab Apple	Fair	Removed
54	12"	Red Maple	Good	Removed
55	8"	Crab Apple	Fair	Removed
56	8"	Red Maple	Good	Removed
57	7"	Red Maple	Good	Removed
58	10"	Red Maple	Good	Removed
59	10"	Red Maple	Good	Removed
60	8"	Spruce	Good	Removed
61	18"	Spruce	Good	Removed
62	18"	Spruce	Good	Removed
63	14"	Maple	Good	Removed
64	11"	Maple	Good	Removed
65	14"	Spruce	Good	Removed
66	12"	Spruce	Good	Removed
67	14"	Spruce	Good	Removed
68	12"	Spruce	Good	Removed
69	40"	Catalpa	Fair	Removed
70	31"	Catalpa	Fair	Removed
71	18"	Sugar Maple	Good	Removed
72	36"	Silver Maple	Good	Removed
73	18"	Red Maple	Good	Removed
74	12"	Sugar Maple	Good	Removed
75	18"	Spruce	Good	Removed
76	12"	Sugar Maple	Good	Removed
77	13"	Red Maple	Good	Removed
78	7"	Red Maple	Good	Removed
79	10"	Red Maple	Good	Removed
80	8"	Crab Apple	Poor	Removed
81	8"	Crab Apple	Poor	Removed
82	8"	Crab Apple	Poor	Removed
83	8"	Crab Apple	Poor	Removed

LEGEND

- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- AREAS WHERE REPLACEMENT TREES WILL BE LOCATED.

TREE REPLACEMENT PLAN

THE DEVELOPER PROPOSES TO REPLACE THE EXISTING TREES TO BE REMOVED IN THE FOLLOWING MANNER:

TREES ASSOCIATED AND PLANTED WITH THE EXISTING HOMES ALONG WEST CENTRAL AVE, REFERRED TO AS HOMESTEAD TREES SHALL BE REPLACED WITH 1" OF NEW TREE CALIPER PER 1" OF TREE CALIPER REMOVED.

HOMESTEAD TREES (TREE #-30 & 64-72)
- TOTAL INCHES REMOVED = 265"
- REPLACEMENT TREES REQUIRED = 265" / 2.5" = 106 2.5" TREES

TREES PLANTED BY THE BUILDERS DEVELOPMENT SHALL BE REPLACED WITH 1 NEW TREE FOR EACH EXISTING TREE REMOVED.

DEVELOPMENT TREES
- TOTAL TREES REMOVED = 53
- REPLACEMENT TREES REQUIRED = 53

TOTAL REPLACEMENT TREES REQUIRED = 176 2.5" TREES

TREE SURVEY

0' 30' 60' 120'

NORTH

EDGE
PLANNING + LANDSCAPE ARCHITECTURE + URBAN DESIGN
330 WEST SPRING STREET, SUITE 350
COLUMBUS, OHIO 43215
614-486-3343

CONSULTANTS

SEAL

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE

Buehler's Fresh Foods Re-Zoning

City of Delaware, Ohio

CLIENT

For:
Buehler Food Markets, Inc.

PROJECT NO. 13017
Date 05/06/13
Revisions

Sheet Title

TREE SURVEY

Sheet Number

EXHIBIT D

CT Consultants
engineers | architects | planners

Description of a 17.704 Acre Tract for Rezoning

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lot 16, Quarter Township 3, Township 5, Range 19, United States Military Lands, being 17.704 acres out of Farm Lot 16, being all of a 0.951 acre tract of land (1.108 acres calculated) described in a deed to Buehler Food Markets, Inc. of record in Official Record Volume 623, Page 1785, being 16.596 acres out of Lot 5125 of Buehler's Subdivision of record in Plat Book 19, Page 25 as described in a deed to Buehler Food Markets, Inc. of record in Deed Book 469, Page 744, and being more particularly described as follows:

BEGINNING at a 5/8" iron pin found at the northwest corner of said Lot 5125, being on the east line of Lexington Glen Section No. 1 of record in Plat Book 22, Page 26, and being at the southwest corner of Nottingham Section 1 of record in Plat Cabinet 1, Slide 300;

Thence South 86°18'31" East, a distance of 742.68 feet with the north line of said Lot 5125 and the south line of said Nottingham Section 1, to a 5/8" iron pin found at the northeast corner of said Lot 5125 and being on the west right-of-way line of Buehler Drive of record in Plat Book 19, Page 25;

Thence with the east line of said Lot 5125 and the west right-of-way line of said Buehler Drive, the following five (5) courses and distances:

1) South 03°41'29" West, a distance of 667.09 feet, to an iron pin set;

2) With the arc of a curve to the left having a radius of 230.00 feet, a central angle of 44°17'36", a chord bearing of South 18°27'19" East, a chord distance of 173.41 feet, and an arc length of 177.80 feet, to an iron pin set;

3) With the arc of a curve to the right having a radius of 170.00 feet, a central angle of 44°17'36", a chord bearing of South 18°27'19" East, a chord distance of 128.17 feet, and an arc length of 131.42 feet, to an iron pin set;

4) South 03°41'29" West, a distance of 64.06 feet, to an iron pin set;

5) With the arc of a curve to the right having a radius of 21.00 feet, a central angle of 92°27'52", a chord bearing of South 49°55'25" West, a chord distance of 30.33 feet, and an arc length of 33.89 feet, to an iron pin set on the north right-of-way line of West Central Avenue of record in Plat Book 19, Page 25;

Thence with the south line of said Lot 5125 and the north right-of-way line of said West Central Avenue, the following two (2) courses and distances:

1) North 83°50'39" West, a distance of 241.45 feet, to an iron pin set;

2) North 79°29'21" West, a distance of 416.07 feet, to an iron pin set at a southwest corner of said Lot 5125 and being on the east line of said 0.951 acre tract;

Thence South 03°54'03" West, a distance of 40.27 feet with the east line of said 0.951 acre tract, to the southeast corner of said 0.951 acre tract and being on the centerline of said West Central Avenue;

3769 Columbus Pike, Suite 200 Delaware, Ohio 43015 phone: 740.363.6791 fax: 740.363.6536 www.ctconsultants.com

Thence North 03°54'03" East, (passing over an iron pin set on the north right-of-way line of said West Central Avenue at a distance of 40.27 feet) a total distance of 262.84 feet with the west line of said 0.951 acre tract and the east line of Crestview Subdivision of record in Plat Book 4, Page 293, to an iron pin set at the northwest corner of said 0.951 acre tract and being at a southwest corner of said Lot 5125;

Thence North 03°54'03" East, a distance of 727.16 feet with the west line of said Lot 5125 and the east line of said Crestview Subdivision and said Lexington Glen Section No. 1, to the **TRUE POINT OF BEGINNING**, containing 17.704 acres of land, more or less.

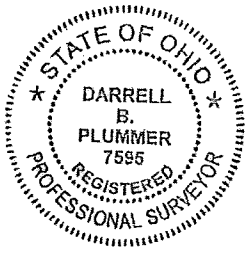
Basis of Bearing: Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" solid iron pins 30" in length with a yellow plastic cap stamped "CT Consultants".

The above description is based on and referenced to an exhibit titled "Plat of Survey for Rezoning of 17.704 Acres" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

Darrell B. Plummer 5/6/2013

Darrell B. Plummer, P.S. Date
Professional Surveyor No. 7595

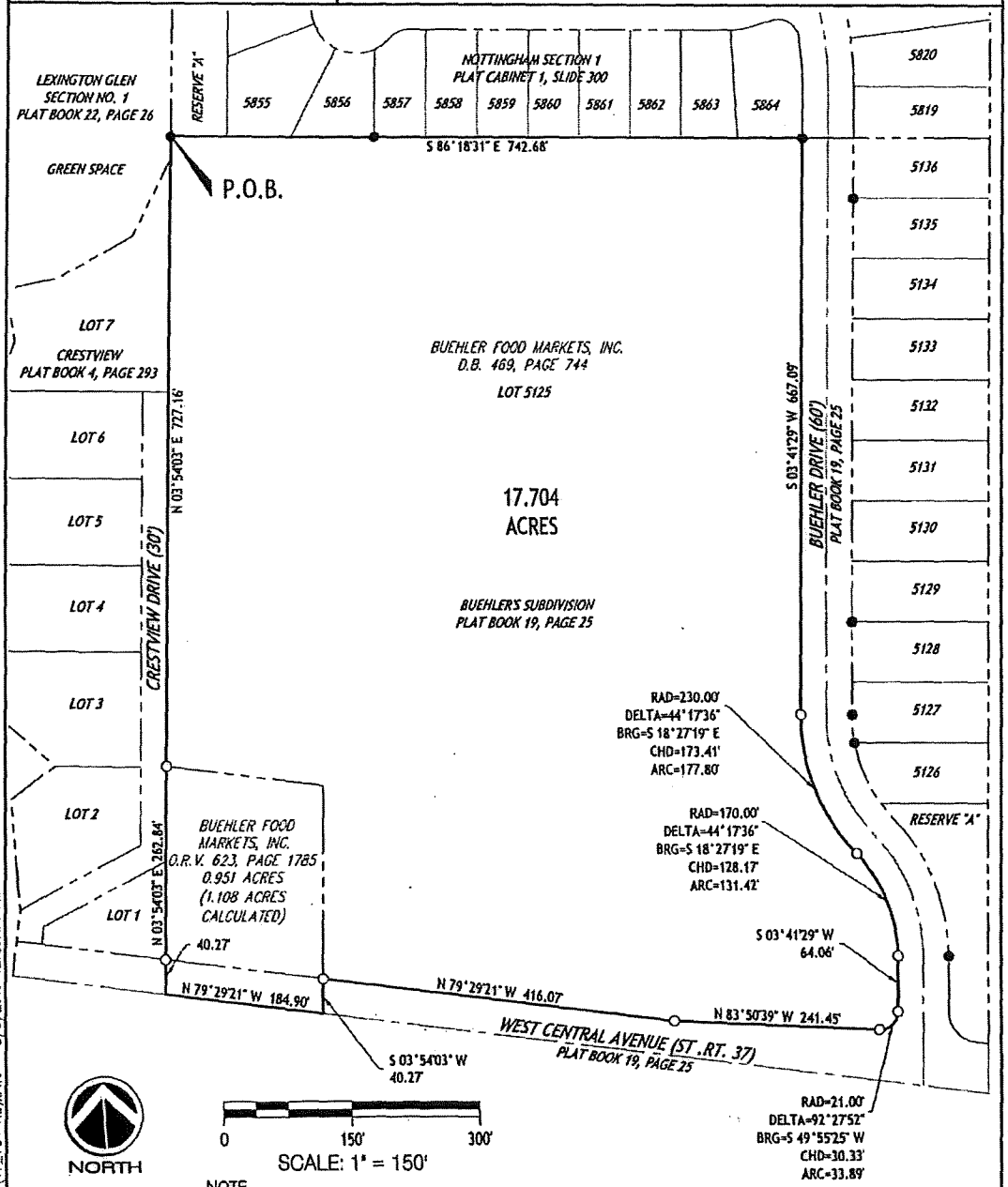


CT Consultants
engineers | architects | planners

PLAT OF SURVEY FOR REZONING OF

17.704 ACRES

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE, BEING PART OF FARM LOT 16, QUARTER TOWNSHIP 3, TOWNSHIP 5, RANGE 19, UNITED STATES MILITARY LANDS.



NOTE

ALL IRON PINS SET ARE 5/8" SOLID IRON PINS 30" IN LENGTH WITH A YELLOW PLASTIC CAP STAMPED "CT CONSULTANTS".

NOTE

ALL RECORD INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

BASIS OF BEARINGS

BEARINGS ARE BASED ON DATA ACQUIRED BY GPS OBSERVATIONS AS PER NAD 83 (1995)-OHIO STATE PLANE COORDINATE SYSTEM-NORTH ZONE FROM THE DELAWARE COUNTY GEODETIC CONTROL MONUMENTATION.

LEGEND

IRON PIN FND	●
IRON PIPE FND	⊙
MAG NAIL FND	✱
IRON PIN SET	○
MAG NAIL SET	⌀

ACREAGE BREAKDOWN

17.704 ACRES OUT OF FARM LOT 16.
1.108 ACRES (CALCULATED) OUT OF 0.951 ACRE TRACT.
16.596 ACRES OUT OF LOT 5125.

STATE OF OHIO
DARRELL B. PLUMMER
7595
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.

Darrell B Plummer 5/6/2013

DARRELL B. PLUMMER, P.S.
PROFESSIONAL SURVEYOR NO. 7595

DATE

PAGE 3 OF 3	
DRAWN BY: DBP	
CHECKED BY: MOW	
FILE NO.	13133

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