PLANNED MIXED USE DEVELOPMENT TEXT
MAKAPA LLC
BELLE COMMONS BUSINESS PARK (Liberty Road & Belle Avenue)
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Makapa, LLC is proposing to rezone their subject 11.128 acre property which encompasses two parcels (parcels 419-122-01-027-000 & 419-122-01-029) and includes vacated right-of-ways. The property is located at the northeast corner of the Liberty Road and Belle Avenue intersection. The property's existing zoning is R-3 (One-Family Residential District) while the owner is proposing a rezoning to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay). The proposed development would include manufacturing/lighting industrial/office land uses. A tree preservation area would be established just northeast of the Liberty Road and Belle Avenue intersection and along the eastern portion of site.



2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent for this site to develop for manufacturing/light industrial/office uses. This Development Text represents the zoning requirements for this development as agreed upon between the developer and the City.

B. **Conformance with Codified Ordinances and City Policy.** 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.

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

D. **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 change in the use or occupancy other than those uses specifically listed in this text.
(2) Major change in the approved location of land uses or land use sub-areas and building sizes of more than 10%.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.

E. **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 change to the use or occupancy of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.
(3) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.
(4) Minor structural alterations that do not alter the overall design intent of the building.

3. **Preliminary & Final Development Plan.** The proposed development will require Preliminary and Final Development Plan approval by the Planning Commission and City Council.

a) Tree Removal and Replacement. : A tree survey has been provided that documents the total number, type, size, and health of trees to be preserved and replaced. Tree removal and replacement shall meet requirements of Chapter 1168 along with the following replacement schedule and fee/replanting requirements per the approved development text:

i) Trees in poor condition shall not be replaced (dead, damaged or diseased).
ii) Trees in fair condition shall be replaced at 50%.
iii) Trees in good condition shall be replaced at 100%
iv) Ash trees shall not be replaced and must be removed from the site.
v) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
vi) Based upon the submitted and verified survey, the number of caliper inches removed is 694 caliper inches).
vii) Per the submitted and verified survey, the owner is preserving 675 caliper inches of trees which includes two tree reserve areas which are located on the eastern and southwestern portions of the site respectively.
viii) Therefore, the owner shall be required to make a payment of $1,900 (694 caliper inches removed – 675 caliper inches preserved = 19 total caliper inches removed x $100 per caliper inch). The tree replacement payment shall be paid prior to any approval of building permits.

4. **Proposed Use**

The project is located at the northeast corner of Liberty Road and Belle Avenue which encompasses approximately 11.128 acres (parcels 419-122-01-027-000 & 419-122-01-029) which includes approximately 0.404 acres of vacated right-of-way. The subject development would contain a maximum of six new manufacturing/light industrial/office lots approximately one acre each that will access Liberty Road via a new private street full movement curb cut. Two tree preserves totaling 3.853 acres are located within the site, one along the eastern portion of the site (1.455 acres) and one along the southern portion of the of the along Liberty Road and Belle Avenue (2.398 acres), to provide a buffer to the adjacent single family lots. Based on market demand, the owner may elect to develop the property as one lot or up to six lots while maintaining the one access full movement curb cut to Liberty Road. Also, the length of the proposed private street may vary based on the site layout..

5. **Site**

A. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed 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.

(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	**Uses**
(a) Manufacturing / Light Industrial / Office	
(1) Research and development facility	P
(2) Office – Professional, administrative and sales – including flex office uses	P
(3) Training facility	P
(4) Warehouse or indoor (self) storage facility	P
(5) Outdoor storage of materials with screening	A
(6) Outdoor storage of fleet vehicles for operation of principal use with screening	A
(7) Outdoor storage of equipment for sale or rental with screening	A
(8) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(9) Public safety facility	C
(10) Public service/maintenance facility	C

(5) **Prohibited Uses**.

ix) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.

x) **Wireless telecommunication facilities including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development area. Small cell sites, DAS, antennas, and/or amplifiers may be permitted so long as they are completely camouflaged so as to be not visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

xi) **Medical Marijuana**: No medical marijuana principal or accessory uses are permitted on the subject site.

xii) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster's, Magic Mountain, and Chuck E. Cheese

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

Lot Standards	
(1) Minimum lot area	0.95 acre
(2) Minimum lot width and frontage	Per approved FDP
(3) Maximum building coverage	40%
(4) Maximum lot coverage*	70%

*Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of the parcel to be developed, excluding any existing public right-of-way, and converted to a percentage.

C. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan.

Minimum Building Setbacks	
(1) Front setback from internal street right-of-way or Liberty Road if lot is to front on Liberty Road	50 Ft.

Minimum Building Setbacks	
(2) Side setback from property line **	20 Ft.
(3) Rear setback from property line **	20 Ft.

** No setback required when adjoining tree preserve.

D. **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, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from internal street right-of-way or Liberty Road if lot is to front on Liberty Road	20 Ft.
(2) Setback from side property line ***	10 Ft.
(3) Setback from rear property line ***	10 Ft.

*** No setback required when adjoining tree preserve.

E. **Maximum Building Height.** The maximum height of any building or structure in Sub-Area A shall be 50 feet as measured from finished floor elevation to the highest point of the roof.

F. **Building Design.** All buildings regardless of use shall consist of steel siding combined with stone veneer water table or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process and substantially similar to the following elevations.

(1) Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
(2) Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.

G. **Parking.** The amount of parking shall achieve compliance with Chapter 1161 Parking; except as otherwise approved on the Final Development Plan.

H. **Landscaping and Screening.** All landscaping shall meet the requirements of Chapter 1166 Landscaping and Screening Regulations and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan.

I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with Chapter 1158 Lighting Plan.

J. **Signage.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165 and will be provided as part of the Final Development Plan.

K. **Roads.** Any new road(s) to be constructed within the development shall comply with the City minimum requirements or as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase. Also, a sidewalk would be required along the east side of Liberty Road that shall extend south to the existing stream and along Belle Avenue on the north side of the stream from Liberty Road to the eastern most limit of the site per the City Engineer.

L. **Utilities.** Any new or existing utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City Director of Utilities. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase.

ORDINANCE NO. 19-49

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR MAKAPA LLC., FOR BELLE COMMONS BUSINESS PARK FROM R-3 (ONE-RESIDENTIAL DISTRICT) TO R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) ON APPROXIMATELY 11.128 ACRES (PARCELS 419-122-01-027-000 & 419-122-01-029-000) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

WHEREAS, the Planning Commission at its meeting of August 7, 2019 recommended approval of a Rezoning Amendment for MAKAPA LLC., for Belle Commons Business Park from R-3 (One-Family Residential Business District) to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) on approximately 11.128 acres (parcels 419-122-01-027-000 & 419-122-01-029-000) and located on the north side of Belle Avenue and on the east side of Liberty Road (PC Case 2018-1965).

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

SECTION 1. That the Rezoning Amendment for MAKAPA LLC., for Belle Commons Business Park from R-3 (One-Family Residential Business District) to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) on approximately 11.128 acres (parcels 419-122-01-027-000 & 419-122-01-029-000) and located on the north side of Belle Avenue and on the east side of Liberty Road, is hereby confirmed, approved, and accepted with the following condition that:

1. Any change of land use shall require conformance to all provisions of the Development Text and any conditions of approval.

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

VOTE ON RULE SUSPENSION: YEAS 5 NAYS 0
ABSTAIN 0

PASSED: August 26, 2019 YEAS 5 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCluskey
CITY CLERK

MAYOR