2018-2459 REZ
2018-2460 APDP
2018-2461 APSP
BELMONT PLACE WEST

ORDINANCE NO. 08-113

AN ORDINANCE APPROVING A REZONING FOR STAVROFF INTERESTS TO ADD A PLANNED MIXED USE (PMU) OVERLAY DISTRICT TO PROPERTY LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD EAST OF US 23 CONSISTING OF 103.071± ACRES AND ZONED B-4 (GENERAL BUSINESS DISTRICT), R-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT), AND R-6 (SINGLE-FAMILY RESIDENTIAL DISTRICT), ALL WITH TEXT LIMITATIONS.

WHEREAS, the Planning Commission at its meeting of December 3, 2008 recommended approval of a Rezoning for Stavroff Interests to add a Planned Mixed Use (PMU) Overlay District to property located on the north side of Peachblow Road east of US 23 consisting of 103.071± acres and zoned B-4 (General Business District), R-3 (Single-Family Residential District), and R-6 (Single-Family Residential District), all with text limitations, (PC 08-059), and

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

SECTION 1. That the Rezoning for Stavroff Interests to add a Planned Mixed Use (PMU) Overlay District to property located on the north side of Peachblow Road east of US 23 consisting of 103.071± acres and zoned B-4 (General Business District), R-3 (Single-Family Residential District), and R-6 (Single-Family Residential District), all with text limitations, be the same and is hereby confirmed, approved, and accepted with the following conditions that:

1. 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. It is especially important that the applicant work with the Engineering Department to resolve any issues related to the Traffic Impact Study (TIS) and proposed roadway network, when submitted. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review. All comments of the Preliminary Technical Review must be satisfactorily addressed.

2. In the absence of a fully executed infrastructure financing agreement or any other effective agreement currently existing, including the Pre-Annexation Agreement of 2004, or otherwise, the Applicant shall be

fully responsible for all off-site and on-site infrastructure improvements necessitated by this development.

3. Where the land use groups Congregate Care Facility and Nursing Home appear in the proposed Planned Mixed Use (PMU) zoning text they shall be deleted and the land use group Residential Care Facilities shall be added to the proposed PMU zoning text under Permitted Uses, Sub-Area A – 6 – Community Facilities AND under Permitted Uses, Sub-Area B – 4 - Community Facilities. The following additional standards for Residential Care Facilities shall be added to the PMU zoning text under the section titled 'Additional Standards for Certain Permitted Uses':

   Residential Care Facilities

   Residential Care Facilities shall be limited to a single area not to exceed 6 acres in size, not to exceed 150 beds, and shall meet all requirements for Multi-Family Garden and Townhome Apartments except the maximum number of units per structure. Residential Care Facilities are limited to the following categories,

   a. "Assisted living" means an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, but that is not licensed to provide skilled nursing care.

   b. "Nursing home" means an institution, residence or facility licensed by the State of Ohio that provides accommodation, personal assistance and skilled nursing care to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment.

   c. "Independent Living" means a multi-unit housing development that may provide supportive services such as meals, housekeeping, social activities, or transportation and is an alternative housing provided only as part of a separate permitted category of a Residential Care Facility (either Assisted living or Nursing home), as defined in this Section.

4. A full and updated Community Impact Assessment shall be submitted with the Preliminary Development Plan.

SECTION 2. This Council finds and determines that all formal actions of

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

PASSED: May 11, 2009 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

L. Sindell Lotheiser
MAYOR

ORDINANCE NO. 06-97

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; PROVIDING FOR THE DELAWARE COUNTY TREASURER TO DISTRIBUTE SERVICE PAYMENTS TO THE OLENTANGY LOCAL SCHOOL DISTRICT IN THE AMOUNT THAT SCHOOL DISTRICT WOULD OTHERWISE RECEIVE ABSENT THE EXEMPTION; AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND INFRASTRUCTURE AGREEMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (collectively, the "*TIF Statutes*") authorize the legislative authority of a municipal corporation, by ordinance, to declare the improvement to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit those parcels; and

WHEREAS, this Council has determined to declare the improvements to the parcels of real property identified and depicted in Exhibit A attached hereto (each, individually, a "*Parcel*" and collectively, the "*Parcels*") to be a public purpose; and

WHEREAS, the owners of the Parcels (each, individually, an "*Owner*" and collectively, the "*Owners*") intend to make or cause to be made certain improvements to the Parcels (collectively, the "*Project*"); and

WHEREAS, this Council desires to provide for the public infrastructure improvements described in Exhibit B attached thereto (the "*Public Infrastructure Improvements*"); and

WHEREAS, notice of this proposed Ordinance has been delivered to the board of education of each affected school district in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.40 and 5709.83; and

WHEREAS, this Council has determined to provide, for each Parcel, semi annual payments (the "*School District Payments*") to the Olentangy Local School District (the "*School District*") in an amount equal to 100% of the amount of real property taxes and Property Tax Rollback Payments (as defined in Section 2 of this Resolution) that the School District would have received for the Improvement (as defined in Section 1 of this Resolution) to that Parcel absent the exemption from real property taxes provided in Section 1 of this Resolution; and

WHEREAS, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements to provide for the development of the Parcels; and

WHEREAS, this Council had determined that since sufficient monies are not presently available to be appropriated to pay the costs of certain of the public infrastructure improvements that will directly benefit the Parcels, it would be impracticable to let competitive contracts for the construction and installation of those certain public infrastructure improvements and alternatively, this Council has determined that for the purpose of facilitating the development of the Project and thereby creating employment opportunities within the City, it would be in the best economic interest of the City to contract with one or more of the Owners for the construction and installation of those public infrastructure improvements and further, that the Owners shall be required to pay the costs of those public infrastructure improvements and the Owners will then be reimbursed for those costs solely from service payments in lieu of taxes remitted in respect of certain of the Parcels, all pursuant to an Infrastructure Agreement to be executed by and between the City and the related Owner; and

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

Section 1. Authorization of Tax Exemption. This Council hereby finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*" as defined in Ohio Revised Code Section 5709.40(A)) is hereby declared to be a public purpose and shall be

exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement due to the construction of a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for such Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

Section 2. Service Payments and Property Tax Rollback Payments. As provided in Ohio Revised Code Section 5709.42, the Owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvements allocable thereto to the Treasurer of Delaware County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against that Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance, including any penalties and interest (collectively, the "*Service Payments*"). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

Section 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Southeast Commercial Project Municipal Public Improvement Tax Increment Equivalent Fund (the "*Fund*"). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. The Director of Finance is directed to create and maintain within the Fund such accounts and subaccounts as may be necessary to account for the Service Payments which are received in respect of separate Parcels and which are to be used to pay the costs of various public infrastructure improvements. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.42 and this Ordinance shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance, including but not limited to, paying the costs of the Public Infrastructure Improvements. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used in accordance with Section 4, after which time the Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

Section 4. Distribution of Service Payments and Property Tax Rollback Payments. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- *First*, an amount equal to the School District Payments to the School District, and

- *Second*, all remaining amounts to the City for deposit in the Fund.

All distributions required under this Section 4 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 5. Public Infrastructure Improvements. This Council hereby designates the public infrastructure improvements described in Exhibit B attached hereto and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 6. Tax Increment Financing Agreements. The form of Tax Increment Financing Agreement (the "*TIF Agreement*") presently on file with the Clerk of this Council is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, is hereby authorized to execute one or more TIF Agreements with one or more Owners in substantially that form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the City Manager, and the character of those changes and amendments as not being substantially adverse to this City, shall be evidenced conclusively by the City Manager's execution thereof.

Section 7. Infrastructure Agreements. The form of Infrastructure Agreement (the "*Infrastructure Agreement*") presently on file with the Clerk of this Council is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, is hereby authorized to execute one or more Infrastructure Agreements with one or more Owners in substantially that form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the City Manager, and the character of those changes and amendments as not

being substantially adverse to this City, shall be evidenced conclusively by the City Manager's execution thereof.

Section 8. Further Authorizations. This Council hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other appropriate officers of the City, to make such arrangements as are necessary and proper for collection from the Owners of the Service Payments. This Council further hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Clerk of Council or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 9. Filings with Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.40(G), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its effective date. Further, on or before March 31 of each year that the exemption set forth in this Ordinance remains in effect, the Director of Finance or other authorized officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(G).

Section 10. Open Meetings. 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 or its committees, 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 Ohio Revised Code Section 121.22.

Section 11. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to provide incentives so the Project may proceed in the City; thereby providing for the creation of jobs and employment opportunities and improving the economic welfare of the people of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULES SUSPENSION: YEAS 5 NAYS 0
ABSTAIN 1

VOTE ON EMERGENCY CLAUSE: YEAS 5 NAYS 0
ABSTAIN 1

PASSED: Aug 14, 2006 YEAS 5 NAYS 0
ABSTAIN 1

ATTEST: Cindy Cuevo
CITY CLERK

Windell Wheeler
MAYOR

EXHIBIT A

PROPERTY

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this Exhibit A. The Parcels include the following tax parcels: _____.

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The public infrastructure improvements include the construction of the following improvements and all related costs (as defined in Ohio Revised Code Section 133.15(B)):

- Construction of a four-lane arterial curbed pavement between U.S. Route 23 and the Cheshire Crossing Subdivision, including turn lanes;
- Construction of a new intersection with U.S. Route 23 to provide full access turns lanes for all movements to Cheshire Road, east and west of U.S. Route 23;
- Resurfacing of Old Cheshire Road from U.S. Route 23 to Glenn Road, including granular berm reconstruction;
- Modification of the existing Old Cheshire intersection with U.S. Route 23 to a RiRo configuration including the closure of the highway median to turning movements and removal of existing signal equipment;
- Widening of Cheshire Road to three lanes from Glenn Road to Braumiller Road;
- Construction of a two-lane Kingman Hill Drive south of Cheshire Road to the Severance property;
- Construction of a modern roundabout configuration intersection to provide required right of way control;
- Construction of an extension of Vista Ridge from the Cheshire Crossing Subdivision to Glenn Road;
- Construction of a new full access signalized intersection at Ohio Health Boulevard and U.S. Route 23;
- Construction of additional pavement width on Ohio Health Boulevard to accommodate desired median island and turn lanes;
- Construction of a relocated access point and driveway for the Camp Lazarus property as a result of the closure of the existing point in conjunction with the Ohio Health intersection improvement project;
- Construction of a new two-lane public roadway between Glenn Road and Peachblow Road to improve network connectivity;
- Construction of a cul-de-sac at the west end of Peachblow Road, necessary with the closure of the existing U.S. Route 23 intersection resulting from the Glenn Road intersection improvement project at U.S. Route 23; and
- Widening of Peachblow Road near the proposed connector road to the north in order to provide adequate turn lanes;

including, in each case, constructing and installing curbs and gutters, public utilities including water mains, sanitary sewer, and storm sewer, stormwater improvements, burial of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting and signs, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation), traffic signs and signalization, and design and other related costs, any right-of-way or real estate acquisition, erosion and sediment control measures, grading, drainage and other related work, survey work, soil engineering, inspection fees and construction staking, and all other costs and improvements necessary and appurtenant thereto.

Revised Development Text (Page 10)

Access, Parking, Loading and Other Traffic Related Standards and Commitments

6. A dedicated **PUBLIC** street the "Connector Road", will traverse the Glenn Road Capital Tract from the proposed Glenn **PARKWAY ROUNDABOUT** traveling east and then south through **THE DEVELOPMENT SITE TO** the existing Peachblow Road **AT THE PROPOSED LOCATION OF THE COMMERCIAL SERVICE ROAD CONNECTION TO THE SOUTH OF PEACHBLOW RD. AS DETERMINED BY THE CITY ENGINEER IN COORDINATION WITH THE APPLICANT TO ENSURE A FEASIBLE DEVELOPMENT**. The Connector Road shall be a minimum **OF TWO LANES AND A MINIMUM OF** 32 ft back of curb to back of curb with no on-street parking at this minimum width. **THE ROAD SHALL BE A 25 MPH, CURB/GUTTER SECTION WITH SIDEWALKS, LIGHTING AND ASSOCIATED APPURTENANCES, AS WELL AS TURN LANES AND ACCESS POINTS AS PER FUTURE TRAFFIC ANALYSIS. THE CONNECTOR IS LIMITED TO A SINGLE, NINETY-DEGREE TURN, CURRENTLY CONTEMPLATED AT THE INTERSECTION OF PEACHBLOW ROAD, WITH THE REMAINING CONFIGURATION FOLLOWING A CONTINUOUS CURVILINEAR ALIGNMENT TO THE ROUNDABOUT AND A MINIMUM CENTERLINE RADIUS OF CURVATURE OF 250 FEET.**

Revised Development Text (Page 10)

Access, Parking, Loading and Other Traffic Related Standards and Commitments

13. For commercial uses, parking service areas may be shared between uses and separate buildings (through the use of cross easements, if necessary). As such and irrespective of use, parking shall be provided at a minimum rate of three (3) spaces per one thousand (1,000) square feet of development within a sub area. Parking ~~shall~~ **MAY** be provided at a minimum ratio determined by the Applicant that sufficiently allows the users to satisfy its business needs **AS APPROVED ON THE PRELIMINARY DEVELOPMENT PLAN PROVIDED THAT THE PARKING AREAS ARE ADEQUATELY SCREENED TO MINIMIZE THE SCALE AND MASS OF THE PARKING AREA IN ACCORDANCE WITH THE LANDSCAPE REQUIREMENTS OF THIS DEVELOPMENT TEXT**.

Revised Development Text (Page 17)

Residential Architectural Standards

1. Residential Buildings-Detached or attached Single Family/Condominium/Patio Home/Cluster Home/Two Family Dwelling:

    i. At least 50%of the front elevation of all homes will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, ~~stucco~~, or other approved materials, not including EIFS and excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows. Other natural materials or synthetic materials that replicate a natural material and finish will be allowed. **STUCCO SHALL SPECIFICALLY NOT BE PERMITTED TO COUNT TOWARD THE 50% THRESHOLD IN THIS SECTION BUT RATHER SHALL BE ALLOWED ON THE REMAINING 50% OR LESS OF THE FRONT ELEVATION.**

Revised Development Text (Page 20)

4. Additional Landscaping Standards

   d. All commercial portions of the main retail center shall have **THE REAR OF ALL BUILDINGS,** loading **AREAS,** and service areas screened from view ~~of a public street or adjoining parcel/property~~. Such screening ~~may~~ **SHALL** be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Plain walls and fences may be utilized at necessary and strategic locations such as visible locations where earthen mounds and landscaping can not be utilized or on any interior side of a mound that is not visible to the public view. A minimum 8-10 foot undulating earth mound with a mix of tall deciduous and coniferous plantings that are a minimum 6-7 feet tall and provide a 60% year round opacity, or as otherwise approved as part of the Final Development Plan, shall be provided. Slopes of 2:1 shall be permitted with walls used along the interior side. Landscaping in any 2:1 slope area shall utilize groundcover or shrubs in a mulch bed.

Revised Development Text (Page 26)

Miscellaneous Provisions

2. Where conflicts exist between Delaware's base zoning code requirements and this PMU text, this text shall govern and prevail. This property shall conform to the City of Delaware's zoning code requirements and processes. ~~i~~In instances where this PMU text as approved ~~is not mentioned and~~ provides no standards, guidelines, procedures or requirements relative to ~~base~~ **THE CITY OF DELAWARE'S ZONING CODE REQUIREMENTS AND PROCESSES, THE CITY'S ZONING CODE SHALL GOVERN AND PREVAIL.**

the users to satisfy its business needs." [italics added to highlight changes and additions to proposed text submitted by the Applicant]

7. Stucco shall not be permitted as a natural material meeting the 50% front façade requirement for Residential Buildings-Detached or Attached Single-Family/Condominium/Patio Home/Cluster Home/Two-Family Dwelling.
8. A full and updated Community Impact Assessment shall be submitted with the Preliminary Development Plan.

STAFF RECOMMENDATION – PC08-060 CONCEPT PLAN

Application PC08-060 is a Concept Plan Review so no action is necessary on this particular application. Both Staff and the Applicant would appreciate any feedback the Planning Commission may have on these Concept Plans as submitted.

CONCLUSIONS

- The rezoning and development is consistent with the goals and objectives of the Comprehensive Plan.
- All criteria for approval of a Conditional Use Permit have been met or will be met with approval conditions.

PRE-ANNEXATION AGREEMENT

This PRE-ANNEXATION AGREEMENT (the "Agreement") is entered into by and among the CITY OF DELAWARE, OHIO, an Ohio chartered municipal corporation ("Delaware"); ROBERT TAEK RO, YOUNG ZA RO and the LEE FAMILY PARTNERSHIP, LLC (the "Ro Family"); GRADY MEMORIAL HOSPITAL ("Grady"); MEDIA INVESTMENTS LLC ("Media"); and EVANS CAPITAL INVESTMENTS, LTD. ("Evans").

PURPOSE

WHEREAS, the Ro Family are the owners of approximately 156 acres of land located east of US Route 23, between Cheshire and Peachblow Roads in Berlin and Liberty Townships, which is contiguous with the southern boundaries of Delaware (the "Ro Family Property"), being more fully described in Exhibit A attached hereto; and

WHEREAS, Grady has a contract to purchase the easternmost 105 acres of the Ro Family Property (the "Hospital Site"), being more fully described in Exhibit B attached hereto; and

WHEREAS, the Ro Family and Grady intend to develop the Ro Family Property for office, commercial, and hospital uses pursuant to the Development Plan attached hereto as Exhibit C; and

WHEREAS, Media owns 6.8 acres immediately south of the Ro Family Property adjacent to US Route 23, as shown on Exhibit D attached hereto (the "Media Property"), and intends to develop it for office and commercial uses, pursuant to the Development Plan attached hereto as Exhibit C; and

WHEREAS, Evans owns 101 acres immediately south of the Hospital Site, east of the JVS property, and north of Peachblow Road (the "Evans Property"), as shown on Exhibit E

attached hereto, and intends to hold it for investment and then convey it for office, commercial and residential uses pursuant to the Development Plan attached hereto as Exhibit C; and

WHEREAS, all owners (collectively with Grady referred to as "Owners" and separately referred to as an "Owner") of all properties included herein (the "Combined Properties") can benefit by receiving municipal services, comprehensive planning, and tax incentives from Delaware upon annexation; and

WHEREAS, Delaware can offer its municipal services to the 260+/- acres comprising the Combined Properties, if the Combined Properties are annexed to Delaware; in particular, Delaware can provide potable water, police protection, fire protection, refuse, and sanitary sewer service to the Combined Properties, as desired by the Petitioners and Owners of the Combined Properties.

NOW, THEREFORE, in consideration of the foregoing mutual promises, Delaware, Petitioners and the other Owners of the Combined Properties agree as follows:

1. Annexation Petition. The Petitioners will exert their best efforts to annex the Combined Properties to Delaware, which effort shall include the preparation and execution of an annexation petition and supporting information. The annexation process shall be an "Expedited Type II" annexation as provided in Ohio Revised Code ("ORC") §709.023. The Owners agree that they will execute the annexation petition, will not take their names off the petition within the statutory period, and will execute any other documents reasonably necessary to effectuate the annexation as may be required by law so long as the Owners do not thereby incur additional cost or expense. The Owners further agree that they will continue to support the annexation to Delaware throughout the process, as long as this Agreement is in effect and Delaware is able to provide services, zoning, and tax incentives as contemplated herein. Petitioners also agree to

provide necessary affidavits and/or witnesses, as necessary, to support the annexation at hearing or otherwise. Petitioners shall cause to be filed the requisite annexation petition and supporting documents within thirty (30) days of all parties signing this Agreement.

If persons other than those identified herein, who can legally do so and are cumulatively contiguous to the Combined Properties, request to join in the petition for annexation of the Combined Properties to Delaware prior to the date of its filing with the Commissioners of Delaware County (the "County Commissioners"), the signatory parties may by their unanimous written consent, but shall have no obligation to, expand the annexation to include such contiguous property. If such consent is given and the owners of such contiguous property execute an agreement in a form acceptable to the parties hereto agreeing to be bound as Owners by the terms of this Agreement, the "Owners" shall thereafter also include such owners; "Combined Properties" shall thereafter include said contiguous properties; and the signatory parties will cooperate in any and all respects as may be required by law. If the annexation is so expanded, the owners of the additional properties must agree to reimburse the original parties for costs incurred on an acreage proportional basis. The signatory parties appoint as agent for the Petitioners and other Owners: J. Jeffrey McNealey, Esq., Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215.

2. Service and Support Resolutions. Pursuant to and in accordance with ORC §709.023(C), Delaware agrees to enact, prior to twenty (20) days after the date of filing the annexation petition with the County Commissioners, the appropriate ordinance or resolution (the "Service Resolution") stating that the services described in Section 3 below will be provided to the Combined Properties upon their annexation, specifically referring to the proposed developments of the individual Combined Properties, as set forth in the Development Plan

attached hereto. Delaware also agrees to provide affidavits and/or witnesses, as necessary, in support of its Service Resolution at any meeting or hearing of the County Commissioners. Additionally, Delaware will adopt simultaneously a "consent" resolution pursuant to and in accordance with ORC § 709.023(D) to enable expedition of the hearing process before the County Commissioners. The parties find that the construction of Glenn Road running north and south roughly along the Berlin and Liberty Township line to US 36/37, the US 23 intersections for Grady Boulevard and Glenn Road, and construction of the Southeast Highlands Sewer to Point "X", see Exhibit C (which improvements, excluding Phase IV of Glenn Road referred to in Section 3(c) below, shall be collectively referred to as the "Common Improvements") are essential for the relocation of Grady Memorial Hospital and development of supportive area commercial and residential uses. Delaware further agrees to cooperate with, and take any and all actions necessary to facilitate, the annexation of the Combined Properties. In the event of an appeal or mandamus or other action challenging the annexation, Delaware agrees to join in the litigation as an active litigant supporting the annexation to the extent permitted by law.

3. Public Services to be Provided by Delaware.

(a) Water. Potable water will be made available to the Combined Properties by Delaware pursuant to its Service Resolution at the service rates for tap fees in effect at the time application is made for a building permit for the construction of a structure for which such water is to be provided. Grady will not be required to pay any tap fees for the provision of potable water. No later than December 31, 2005, Delaware agrees that it will, at its sole expense, (i) extend a 16-inch water line (the "Kingman Hill Water Line") to Point "X" (see Exhibit C) and (ii) install such additional pump(s) or water storage tower(s) (which shall be located in accordance with Federal Aviation Administration regulations so as to avoid interference with

Grady's planned heliport) as shall be necessary to maintain a water pressure of not less than 64 psi(static) and 2700 gpm fire flow to the Hospital Site and not less than 60 psi(static) and 2300 gpm throughout the remainder of the Kingman Hill Water Line and in each public water line which is connected thereto to provide water service to all or part of the Combined Properties (such pump(s) or water tower(s) being the "Ancillary Water Facilities"). If the Kingman Hill Water Line is not available by December 31, 2005, Delaware shall provide water on a temporary basis to facilitate construction on the Combined Properties. The adjacent Owners shall construct water line extensions to points "Y" on the Ro Family Property and "Z" at the westerly line of the Evans Property (see Exhibit C). The Kingman Hill Water Line shall be sized to serve, at a minimum, all of the future uses of the Combined Properties, as contemplated by Exhibits C and I. The Kingman Hill Water Line and the Ancillary Water Facilities shall be ready for extensions and service connections from Point "X" to the Combined Properties no later than December 31, 2005. The parties hereto shall pay for extensions of service from Point "X" to their individual properties at their own expense. All water line extensions shall be installed pursuant to plans and specifications approved by the Delaware City Engineer in accordance with Delaware's usual and customary requirements. Delaware warrants and represents that it has an agreement with Delco Water, and all other necessary approvals, authorizing it to provide water service to the Combined Properties as the Owners request such service.

(b) Sanitary Sewer. The Owners acknowledge that the Combined Properties are not currently served by a centralized public sewer system. Delaware is currently designing the Southeast Highlands Sewer to serve the Combined Properties. Delaware warrants that the Southeast Highlands Sewer, upon completion, will have sufficient capacity to serve all of the Combined Properties as proposed to be developed hereunder, and that the Delaware sewerage

treatment plant has or will have similar assured capacity by December 31, 2005. Subject to the provisions for temporary service below, Delaware agrees to design and construct the Southeast Highlands Sewer thereby providing permanent sanitary sewer service by December 31, 2006 to the Combined Properties at Point X with guaranteed capacity of 1,000,000 gallons per day, and at depths sufficient to serve by gravity all of the anticipated developments on the Combined Properties as contemplated by Exhibits C and H, and the tributary areas shown on Exhibit K ("Delaware South Development Zone"); provided however, that Delaware shall provide temporary sanitary sewer service to the Combined Properties at Point X with guaranteed capacity of 1,000,000 gallons per day by December 31, 2005 via alternative connections, at its option, without any added or further expense to the Owners, other than would be charged for connection to the South East Highland sewer. The Owners (excluding Grady) shall be responsible for constructing the trunk sewer lines from Points "X" to "Y" and "X" to "Z". The Owners (excluding Grady) shall be responsible for constructing the sewer collection system improvements from the Southeast Highlands Sewer terminus at Point "X" (see Exhibit G - "Road and Infrastructure Plan"), within their respective properties; provided, however, that Delaware shall reimburse the Owners for any costs associated with Delaware requested over sizing in accordance with Delaware's usual and customary policy for over sizing reimbursement. All sewer lines shall be installed pursuant to plans and specifications approved by of the Delaware City Engineer in accordance with Delaware's usual and customary requirements. Delaware warrants and represents that it has or will in a timely manner have all agreements and approvals necessary to authorize it to provide sanitary sewer service to the Combined Properties as the Owners request such service.

The parties agree that timely access to Delaware sanitary sewer and water services with sufficient capacity to serve Owners' planned developments is an essential term of this Agreement; provided, however, that in no event shall the final date for the provision of such permanent water and sewer service be later than December 31, 2005 and December 31, 2006, respectively. Delaware agrees upon receipt of a written request from Grady to provide a certification that Delaware has plans for and is proceeding in good faith to provide, and will timely provide, such permanent water and sewer service as required herein. Should the Owners be unable to timely access Delaware water and sanitary sewer within the times, at the locations and upon the terms provided for in this Agreement, each of the Owners shall have the right to terminate this Agreement, as to such Owner's part of the Combined Properties for which access to such service or services is not then available, at any time by providing written notice of termination to Delaware, and Delaware agrees it will not accept the annexation or, if the Combined Properties are previously annexed, will detach (de-annex) all or any part or parts of the Combined Properties requested by the Owner(s) thereof and will not oppose any Owner's petition to detach (de-annex) such Owner's part of the Combined Properties.

Except as provided in paragraph 7 below, Delaware also agrees that, regardless of how the sanitary sewer service to the Combined Properties is provided, the Owners of the Combined Properties shall not be required to pay charges for connection to Delaware's sanitary sewer system or user charges or other charges for that sewer service which are in addition to or exceed the current capacity fees, ERU (equivalent residential unit) charges and other customary connection charges and user service charges which users of the Delaware sanitary sewer system are generally required to pay and which are in effect at the time application is made for a building permit for the construction of a structure for which such sanitary sewer service is to be

provided. Delaware specifically waives payment by Grady of any capacity fees or ERU charges whenever the connection is made, in excess of $147,900 which may be otherwise attributable to development on the Hospital Site, and all special assessments, acreage or otherwise, for construction of temporary or permanent sewers including the Southeast Highlands Sewer and any other temporary or permanent connections. Sanitary sewer capacity fees and any applicable ERU assessments for each parcel within the Combined Properties (except the Hospital Site) to be developed shall be paid to Delaware by the owner of that parcel in a lump sum when all of the following have occurred: a plat for the subdivision which includes that parcel is approved by Delaware and recorded; a building permit is applied for and issued for that parcel in the development of that parcel; and the Southeast Highlands Sewer Line is constructed to Point "X" and immediately available for connection to that development for all lots to be developed on that parcel pursuant to the zoning as provided for herein.

(c) Roads. The owners of the Ro Family Property and the Media Property and Grady, in accord with separate agreements among themselves and others, shall design and construct Grady Boulevard from proposed Glenn Road at the Hospital site to US Route 23, including a three leg intersection on US 23 including the design of signalization for the intersection but not installation of signalization. Delaware shall be responsible for installation of all signalization at its sole cost in accordance with ODOT requirements for the Grady Boulevard/US Route 23 intersection, which improvements shall be installed as soon as "warranted" under the ODOT regulations. Grady Boulevard shall be constructed in two phases: the north two lanes shall be complete within one year of the later of the final rezoning of the Combined Properties as shown on Exhibit C and Grady's purchase of the Hospital Site; and the southern two lanes shall be completed within three years of Grady's acquisition of the Hospital

Site. Internal roads within the Combined Properties and serving the Combined Properties, as shown on Exhibit G, shall be constructed individually by the affected Owner as such roads are needed for the planned developments generally as shown on Exhibit C, or as otherwise requested by the respective owners of the Combined Properties and approved by Delaware. As shown on Exhibits C and G, the "Glenn Road Extension" (a four-lane boulevard road from US Route 23, at approximately its intersection with Peachblow Road, then east and northeast to the west property line of the Evans Property, thence north along the Berlin and Liberty Township line to Cheshire Road, which is ultimately to be extended northerly to US Routes 36/37) shall be designed (including without limitation, sidewalks, bike path, street lights, traffic signs and roundabouts, street trees, and storm sewers) and constructed by Delaware at its expense in accordance with the following schedule:

Section of Glenn Road	Description	Completion Date
Phase I	Midpoint Road intersection as defined in Exhibit I hereto through the Cheshire intersection	November 1, 2006*
Phase II	Midpoint Road intersection through US 23 Intersection	December 31, 2007*
Phase III	Cheshire intersection to north edge of Tanglewood (Glenross)	One year after Phase II complete*
Phase IV	North edge of Tanglewood (Glenross) to Curve Road	Delaware shall use its best efforts to complete this section by December 31, 2010

* This date shall be automatically extended for one year if Grady fails to file for a building permit for the first building on the Hospital Site before September 1, 2005, but in no event shall completion of construction of Glenn Road Phases I, II and III be later than December 31, 2008

(INTENTIONALLY BLANK)

The parties hereto agree to contribute to the cost of construction of the Glenn Road Extension as set forth below:

Party	Frontage**	Share	Share	Timing of Contribution
Ro / Lee Family	1150 feet	$218.50/LF	$251,275	$150,000 w/in 30 days of Grady Hospital Site closing; balance upon initial development of Subareas III & IV
Grady Hospital	1630 feet	$218.50/LF	$356,155	$200,000 w/in 30 days of Grady Hospital Site closing; balance upon initial development of Subarea V
Media	none	$5000 / acre	$34,000	upon initial development of Subarea II
Evans	1680 feet***	$218.50/LF	$367,080	upon initial development of Subarea VI
TIF (see ¶7)	N/A – exclusive of US 23 intersection	Balance of costs****	≈ $2,151,500 (less shares from Comb. Properties)	See ¶7; Delaware to finance "upfront" costs not covered by foregoing cash flow

** Final frontage distance to be based on field survey information with share so adjusted.

*** In the event that Glenn Road fails to front on the Evans Property for a minimum of 1450 feet, then the contribution of Evans to the Glenn Road construction shall be proportionately reduced based on actual frontage; provided however, that Evans shall pay its full share if Delaware or other entity offers to Evans, and Evans purchases lands purchased from Delaware Joint Vocational School (Auditor's Parcel #41944001001866) and the Steven B. and Julie S. Manning (Auditor's Parcel #41944001002000) not otherwise needed for the construction of Glenn Road or relocation of Peachblow Road (collectively referred to as "the Triangle"), which tract Delaware agrees to rezone B-4 with the same zoning text as a part of Subarea VI (see Section 5, below).

**** Estimated costs as of the date hereof are $650 per running foot. Cost does not include costs for the Kingman Hill Water Line, the Main Sewer Line, oversized storm sewers to serve adjacent property run-off, or US 23 intersection.

The balance of construction costs of Glenn Road Phases I and II, which include the Cheshire Road "roundabout" and the US 23/Glenn Road intersection shall be paid in part out of TIF funds generated from development on the Combined Properties as set forth in paragraph 7, and assessments against properties to be developed in the Delaware South Development Zone (Exhibit K). The affected parties agree to dedicate a total of one hundred twenty (120) feet of

right-of-way width, plus space for the modern roundabout intersections at Grady Boulevard and at Midpoint Road (if future traffic analysis warrants intersection improvements above a conventional four-leg intersection with turn lanes), for the Glenn Road Extension for construction of four lanes by Delaware; provided, however, that the owner of the Evans Property shall only be required to dedicate the easterly one-half of that right-of-way (*i.e.*, sixty (60) feet of right of way plus the additional right-of-way for the east half of the Midpoint Road roundabout if determined to be warranted) across the west end of the Evans Property for so far as Glenn Road contacts its property. The center of the Glenn Road / Grady Boulevard modern roundabout shall be transferred to Grady by lease or easement without cost for landscaping and signage conforming to Delaware specifications, and is supportive of the Hospital Site. Except for the costs to be paid by the Owners towards the construction of Glenn Road as identified in this Section 3(c) and in Section 7, the Owners shall not be required to pay any other road impact fees, road capital contributions, or road assessments in connection with the construction of Glenn Road. If Delaware determines that any additional right-of-way or road widening or improvements are necessary in association with Glenn Road, the cost of those improvements shall be at Delaware's sole cost and expense. Except as shown on Exhibit G and all internal roads and utilities to be developed within the Combined Properties and committed to herein, the Owners will not be required to dedicate any future land for public road or utility purposes. No commitments are made herein with respect to Peachblow Road.

(d) Delaware will provide, or cause to be provided, fire, EMS, police, and refuse services to the developments within the Combined Properties as provided to other areas of the City of Delaware, without special charge or fee.

(e) The Ro / Lee Family shall construct Ro Lane at such time as the Subarea to the east or west is developed; provided, however that Delaware may request that the right-of-way for Ro Lane be dedicated earlier, without charge, for immediate construction of Ro Lane by third parties without cost to the Ro / Lee Family prior to the development date for the adjacent Subareas.

4. Cross-Easements for Utility Services. The parties hereto agree among themselves to grant, without charge, reciprocal cross-easements or easements to public or private utilities, as appropriate, for construction of utilities described in paragraph 3, above, or other public or private utilities to service the Combined Properties; provided, however, that all easements shall be within or adjacent to the various proposed public road or driveway rights-of-way, as set forth on the Development Plan attached as Exhibit C, except as may otherwise be reasonably necessary to assure utility services to all parts of the Combined Properties. Easements for surface drainage shall follow established water courses, unless otherwise agreed to by the affected parties.

5. Zoning. Delaware agrees that, upon filing of the annexation petition for the Combined Properties, it will expeditiously process a contemporaneously filed application to rezone the Combined Properties, as set forth in the Delaware South Zoning Text, attached hereto as Exhibit H, including seeking approval of the Delaware County Regional Planning Commission of Exhibit G, so that the rezonings will be substantially consistent with the requirements of Exhibit C and H. The Delaware planning staff and administration agree to actively support before the Delaware Planning Commission and the Board of Zoning Appeals (if variances or conditional use permits under the Delaware Zoning Code are necessary) the development standards set forth on Exhibit H. The impacts of the rezonings contemplated herein

on the City of Delaware as anticipated by the Owners will be described in the Community Impact Assessment to be submitted contemporaneously with the rezoning application contemplated hereby. The rezoning application for the Combined Properties, as further identified on Exhibit I, will be processed together. The Delaware planning staff and administration agree to actively support the rezoning application in order that final approval of such application may occur following approval of the annexation petition by the Delaware County Commissioners, and immediately upon acceptance thereof by Delaware. Delaware understands it has one hundred twenty (120) days to accept the annexation after the annexation petition has been approved by the Delaware County Commissioners and a copy of the record is filed with the Clerk of the City of Delaware. At the request of Petitioners, Delaware agrees to delay acceptance of the annexation until legislative approval of the rezoning is accomplished, or can be accomplished contemporaneously with the acceptance of the annexation. If, for some reason, the rezoning cannot be accomplished contemporaneously with acceptance of the annexation and/or the rezoning is referred or defeated for any reason, Delaware agrees not to accept the annexation by allowing the 120-day period to expire, and thus, rejecting the annexation of the Combined Properties. If the annexation approval occurs other than concurrently with the legislative approval of the rezoning, and the rezoning is subsequently not approved or is referred, Delaware agrees to reconsider the ordinance accepting the annexation, and to rescind, repeal and reject the annexation approval within thirty (30) days of the date of the disapproval or referral to a vote of the electorate or, at the requests of any of the Owners, to detach/de-annex from Delaware the part(s) of the Combined Properties owned by such Owner(s) or not oppose any Owner's petition to detach/de-annex its part of the Combined Properties. Delaware further agrees that, upon annexation, it will approve the rezoning of the Triangle,

pursuant to its own application or the application of the owner of the Triangle, for the same uses and with the same text contemplated for Subarea VI.

6. Storm Sewer and Stormwater Management. At no cost to Delaware, the Owners will provide to Delaware stormwater drainage easements, if necessary, and will dedicate water detention and/or retention ponds within their development to Delaware in accordance with local code, as conceptually shown on Exhibit G. The exact location and size of such stormwater drainage easements and ponds shall be determined by the Owners' final plans for development of the Combined Properties, as approved by Delaware, consistent with the zoning thereof, as herein provided, and all other applicable rules and regulations. Each of the Owners shall be responsible for all maintenance of the stormwater management system (including easements and ponds) on its part of the Combined Properties, or each parcel on that part. Each of the parties hereto covenants and agrees that all roadway, utility and other construction and development work undertaken by such party will be designed and performed in such a manner as not to disrupt or otherwise interfere with existing stormwater drainage (surface, field tile or other) from any other part of the Combined Properties.

7. Financing Common Improvements.

The parties recognize that significant improvements need to be constructed which serve both the Combined Properties and the Delaware South Development Zone (Exhibit K) of the City of Delaware, specifically the Common Improvements. During the sixty (60) day statutory waiting period following approval by the Delaware County Commissioners of the annexation petition contemplated herein, Delaware and the Owners, in conjunction with their engineers and advisors, shall jointly develop a schedule of costs and timetables for the completion of the Common Improvements ("Finance Schedule"), which Finance Schedule shall serve as the basis

for finalizing the financing programs set forth below. For all assessments and fees collected from Owners under this Section 7, Delaware agrees that such assessments and or fees collected or to be collected from owners of the Combined Properties shall be adjusted downward to match any lower assessments or fees collected from other developers for costs of the Common Improvements within the Delaware South Development Zone. Delaware agrees to cause to be collected from other owners of undeveloped properties in the Delaware South Development Zone assessments for financing the Common Improvements. Further, the parties agree that the obligations of the Owners to make payments and to dedicate street right of way as set forth in this Agreement are and shall be contingent upon the satisfaction of all of the following conditions: (i) the annexation of the Combined Properties to Delaware by February 14, 2005; (ii) the final and unappealable rezoning of the Combined Properties by Delaware specifically as contemplated by Exhibits C and H to this Agreement by March 16, 2005; and (iii) the performance by Delaware of all of its obligations under this Agreement within the respective timeframes provided for in this Agreement, including without limitation the completion of the Kingman Hill Water Line, to Point "X" by December 31, 2005, and the completion of the Southeast Highlands Sewer to point "X" and its availability (via temporary or permanent connections) to accept by December 31, 2005 sewage wastes in the capacities required by this Agreement. If either or both of the contingencies set forth in clauses (i) and (ii) of the immediately preceding sentence shall not be satisfied within the respective times provided therefore, then neither Owners nor their respective successor or assigns as the owners of respective parts of the Combined Properties shall have any obligation for the payment of any of the costs of the Southeast Highlands Sewer, Glenn Road, the Kingman Hill Water Line, the Ancillary Water Facilities and any other improvements made to serve similar purposes. If the

contingency set forth in clause (iii) of the second preceding sentence shall not be timely satisfied, then, in addition to the Owners' rights of mandamus and specific performance, the Owners and their respective successors and assigns as the owners of the respective parts of the Combined Properties shall be entitled to offset their losses against their financial obligations to Delaware set forth herein, provided that such losses shall be reviewed and approved by an independent third party approved by Delaware and the Owners. To facilitate the financing of the Common Improvements, the parties agree to undertake the following financing obligation.

A. Special Sewer Charges.

As sewer connections are requested by the Owners of the Combined Properties, or parts thereof, the Owners (excluding Grady) shall pay to Delaware the then current sewer capacity charges and the equivalent of not to exceed $3,200 per ERU (Equivalent Residential Unit) for developments on Subareas I through IV and VI through VIII. Grady shall pay no more than a cumulative $147,900 for sewer capacity fees and shall not be subject to any ERU assessments on the Hospital Site (Subarea V). Delaware agrees that such ERU charges shall be established and apply uniformly to all owners of property connecting to the Southeast Highlands Sewer.

B. Community Authority Charge.

In addition, the Owner of Subarea VIII agrees to participate in the formation of a new community authority pursuant to Ohio Revised Code Chapter 349 and submit to the imposition of an amount not to exceed an annual 7.5 mil assessment for a period not to exceed 20 years on each single family, condominium and apartment unit constructed therein to be assessed and effective on the same basis as like assessments on other single family, condominium and apartment units in the Delaware South Development Zone (Exhibit K) only for the construction of Glenn Road portion of the Common Improvements.

C. TIF Financing.

The Owners agree that Delaware will utilize a tax increment financing (as described in ORC Sections 5709.40 through 5709.43 and referred to herein as the "TIF Area") on any of the Combined Properties which are subject to real property taxation to pay certain of the costs of the Common Improvements. The Owners agree to cooperate with Delaware to facilitate the creation and implementation of the TIF Area and to execute any related tax increment financing agreements and administrative forms necessary to implement the TIF Area. Should the TIF provide insufficient revenues to finance the Common Improvements, Delaware agrees to pledge and pay out of its generally available funds sufficient funds to assure full funding of the Common Improvements.

D. Enterprise Zone ("EZ").

In addition to the TIF, and coincident with Delaware approving the final plans for development of any portion of any Subarea, if so requested by an Owner of a Subarea or part thereof, Delaware will expeditiously adopt an ordinance pursuant to ORC §5709.62 to designate the Combined Properties as an Enterprise Zone as set forth in ORC §5709.61 *et seq.* This zone(s) will be established in order to allow Delaware to provide real and personal property tax abatements; provided, however, that any such real property tax abatements shall not (a) apply to improvements subject to exemption under any TIF during the period of such TIF exemption, or (b) relieve any Owner from the obligation to make payments in lieu of taxes required by an applicable TIF. This Agreement does not bind Delaware to grant a specific real or personal property tax abatement; rather the term and level of such abatements will be separately negotiated with Owners as part of the Enterprise Zone Agreements which will be entered into after establishment of the zone.

8. Development Timing. In order to assure the orderly provision of municipal services to the Media and Ro Properties, including the Hospital Site, and recognizing the significant capital improvements which are necessitated by this Agreement, and to provide Delaware with a reasonable forecast for service needs and anticipated capital expenditures, each party agrees that the development of its property contemplated hereby is anticipated, based on market conditions, in accordance with the provisions of Exhibit J, attached hereto and incorporated herein.

9. Miscellaneous.

(a) Relative Rights. The rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof, and will inure to the benefit of, and be binding on, the respective successors and assigns.

(b) Entire Agreement. This Agreement between the parties contains the entire agreement of the parties with respect to the subject matter. This Agreement may not be modified except by a written document signed by the parties.

(c) Severability. If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement and the remainder of said Agreement shall continue in full force or effect.

(d) Council Action. The obligations of and agreements by Delaware contained herein shall be effective and enforceable upon the approval of all necessary legislation and/or motions by Council. It is acknowledged that the initial legislation approving this Agreement is merely the first in a series of legislative acts implementing this Agreement. All subsequent Council actions implementing this Agreement shall be considered to be in

furtherance of this Council Action. The parties recognize that timing is of the essence for accomplishing the various tasks required herein, and all commit to expeditious review and decision making. Further, Delaware city staff further agrees to present any legislation required hereby to Council with recommendations that such legislation be approved as an emergency measure, and Council shall enact such legislation as an emergency measure so as to make it effective as of the earliest time permitted by the Delaware City Charter; provided, however, that Council shall not be obligated to adopt as an emergency measure any legislation approving preliminary and final development plans and plats except as the circumstances may then warrant..

(e) Assignment of Agreement. Each of the Owners shall have the right to sell, transfer, assign or otherwise convey, to the transferee all or any part of the Combined Properties, all of such Owner's rights, duties and responsibilities under this Agreement with respect to the part of the Combined Properties transferred to such transferee; provided, however, that no such sale, transfer, assignment or other conveyance of rights, duties and responsibilities under this Agreement shall be effective unless (a) the purchaser, transferee, assignee or other vendee of such rights, duties and responsibilities shall assume such rights, duties and responsibilities in writing for the benefit of all of the parties to this Agreement, and (b) a copy of such assumption is delivered to the other parties then having an interest under this Agreement, such delivery to be made to such parties at their respective notice addresses under this Agreement or the tax mailing addresses for the respective parts of the Combined Properties then owned by them. Upon completion of the actions described in clauses (a) and (b) of the immediately preceding sentence as to any sale, transfer, assignment or other conveyance of rights, duties and responsibilities under this Agreement, the seller, transferor, assignor or other

vendor thereof shall be released automatically from all liability and obligation with respect to the rights, duties and responsibilities so sold, transferred, assigned or otherwise conveyed.

(f) Notices. Any notices necessary under the terms of this Agreement shall in writing and be given to the legal counsel for either party or their designated agent, with copies to the Owners at the following respective addresses: Delaware's address shall be City Hall, 1 South Sandusky Street, Delaware, Ohio 43015; Ro Family's address shall be Robert Taek Ro, 2003 Northam Drive, Fullerton, California 92833 with copies to Page McMahon, Esq., Spetnagel & McMahon, 42 East Fifth Street, Chillicothe, Ohio, 45601-3302; Grady's address shall be Grady Memorial Hospital, 561 West Central Avenue, Delaware, Ohio 43015-1489, Attn: Vicki Lewis, Vice President, Strategic Development; Media's address shall be Media Investments LLC, 5695 Avery Road, Dublin, Ohio 43016, Attn: Randy Asmo; and Evans' address shall be Evans Adhesive Corporation, 925 Henderson Road, Columbus, Ohio 43214, Attn: Tammy Schueler. Any party may change its address for notices by giving written notice of its new address for notices to all of the other parties hereto.

(g) Designation of Legal Counsel or Agent for the Parties. Legal Counsel for Owners, excepting Grady, shall be J. Jeffrey McNealey, Porter Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215, except that J. Jeffrey McNealey shall represent Evans only in connection with the annexation and rezoning of the Evans Property, and Daniel Schoedinger, Vorys, Sater, Seymour & Pease, 52 East Gay Street, Columbus, Ohio 43215, who shall be primary counsel to Evans on all matters. Legal Counsel for Delaware shall be Daniel B. Bennington, City Attorney, 1 South Sandusky Street, Delaware, Ohio 43015. Agent for Delaware shall be the Delaware City Manager or his representative at the same address. Legal Counsel for Grady shall be Jonathan C. Lewis, 31 West Winter Street, Delaware, Ohio 43015.

(h) Binding Effect. This Agreement shall be binding upon the parties hereto and their respective successors and/or assigns. This is the complete Agreement between the parties. If a dispute arises, the Courts of Delaware County, Ohio shall have jurisdiction to resolve any dispute unless both parties agree to mediate or arbitrate the disputed matter.

(i) Modifications. It is agreed that the Agreement merges all of the oral negotiations, representations, discussions and understandings between the parties, their Legal Counsel, Agents or Representatives, and that no modifications, alterations or additions shall be made to this Agreement except in writing signed by all parties hereto.

(j) Choice of Law. This Agreement shall be construed under and in accordance with the laws of the State of Ohio.

(k) Effective Date. This Agreement shall be effective when signed by all the parties hereto.

(l) Time. Time shall be of the essence in doing and performing all things to be done under the terms of this Agreement.

(m) No Third Party Beneficiary. This Agreement is for the sole benefit of the parties hereto and their respective permitted successors and assigns, and no other individual, entity, trustee, or person is intended, or shall be deemed, to be a third party beneficiary of any provision of this Agreement.

(n) Termination. In the event that the annexation and rezoning of the Combined Properties are not completed as required herein, or Grady does not purchase the Hospital Site, all prior to March 15, 2005, then this Agreement shall terminate and be null and void, and no party have shall have any further rights or obligations hereunder, and at the request of any party its property, if theretofore annexed, will be de-annexed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives this 3rd day of November, 2004.

CITY OF DELAWARE, OHIO

By: _____ (Signature)
Print Name: R. Thomas Homan
Print Title: City Manager

Michele K. Kohler
Acting Clerk of Council
Print Name: Michele Kohler
Print Title: Acting Clerk of Council

RO FAMILY:

ROBERT TAEK RO

_____ (Signature)
Print Name: ROBERT RO

GRADY MEMORIAL HOSPITAL

By: _____ (Signature)
Print Name: Everett P. Weber Jr
Print Title: Pres/CEO

YOUNG ZA RO

_____ (Signature)
Print Name: YOUNG ZA RO

MEDIA INVESTMENTS LLC

By: _____ (Signature)
Print Name: Randall J. Asmo
Print Title: Executive Vice President

LEE FAMILY PARTNERSHIP

By: _____ (Signature)
Print Name: Min Lee
Print Title: Managing Partner

EVANS CAPITAL INVESTMENTS, LTD.

By: _____ (Signature)
Print Name: Tambera M. Schueler
Print Title: Secretary-Treasurer- CFO

APPROVED AS TO FORM:
DANIEL B. BENNINGTON
DELAWARE CITY ATTORNEY

LIST OF EXHIBITS
TO DELAWARE SOUTH
PRE-ANNEXATION AGREEMENT

A. Legal description of the Ro / Lee Family Property

B. Hospital Site Parcel Information

C. Development Plan for the Combined Properties

D. Legal description of Media Property

E. Legal description of the Evans Property

F. Cost Recovery Agreement (*with Exhibits A through D*)

G. Road and Infrastructure Plan

H. Delaware South Zoning Text

I. Individual Parcel Information

J. Estimated Development Timetable for Selected Subareas

K. Delaware South Development Zone Map

DELAWARE SOUTH ZONING TEXT
Development Standards

Delaware South Area
260 Acres - Zoning Case_____
October 11, 2004

Proposed Zonings:
B-4, PO/I, R-6, R-3

Sub Area Descriptions:

Sub Area I: Sub Area I shall be the area generally defined by Grady Boulevard on the south, US 23 on the west, the Ro Lane on the east, and the northern property boundary. (12.46± acres gross).

Sub Area II: Sub Area II shall be the area generally defined by Grady Boulevard on the north, US 23 on the west, the drainage swale on the east, and the southern property boundary adjacent to Delaware County JVS. (6.8± acres gross) (i.e. the Media Property)

Sub Area III: Sub Area III A shall be the area generally defined by Grady Boulevard on the south, the Ro Lane on the west, the drainage swale on the east, and the northern property boundary. (10.7± acres gross) Sub Area III B shall be the area generally defined by Grady Boulevard on the south, the drainage swale on the west, the Glenn Road on the east, and the northern property boundary. (8.68± acres gross)

Sub Area IV: Sub Area IV shall be the area generally defined by Grady Boulevard on the north, the drainage swale on the west, Glenn Road on the east, and the southern property boundary. (15.8± acres gross)

Sub Area V: Sub Area V shall be the area generally defined as the eastern 105± acres of the Ro / Lee Family Partnership Tract, including the Peachblow access lane. It is bordered by the Glenn Road on the west, the Tanglewood Golf Course along the northern property boundary, and extends to the adjacent Evans property on the south, and to the Grden and Barrows properties to the east. (106± acres gross)

Sub Area VI: Sub Area VI is the part of the Evans Investment Tract lying south of Sub Area V, with a portion bounded by Peachblow Road and bounded on the west the proposed Glenn Road and Delaware JVS (40.5 +/- acres gross).

Sub Area VII: Sub Area VII is the part of the Evans Investment Tract lying south and east of Sub Area VI, The southern portion is bounded by Peachblow Road. (18.5 +/- acres gross)

EXHIBIT
H

Sub Area VIII: Sub Area VIII is the remaining eastern portion of the Evans Investment Tract lying south of Sub Area V. (52 +/- acres gross)

A. Uses:

1) **Sub Areas I through IV and VI-B** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:

(6) Funeral Home and related facilities
(7) Veterinary Office (no outside run or kennel)
(8) Veterinary Hospital (with or without kennel)
(9) Kennel, boarding stables
(10) Taxidermy shop
(11) Self-service storage

1143.02(d) Automotive and Transportation:

(2) Automotive Repair Garage (except as a part of a new car Automotive Sales dealership)
(3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
(6) Car Wash (except as a part of an Automotive Service Station)
(7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
(8) Truck, farm and recreational vehicles – sales and storage

1143.02(e) Outdoor Display Storage:

(1) Outdoor Display
(2) Outdoor Storage

1143.02(f) Community Facilities:

(10) Public safety and service facility
(11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:

(1) Outdoor recreation and amusement
(3) Golf Courses and Country Clubs
(4) Drive-in theater

2) **Sub Area V**, shall allow all PO/I permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1141.02, specifically including a heliport for the private use of Grady Hospital and its invitees, Day care facilities for hospital employees and visitors, and residential care facilities, **excluding** only the following uses (except where noted), as numbered in the Code:

1141.02(a) Residential
- (1) Single-family dwelling
- (2) Multi-family dwelling

1141.02(c) Services
- (1) Funeral home and related facilities
- (2) Veterinarian offices (no outside run or kennel)
- (3) Veterinarian offices (with or without kennel)

3) **Sub Area VI A** shall allow all B-4 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1143.02, **excluding** only the following uses (except where noted), as numbered in the Code:

1143.02(c) Retail and Services:

- (5) Funeral Home and related facilities
- (8) Kennel, boarding stables
- (9) Taxidermy shop
- (10) Self-service storage

1143.02(d) Automotive and Transportation:

- (3) Used Automobile Sales (except as a part of a new car Automotive Sales dealership)
- (7) Parking lots and garages, except as accessory uses to an otherwise permitted use on the same parcel.
- (8) Truck, farm and recreational vehicles -- sales and storage

1143.02(f) Community Facilities:

- (11) Public utility substation or distribution facility

1143.02(g) Recreation and Entertainment:

- (1) Outdoor recreation and amusement
- (3) Golf Courses and Country Clubs
- (4) Drive-in theater

provided, however, that if before this rezoning is heard by the Planning Commission the owner of the Evans Investment Tract does not acquire that part of the Joint Vocational School District property that will be located south and east of

Glenn Road, then, at the option of the owner of the Evans Investment Tract, that part of Sub Area VI(A) that is south of Midpoint Road may be taken out of Sub Area VI(A) and made a part of Sub Area VII.

4) **Sub Area VII** shall allow all R-6 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

5) **Sub Area VIII** shall allow all R-3 permitted, conditional, and accessory uses in the City of Delaware Zoning Code Section 1134.02, **excluding** Section 1134.02(a)(10) mobile homes.

6) Where any uses specifically permitted herein necessitate the granting of conditional use permits or variance, the City shall actively support the granting of such permits or variances on an expeditious basis.

B. Density:

1) In Sub Area I, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 6 lots in Sub Area I.

2) In Sub Area II, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 5 lots in Sub Area II.

3) In Sub Area III A, there shall be no more than 3 lots at a minimum of 1 acre in size.

4) In Sub Area III B, there shall be no more than 3 lots at a minimum of 1 acre in size.

5) In Sub Area IV, the minimum lot size shall be no less than 2 acres with the exception of one 1-acre lot (minimum) to be located at the southwest corner of Grady Boulevard and the Glenn Road. There shall be no more than a total of 4 lots in Sub Area IV, including the 1-acre corner lot.

6) The minimum lot sizes in Sub Areas V shall be 2 acres.

7) In Sub Area VI A, the minimum lot size shall be no less than 1 acre and there shall be no more than a total of 8 lots.

C. Setbacks and Height:

Sub Areas shall meet all the requirements of the base zoning, including the following standards:

1) Setbacks, which shall be measured from existing and planned road rights of way, shall be established as follows:

a) US 23: 80' Building setback and 50' parking setback from the existing (September 1, 2004) US 23 right of way.

b) Grady Boulevard planned 100' right of way for the first 200' east of US23: 50' building setback and 20' parking setback, excluding Sub Areas III and IV, whose setbacks shall be as follows:

	Building Setback	Parking Setback
Any Bldg. in III	90 feet	25 feet
One Story Bldg. in IV	90 feet	25 feet
> one story Bldg. in IV	120 feet	25 Feet

c) Ro Lane:

i) 80' building setback and 25' pavement setback for Sub Area V

d) Glenn Road:

i) 90' building setback and 60' pavement setback for Sub Area V
ii) 50' building setback and 20' pavement setback for Sub Areas III, IV and VI.

e) Internal Public Streets:

i) 80' building setback and 25' pavement setback for Sub Area V
ii) 35' building setback and 20' pavement setback for Sub Areas VI and VII

f) Side and rear yards:

i) 30' setback for buildings and 10' for pavement in Sub Areas I – VI A; provided that for the internal adjacent lot lines within Sub Area II the pavement setback shall be 0' to encourage shared parking and access.
ii) 30' setback for buildings and pavement in Sub Areas VI B except where adjacent to single family the building and pavement setbacks shall be increased to 50'
iii) 35' building and pavement setback for perimeter yards (north, east and west) in Sub Area VII
iv) Sub Area VIII side and rear yard setbacks shall be per code unless a buffer yard is specified herein.

g) Peachblow Road:

i) 50' building setback and 20' pavement setback for Sub Areas VI A
ii) 50' building and pavement setback for Sub Areas VII and VIII which shall serve as a buffer yard.

h) Peachblow Access Lane (a non-access private road to the Hospital Site):

i) setbacks to be established per Code section 1134.04.

2) Height:

a) Buildings shall be a maximum of 45' in height in Sub Areas I, II, III, and VI A.

b) In Sub Area IV, buildings shall be a maximum of 20' in height at the 50' building setback and a maximum of 45' in height at the 120' building setback.

c) Buildings shall be a maximum of 100' in height in Sub Area V.

d) Buildings shall be a maximum of 35' in height in Sub Areas VII and VIII.

e) Within Sub Area VI B, buildings located within 100' of residential structures shall not exceed 35' in height. Buildings located greater than 100' from residential structures shall not exceed 65' in height.

f) Accessory buildings shall be limited to one story and 20' in height.

D. Access, Parking, Loading and Other Traffic Related Standards and Commitments:

1) Grady Boulevard:

a) The proposed right-of-way shall be 100' wide to 200' east of US 23 right of way, then 80' wide to Glenn Road. There shall be no curb cuts on Grady Boulevard within 200' of the US 23 intersection.

b) A signal shall be installed at the intersection of Grady Boulevard and US 23 by the City of Delaware when warranted. The design of the signalization shall be done by the Owners, subject to approval by the City and ODOT.

2) Ro Lane shall have a right-of-way of 60' minimum.

3) The Glenn Road shall have a right-of-way of 120', plus room for (a) the Grady Boulevard intersection modern roundabout, the interior of which shall be reserved

by lease or easement to Grady Hospital for landscaping and signage supportive of uses on Sub Area V, and (b) the Midpoint Road intersection modern roundabout. Within Sub Areas III and IV, there shall be permitted one full access curb cut per lot, which shall not be closer than 200 feet to the initial curvature of the Glenn Road / Grady rotary.

4) Sidewalks five feet in width shall be constructed within the rights of way on both sides of all public streets, with the exception of US 23 where no sidewalks are required, and with the further exception of the east side of Glenn Road wherein an eight foot bike path shall be constructed, all as a part of road construction and to Delaware design specifications.

5) A maximum of one curb cut per lot shall be permitted off Grady Boulevard. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

6) No curb cuts shall be permitted onto US 23.

7) Spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

8) A dedicated street to serve the Evans Investment Tract shall be provided as necessary approximately at a midpoint of the west property line of Sub Area VI A ("Midpoint Road"). The intersection of the Midpoint Road and Glenn Road shall initially be a full movement intersection. At such time as a traffic signal is warranted at that intersection, the City of Delaware shall construct a modern roundabout at that intersection. A service drive or cross access easements shall be provided so that all of the outlots in Sub Area VI A shall have access to the Midpoint Road. In addition, two right in right out curb cuts shall be permitted along Glenn Road to serve Sub Area VI A, which shall be no closer than 200 feet to the Midpoint Road intersection. The City of Delaware shall consider permitting additional right-in right-out curb cuts along Glenn Road to serve Sub Area VI A.

9) Curb cuts in Sub Area VI, VII and VIII are subject to final design by the property owner and approval by the City Engineer.

E. Architectural Standards:

Commercial Buildings:

1) All buildings shall be required to have a similar theme incorporating four-sided architecture, i.e. all facades treated equally. It is recognized that buildings will have service and loading areas. While these areas may not have the same degree

of detail and finish as the other building façades, the building materials required in this section shall apply.

2) Buildings shall use natural materials such as stone, cultured stone, wood, brick and engineered siding products (including cementitious and other engineered siding products, but not vinyl or aluminum siding) (collectively "Natural Materials"). Man-made products such as stucco, EIFS, and Dryvit products shall also be permitted, but in no case shall a building be totally comprised of man-made products. Other materials may be used for windows, doors and limited accents. No concrete or split face block shall be permitted. Natural Materials must be incorporated on the first floor of every façade.

3) Alternate materials may be submitted for review and approval by the master developer.

4) Color palette shall consist of earth tones. Additional colors may be used as accents but may not be high gloss or high chroma colors.

5) Aluminum and/or vinyl may be incorporated into the buildings for trim and details only such as: soffits, gutters, downspouts, shutters etc.

6) Single story buildings shall be required to have a pitched roof. Minimum roof slopes shall be 6:12. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

7) Flat roofs shall be permitted on buildings of two stories or greater. However, all roof-top mechanical equipment shall be completely screened in an enclosure that is compatible with the architecture and theme established for the building.

8) All ground mounted mechanical equipment shall be completely screened by a wall, fence, hedge or other appropriate screening method to the full height of such equipment.

9) Accessory buildings, enclosures, and any other structure that is appurtenant to any building on a lot shall be of similar design and materials.

10) Canopies and support columns associated with a building entry or business function must adhere to the same architectural design and material standards as presented herein.

11) Building fronts shall orient themselves to the public street whenever possible.

Residential Buildings:

1) At least 50% of the front façade elevation of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of Natural Materials. Man-made products such as stucco, EIFS, Dryvit, aluminum products shall also be permitted, but in no case shall a building be totally comprised of man-made products. No concrete or split face block shall be permitted.

2) A uniform mailbox and post with reflective numbers shall be required for all detached single family homes.

3) Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss or high chroma colors.

4) Buildings shall be required to have a minimum 6:12 roof pitch. Roof materials shall be asphalt shingles, cedar shakes, slate or synthetic slate or metal standing seam. Shingles to be a minimum, medium weight, dimensional or dimensional look shingles.

5) All detached single family homes shall have at least a 2-car garage.

6) All multifamily buildings shall have facades (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) which consist of 100% all Natural Material.

F. Landscaping, Tree Preservation, and Screening Standards:

1) All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code; provided, however, that any trees removed as a part of construction of any of the roads within the Combined Properties shall not have to be replaced.

2) Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.

3) A single row of flowering ornamental trees shall be provided along Grady Boulevard and Glenn Road, within the tree lawns. These trees shall be spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.

4) Street trees shall be required along all other public streets within the tree lawns. Street trees shall be a minimum of 1¾" caliper, planted 40' on center, and shall be one consistent deciduous species per street.

5) All parking areas shall be screened from the public right-of-way at a height of 3'. Screening may be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Screening shall maintain 75% year-round opacity.

6) All buildings shall provide landscaping along the foundation and/or entry.

7) Loading and service areas must be screened from view of a public street or adjoining parcel/property.

G. Lighting:

Commercial Buildings:

1) External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage to off-site parcels. However, buildings and landscaping at entry location may be up-lit or down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels.

2) All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

3) All external outdoor lighting fixtures within a lot/parcel shall be from the same or similar manufacturer's type to insure compatibility.

4) Parking lot lighting standards shall not exceed 20' in height, including base.

5) No colored or flashing lights shall be used to light the exterior of buildings.

H. Graphics and Signage:

1) All signage and graphics shall conform to Chapter 1165 of the City of Delaware Zoning Code.

2) A major entry feature shall be established within Sub Area I within the setback area at the northeast corner of the intersection of US 23 and Grady Boulevard. Said entry feature shall be located in an easement of not more than 1/8 acre or less in size. Said entry feature shall provide at least 60% of the sign area to the user in Sub Area V. Sign shall not exceed 15' in height with a maximum of 110 square feet of sign area per face. Sign shall be mounted on a masonry base and incorporate landscaping, lighting and earth mounding. Minimum setback for this entry feature/signage shall be 10' from the right-of-way line. In no case, shall said entry feature interfere with maintaining safe clear sight distances at intersections. See Exhibit.

3) Each commercial lot may have one ground sign per street frontage. Sign shall be mounted on a masonry base and be landscaped. Sign may not exceed 8' in height. Maximum sign area shall not exceed 30 square feet per face. The maximum number of tenants listed per sign shall be six.

4) All commercial lots in Sub Areas I, II, III, IV, V and VI B shall have signs that utilize the same sign box, maximum size, colors, address numbers, and masonry base as indicated in Attachment A.

5) No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.

6) No flashing, traveling, animated, or intermittently illuminated signs shall be used. No co-op signs, rotating signs, trailer type signs, tethered balloons, roof signs, banners or pennants shall be permitted.

7) Signage may be illuminated internally or externally. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.

INDIVIDUAL PARCEL INFORMATION

Tax Parcel No.	Owner	Address	Acreage	Comments
41941004029000	Lee Family Partnership, *et al*	Columbus Pike	47.25	
41941004030000	Media Investments LLC	Columbus Pike	5.0	
41941004031000	Media Investments LLC	4425 Columbus Pike	1.8	
41833001032000	Evans Adhesive Corp.	Peachblow Road	101.0	
41832001031000	Lee Family Partnership, *et al.*	Interior	101.16	
41832001037000	Lee Family Partnership, *et al.*	Peachblow Road	1.09	
41833001025000	Lee Family Partnership, *et al.*	Peachblow Road	3.07	
Totals	7 Parcels		260.37	

EXHIBIT
tabbies
I

ESTIMATED DEVELOPMENT
TIMETABLE FOR SELECTED
DELAWARE SOUTH PROPERTIES

Developer	Action	No Sooner Date*	Comment
Grady	Urgent Care Center	December 31, 2005	-
Grady	First Hospital or related Building	December 31, 2006	Build out of later phases over next 8 years
Grady	Senior Housing	January 1, 2008	Northeast corner of site
Grady	First Out Lot Building	July 1, 2007	Doctor's Offices
Ro / Lee	First Comm. Bldg.	within 2 years of completion of first two lanes of Grady Blvd	Additional commercial buildings as demand warrants
Media	First Comm. Bldg.	within 2 years of completion of first two lanes of Grady Blvd	Additional commercial buildings as demand warrants

Notes: * earliest date that sewer and water service will be needed for this portion of development

EXHIBIT
J

September 16, 2008

Mr. David Efland
Director of Planning and Community Development
City of Delaware
City Hall
1 South Sandusky Street
Delaware, Ohio 43015

Dear Mr. Efland:

The purpose of this letter is to comply with the City's zoning checklist for **General Requirements for all Submissions,** box number three requiring a notarized letter from me as the owner authorizing an applicant to act as agent for the purposes of our zoning application for the Glen Road Capital property for re-zoning and concept plan consideration.

Please consider Mr. Thomas L. Hart, of the Wiles, Boyle, Burkholder and Bringardner, 300 Spruce Street, Floor One, Columbus, Ohio, 43215 to be considered the agent of Stavroff Interests as it relates to this re-zoning and concept plan application.

Thank you for your attention in this matter.

Sincerely,

Matt Stavroff

Sworn to before me and subscribed in my presence this 23rd day of September, 2008.

CRISTINA E. YATES
Notary Public, State of Ohio
Delaware County
Comm. Expires Nov. 26, 2011

Notary Stamp

Notary Public

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

Planning *and* Community Development
CITY OF DELAWARE, OHIO

Project # _____ Case # _____

Planning Commission

- ☐ Amended Final Development Plan
- ☐ Amended Final Subdivision Plat
- ☐ Amended Preliminary Development Plan
- ☐ Amended Preliminary Subdivision Plat
- ☐ Annexation Review
- ☐ Combined Preliminary & Final Development Plan
- ☑ Comprehensive Plan Amendment
- ☑ Concept Plan
- ☐ Conditional Use Permit
- ☐ Determination of Similar Use
- ☐ Development Plan Exemption
- ☐ Final Development Plan
- ☐ Final Development Plan Extension
- ☐ Final Subdivision Plat
- ☐ Final Subdivision Plat Extension
- ☐ Floodplain Permit
- ☐ Lot Split
- ☐ Pre-annexation Agreement
- ☐ Preliminary Development Plan
- ☐ Preliminary Dev Plan Extension
- ☐ Preliminary Sub Plat
- ☐ Preliminary Sub Plat Extension
- ☑ Rezoning
- ☐ Subdivision Variance
- ☐ Substitution of a Non- Conforming Use
- ☐ Vacation-Alley
- ☐ Vacation-Easement
- ☐ Vacation-Street

Board of Zoning Appeals

- ☐ Appeal Administrative Decision or Interpretation
- ☐ Conditional Use Permit
- ☐ Substitution of Equal or Less Non-Conforming Use
- ☐ Variance

Subdivision/Project Name SEE PAGE 2 FOR THIS SECTION

Acreage _____ Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # _____

Applicant Name Thomas L. Hart Contact Person Thomas L. Hart

Applicant Address 300 Spruce Street, Floor One, Columbus, Ohio 43215

Phone 614-340-7415 Fax 614-221-0624 E-mail thart@wileslaw.com

Owner Name Stavroff Interests Contact Person Matt Stavroff or Kevin McCauley

Owner Address 565 Metro Place S. Suite 480, Dublin, Ohio 43017

Phone 614-764-9981 Fax 614-764-2207 E-mail matt@stavroff.com

Engineer/Architect/Attorney Mark Ford, Forrest Gibson, Tom Hart Contact Person Tom Hart

Address 300 Spruce Street, Floor One, Columbnus, Ohio 43215

Phone 614-340-7415 Fax 614-221-0624 E-mail thart@wileslaw.com

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

Owner Signature — Matt Stavroff, Owner Printed Name

Agent Signature — Thomas L. Hart, Agent Printed Name

Sworn to before me and subscribed in my presence this 16th day of September, 2008.

NOTARIAL SEAL STATE OF OHIO — KATHLEEN S. ELLIS, Notary Public, State of Ohio, My Commission Expires May 25, 2009

Kathleen S. Ellis
Notary Public

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

Project # _____ Case #_____

Concept Plan and Rezoning

Subdivision/Project Name:

Glen Road Capital LLC, (former Evans Adhesive Site), Parcel Number 4183300103200
The Peachblow Associates, LLC property, Parcel Number 41944001002000
A portion of the Joint Vocational School District Property, Parcel Number 41944001001000

Acreage: 109.93+/-

Square Footage: See Text

Number of Lots: See Text and attached Concept Plans for Sub Areas A and B

Number of Units: See Text and attached Concept Plans

Allowed limited B-4 Uses to include Big Box Uses in all of Sub Area A
Allowed 75 attached dwelling units in Sub Area A
Allowed 400 multi-family garden or townhome apartments in Sub Area A (only permitted to the extent this use has not been fully exhausted in Sub Area B)
Allowed a maximum of 525 dwelling units in Sub Area B with no more then each of the following uses:

400 multi-family garden or townhome apartments in Sub Area B
250 attached dwelling units in Sub Area B
150 detached dwelling units

Allowed limited B-4 Uses in Sub Area B per text

Zoning District/Land Use: R-3, R-6, B-4

Proposed Zoning/Land Use: All permitted, accessory, conditional uses and limited uses of a Planned Mix Use district as specified within the attached zoning text.

Parcel #s: See above

Zoning Code Chapter 1130 Zoning Text Amendments [1130.03 (a)]

(1) **Names, addresses, phone of applicant or property owner.**

Mr. Matt Stavroff, President
Stavroff Interests
565 Metro Place South, Suite 480
Dublin, Ohio 43017

(614) 764-9981

(2) **A statement of reasons for the proposed amendment.** The reasons for the proposed amendment are to present and gain support for conceptual, alternative development plans, along with a flexible zoning text that will allow the developer to attract high quality end-users for the site in the face of several new challenges that did not exist at the time of the original zoning. Although the existing zoning text includes many advantageous provisions that the developer wants to maintain, based on today's market conditions and economy, more flexibility is needed because end users for the site are not established.

Additionally, since the existing zoning text was written, the City has also required that a connector road traverse the site, which limits the maximization of the site under the existing text. In addition, more zoning flexibility is needed because the City is unable and/or reluctant to construct Glen Parkway by December 31, 2008, as provided under the Preannexation Agreement that accompanied the original zoning text, and thus the economic and timing assumptions for the development process have changed. Without the advantage of visible and complete infrastructure as an attraction factor, more uses and/or the combination of uses and wider creativity in the marketing of the site is needed that the new zoning text will facilitate.

The developer believes that a new zoning text, with high quality development standards, specific architectural requirements and a more flexible approach that allows a diversity of uses will meet the mutual goals of:

- Providing Delaware with the high profile development at its southern gateway that the City will be proud of; and,

- Allowing the Stavroff organization to market the site to end-users that will create the critical economic mass to fund the construction of the southern-most portion of Glen Parkway and related infrastructure needs.

(3) **Relationship of proposed amendment to the Comprehensive Master Plan.**

Stavroff's vision and proposed concept plans supports and would actualize Delaware's Comprehensive Land Use Plan. The *Objectives and Strategies* section of Delaware's Plan (at LU6) calls for a balance and mix of uses. Section LU6.1 of the Plan states that,

> "The City continues to emphasize industrial and office development to build the tax bases and generate revenues sufficient to support residential development. *Office development will be emphasized where the market supports such development."*

In addition, under section LU6.4, the Plan supports "(a) limited amount of big box uses,,," with the Route 23 corridor is specifically noted for this and other retail uses, with the Plan emphasizing key arterial intersections for the location of retail uses, such as the Peachblow, Glen Parkway, and U.S. 23 southern gateway. In fact, it is Stavroff's specific goal to meet section LU6.12's call for, "(a) high quality institutional, office, and limited commercial node,," on U.S. 23 south. Such uses will be driven by the current institutional growth and uses approved surrounding the Stavroff site, both within the City and to the south, such as Grady Hospital, Columbus State-Delaware, Delaware JVS (new name) and the Grief Corporate Campus.

Also, consistent with the Stavroff proposals, section LU7, and in particular LU7.5, of the plan supports higher densities and intensity of development at select locations, such as at key intersections and where uses are mixed. (LU7.7)

Although at the time of the writing of the comprehensive plan, a greater emphasis was placed on the need for single-family housing compared to multi-family, especially in the Cheshire Subarea of the City, multi-family development was called for where, "such development fulfills a strategic priority", and "fills an unmet need or niche." (At LU6.9)

When the Delaware's Comprehensive Plan was published, the City documented very low percentages of multi-family and mixed uses in the Cheshire Subarea. (Page 3.41, chart showing Low Density, Moderate Density Multi-Family and Mixed Uses at 2%, 2% and 5% respectively.)

The amount of single-family housing already approved in the corridor since the Plan was adopted has been substantial. Coupled with the decline in the single-family market and combined with concerns about the future ability to finance single-family construction and sales, in the market area, and in fact the region, Stavroff believes the subject site will support more multi-family and 'market-impact rental' uses.* These factors, along with the niche created by medical, educational, office and institutional jobs, where income levels are better than average, but the mobility of the workforce is an important factor, means that higher quality multi-family condominiums and apartments are more viable and needed by employers in this area.

(*The term 'Market Impact Rental' is derived from the fact that Stavroff proposes a higher quality apartment product at a higher value of construction and rent than the City has seen before based on the niche-market nature of the Southern Sub-Area and the projected institutional and educational job growth in the area. Thus, Stavroff's product will have a positive impact on the overall value and market for rental property in the City of Delaware).

The Stavroff plan also meets the goal called out in section LU8 of the Plan, in that the mixed uses proposed provide the land use transition and compatibility called for with existing development. Per LU8.5, the Stavroff plans would place mixed commercial, retail, office and 'market-impact rental' uses among and adjacent to both the approved single-family uses and institutional job centers.

The significant institutional growth coming to the area surrounding the Stavroff site, the proposed office development, along with other supporting uses such as retail, retail services, other commercial, and niche residential, are called for and strongly supported both in the Comprehensive Plan and the marketplace.

Consider that LU23.1 of the Plan reads as follows:

> "The focus of this subarea (Cheshire) will be a high-end office, healthcare and institutional node that will be the southern entrance to the City. The subarea will be the location of a new and expanded Grady Hospital, which will have a tremendous influence over the land use pattern and character of development. JVS is considering long-term expansion plans that will create and educational focus to the subarea. Additional land is available for related office and institutional development. This can become an important node of business activity for the City and will reinforce this subarea as a gateway to Delaware."

Stavroff agrees with this assessment and points to the Columbus State Delaware campus as evidence of the accuracy of the above and the principle that growth momentum begets growth momentum. It is Stavroff's sincere hope and purpose to create a high quality mixed use development that fulfills the goals outlined in LU23.1 of the Delaware Comprehensive Plan.

New garden style apartments with rents in the $750.00 to $1250.00 per month range will provide housing to support the success of nearby professional medical and hospital staff, as well academic providers south on State Route 23 and adjacent to the site. Retail will provide convenient shopping amenities very near residential and job centers without adding vehicle trips on major thoroughfares. In this way, and based its overall quality and architectural vibrancy, the development will give Delaware a gateway of commerce and complimentary uses to balance of the City's southern area. Such uses support and will enhance the viability of the institutional and detached single-family residential uses that are already approved and being built in the area.

(4) **Additional Items:**

A. Legal Description of Parcel to be Rezoned. **(see attached)**
B. Present Use – Agricultural/Un-used
C. Present Zoning District Straight Zoning with B-4 (limited uses), R-3, and R-6 uses.
D. Proposed Zoning PMU with underlying R-3, R-6, R-8, B-4 (limited uses)(Sub-Area B), B-4, R-6 (limited acreage), R-8 (limited Acreage)(Sub-Area A)
E. Proposed Uses – All permitted, conditional, accessory and limited uses of a PMU district as specified within the attached zoning text.
F. Vicinity Map(s) – **(see attached)**
G. A list of property owners and their addresses within 150 feet from the parcel **(see attached)**

DESCRIPTION OF A 103.071 ACRE TRACT
LOCATED NORTH OF PEACHBLOW ROAD AND
WEST OF PIATT ROAD
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

Situate in the State of Ohio, County of Delaware, Township of Berlin, lying in Farm Lot 36, Section 3, Township 4 North, Range 18 West, United Sates Military District and begin all of a 103.066 acre tract conveyed to Glenn Road Capital, LLC, an Ohio limited liability company, by deed of record in Official Record 696, Page 2249, all records herein of the Recorder's Office, Delaware County, Ohio, said 103.071 acre tract being more particularly described as follows:

BEGINNING, at a railroad spike found at the intersection of the centerline of Peachblow Road (60 feet-wide), and the line common to Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 18 West), said railroad spike also being the southeasterly corner of an original 55.360 acre tract conveyed to the Delaware Joint Vocational School District, by deed of record in Deed Book 612, Page 501;

Thence North 03°29'29" East, a total distance of 1697.82 feet, passing an iron pin set at a distance of 30.00 feet, along the line common to said Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 18 West), said line also being the easterly line of said original 53.360 acre tract, to a ¾ inch iron pin found in said easterly line at a common corner of a 105.278 acre tract conveyed to Grady Memorial Hospital, by deed of record in Official Record 594, Page 212, said original 103.066 acre tract and Farm Lots 36 and 37;

Thence South 85°51'26" East, a distance of 2666.35 feet, along the line common to said original 103.066 acre tract, said 105.278 acre tract, said Farm Lot 36 and said Farm Lot 37, to a 1 inch iron pin found at the common corner of said original 103.066 acre tract and said 105.278 acre tract, also being the line common to said Farm Lot 37 and Farm Lot 28;

Thence South 03°35'57" West, a distance of 1672.11 feet, passing a ¾ inch iron pin and cap found at a distance of 1642.07 feet, along the line common to said original 103.066 acre tract, said 105.278 acre tract, Farm Lot 36, Farm Lot 37, Farm Lot 28 and Farm Lot 29, to a railroad spike found in the centerline of said Peachblow Road and in the common corner of said original 103.066 acre tract, said 105.278 acre tract, Farm Lot 36 and Farm Lot 29;

Thence North 86°24'35" West, a distance of 2663.04 feet, along the centerline of said Peachblow Road, to the **POINT OF BEGINNING**, containing 103.071 acres, more or less. Being subject to all easements, restrictions and rights-of-way of record.

All of the above described 103.071 acres lies in Farm Lot 36.

All iron pins set are ¾ inch iron pipes, 30 inches long, with a yellow cap bearing the name "R.D. Zande".

The bearings in the above description are based on the grid bearing of North 86°24'35" West, for the centerline of Peachblow Road, as established by a network of GPS observations performed in January, 2005 (Ohio State Plane North Zone, 1986 adjustment).

DESCRIPTION APPROVED FOR TRANSFER
Chris Bauserman
Delaware County Engineer

DESCRIPTION FOR CLOSING ONLY
RPC Approval Required
Municipal Approval Required
Delaware County Engineer

STATE OF OHIO
ROBERT L. CLAY
S-8121
REGISTERED
PROFESSIONAL SURVEYOR

R.D. ZANDE & ASSOCIATES, INC.

Robert L. Clay June 2, 2006
Robert L. Clay, P.S. Date
Registered Surveyor No. S-8121

P:\7502\7502S3\SURVEY\DESCRIPTIONS\7502S3-103.071Acres.doc

GENERAL NOTES:

1. This survey does not represent all encumbrances that may affect the subject parcel as listed in title commitment number LC0045578
2. This survey does not represent any underground utilities that may affect the subject parcel.
3. All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R. D. Zande"

NOTES PER TITLE COMMITMENT:

The following item numbers are per Schedule B of Mysterious number LC0045578 issued by Stewart Title Guaranty Company

Item 5 — A 10.5 foot-wide easement to Northern Ohio Telephone Company, of record in Deed Book 351, Page 453, of the Recorder's Office, Delaware County, Ohio, contains the subject tract and is shown on the attached exhibit

Item 6 — A 10 foot-wide easement to Con-Co Water Company, Inc., of record in Deed Book 351, Page 435, of the Recorder's Office, Delaware County, Ohio, contains the subject tract and is shown on the attached exhibit

FLOOD NOTE:

The subject property lies in Zone X (areas determined to be outside the 500 year flood plain), as determined by graphic interpretation from the Flood Insurance Rate Map (FIRM), Number 39041C0221D J, with an effective date of April 21, 1995, published by the Federal Emergency Management Agency

UTILITY STATEMENT:

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

BASIS OF BEARINGS:

The bearings shown hereon are based on the grid bearing of North 80°24'35" West for the centerline of Pontchartrain Road as established by a network of GPS observations performed in January, 2006 (Ohio State Plane North Zone, 1986 Adjustment)

DESCRIPTION:

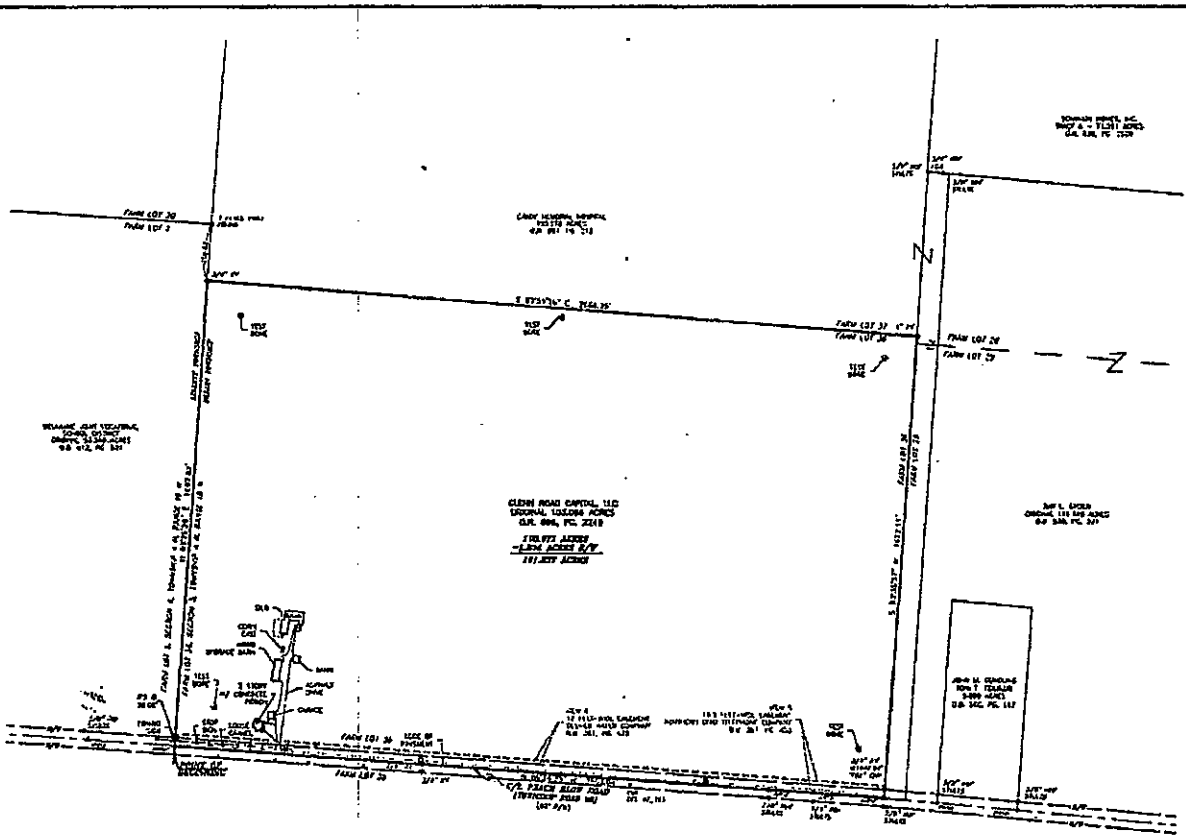
Located at a railroad spike found at the intersection of the centerline of Pontchartrain Road (60 feet-wide), and the Lee common to Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 19 West), said railroad spike also being the southeasterly corner of an original 55.360 acre tract conveyed to the Delaware Joint Vocational School District, by deed of record in Deed Book 672, Page 301.

Thence North 03°19'39" East, a total distance of 1692.82 feet, passing an iron pin set at a distance of 30.66 feet, along the Lee common to said Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 19 West), said Lee also being the westerly line of said original 55.360 acre tract, to a 1 inch iron found at the southerly end of a 115.270 acre tract conveyed to Grady Management (2006) by deed of record in Official Record 514, Page 312, said original 103.056 acre tract and Farm Lots 36 and 37;

Thence South 83°51'24" East, a distance of 2666.33 feet, along the Lee common to said original 103.056 acre tract, said 105.276 acre tract, said Farm Lot 36 and said Farm Lot 37, to a 1 inch iron pin found at the common corner of said original 103.056 acre tract and said 105.276 acre tract, also being the Lee common to said Farm Lot 37 and Farm Lot 38;

Thence South 03°33'57" West, a distance of 1673.31 feet, passing a 5 inch iron pin and cap found at a distance of 1642.07 feet, along the Lee common to said original 103.056 acre tract, said 105.276 acre tract, Farm Lot 36, Farm Lot 37, Farm Lot 38 and Farm Lot 39, to a railroad spike found in the centerline of said Pontchartrain Road and at the common corner of said original 103.056 acre tract, said 105.276 acre tract, Farm Lot 36 and Farm Lot 39;

Thence North 80°24'35" West, a distance of 2663.06 feet, along the centerline of said Pontchartrain Road, to the POINT OF BEGINNING containing 103.071 acres, more or less. Being subject to all easements, restrictions and rights-of-way of record.


Farm Lot 36
Farm Lot 1
Farm Lot 37
Farm Lot 38
Farm Lot 39
Farm Lot 32
Farm Lot 33
S 83°51'24" E 2666.33'
N 03°33'57" E 1673.31'
S 03°33'57" W 1673.31'
N 03°19'39" E 1692.82'
Pontchartrain Road
CLEAN ROAD CAPITAL, LLC
ORIGINAL 103.056 ACRES
O.R. 666, PG. 2249
103.071 ACRES
-LESS ACRES R/W
101.659 ACRES
3 STORY CONCRETE MASONRY
SERVICE BARN
SILO
GARAGE
CHURCH
S.R. 37 (BENTON RIDGE ROAD)
(80' R/W)
JOHN M. GORDON
SON T. TEAGUE
3.000 ACRES
O.R. 342, PG. 117
JAY L. LYON
ORIGINAL 110.000 ACRES
O.R. 346, PG. 241
SCHRADER CREEK WATERSHED
DISTRICT
ORIGINAL 55.360 ACRES
O.R. 672, PG. 301
SCHRADER CREEK, INC.
TRACT A = 11.281 ACRES
O.R. 536, PG. 1539
Found 1/2" iron pin
Found railroad spike
Set 3/4" iron pin
Found 1" iron pin
Found 5/8" iron pin
Found 3/4" iron pin
Found 1/2" iron pin
Found 1" pipe
Found 3/4" pipe
Found 1/2" pipe
Found 3/4" pipe
Found railroad spike
Found railroad spike
Found railroad spike

CONSULTING ENGINEERING
COMMUNITY PLANNING
FEASIBILITY STUDIES
SUBDIVISION DESIGN
HIGHWAY DESIGN
CONSTRUCTION INSPECTION
LAND SURVEYING
CONTROL SURVEYS
CONSTRUCTION STAKING
TOPOGRAPHIC SURVEYS

STULTS AND ASSOCIATES, INC.
ENGINEERING - SURVEYS

FRANKLIN D. STULTS
H. EDWARD SNODGRASS

57 N SANDUSKY ST
DELAWARE, OHIO 43015
PHONE (614) 363-6782
(614) 369-4124
COLS. (614) 436-5238

January 18, 1985

Description of a 0.789 Acre Tract For
Robert C. Rucker

Situated in the Township of Liberty, County of Delaware and State of Ohio;

Being a part of Farm Lot 1, Section 4, Township 4, Range 19, U.S. Military Lands and being more particularly described as follows:

Commencing at a railroad spike found in the centerline of County Road 98 (Peachblow Road), where it intersects the easterly line of Liberty Township (westerly line of Berlin Township);

thence along the centerline of said County Road 98 (Peachblow Road), North 84° 07' 13" West, a distance of 322.91 feet to a railroad spike found at a southwesterly corner of an 8.45 acre tract (after exceptions), now or formerly owned by North Electric Company as described in Deed Book 359, page 549, said railroad spike also being THE TRUE PLACE OF BEGINNING of the following described tract;

thence continuing along the centerline of County Road 98, North 84° 07' 13" West (passing over an iron pin set at 102.52 feet) a total distance of 131.74 feet to a railroad spike set;

thence along the old ditch line, North 33° 13' West a distance of 280.41 feet to a railroad spike set on a southerly line of the aforementioned 8.45 acre tract of land now or formerly owned by North Electric Company;

thence along the southerly line of said 8.45 acre tract, North 87° 36' 03" East (passing over an iron pipe found at 25.98 feet) a total distance of 154.27 feet to an iron pipe found;

thence along a westerly line of said 8.45 acre tract of land, now or formerly owned by North Electric Company, South 27° 08' 47" East (passing an iron pin set at 256.84 feet) a total distance of 286.06 feet to The True Place of Beginning;

Containing 0.789 of an acre more or less, subject to all easements, restrictions and rights-of-way of record;

For last conveyance refer to Deed Book 455, page 674, Delaware County Recorders Office;

All iron pins set are 5/8" solid iron pins with yellow plastic caps stamped STULTS & ASSOC.;

Bearing system based on centerline bearing of U.S. Route 23 (North 33° 13' West) taken from State Highway plans DEL-23-(3.79-8.69).

DESCRIPTION O.K.
FOR CLOSING ONLY
Del. Co. Eng.

Franklin D Stults
Franklin D Stults
Registered Surveyor No. 4873

STATE OF OHIO
FRANKLIN
D. STULTS
4873
REGISTERED
SURVEYOR

Glenn Road Capital, LLC
Planned Mixed Use Development Text & Development Standards
December 4, 2008

General Overview

Glenn Road Capital, LLC is proposing a mixed-use development containing approximately 109 +/- acres. The intent of the project will be to provide functional and aesthetically pleasing commercial uses including office, retail, and service-oriented development along with a variety of residential uses which provide multiple housing options, such as single family homes, patio homes, attached or detached condominiums, and multi-family housing (e.g. mid-rise garden and townhome apartments). Residential developments shall include small walkable neighborhood blocks, public green spaces, cohesive architectural styles and a wide range of dwelling sizes and types. It is the intent of the project to compliment the existing and future planned uses along Glenn Parkway and shall consist of quality design, materials and architectural standards.

Property Description

The property consists 109.93 +/- acres and is made up of three parcels: the Glenn Road Capital, LLC property, (parcel #41833001032000 – 103.071 acres), the Peachblow Associates, LLC property (parcel #41944001002000 – 0.80 acres) and a portion of the Joint Vocation School District property (parcel #41944001001000 – 6.057 acres). The latter two parcels are presently not located within the City of Delaware corporation limits. However, Glenn Road Capital, LLC has purchased or has obtained an option to purchase these parcels and will incorporate them into this development through annexation to the City of Delaware and requesting this development text be applied to those parcels as latter set forth. The site is bordered by the Grady Memorial Hospital property (parcel #41832001031000) to the north and east, Peachblow Road to the south, and the future Glenn Parkway to the west. See attached Exhibit "A".

General Development Standards

Upon the approval of this Development Text, it is intended that an overall preliminary development plan for an entire Sub Area, as defined below, and the first phase or phases of final development plan(s) for each Sub Area(s) may be submitted, considered and processed contemporaneously at the Developers election, with subsequent and remaining final development plan(s) for subsequent phase(s) being considered and approved thereafter for each Sub Area(s) as proposed. Illustrative examples of general development patterns that may emerge are attached as Exhibits "B1", "B2" and "B3".

Minor Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, the Director of Planning and Community Development may approve any minor modification to the plan. Minor modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan 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. Structural or design alterations that do not alter the overall design intent of the building or development.

In the event the Director of Planning and Community Development or the applicant are unsure whether a change is a minor or a major modification, or the parties are unable to agree, each party reserves the right to submit to the Planning Commission and/or City Council for final determination and/or approval of such minor or major modification.

Major Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, any major modification to the plan shall require the approval of a revised Preliminary or Final Development Plan by City Council. Major modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan that results in:

1. Any major increase in the non-residential building area (a major increase in building area is defined as an increase of 10% or more in the preliminary aggregate non-residential building area), including any increase that creates more than 2 individual retail or service establishments equal to or greater than 100,000 square feet in gross floor area each.
2. Any major increase in the number of dwelling units allowed by this Development Text. Major increase in the number of dwelling units shall mean an increase of 10% or more in the total number of dwelling units allowed by this Development Text.
3. Any major increase in the type of dwelling units allowed by this Development Text. Major increase in the type of dwelling units shall mean an increase of 10% or more in the type of dwelling unit allowed by this Development Text.
4. Major change in the approved location of land uses or land use sub-areas.
5. 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, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

Sub Area Descriptions

The property shall consist of two sub areas. Sub Area A contains approximately 62 +/- acres and Sub Area B contains approximately 47 +/- acres.

1. Sub Area A: Sub Area A is the western portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital property to the north, Peachblow Road to the south, Sub Area B to the east (further defined herein) and the future Glenn Parkway to the west (62 +/- acres). See attached Exhibit "C".

2. Sub Area B: Sub Area B is the eastern portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital to the north and east, Sub Area A to the west, and Peachblow Road to the south (47 +/- acres). See attached Exhibit "C".

Permitted Uses

The following uses shall be permitted:

Sub Area A:

1. Residential
   a. Attached single family/patio/condominium units
   b. Multiple family garden and townhome apartments (single story or mid-rise).
   c. Dwelling units on upper floors of a commercial or office building.
   d. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas.
   e. Uses customarily accessory hereto
   f. Temporary uses as authorized by the City of Delaware zoning code.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Retail Services
   a. Retail and service establishments in a completely enclosed building with a minimum gross floor area of less than 100,000 square feet
   b. Retail and service establishments in a completely enclosed building with a minimum gross floor area of 100,000 square feet or greater
   c. Restaurant
   d. Drive-thru or walk-up ATM (stand-alone facility)
   e. Veterinary office (without kennel)
   f. Veterinary hospital (with or without kennel). Outside runs permitted if sufficiently buffered and as approved as part of a final development plan.

4. Automotive and Transportation
   a. Gasoline station
   b. Automotive repair garage as part of a new car sales dealership only
   c. Automotive sales and rental. Used car sales only as part of a new car dealership
   d. Automotive service station, light repair and routine maintenance only
   e. Drive-thru facility associated with any principal permitted use
   f. Car wash, only as accessory to a permitted use

5. Outdoor display/storage
   a. Outdoor display
   b. Outdoor storage
   c. Garden Center, only as an accessory to permitted uses 3a. and 3b.

6. Community Facilities
   a. Places of worship
   b. Schools, public or private
   c. Schools, trade, business or cultural arts
   d. Library
   e. Public cultural institutions and art galleries
   f. Day care center, child/adult
   g. Congregate care facility
   h. Nursing home

7. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.
   c. Health club

8. Lodging
   a. Hotel/motel

Sub Area B:

1. Residential
   a. Detached single family, patio, cluster or condominium dwelling units
   b. Two family dwellings
   c. Attached single family, patio, cluster, or condominium dwelling units
   d. Single story or mid-rise (2-3 stories) multiple-family apartments, such as garden style (flats) or townhomes
   e. Dwelling units on upper floors of a commercial or office building
   f. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas
   g. Other accessory uses that are customarily found in a residential community such as sheds, swimming pools, recreation equipment, etc.
   h. Temporary uses as authorized by the City of Delaware zoning code.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Lodging
   a. Hotel/motel with or without food and beverage

4. Community Facilities
   a. Day care center, child or adult
   b. Congregate care facility
   c. Nursing home

5. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck-E. Cheese are permitted.
   c. Health club
   d. Non-commercial recreation facility

Additional Standards for Certain Permitted Uses

Any permitted or accessory use listed below shall meet all such requirements listed below for that permitted use. If any requirement set forth in this text for that specific permitted use is not met, the permitted use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set for in the Zoning Code.

1. Retail and service establishments with a minimum gross floor area of 100, 000 square feet or greater.
   a. There shall be no more than two (2) "Big Box" retail users permitted. "Big Box" retail use shall be defined as "a single user that exceeds 100,000 square feet of continuous gross floor area (interior space) including a garden center". A Big Box retail user could occur in either a stand alone building or as part of a larger (attached) multi-user building. Additionally, any

single Big Box use (per occurrence) shall be limited to a maximum of 200,000 square feet of continuous gross floor area (interior space) to include a garden center.

b. Within 30 days of vacation of a "Big Box" user, the property owner shall remove any sign, including any structure or anchorage devices, and repair any exterior surfaces when a sign is removed, including the removal of any ghost signs and temporary signs, except for "For Sale or Lease" signs. Additionally the property owner shall maintain and operate the exterior of the building and property in a manner that is consistent with both the maintenance of the rest of the overall development.

c. In the event a Big Box retail development occurs, the development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a gateway feature, network of pedestrian paths, patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or focal feature or amenity that adequately enhances such community and public spaces. Any such feature shall not be constructed of materials that are inferior to the principal materials of the building and landscape

2. Stand-Alone ATM Facility.
   a. The building housing the ATM shall be designed (e.g. architectural details, materials, and colors) and landscaped in a manner substantially similar with the overall design of the development.
   b. There shall be adequate and safe standing space for persons waiting to use the facility.
   c. Lighting and signage shall be limited, while not forgoing security and safety.

3. Gasoline Station.
   a. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   b. The principal building shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development.
   c. Gas pumps shall only be permitted as follows (see Exhibit "H" for illustrative example):
      i. Pumps shall be located with the pumps and the building perpendicular to the right-of-way, in which case the pumps shall not extend beyond the building towards the right-of-way
      ii. Pumps shall be located with the pumps behind the building with the building located between the pumps and the right-of-way
      iii. Pumps shall not be permitted to be located in front of the building facing the right-of-way

4. Drive-Thru Facility Associated with any Permitted use
   a. A covered drive-thru area or menu board may be permitted in the front of a building, except for the front of any building located along Glenn Parkway.
   b. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   c. All drive-thru menu boards shall be screened to minimize views from public roads.
   d. Retail Tenants occupying the end of a building or on outparcels may be permitted to have drive-thru unit(s) on the end of the building.
   e. Drive-thru stacking requirements shall be illustrated on the Final Development Plan and shall be sufficient for the intended use i.e. meets industry standard and allows the site to function properly from a transportation perspective.
   f. The drive-thru unit(s) shall be detailed with applicable architectural standards and in a manner comparable to and consistent with the architecture of the balance of the development.

5. Car Wash
   a. Car wash structures shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development and principal buildings.

6. Outdoor Storage & Outdoor Display for Big Box Users, Grocery and/or Anchor stores
   a. Permanent outdoor storage and display in the parking area in front of the building is prohibited.
   b. Seasonal outdoor displays are permitted in parking areas to the front of the building for live vegetation only. Such area location shall be determined with the Final Development Plan approval and shall be restricted as follows:
      i. it shall not exceed 15,000 square feet
      ii. it shall be located in the front of the building or to the side
      iii. it shall be enclosed by decorative fencing.
      iv. no material shall extend above the top of the fencing
   c. Mulch, soil, seeds, or other items may be permitted in the parking area on the side of the building with Final Development Plan approval.
   d. Outdoor display of merchandise is permitted in the walkway area in front of and to the side of the building in limited area to be approved as part of the Final Development Plan. Such outdoor display areas must maintain a minimum pedestrian walkway of 5 feet in width (measured between the front of the building and parking spaces or drive aisle).
   e. No display items shall be mounted to the side of the building.

7. Garden Center
   a. Garden centers are considered accessory structures, which are attached to the principal buildings and enclosed on four sides including canopies if desired. Such structures shall be substantially similar in design with the associated retail structure.

8. Day Care Center, Child or Adult
   a. For the protection of children and adults enrolled in the day care center, all outdoor activity areas shall be enclosed by a fence at a height approved by Planning Commission and City Council. An entry gate shall be securely fastened.
   b. A drop-off/pick-up area at the front and or side of the principal building that will not impede traffic on or off the site shall be approved to ensure the safety of the children and adults.
   c. The location and design of the day care center shall provide for the protection of patrons from the traffic, noises, and other hazards of the area and/or the arterial street location.
   d. Any day care shall not be located directly adjacent to a residential use.
   e. All day cares must be in compliance with state regulations and rules

9. Office and Professional Services in Sub Area B
   a. Use groups 2a and 2c defined within section Sub Area B Permitted Uses herein shall be permitted entirely in Sub Area B.
   b. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
   c. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.
   d. Financial institutions and banks (use group 2b defined within section Sub Area B Permitted Uses herein) shall only be permitted if it is completely within 450 feet of the Sub Area delineation.

10. Lodging in Sub Area B

a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

11. Community Facilities in Sub Area B
    a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
    b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

Right to Outparcels

In addition to the uses above, Sub Area A shall be permitted a minimum of up to 8 total outparcels or stand alone buildings along Glenn Parkway, Route 23 and/or the Connector Road provided all lot sizes & setback are met. The minimum outparcel lot size shall be 1-acre. Outlots shall be accommodated as delineated on a future preliminary plan. See Exhibit "B1", "B2" and "B3" for example site plans.

Overall Density

Lot coverage for the overall development shall not exceed 70% of the gross area including public rights-of-way.

Residential Maximum Units

Sub Area A and B together shall collectively not exceed 600 dwelling units. The following shall be the maximum residential dwelling units permitted in each Sub Area.

1. Sub Area A shall be limited to a maximum of 75 attached single family/patio home/condominium units. In addition, to the extent this use has not been fully exhausted within Sub Area B, Sub Area A shall allow a maximum of 400 multi-family garden or townhome apartments.

2. The maximum total residential dwelling units in Sub Area B shall collectively not exceed 525 dwelling units. Sub Area B may consist of a single use or a mix of uses while adhering to the following limitations:
    a. A maximum of 150 detached single family, patio, cluster, or condominium dwelling units shall be permitted.
    b. A maximum of 250 two family dwellings, or attached single family, patio, cluster, or condominium dwelling units shall be permitted.
    c. A maximum of 400 multi-family garden or townhome apartments shall be permitted to the extent this right has not been fully exhausted within Sub Area A.

Residential Lot Standards

The following standards shall apply for each type of residential use.

1. Detached Single Family

Minimum Lot Area:	8,125 sq. ft.
Minimum Lot Width:	65 ft.
Minimum Lot Depth:	125 ft

Minimum Lot Frontage:	35 ft.
Minimum Front Yard Setback:	30 ft.
Minimum Side Yard Setback:	8 ft.
Minimum Rear Yard Setback:	30 ft.
Minimum Square Footage:	1,500 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

2. Detached Condominium, Cluster Lots, or Patio Home

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Lot Depth:	90 ft.
Minimum Lot Frontage:	30 ft.
Minimum Front Yard Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	5 ft.
Minimum Rear Yard Setback:	6 ft.
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Square Footage:	1,250 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

3. Attached Single Family, Condominium, Patio Home, or Cluster Lot

Minimum Building Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Perimeter Setback:	25 ft. building and pavement
Minimum Square Footage:	1,050 sq. ft. (finished living space)

4. Two Family Dwelling

Minimum Lot Area:	10,400 sq. ft.
Minimum Lot Width:	80 ft.
Minimum Lot Depth:	130 ft.
Minimum Lot Frontage:	50 ft.
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	6 ft.
Minimum Rear Yard Setback:	35 ft.
Minimum Square Footage:	950 sq. ft. per unit
Minimum Perimeter Setback:	25 ft. building and pavement

5. Multiple Family Garden and Townhome Apartments or Dwelling Units on Upper Floors of a Commercial or Office Building:

Units Per Structure:	Up to 24 units per structure (typical 14-24 units per structure)
Stories:	1-3 stories
Lot Coverage Maximum:	None
Minimum Square Footage:	1 Bedroom - 600 sq. ft. 2 bedroom - 900 sq. ft. 3 bedroom – 1,050 sq. ft. Townhome – 1,200 sq. ft.
Minimum Building Separation:	10 ft. side wall to side wall

	20 ft. rear wall to rear wall
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Perimeter Setback:	25 ft.

Setbacks and Height

Setbacks along Internal Private or Public Streets and the Connector Road are intended to allow flexibility for more traditional neighborhood commercial designs. Reduced setbacks are intended for smaller commercial users and can be used (but not required) to implement a smaller "towncenter character" along the roads. See illustrative examples, Exhibit "D", detailing requirements for tighter setbacks. In no case shall a building be permitted to be constructed within an existing or proposed easement.

1. Minimum Setbacks. Minimum setbacks, which shall be measured from existing and planned public road rights of way, shall be established as follows:
   a. US 23:
      i. 60 ft. Building setback and 60 ft. parking setback from the US 23 right of way.
   b. Glenn Parkway:
      i. 25 ft. building and pavement setback.
   c. Peachblow Road:
      i. 50 ft. building setback and 20 ft. pavement setback from any commercial building.
      ii. 50 ft. building and pavement setback from any residential district or use as to serve as a buffer yard.
   d. Connector Road:
      i. 8 ft. for building and pavement setback from any commercial building or multi-story apartment building with a maximum building setback of 15 feet. If the maximum building setback exceeds 15 feet, the minimum building and pavement setback shall be 25feet.
      ii. 20 ft. for building and pavement setback from any other residential structure.
   e. Internal Private or Public Streets:
      i. 8 ft. building and pavement setback from any commercial building or multi-story apartment building.
      ii. 10 ft. building and pavement setback from any other residential building.
      iii. Setbacks for internal private streets shall be measured from the back of the curb or edge of pavement on uncurbed sections.
   f. Interior Lot Lines:
      i. Interior lot lines shall have a zero (0) setback for parking and buildings as approved on the final development plan.

2. Maximum Height Standards.
   a. Any commercial building shall be a maximum of 55 ft. in height.
   b. Multi-story apartment buildings shall be a maximum of 45 ft. in height while all other residential buildings shall be a maximum of 35 ft. in height.
   c. Any commercial structure directly adjacent to and within 100 ft. of a residential district or use shall not exceed 45 ft. in height, except where residential is placed over commercial.
   d. Architectural elements, such as copulas, spires, dormers, chimneys, etc. may exceed the above referenced height restrictions.

Access, Parking, Loading and Other Traffic Related Standards and Commitments

1. Glenn Parkway shall have a right-of-way of 120 ft., plus additional right-of-way to accommodate the proposed roundabout intersection and intersection with US 23 as shown on the current Glenn Parkway Phase I-A plans.

2. Sidewalks or multi-use paths shall be provided as shown on the approved Final Development Plan.

3. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

4. No curb cuts shall be permitted onto US 23.

5. At all locations, spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

6. A dedicated public street the "Connector Road", will traverse the Glenn Road Capital Tract from the proposed Glenn Parkway roundabout traveling east and then south through the development site to existing Peachblow Road, as determined by the City Engineer in coordination with the Applicant to ensure a feasible development. The Connector Road shall be a minimum of two lanes and a minimum of 32 ft (back of curb to back of curb) with curb & gutter and no on-street parking at this minimum width.

7. The intersection of the Connector Road and Glenn Parkway shall be constructed in accordance with the latest version of the Glenn Parkway Phase I-A plans or as otherwise mutually agreed by all the parties.

8. A service drive or cross access easements shall be provided so that all of the outlots shall have access to the Connector Road.

9. As shown on the current Glenn Parkway Phase IA plan one right-in, right-out, curb cut and one left in, right out curb cut shall be permitted along Glenn Parkway to serve the development. The City of Delaware shall consider permitting additional full access or right-in right-out curb cuts along Glenn Parkway to serve the property subject to further traffic study and approval.

10. Multiple full access curb cuts shall be granted along the Connector Road to service the property all subject to the approval of the City Engineer.

11. Curb cuts are subject to final design by the property owner and approval by the City Engineer.

12. Private residential or commercial streets/access drives shall have a minimum pavement width of 25 ft (back of curb to back of curb) and shall have at least 2 drive lanes with no on-street parking at this minimum width.

13. For commercial uses, parking service areas may be shared between uses and separate buildings (through the use of cross0easements, if necessary). As such and irrespective of use, parking shall be provided at a minimum rate of three (3) spaces per one thousand (1,000) square feet of development within a sub area. Parking may be provided at a minimum ratio determined by the applicant that sufficiently allows the users to satisfy its business needs as approved on the Preliminary Development Plan provided that the parking areas are adequately screened to

minimize the scale and mass of the parking area in accordance with the landscape requirements of this Development Text.

14. Overnight parking of semi-trailers and other product delivery vehicles shall be permitted with the service areas at the rear of buildings with designated delivery or dock locations. All engines and compressors must be turned off.

15. Overnight parking of product delivery vehicles may be permitted within the general parking area at locations approved as part of the Final Development Plan.

Commercial/Retail Architectural Standards

1. Architectural Requirements – General; these standards shall apply to all permitted uses that are not covered under the office architectural standards or residential architectural standards sections herein.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the various uses and proposed building types within the commercial/retail development including free-standing out parcel buildings.
   b. The architectural design of all commercial/retail buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial and retail 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. See Exhibits "E1", "E2", "E3" and "E4" for illustrative examples of the architectural standards.
   c. 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.
   d. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials
   a. 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 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
   b. Slate/Synthetic Slate
   c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the

exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.

d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 visible to the public. Other than for necessary service and loading areas that do not face a pubic right-of-way and are not visible to the public, blank facades shall not be permitted.
e. 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.
f. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.
g. 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 masonry.

3. Building Massing and Articulation
   a. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, building facades greater than 100 feet in length shall incorporate recesses and projections a minimum of two (2) feet in depth and a minimum of twenty (20) contiguous feet within each hundred (100) feet of façade length.
   b. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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.
   c. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8") or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. 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 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.
   d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, walls shall have no more than thirty (30) 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.
   e. Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation (3)(a)(b)(c) or (d) above:
      i. Two walls that face one another, are separated by not more than 60 feet and are not visible to public view.

ii. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas not visible to the public view.

f. Roof line shall provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Storefronts, Fenestration and Articulation
   a. 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.

5. Roofs
   a. Pitched and flat roofs shall be permitted. Types of roofs are as follows:
      i. Pitched roofs with gabled or hipped ends.
      ii. Glass roofs are acceptable in portions of a structure
      iii. Mansard roofs
      iv. Flat roofs are permitted but must utilize parapets or cornices to screen bracing or breakup the roof line.
   b. 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.
   c. The minimum pitch for a sloped roof shall be 6:12.
   d. Gutters and downspouts: 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.

6. Screening
   a. Rooftop equipment, 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 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 used 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.
   b. 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 prohibited by code 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.

c. Loading docks, trash collection, outdoor storage 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. Screenwall materials shall be compatible with the building materials. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

7. Outparcel Buildings Additional Requirements
   a. The architectural details, materials, and colors of all outparcel buildings shall be compatible with the standards for the main retail structures described above. In addition, the following standards shall apply.
   b. The maximum height of any out parcel building shall be twenty-four (24) feet except for architectural features such as parapets, cupolas, etc.
   c. Outparcel buildings are encouraged to use pitched roofs; pitched roofs shall have a minimum of a 6:12 pitch.
   d. The owner of the Shopping Center and out parcel will review each out parcel Final Development Plan with its architect prior to submittal for municipal review.
   e. Buildings shall be designed to be seen from all sides and shall be designed to have a comparable level of detail on all sides. Roof elements such as dormers, cupolas, roof spires, and hip and gable roofs shall be encouraged to emphasize and reduce the building scale. All roof-mounted equipment and appurtenances shall be screened.
   f. The outlot building located at the corner of Route 23 and Glenn Parkway may be provided additional architectural detailing and scale to serve as a potential jurisdictional gateway in accordance with the Gateway & Corridor Plan and as approved as part of the Final Development Plan and as such the inclusion of a separate jurisdictional Gateway feature/sign element will not be required. If the building does not serve as the gateway, then a separate gateway feature/sign element shall be provided as approved as part of the Final Development Plan.

Office Architectural Standards

1. Architectural Requirements – General; these standards shall apply to permitted uses 2a and 2c, Office and Professional Services, within each Sub Area.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the proposed buildings.
   b. The architectural design of all commercial office buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts.
   c. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials
   a. Predominant exterior building materials shall be of high quality. The permissible building materials are 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 decorative elements only

b. Aluminum and/or vinyl shall be allowed for trim details only such as soffits, gutters, shutters, etc., but shall not be used as siding products.

c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.

d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 shall be articulated with recesses, pilasters, fenestration and/or material changes. Compositions of similar building materials shall be used on all building elevations visible to public view.

e. 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.

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

g. The use of highly reflective exterior materials is prohibited. Reflective glass is prohibited.

h. Roof and building façade colors should be coordinated to complement each other.

3. Building Massing and Articulation

a. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8" high) or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. Jack arches and/header details shall be utilized above window openings. Belt lines (horizontal accent bands) shall be encouraged 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 parapet cornices.

b. Large single story structures shall have roof lines that provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Fenestration and Articulation

a. 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.

5. Roofs

a. Smaller single story buildings will be required to have pitched roofs with gable or hip ends. Flat roofs shall be permitted on buildings of 2 stories or greater or on larger single story buildings when it is impractical due to size.

b. The minimum pitch for a sloped roof shall be 6:12.

c. 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.

d. Gutters and downspouts: 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. Interior roof drains shall be used on all buildings greater than two stories in height.

6. Screening
   a. Service courts, waste and refuse areas shall be screened from all public streets by landscaping, mounding and/or walls. Screening shall be at least 6 inches taller than the height of any containers that may be in these areas and shall have the same exterior material as the building. Any overhead service and garage doors in the development shall be screened from the public streets.
   b. All ground mounted mechanical and electrical equipment shall be screened from view from all public streets by mounding, landscaping, wood fencing or a wall that are architecturally compatible with the building.
   c. Rooftop equipment, 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 conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all 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 used 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.
   d. Accessory buildings, enclosures and any structures that are appurtenant to any building shall be of similar or compatible design, materials and construction.
   e. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

Residential Architectural Standards

1. Residential Buildings-Detached or attached Single Family/Condominium/Patio Home/Cluster Home/Two Family Dwelling:
   a. The architectural design of all single family detached residential dwellings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials. All front elevations shall include a variety of styles, colors, and/or types of materials.
   b. The architectural design/patterns of attached residential dwellings and/or detached condominium, patio, cluster or two family dwellings may be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials.
   c. Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss colors.

d. Buildings primary roof line shall be required to have a minimum 6:12 roof pitch. The principal roof structure will have an overhang of not less then 8 inches and an end rake of not less than 8 inches.
e. Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or other manufactured stone products.
f. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and shall be screened from view when visible from a public street. .
g. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
h. All garage doors facing a public street shall adhere to one of the following standards:
   i. architecturally upgraded to include design elements consistent with the design of the home and development such as matching the door color to the predominant color of the main structure, incorporating a glass course, adding trim packages to give the appearance of stable doors, man doors, hinged swing doors and other similar architectural elements.
   ii. setback a minimum of 2 feet from the primary wall of the home facing the public street (detached single-family only).
   iii. not extend closer to the street than the primary wall facing the street (garages of front loaded attached single-family dwelling units only).
i. At least 50%of the front elevation of all homes will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved materials, not including EIFS and excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows. Other natural materials or synthetic materials that replicate a natural material and finish will be allowed. Stucco shall specifically not be permitted to count toward the 50% threshold in this section but rather shall be allowed on the remaining 50% or less of the front elevation.
j. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake-looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar

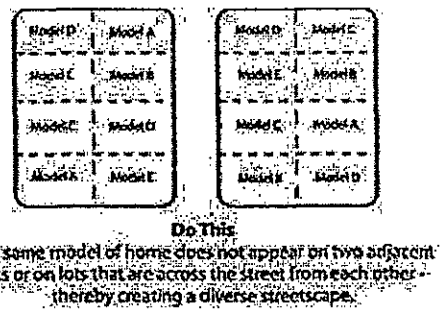
	Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

k. Trim is required around all corners, entry doors, roofs, gutters, downspouts and windows.

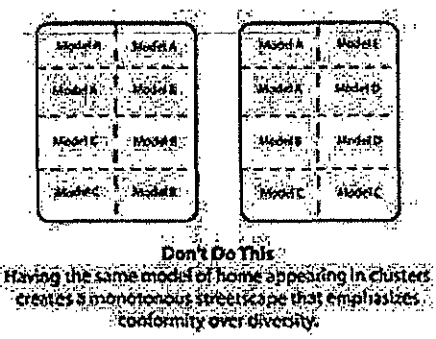
l. No blank walls shall be permitted.

m. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

n. Within single-family detached residential developments, the same model of home or the same exterior color of home shall not be placed on adjacent lots and shall not be placed on facing lots.



Do This
The same model of home does not appear on two adjacent lots or on lots that are across the street from each other - thereby creating a diverse streetscape.



Don't Do This
Having the same model of home appearing in clusters creates a monotonous streetscape that emphasizes conformity over diversity.

2. Residential Buildings- Multi-Family garden or townhome apartments and Dwelling Units on Upper Floors of a Commercial or Office Building:

a. The architectural design of the buildings shall be 4-sided without emphasis on a single side as a "front" or de-emphasis of the "sides" or "back" in order to create unified, cohesive building designs. See attached Exhibit "F1", "F2" and "F3" as example multi-family elevations. Exterior materials shall be varied to create visual interest, unless the building architectural style dictates the use of a single material. The use of accent features such as dormers or chimneys are encouraged to enhance the quality of traditional architectural styles.

b. Architectural patterns shall be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing.
c. Exterior façade materials shall be natural in appearance, but need not be a product of nature. Materials which are virtually indistinguishable from a product of nature when installed and finished will be allowed.
d. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

e. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

Landscaping, Tree Preservation, and Screening Standards

1. Buffer Yards and Landscaping
   a. All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code.
   b. A landscaping plan shall be submitted to the City of Delaware as part of the Final Development Plan for each phase of development. Landscaping shall be in conformance with that which is defined within this text and approved as part of the Final Development Plan.
   c. Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.
   d. All planting within the pubic right-of-way shall be approved by the City of Delaware Shade Tree Commission.

2. Entry Features
   a. Entry features shall include integrated project signage, lighting and landscaping.
   b. Final location, design, and standards for entry feature construction details, landscape details and signage details will be submitted for approval by the City of Delaware as part of a comprehensive sign plan.

3. Street Trees
   a. Street trees on public and private streets shall be installed in the center of a 7 feet wide tree lawn, between the road edge and sidewalk and/or bikepath.
   b. All street trees (including interior private streets) shall be spaced 40 feet on center. Street trees along the front and sides of the commercial areas shall be "upright" in form to permit view to the interior businesses.
   c. Street trees shall have a minimum caliper size of 1¾", measured at breast height and may be one consistent deciduous species per street.
   d. A street tree plan, specifying the plant type, location, size and condition will be submitted at the Final Development Plan Phase.

4. Additional Landscaping Standards
   a. A single row of trees, as defined by the Shade Tree Commission, shall be provided along Glenn Parkway, within the tree lawns. These trees shall be clustered, but in no case shall the total number of trees be less than if spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.
   b. All commercial lots shall have parking areas screened from the public right-of-way using a 2-3 ft. undulating earthen mound and plantings. Screening may be accomplished through the use of earth mounds or evergreen hedges while, walls or fencing may be used at areas where not feasible to employ a mound, hedges or landscaping. Screening shall maintain 75% year-round opacity.
   c. All buildings shall provide landscaping along the foundation and/or entry. Foundation plantings, such as tree wells, hedges, and/or plantation boxes, shall be provided along any Commercial building fronts.
   d. All commercial portions of the main retail center shall have the rear of all buildings that face a different use or are visible to the public, loading areas, and service areas, screened from view. Such screening shall be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Plain walls and fences may be utilized at necessary and strategic locations such as visible locations where earthen mounds and landscaping can not be utilized or on any interior side of a mound that is not visible to the public view. A minimum 8-10 foot undulating earth mound with a mix of tall deciduous and coniferous plantings that are a

minimum 6-7 feet tall and provide a 60% year round opacity, or as otherwise approved as part of the Final Development Plan, shall be provided. Slopes of 2:1 shall be permitted with walls used along the interior side. Landscaping in any 2:1 slope area shall utilize groundcover or shrubs in a mulch bed.

e. Earth mounding shall be used provided it does not disrupt the master drainage plan.
f. Landscaping shall not be installed in such areas as to adversely impact visibility in the sight triangle for vehicular traffic.
g. Interior trees can be clustered to accent architectural features and permit view to internal businesses.
h. Pedestrian connectivity will be provided throughout the development. Sidewalks, 5 feet in width, or multi-use paths, 8 feet in width, will be provided as generally shown on the preliminary plan and approved at the time of Final Development Plan.

5. Tree Removal and Replacement
   a. Tree removal and replacement shall meet all tree preservation and replacement requirements of the City of Delaware Zoning Code or as otherwise modified by any approved Final Development Plan.

6. Parking Lot Landscaping
   a. A 170 square foot landscaped island for every ten (10) parking spaces shall be provided
   b. Each landscape island will include shredded hardwood mulch, one (1) shade tree and four (4) shrubs with a maximum height (including curb) of 3 feet and a maximum with of 10 feet.
   c. One (1) shade tree shall be provided for every 20 spaces. The minimum size shade trees shall be 2-1/2 inches.
   d. Parking lot islands, of 340 square feet in area, must be provided along any perpendicular drive or access isle.
   e. A 20 foot wide landscaped island must be provided between every 10 rows of parking.

Lighting

1. Commercial Buildings
   a. All external lighting shall conform to Chapter 1158 of the City of Delaware Zoning Code.
   b. External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage off the commercial properties or into any adjacent public or private right-of-way. However, buildings and landscaping at entry location may be down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels. Fixture selections and photometric plan approval shall be approved as part of the Final Development Plan.
   c. All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be prohibited.
   d. All external outdoor lighting fixtures within a single sub area shall be from the same or similar manufacturer's type to insure compatibility.
   e. Parking lot lighting standards shall not exceed 28 feet in height, including base. Decorative poles and fixtures (for an example see Exhibit "G") located at internal private streets and aisles shall not exceed 16 feet in height, including the base.
   f. All exterior site lighting shall be low pressure sodium lamps, unless otherwise approved by the City of Delaware.

2. Residential
   a. Residential street lighting shall conform to the City of Delaware Standards for Residential Street Lighting and per the approval of the Chief Building Official.

Graphics and Signage - Commercial

1. A comprehensive signage plan for each Sub Area shall be submitted as part of the Preliminary and Final Development Plan approval. A temporary marketing/for sale or lease sign plan shall be provided as a part of the comprehensive sign plan for the development

2. Signage - General Requirements
   a. These standards shall apply to the following sign types:
      i. Freestanding Signs
      ii. Wall Signs
      iii. Directional/informational signs
      iv. Under-canopy signs
      v. Window signs.
   b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
   c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign is composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.
   d. Permanent sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   e. Prohibited graphic types shall include the following:
      i. Wall mounted enclosed cabinet signs, including illuminated cabinet logos and illuminated multi-graphic panels.
      ii. Changeable copy.
      iii. Electronic reader boards.
      iv. Roof top signs (above the eave line).
      v. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
      vi. The use of building walls for display of advertising.
      vii. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
      viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
      ix. No vehicle, trailer of equipment of any type may be parked on a building premises or lot for the sole purpose of advertising a business, product, service, event, object, location, organization or the like, except as approved as part of the Final Development Plan.
      x. Exposed neon or LED graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.
   f. Permanent Window Signs: Permanent window signs include store names and logos and are permitted to be placed on the storefront window or doors. Only one such window permanent sign shall be permitted per storefront and shall not exceed 4 inches in height. Such signs shall not exceed 20 percent of the window in which the sign is located, inclusive of any other signs. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.

g. Window Signs: Window signs indicating hours of operation may be mounted on the entry door or the window immediately adjacent to the entry door. They may not encompass an area larger then 2 square feet.
h. Uniform building address signage shall be provided on front storefront glass doors and rear service doors to each individual tenant address. Address numbers on the front doors shall be 6 inches high, mounted at 9 feet above finish floor in the door transom. Signs on the rear service doors shall be 6 inches high, mounted at 5 feet above finish floor. Each tenant shall identify the rear door with the Tenant's name. All address numerals and tenant names shall be white vinyl letters in Helvetica font.
i. Temporary Signs. Temporary window signs include any sign other than the name and/or logo of the business and shall not exceed 20 percent of the window in which the sign(s) is located, inclusive of any other signs. No temporary window sign shall be located at or above the door height. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.
j. Banners. Banners shall only be authorized during the initial grand opening of the business for a seven (7) day period commencing on the day the business opens to the public.
k. Temporary free standing signs shall not be permitted.

3. Shopping Center Identification Signs
   a. Developer shall be permitted to have two (2) Shopping Center Identification Signs listing the name of the Shopping Center and names of selected tenants.
   b. Shopping Center Identification signs shall not exceed twenty-five (25) feet in height. No graphics may exceed twenty (20) feet above grade.
   c. Tenant panels on the Shopping Center Identification signs shall be internally illuminated.
   d. The maximum number of tenants listed per sign shall be six.
   e. Two (2) secondary shopping center identification signs which identify the shopping center only shall be permitted in locations to be determined as part of the Final Development Plan. The maximum size of the secondary identification signs shall be six (6) feet high by fifteen (15) feet long.

4. Ground signs
   a. One (1) out parcel shall be permitted the right to one (1) ground sign. However, such out parcel shall not be located within 150' of the intersection of State Route 23 and Glenn Parkway.
   b. Ground signs shall be located at the primary right-of-way frontage along Glenn Parkway. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   c. Ground signs shall have a maximum height of six (6) feet and a maximum width of ten (10) feet. The graphic area shall not exceed forty (40) square feet per sign face.
   d. All ground signs are to be constructed with a masonry base that is consistent in color with the retail center.
   e. All ground signs shall be placed in a landscaped area.
   f. Each out parcel building site shall provide appropriate directional signage at ingress/egress access points. On site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
   g. Tenant ground signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view and down-lit only.

5. Retail Center Tenant Signage – In Line Tenants
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street with a limit of three (3) such signs per tenant. In all instances the message area letters shall be mounted directly to the building face above each tenant space within the designated sign area as defined in the comprehensive sign plan.
   b. All Tenant signage may be internally or externally illuminated. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.
   c. Sign area: The maximum sign area for an in-line tenant shall be two (2) square feet of sign area for each one (1) linear foot of wall to which the signage is to be mounted.
   d. The horizontal width of each Tenant's copy (i.e. logo, name, etc.) shall be a maximum of 80% of the width of such Tenant's storefront width.
   e. Sign height: The maximum mounting height of any sign shall not exceed twenty (20) feet above grade, unless the sign area is integrated into the building architecture, and shall not extend above the roof or line of the parapet construction.
   f. Maximum letter height of message area shall be 30", except that maximum height of the upper case letters may be 36". Special attention to descent letters will be considered.
   g. Each tenant's sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   h. No sign mounted to a side or rear elevation shall directly face a residential section.

6. Retail Center Tenant Signage – Anchor Store Tenants (stores greater then 100,000 square feet)
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street. However, there shall be a maximum of three (3) such signs per tenant regardless of the number of public street frontages. Use of individually mounted letters shall be limited to the fronts of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building face consisting of brick, cast stone, or synthetic stucco building material.
   b. All Tenant signage shall be internally illuminated. Letter returns shall be the same color.
   c. Sign area: The maximum sign area of an anchor store tenant shall be two (2) square feet of wall sign for each one (1) linear foot of wall to which the signage is to be mounted. Total signage shall not exceed of four (400) square feet per facade.
   d. Sign height: The maximum mounting height of any sign shall not exceed twenty-eight (28) feet above grade and shall not extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 72".
   f. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   g. Anchor store signs shall be approved as part of the Final Development Plan. Each store that is greater then 100,000 square feet with multiple public entrances and/or designated separate entrances shall be permitted supplemental wall signs over those entrances. Supplemental signs may not exceed thirty-six (36) inches in height.
   h. One supplemental exterior wall sign shall be permitted for each individual sublet licensee business located within a major anchor store, consisting of 100,000 square feet or greater. No more than three sub-tenant signs shall be permitted per store.

7. Out-Parcel Building Signs
   a. All wall mounted signage may be internally illuminated.
   b. Out parcel buildings shall be permitted one (1) wall sign except as noted below. No sign shall be larger than 100 square feet per sign.
   c. Outlots that have building frontage on two (2) public or private streets shall be permitted a second wall sign. The total aggregate sign area for all such wall signs shall not exceed one hundred fifty (150) square feet per building.

d. Out parcel building wall signs shall not be mounted higher than fifteen (15) feet above grade and no less than ten (10) feet above grade and shall not extend above the roof or line of the parapet construction.
e. At tenant spaces or buildings where the primary parking field is located to the rear of the building, a secondary wall sign shall be permitted on one of the two types:
    i. Projecting Tenant Blade Signs
        a. One (1) blade sign at a maximum of (3) square feet of sign area.
        b. Each blade sign shall be of the same color as the tenant's canopy sign letters
        c. No part of any blade sign shall be less then eight (8) feet above the sidewalk or ground level.
    ii. Wall Mounted Sign Letters
        a. Internally or externally illuminated individual letters not greater than twenty-four (24) inches in height.
        b. Sign are shall not exceed fifty percent (50%) of the main façade sign area.

8. Service/Fuel Station Signage
    a. Signage which displays the purchase price of fuels shall be comprehensively and permanently incorporated on the canopy of any retail service station. Changeable copy or electronic reader boards displaying the fuel price only are permitted.
    b. In addition to wall mounted signage as provided above, such retail service station may have two signs mounted to the soffit of any canopy placed over the fuel dispensing area. The maximum graphic area of any canopy signage shall be fifty (50) square feet. No canopy signage shall extend above the roofline or below the bottom of the canopy soffit on which it is mounted.
    c. If the retail service station facility also has a car wash one (1) wall mounted illuminated name sign shall be permitted (in addition to all other signs allowed above).

Graphics and Signage - Office

1. Signage - General Requirements
    a. These standards shall apply to the following sign types:
        i. Ground Signs
        ii. Wall Signs
    b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
    c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign, composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.
    d. Prohibited sign types shall include the following:
        i. Wall mounted enclosed cabinet signs.
        ii. Roof top signs.
        iii. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
        iv. Permanent banners, other than temporary or seasonal banners.
        v. The use of building walls for display of advertising.
        vi. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
        vii. No sign shall be attached to any fence within the right-of way of any road.
        viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

xi. No vehicle, trailer of equipment of any type may be parked on a building premised or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.

x. Exposed neon graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.

e. Window Signs: All window signs and graphics shall be prohibited.

f. Building Address Signage to be indicated on front storefront glass doors to each individual address by installing 10 inch high vinyl letters.

2. Site Identification Signs:
   a. Each office building shall be allowed one (1) site identification sign per right-of-way frontage. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   b. Site identification signs shall have a maximum height of eight (8) feet and a maximum width of ten (10) feet. The graphic area shall not exceed sixty (60) square feet per sign face.
   c. All site signs are to be constructed with a limestone or limestone like material (manufactured stone) base. .
   d. All site signs shall be placed in a landscaped area.
   e. Each building site may provide appropriate directional signage at ingress/egress access points. On-site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
   f. Site signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view.

3. Building Wall Signs:
   a. If a tenant or owner occupies equal to or more than fifty (50) percent of a single building, that tenant or owner shall be permitted to have one (1) exterior wall sign identifying the name of the business. The sign shall be mounted directly to the building face and shall not project more than 10 inches. Corporate logo/identities shall be permitted.
   b. Permanent wall sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   c. Sign area: The maximum sign area for a wall mounted sign shall be 48 square feet.
   d. Sign height: No sign shall extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 24 inches.
   f. The sign area must terminate twenty-four inches (24") from a corner of a building.
   g. No sign mounted to a side or rear elevation shall directly face a residential section.

Miscellaneous Provisions

1. If the part of the Joint Vocational School District property (parcel #41944001001000) to be purchased by the owner of the Glenn Road Capital Tract (parcel #41833001032000) and Peachblow Associates, LLC property (parcel #41944001002000) are annexed to the City of Delaware, and the then owner of the properties request in writing, within 90 days of such annexations, the properties shall be zoned in accordance with this PMU text as approved by the City of Delaware and it shall become part of Sub Area A.

2. Where conflicts exist between Delaware's base zoning code requirements and this PMU text, this text shall govern and prevail. This property shall conform to the City of Delaware's zoning code requirements and processes. In instances where this PMU text as approved provides no

standards, guidelines, procedures or requirements relative to the City of Delaware's Zoning Code requirements and processes, the City's Zoning Code shall govern and prevail.

3. The sale of memberships to the pool, community centers, or other accessory uses as part of the residential development shall be permitted.

4. Temporary signage shall be allowed for the development as approved with the comprehensive sign plan required herein. Generally, temporary marketing signs will be coordinated in style, size, and will be placed not on every outlot but at strategic, visible locations in order to indicate availability of leasing space and outlots, the developers name and contact number/web site. There shall be no more than 4 such free standing temporary signs for the development as shown on an approved comprehensive sign plan and each sign shall be removed and/or relocated as outlots are leased or sold according to the approved plan. The in-line tenant space will realize their tenant for-lease or sale signs through temporary window signage indicating the name of the developer and contact information.

5. Open Space and Park Areas: At the time of the drafting of this text, substantial economic and development rights issues remain to be negotiated and determined between the applicant and the City. For this reason a determination regarding parkland and open space dedication and/or fee in lieu of payment has not been finalized. It is anticipated that these negotiations and conclusions will be completed prior to submission of the required preliminary plan and that the open space and parkland issues will be proposed for resolution during this phase of the process. Given this uncertainty, base code requires that this zoning text reflect that the developer will dedicate and/or pay a fee in lieu of parkland at a rate of $30,000 per required acre unless otherwise negotiated through a separate development agreement and/or the preliminary plan process for the Planned Mixed Use District in order to satisfy Code.

6. Anything contained in Section 1147.06, or any other applicable provision of the Delaware Zoning Code, (chapter 11 Titles One, Three, Five, Seven and Nine of the Codified Ordinances), notwithstanding, this development text is intended to be and shall be construed as the sole source of zoning and development standards for the Glen Road Capitol Tract, PMU district as adopted by the City of Delaware. In particular, the City recognizes that upon adoption, the uses specified herein are sufficient to address the standards, procedures and requirements of Chapter 1148 of the Delaware Zoning Code, and Codified Ordinances, and that all uses herein are approved as permitted uses in the PMU district.

7. The City of Delaware Gateways and Corridors Standards identifies the corner of Peachblow Road and State Route 23 as a Gateway location. Given the location of this development, it is anticipated that a landscape easement will be established along Route 23 to accommodate a Gateway feature/sign element as depicted in the corridor 2004 standards. The exact size, design and location on this site will be set forth as part of the Final Development Plan.

Project Overview and Background

In 2005, the Delaware South Zoning Text was prepared and approved to provide institutional, residential, commercial and office uses in the southern Delaware area. The development standards approved at the time assigned land uses and zoning classifications to all Subareas within Delaware South. Subareas VI "A", VI "B", VII and VIII, of what has been known as the "Evans Property", were envisioned to include commercial, multi-family and single-family uses.

Traffic standards and commitments incorporated into the text proposed a short "Midpoint Road' off Glenn Road to serve all properties in Subareas VI "A", VI "B", VII and VIII. This road was proposed to run generally west and east through the Evans Property terminating at Sub Area VIII, and effectively splitting the property evenly/equally from a north-south reference point. The text also indicated that an intersection or a modern roundabout would be constructed at the intersection of the Midpoint Road and Glenn Road.

Additional traffic studies completed by MORPC and Delaware County concluded that this area will experience significant development pressures. The studies now require an additional thoroughfare from Glenn Road to Peachblow Road, with future connections to Greif Parkway. These required improvements also indicate that Peachblow Road must be converted to a cul-de-sac at the time Glenn Road is extended to US Route 23.

The City of Delaware has undergone additional traffic discussions with MORPC and has determined two preferred locations for the intersection of Glenn and Midpoint Road, as well as preferred alignments for the new connector road. Due to the existing Subarea locations and zoning boundaries the Stavroff organization has concluded that the preferred intersection locations, as well as the associated preferred roadway alignments, compromise the optimal development for the site under the currently approved zoning. As the exhibits illustrate Subarea VI "B" and "VIII" are divided into un-buildable land segments regardless of roadway alignment. Due to this discrepancy, an alternative Subarea Plan, which includes the original uses envisioned in the text, along with new uses, are proposed to satisfy the revised roadway geometry as well as the desires of the City of Delaware.

The new Subarea plan responds to the discussions with the City of Delaware to allow adequate commercial development to support the Delaware Health Center, nearby educational centers and associated office uses in Southern Delaware. This new plan assumes two Subareas: 1) Subarea A and 2) Subarea B. The boundaries of the plan are changed and correspond to the Concept Plan.

By revising the Subarea boundaries of this area, a new plan emerges to create a critical mass of real estate along the proposed new Peachblow Road allowing for the potential development of a larger retail/commercial node that will serve the adjacent residential developments as well as the Delaware Health Center, the new Columbus State Campus and other employers and their employees in the area. This new flexible Subarea Plan responds appropriately to the revised alignment of the Glenn Road Intersection, the elimination Midpoint Road as well as the installation of the new Peachblow Road. Perhaps as important, the new Subarea Plan will form the framework for the possibility of a more comprehensive, mixed use, commercial/retail development that will better serve the needs of the community now, and in the future.

September 16, 2008

Mr. David Efland
Director of Planning and Community Development
City of Delaware
City Hall
1 South Sandusky Street
Delaware, Ohio 43015

Dear Mr. Efland:

The purpose of this letter is to comply with the City's zoning checklist for **General Requirements for all Submissions,** box number three requiring a notarized letter from me as the owner authorizing an applicant to act as agent for the purposes of our zoning application for the Glen Road Capital property for re-zoning and concept plan consideration.

Please consider Mr. Thomas L. Hart, of the Wiles, Boyle, Burkholder and Bringardner, 300 Spruce Street, Floor One, Columbus, Ohio, 43215 to be considered the agent of Stavroff Interests as it relates to this re-zoning and concept plan application.

Thank you for your attention in this matter.

Sincerely,

Matt Stavroff

Sworn to before me and subscribed in my presence this 22nd day of September, 2008.

CRISTINA E. YATES
Notary Public, State of Ohio
Delaware County
Comm. Expires Nov. 26, 2011
Notary Stamp

Notary Public

(3) **Relationship of proposed amendment to the Comprehensive Master Plan.**

Stavroff's vision and proposed concept plans supports and would actualize Delaware's Comprehensive Land Use Plan. The *Objectives and Strategies* section of Delaware's Plan (at LU6) calls for a balance and mix of uses. Section LU6.1 of the Plan states that,

> "The City continues to emphasize industrial and office development to build the tax bases and generate revenues sufficient to support residential development. *Office development will be emphasized where the market supports such development."*

In addition, under section LU6.4, the Plan supports "(a) limited amount of big box uses,,," with the Route 23 corridor is specifically noted for this and other retail uses, with the Plan emphasizing key arterial intersections for the location of retail uses, such as the Peachblow, Glen Parkway, and U.S. 23 southern gateway. In fact, it is Stavroff's specific goal to meet section LU6.12's call for, "(a) high quality institutional, office, and limited commercial node,," on U.S. 23 south. Such uses will be driven by the current institutional growth and uses approved surrounding the Stavroff site, both within the City and to the south, such as Grady Hospital, Columbus State-Delaware, Delaware JVS (new name) and the Grief Corporate Campus.

Also, consistent with the Stavroff proposals, section LU7, and in particular LU7.5, of the plan supports higher densities and intensity of development at select locations, such as at key intersections and where uses are mixed. (LU7.7)

Although at the time of the writing of the comprehensive plan, a greater emphasis was placed on the need for single-family housing compared to multi-family, especially in the Cheshire Subarea of the City, multi-family development was called for where, "such development fulfills a strategic priority", and "fills an unmet need or niche." (At LU6.9)

When the Delaware's Comprehensive Plan was published, the City documented very low percentages of multi-family and mixed uses in the Cheshire Subarea. (Page 3.41, chart showing Low Density, Moderate Density Multi-Family and Mixed Uses at 2%, 2% and 5% respectively.)

The amount of single-family housing already approved in the corridor since the Plan was adopted has been substantial. Coupled with the decline in the single-family market and combined with concerns about the future ability to finance single-family construction and sales, in the market area, and in fact the region, Stavroff believes the subject site will support more multi-family and 'market-impact rental' uses.* These factors, along with the niche created by medical, educational, office and institutional jobs, where income levels are better than average, but the mobility of the workforce is an important factor, means that higher quality multi-family condominiums and apartments are more viable and needed by employers in this area.

(*The term 'Market Impact Rental' is derived from the fact that Stavroff proposes a higher quality apartment product at a higher value of construction and rent than the City has seen before based on the niche-market nature of the Southern Sub-Area and the projected institutional and educational job growth in the area. Thus, Stavroff's product will have a positive impact on the overall value and market for rental property in the City of Delaware).

The Stavroff plan also meets the goal called out in section LU8 of the Plan, in that the mixed uses proposed provide the land use transition and compatibility called for with existing development. Per LU8.5, the Stavroff plans would place mixed commercial, retail, office and 'market-impact rental' uses among and adjacent to both the approved single-family uses and institutional job centers.

The significant institutional growth coming to the area surrounding the Stavroff site, the proposed office development, along with other supporting uses such as retail, retail services, other commercial, and niche residential, are called for and strongly supported both in the Comprehensive Plan and the marketplace.

Consider that LU23.1 of the Plan reads as follows:

> "The focus of this subarea (Cheshire) will be a high-end office, healthcare and institutional node that will be the southern entrance to the City. The subarea will be the location of a new and expanded Grady Hospital, which will have a tremendous influence over the land use pattern and character of development. JVS is considering long-term expansion plans that will create and educational focus to the subarea. Additional land is available for related office and institutional development. This can become an important node of business activity for the City and will reinforce this subarea as a gateway to Delaware."

Stavroff agrees with this assessment and points to the Columbus State Delaware campus as evidence of the accuracy of the above and the principle that growth momentum begets growth momentum. It is Stavroff's sincere hope and purpose to create a high quality mixed use development that fulfills the goals outlined in LU23.1 of the Delaware Comprehensive Plan.

New garden style apartments with rents in the $750.00 to $1250.00 per month range will provide housing to support the success of nearby professional medical and hospital staff, as well academic providers south on State Route 23 and adjacent to the site. Retail will provide convenient shopping amenities very near residential and job centers without adding vehicle trips on major thoroughfares. In this way, and based its overall quality and architectural vibrancy, the development will give Delaware a gateway of commerce and complimentary uses to balance of the City's southern area. Such uses support and will enhance the viability of the institutional and detached single-family residential uses that are already approved and being built in the area.

(4) **Additional Items:**

A. Legal Description of Parcel to be Rezoned. **(see attached)**
B. Present Use – Agricultural/Un-used
C. Present Zoning District Straight Zoning with B-4 (limited uses), R-3, and R-6 uses.
D. Proposed Zoning PMU with underlying R-3, R-6, R-8, B-4 (limited uses)(Sub-Area B), B-4, R-6 (limited acreage), R-8 (limited Acreage)(Sub-Area A)
E. Proposed Uses – All permitted, conditional, accessory and limited uses of a PMU district as specified within the attached zoning text.
F. Vicinity Map(s) – **(see attached)**
G. A list of property owners and their addresses within 150 feet from the parcel **(see attached)**

DESCRIPTION OF A 103.071 ACRE TRACT
LOCATED NORTH OF PEACHBLOW ROAD AND
WEST OF PIATT ROAD
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

Situate in the State of Ohio, County of Delaware, Township of Berlin, lying in Farm Lot 36, Section 3, Township 4 North, Range 18 West, United Sates Military District and begin all of a 103.066 acre tract conveyed to Glenn Road Capital, LLC, an Ohio limited liability company, by deed of record in Official Record 696, Page 2249, all records herein of the Recorder's Office, Delaware County, Ohio, said 103.071 acre tract being more particularly described as follows:

BEGINNING, at a railroad spike found at the intersection of the centerline of Peachblow Road (60 feet-wide), and the line common to Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 18 West), said railroad spike also being the southeasterly corner of an original 55.360 acre tract conveyed to the Delaware Joint Vocational School District, by deed of record in Deed Book 612, Page 501;

Thence North 03°29'29" East, a total distance of 1697.82 feet, passing an iron pin set at a distance of 30.00 feet, along the line common to said Liberty Township (Farm Lot 1, Section 4, Township 4 North, Range 19 West) and Berlin Township (Farm Lot 36, Section 3, Township 4 North, Range 18 West), said line also being the easterly line of said original 53.360 acre tract, to a ¾ inch iron pin found in said easterly line at a common corner of a 105.278 acre tract conveyed to Grady Memorial Hospital, by deed of record in Official Record 594, Page 212, said original 103.066 acre tract and Farm Lots 36 and 37;

Thence South 85°51'26" East, a distance of 2666.35 feet, along the line common to said original 103.066 acre tract, said 105.278 acre tract, said Farm Lot 36 and said Farm Lot 37, to a 1 inch iron pin found at the common corner of said original 103.066 acre tract and said 105.278 acre tract, also being the line common to said Farm Lot 37 and Farm Lot 28;

Thence South 03°35'57" West, a distance of 1672.11 feet, passing a ¾ inch iron pin and cap found at a distance of 1642.07 feet, along the line common to said original 103.066 acre tract, said 105.278 acre tract, Farm Lot 36, Farm Lot 37, Farm Lot 28 and Farm Lot 29, to a railroad spike found in the centerline of said Peachblow Road and in the common corner of said original 103.066 acre tract, said 105.278 acre tract, Farm Lot 36 and Farm Lot 29;

Thence North 86°24'35" West, a distance of 2663.04 feet, along the centerline of said Peachblow Road, to the **POINT OF BEGINNING**, containing 103.071 acres, more or less. Being subject to all easements, restrictions and rights-of-way of record.

All of the above described 103.071 acres lies in Farm Lot 36.

All iron pins set are ¾ inch iron pipes, 30 inches long, with a yellow cap bearing the name "R.D. Zande".

The bearings in the above description are based on the grid bearing of North 86°24'35" West, for the centerline of Peachblow Road, as established by a network of GPS observations performed in January, 2005 (Ohio State Plane North Zone, 1986 adjustment).

R.D. ZANDE & ASSOCIATES, INC.

Robert L. Clay June 7, 2006
Robert L. Clay, P.S. Date
Registered Surveyor No. S-8121

P:\7502\7502S3\SURVEY\DESCRIPTIONS\7502S3-103.071Acres.doc

DESCRIPTION APPROVED FOR TRANSFER
Chris Bauserman
Delaware County Engineer

DESCRIPTION FOR CLOSING ONLY
☐ RPC Approval Required
☐ Municipal Approval Required
☐ Delaware County Engineer

CONSULTING ENGINEERING
COMMUNITY PLANNING
FEASIBILITY STUDIES
SUBDIVISION DESIGN
HIGHWAY DESIGN
CONSTRUCTION INSPECTION
LAND SURVEYING
CONTROL SURVEYS
CONSTRUCTION STAKING
TOPOGRAPHIC SURVEYS

STULTS AND ASSOCIATES, INC.

FRANKLIN D. STULTS
H. EDWARD SNODGRASS

87 N SANDUSKY ST
DELAWARE, OHIO 43015
PHONE (614) 363-6792
(614) 369-4124
COLS (614) 436-5238

January 18, 1985

Description of a 0.789 Acre Tract For
Robert C. Rucker

Situated in the Township of Liberty, County of Delaware and State of Ohio;

Being a part of Farm Lot 1, Section 4, Township 4, Range 19, U.S. Military Lands and being more particularly described as follows:

Commencing at a railroad spike found in the centerline of County Road 98 (Peachblow Road), where it intersects the easterly line of Liberty Township (westerly line of Berlin Township);

thence along the centerline of said County Road 98 (Peachblow Road), North 84° 07' 13" West, a distance of 322.91 feet to a railroad spike found at a southwesterly corner of an 8.45 acre tract (after exceptions), now or formerly owned by North Electric Company as described in Deed Book 359, page 549, said railroad spike also being THE TRUE PLACE OF BEGINNING of the following described tract;

thence continuing along the centerline of County Road 98, North 84° 07' 13" West (passing over an iron pin set at 102.52 feet) a total distance of 131.74 feet to a railroad spike set;

thence along the old ditch line, North 33° 13' West a distance of 280.41 feet to a railroad spike set on a southerly line of the aforementioned 8.45 acre tract of land now or formerly owned by North Electric Company;

thence along the southerly line of said 8.45 acre tract, North 87° 36' 03" East (passing over an iron pipe found at 25.98 feet) a total distance of 154.27 feet to an iron pipe found;

thence along a westerly line of said 8.45 acre tract of land, now or formerly owned by North Electric Company, South 27° 08' 47" East (passing an iron pin set at 256.84 feet) a total distance of 286.06 feet to The True Place of Beginning;

Containing 0.789 of an acre more or less, subject to all easements, restrictions and rights-of-way of record;

For last conveyance refer to Deed Book 455, page 674, Delaware County Recorders Office;

All iron pins set are 5/8" solid iron pins with yellow plastic caps stamped STULTS & ASSOC.;

Bearing system based on centerline bearing of U.S. Route 23 (North 33° 13' West) taken from State Highway plans DEL-23-(3.79-8.69).

DESCRIPTION O.K.
FOR CLOSING ONLY
Del. Co. Eng.

Franklin D Stults
Franklin D Stults
Registered Surveyor No. 4873

STATE OF OHIO
FRANKLIN
D. STULTS
4873
REGISTERED
SURVEYOR

Glenn Road Capital, LLC
Planned Mixed Use Development Text & Development Standards
December 4, 2008

General Overview

Glenn Road Capital, LLC is proposing a mixed-use development containing approximately 109 +/- acres. The intent of the project will be to provide functional and aesthetically pleasing commercial uses including office, retail, and service-oriented development along with a variety of residential uses which provide multiple housing options, such as single family homes, patio homes, attached or detached condominiums, and multi-family housing (e.g. mid-rise garden and townhome apartments). Residential developments shall include small walkable neighborhood blocks, public green spaces, cohesive architectural styles and a wide range of dwelling sizes and types. It is the intent of the project to compliment the existing and future planned uses along Glenn Parkway and shall consist of quality design, materials and architectural standards.

Property Description

The property consists 109.93 +/- acres and is made up of three parcels: the Glenn Road Capital, LLC property, (parcel #41833001032000 – 103.071 acres), the Peachblow Associates, LLC property (parcel #41944001002000 – 0.80 acres) and a portion of the Joint Vocation School District property (parcel #41944001001000 – 6.057 acres). The latter two parcels are presently not located within the City of Delaware corporation limits. However, Glenn Road Capital, LLC has purchased or has obtained an option to purchase these parcels and will incorporate them into this development through annexation to the City of Delaware and requesting this development text be applied to those parcels as latter set forth. The site is bordered by the Grady Memorial Hospital property (parcel #41832001031000) to the north and east, Peachblow Road to the south, and the future Glenn Parkway to the west. See attached Exhibit "A".

General Development Standards

Upon the approval of this Development Text, it is intended that an overall preliminary development plan for an entire Sub Area, as defined below, and the first phase or phases of final development plan(s) for each Sub Area(s) may be submitted, considered and processed contemporaneously at the Developers election, with subsequent and remaining final development plan(s) for subsequent phase(s) being considered and approved thereafter for each Sub Area(s) as proposed. Illustrative examples of general development patterns that may emerge are attached as Exhibits "B1", "B2" and "B3".

Minor Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, the Director of Planning and Community Development may approve any minor modification to the plan. Minor modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan 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. Structural or design alterations that do not alter the overall design intent of the building or development.

In the event the Director of Planning and Community Development or the applicant are unsure whether a change is a minor or a major modification, or the parties are unable to agree, each party reserves the right to submit to the Planning Commission and/or City Council for final determination and/or approval of such minor or major modification.

Major Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, any major modification to the plan shall require the approval of a revised Preliminary or Final Development Plan by City Council. Major modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan that results in:

1. Any major increase in the non-residential building area (a major increase in building area is defined as an increase of 10% or more in the preliminary aggregate non-residential building area), including any increase that creates more than 2 individual retail or service establishments equal to or greater than 100,000 square feet in gross floor area each.
2. Any major increase in the number of dwelling units allowed by this Development Text. Major increase in the number of dwelling units shall mean an increase of 10% or more in the total number of dwelling units allowed by this Development Text.
3. Any major increase in the type of dwelling units allowed by this Development Text. Major increase in the type of dwelling units shall mean an increase of 10% or more in the type of dwelling unit allowed by this Development Text.
4. Major change in the approved location of land uses or land use sub-areas.
5. 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, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

Sub Area Descriptions

The property shall consist of two sub areas. Sub Area A contains approximately 62 +/- acres and Sub Area B contains approximately 47 +/- acres.

1. Sub Area A: Sub Area A is the western portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital property to the north, Peachblow Road to the south, Sub Area B to the east (further defined herein) and the future Glenn Parkway to the west (62 +/- acres). See attached Exhibit "C".

2. Sub Area B: Sub Area B is the eastern portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital to the north and east, Sub Area A to the west, and Peachblow Road to the south (47 +/- acres). See attached Exhibit "C".

Permitted Uses

The following uses shall be permitted:

Sub Area A:

1. Residential
   a. Attached single family/patio/condominium units
   b. Multiple family garden and townhome apartments (single story or mid-rise).
   c. Dwelling units on upper floors of a commercial or office building.
   d. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas.
   e. Uses customarily accessory hereto
   f. Temporary uses as authorized by the City of Delaware zoning code.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Retail Services
   a. Retail and service establishments in a completely enclosed building with a minimum gross floor area of less than 100,000 square feet
   b. Retail and service establishments in a completely enclosed building with a minimum gross floor area of 100,000 square feet or greater
   c. Restaurant
   d. Drive-thru or walk-up ATM (stand-alone facility)
   e. Veterinary office (without kennel)
   f. Veterinary hospital (with or without kennel). Outside runs permitted if sufficiently buffered and as approved as part of a final development plan.

4. Automotive and Transportation
   a. Gasoline station
   b. Automotive repair garage as part of a new car sales dealership only
   c. Automotive sales and rental. Used car sales only as part of a new car dealership
   d. Automotive service station, light repair and routine maintenance only
   e. Drive-thru facility associated with any principal permitted use
   f. Car wash, only as accessory to a permitted use

5. Outdoor display/storage
   a. Outdoor display
   b. Outdoor storage
   c. Garden Center, only as an accessory to permitted uses 3a. and 3b.

6. Community Facilities
   a. Places of worship
   b. Schools, public or private
   c. Schools, trade, business or cultural arts
   d. Library
   e. Public cultural institutions and art galleries
   f. Day care center, child/adult
   g. Congregate care facility
   h. Nursing home

7. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.
   c. Health club

8. Lodging
   a. Hotel/motel

Sub Area B:

1. Residential
   a. Detached single family, patio, cluster or condominium dwelling units
   b. Two family dwellings
   c. Attached single family, patio, cluster, or condominium dwelling units
   d. Single story or mid-rise (2-3 stories) multiple-family apartments, such as garden style (flats) or townhomes
   e. Dwelling units on upper floors of a commercial or office building
   f. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas
   g. Other accessory uses that are customarily found in a residential community such as sheds, swimming pools, recreation equipment, etc.
   h. Temporary uses as authorized by the City of Delaware zoning code.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Lodging
   a. Hotel/motel with or without food and beverage

4. Community Facilities
   a. Day care center, child or adult
   b. Congregate care facility
   c. Nursing home

5. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.
   c. Health club
   d. Non-commercial recreation facility

Additional Standards for Certain Permitted Uses

Any permitted or accessory use listed below shall meet all such requirements listed below for that permitted use. If any requirement set forth in this text for that specific permitted use is not met, the permitted use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set for in the Zoning Code.

1. Retail and service establishments with a minimum gross floor area of 100, 000 square feet or greater.
   a. There shall be no more than two (2) "Big Box" retail users permitted. "Big Box" retail use shall be defined as "a single user that exceeds 100,000 square feet of continuous gross floor area (interior space) including a garden center". A Big Box retail user could occur in either a stand alone building or as part of a larger (attached) multi-user building. Additionally, any

single Big Box use (per occurrence) shall be limited to a maximum of 200,000 square feet of continuous gross floor area (interior space) to include a garden center.

b. Within 30 days of vacation of a "Big Box" user, the property owner shall remove any sign, including any structure or anchorage devices, and repair any exterior surfaces when a sign is removed, including the removal of any ghost signs and temporary signs, except for "For Sale or Lease" signs. Additionally the property owner shall maintain and operate the exterior of the building and property in a manner that is consistent with both the maintenance of the rest of the overall development.

c. In the event a Big Box retail development occurs, the development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a gateway feature, network of pedestrian paths, patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or focal feature or amenity that adequately enhances such community and public spaces. Any such feature shall not be constructed of materials that are inferior to the principal materials of the building and landscape

2. Stand-Alone ATM Facility.
   a. The building housing the ATM shall be designed (e.g. architectural details, materials, and colors) and landscaped in a manner substantially similar with the overall design of the development.
   b. There shall be adequate and safe standing space for persons waiting to use the facility.
   c. Lighting and signage shall be limited, while not forgoing security and safety.

3. Gasoline Station.
   a. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   b. The principal building shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development.
   c. Gas pumps shall only be permitted as follows (see Exhibit "H" for illustrative example):
      i. Pumps shall be located with the pumps and the building perpendicular to the right-of-way, in which case the pumps shall not extend beyond the building towards the right-of-way
      ii. Pumps shall be located with the pumps behind the building with the building located between the pumps and the right-of-way
      iii. Pumps shall not be permitted to be located in front of the building facing the right-of-way

4. Drive-Thru Facility Associated with any Permitted use
   a. A covered drive-thru area or menu board may be permitted in the front of a building, except for the front of any building located along Glenn Parkway.
   b. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   c. All drive-thru menu boards shall be screened to minimize views from public roads.
   d. Retail Tenants occupying the end of a building or on outparcels may be permitted to have drive-thru unit(s) on the end of the building.
   e. Drive-thru stacking requirements shall be illustrated on the Final Development Plan and shall be sufficient for the intended use i.e. meets industry standard and allows the site to function properly from a transportation perspective.
   f. The drive-thru unit(s) shall be detailed with applicable architectural standards and in a manner comparable to and consistent with the architecture of the balance of the development.

5. Car Wash
   a. Car wash structures shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development and principal buildings.

6. Outdoor Storage & Outdoor Display for Big Box Users, Grocery and/or Anchor stores
   a. Permanent outdoor storage and display in the parking area in front of the building is prohibited.
   b. Seasonal outdoor displays are permitted in parking areas to the front of the building for live vegetation only. Such area location shall be determined with the Final Development Plan approval and shall be restricted as follows:
      i. it shall not exceed 15,000 square feet
      ii. it shall be located in the front of the building or to the side
      iii. it shall be enclosed by decorative fencing.
      iv. no material shall extend above the top of the fencing
   c. Mulch, soil, seeds, or other items may be permitted in the parking area on the side of the building with Final Development Plan approval.
   d. Outdoor display of merchandise is permitted in the walkway area in front of and to the side of the building in limited area to be approved as part of the Final Development Plan. Such outdoor display areas must maintain a minimum pedestrian walkway of 5 feet in width (measured between the front of the building and parking spaces or drive aisle).
   e. No display items shall be mounted to the side of the building.

7. Garden Center
   a. Garden centers are considered accessory structures, which are attached to the principal buildings and enclosed on four sides including canopies if desired. Such structures shall be substantially similar in design with the associated retail structure.

8. Day Care Center, Child or Adult
   a. For the protection of children and adults enrolled in the day care center, all outdoor activity areas shall be enclosed by a fence at a height approved by Planning Commission and City Council. An entry gate shall be securely fastened.
   b. A drop-off/pick-up area at the front and or side of the principal building that will not impede traffic on or off the site shall be approved to ensure the safety of the children and adults.
   c. The location and design of the day care center shall provide for the protection of patrons from the traffic, noises, and other hazards of the area and/or the arterial street location.
   d. Any day care shall not be located directly adjacent to a residential use.
   e. All day cares must be in compliance with state regulations and rules

9. Office and Professional Services in Sub Area B
   a. Use groups 2a and 2c defined within section Sub Area B Permitted Uses herein shall be permitted entirely in Sub Area B.
   b. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
   c. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.
   d. Financial institutions and banks (use group 2b defined within section Sub Area B Permitted Uses herein) shall only be permitted if it is completely within 450 feet of the Sub Area delineation.

10. Lodging in Sub Area B

a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

11. Community Facilities in Sub Area B
    a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
    b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

Right to Outparcels

In addition to the uses above, Sub Area A shall be permitted a minimum of up to 8 total outparcels or stand alone buildings along Glenn Parkway, Route 23 and/or the Connector Road provided all lot sizes & setback are met. The minimum outparcel lot size shall be 1-acre. Outlots shall be accommodated as delineated on a future preliminary plan. See Exhibit "B1", "B2" and "B3" for example site plans.

Overall Density

Lot coverage for the overall development shall not exceed 70% of the gross area including public rights-of-way.

Residential Maximum Units

Sub Area A and B together shall collectively not exceed 600 dwelling units. The following shall be the maximum residential dwelling units permitted in each Sub Area.

1. Sub Area A shall be limited to a maximum of 75 attached single family/patio home/condominium units. In addition, to the extent this use has not been fully exhausted within Sub Area B, Sub Area A shall allow a maximum of 400 multi-family garden or townhome apartments.

2. The maximum total residential dwelling units in Sub Area B shall collectively not exceed 525-dwelling units. Sub Area B may consist of a single use or a mix of uses while adhering to the following limitations:
    a. A maximum of 150 detached single family, patio, cluster, or condominium dwelling units shall be permitted.
    b. A maximum of 250 two family dwellings, or attached single family, patio, cluster, or condominium dwelling units shall be permitted.
    c. A maximum of 400 multi-family garden or townhome apartments shall be permitted to the extent this right has not been fully exhausted within Sub Area A.

Residential Lot Standards

The following standards shall apply for each type of residential use.

1. Detached Single Family

Minimum Lot Area:	8,125 sq. ft.
Minimum Lot Width:	65 ft.
Minimum Lot Depth:	125 ft

Minimum Lot Frontage:	35 ft.
Minimum Front Yard Setback:	30 ft.
Minimum Side Yard Setback:	8 ft.
Minimum Rear Yard Setback:	30 ft.
Minimum Square Footage:	1,500 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

2. Detached Condominium, Cluster Lots, or Patio Home

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Lot Depth:	90 ft.
Minimum Lot Frontage:	30 ft.
Minimum Front Yard Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	5 ft.
Minimum Rear Yard Setback:	6 ft.
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Square Footage:	1,250 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

3. Attached Single Family, Condominium, Patio Home, or Cluster Lot

Minimum Building Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Perimeter Setback:	25 ft. building and pavement
Minimum Square Footage:	1,050 sq. ft. (finished living space)

4. Two Family Dwelling

Minimum Lot Area:	10,400 sq. ft.
Minimum Lot Width:	80 ft.
Minimum Lot Depth:	130 ft.
Minimum Lot Frontage:	50 ft.
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	6 ft.
Minimum Rear Yard Setback:	35 ft.
Minimum Square Footage:	950 sq. ft. per unit
Minimum Perimeter Setback:	25 ft. building and pavement

5. Multiple Family Garden and Townhome Apartments or Dwelling Units on Upper Floors of a Commercial or Office Building:

Units Per Structure:	Up to 24 units per structure (typical 14-24 units per structure)
Stories:	1-3 stories
Lot Coverage Maximum:	None
Minimum Square Footage:	1 Bedroom - 600 sq. ft. 2 bedroom - 900 sq. ft. 3 bedroom – 1,050 sq. ft. Townhome – 1,200 sq. ft.
Minimum Building Separation:	10 ft. side wall to side wall

	20 ft. rear wall to rear wall
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Perimeter Setback:	25 ft.

Setbacks and Height

Setbacks along Internal Private or Public Streets and the Connector Road are intended to allow flexibility for more traditional neighborhood commercial designs. Reduced setbacks are intended for smaller commercial users and can be used (but not required) to implement a smaller "towncenter character" along the roads. See illustrative examples, Exhibit "D", detailing requirements for tighter setbacks. In no case shall a building be permitted to be constructed within an existing or proposed easement.

1. Minimum Setbacks. Minimum setbacks, which shall be measured from existing and planned public road rights of way, shall be established as follows:
   a. US 23:
      i. 60 ft. Building setback and 60 ft. parking setback from the US 23 right of way.
   b. Glenn Parkway:
      i. 25 ft. building and pavement setback.
   c. Peachblow Road:
      i. 50 ft. building setback and 20 ft. pavement setback from any commercial building.
      ii. 50 ft. building and pavement setback from any residential district or use as to serve as a buffer yard.
   d. Connector Road:
      i. 8 ft. for building and pavement setback from any commercial building or multi-story apartment building with a maximum building setback of 15 feet. If the maximum building setback exceeds 15 feet, the minimum building and pavement setback shall be 25 feet.
      ii. 20 ft. for building and pavement setback from any other residential structure.
   e. Internal Private or Public Streets:
      i. 8 ft. building and pavement setback from any commercial building or multi-story apartment building.
      ii. 10 ft. building and pavement setback from any other residential building.
      iii. Setbacks for internal private streets shall be measured from the back of the curb or edge of pavement on uncurbed sections.
   f. Interior Lot Lines:
      i. Interior lot lines shall have a zero (0) setback for parking and buildings as approved on the final development plan.

2. Maximum Height Standards.
   a. Any commercial building shall be a maximum of 55 ft. in height.
   b. Multi-story apartment buildings shall be a maximum of 45 ft. in height while all other residential buildings shall be a maximum of 35 ft. in height.
   c. Any commercial structure directly adjacent to and within 100 ft. of a residential district or use shall not exceed 45 ft. in height, except where residential is placed over commercial.
   d. Architectural elements, such as copulas, spires, dormers, chimneys, etc. may exceed the above referenced height restrictions.

Access, Parking, Loading and Other Traffic Related Standards and Commitments

1. Glenn Parkway shall have a right-of-way of 120 ft., plus additional right-of-way to accommodate the proposed roundabout intersection and intersection with US 23 as shown on the current Glenn Parkway Phase I-A plans.

2. Sidewalks or multi-use paths shall be provided as shown on the approved Final Development Plan.

3. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

4. No curb cuts shall be permitted onto US 23.

5. At all locations, spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

6. A dedicated public street the "Connector Road", will traverse the Glenn Road Capital Tract from the proposed Glenn Parkway roundabout traveling east and then south through the development site to existing Peachblow Road, as determined by the City Engineer in coordination with the Applicant to ensure a feasible development. The Connector Road shall be a minimum of two lanes and a minimum of 32 ft (back of curb to back of curb) with curb & gutter and no on-street parking at this minimum width.

7. The intersection of the Connector Road and Glenn Parkway shall be constructed in accordance with the latest version of the Glenn Parkway Phase I-A plans or as otherwise mutually agreed by all the parties.

8. A service drive or cross access easements shall be provided so that all of the outlots shall have access to the Connector Road.

9. As shown on the current Glenn Parkway Phase IA plan one right-in, right-out, curb cut and one left in, right out curb cut shall be permitted along Glenn Parkway to serve the development. The City of Delaware shall consider permitting additional full access or right-in right-out curb cuts along Glenn Parkway to serve the property subject to further traffic study and approval.

10. Multiple full access curb cuts shall be granted along the Connector Road to service the property all subject to the approval of the City Engineer.

11. Curb cuts are subject to final design by the property owner and approval by the City Engineer.

12. Private residential or commercial streets/access drives shall have a minimum pavement width of 25 ft (back of curb to back of curb) and shall have at least 2 drive lanes with no on-street parking at this minimum width.

13. For commercial uses, parking service areas may be shared between uses and separate buildings (through the use of cross0easements, if necessary). As such and irrespective of use, parking shall be provided at a minimum rate of three (3) spaces per one thousand (1,000) square feet of development within a sub area. Parking may be provided at a minimum ratio determined by the applicant that sufficiently allows the users to satisfy its business needs as approved on the Preliminary Development Plan provided that the parking areas are adequately screened to

minimize the scale and mass of the parking area in accordance with the landscape requirements of this Development Text.

14. Overnight parking of semi-trailers and other product delivery vehicles shall be permitted with the service areas at the rear of buildings with designated delivery or dock locations. All engines and compressors must be turned off.

15. Overnight parking of product delivery vehicles may be permitted within the general parking area at locations approved as part of the Final Development Plan.

Commercial/Retail Architectural Standards

1. Architectural Requirements – General; these standards shall apply to all permitted uses that are not covered under the office architectural standards or residential architectural standards sections herein.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the various uses and proposed building types within the commercial/retail development including free-standing out parcel buildings.
   b. The architectural design of all commercial/retail buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial and retail 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. See Exhibits "E1", "E2", "E3" and "E4" for illustrative examples of the architectural standards.
   c. 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.
   d. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials
   a. 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 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
   b. Slate/Synthetic Slate
   c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the

exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.

d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 visible to the public. Other than for necessary service and loading areas that do not face a pubic right-of-way and are not visible to the public, blank facades shall not be permitted.
e. 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.
f. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.
g. 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 masonry.

3. Building Massing and Articulation
   a. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, building facades greater than 100 feet in length shall incorporate recesses and projections a minimum of two (2) feet in depth and a minimum of twenty (20) contiguous feet within each hundred (100) feet of façade length.
   b. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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.
   c. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8") or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. 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 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.
   d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, walls shall have no more than thirty (30) 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.
   e. Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation (3)(a)(b)(c) or (d) above:
      i. Two walls that face one another, are separated by not more than 60 feet and are not visible to public view.

ii. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas not visible to the public view.

f. Roof line shall provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Storefronts, Fenestration and Articulation
   a. 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.

5. Roofs
   a. Pitched and flat roofs shall be permitted. Types of roofs are as follows:
      i. Pitched roofs with gabled or hipped ends.
      ii. Glass roofs are acceptable in portions of a structure
      iii. Mansard roofs
      iv. Flat roofs are permitted but must utilize parapets or cornices to screen bracing or breakup the roof line.
   b. 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.
   c. The minimum pitch for a sloped roof shall be 6:12.
   d. Gutters and downspouts: 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.

6. Screening
   a. Rooftop equipment, 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 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 used 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.
   b. 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 prohibited by code 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.

c. Loading docks, trash collection, outdoor storage 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. Screenwall materials shall be compatible with the building materials. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

7. Outparcel Buildings Additional Requirements
   a. The architectural details, materials, and colors of all outparcel buildings shall be compatible with the standards for the main retail structures described above. In addition, the following standards shall apply.
   b. The maximum height of any out parcel building shall be twenty-four (24) feet except for architectural features such as parapets, cupolas, etc.
   c. Outparcel buildings are encouraged to use pitched roofs; pitched roofs shall have a minimum of a 6:12 pitch.
   d. The owner of the Shopping Center and out parcel will review each out parcel Final Development Plan with its architect prior to submittal for municipal review.
   e. Buildings shall be designed to be seen from all sides and shall be designed to have a comparable level of detail on all sides. Roof elements such as dormers, cupolas, roof spires, and hip and gable roofs shall be encouraged to emphasize and reduce the building scale. All roof-mounted equipment and appurtenances shall be screened.
   f. The outlot building located at the corner of Route 23 and Glenn Parkway may be provided additional architectural detailing and scale to serve as a potential jurisdictional gateway in accordance with the Gateway & Corridor Plan and as approved as part of the Final Development Plan and as such the inclusion of a separate jurisdictional Gateway feature/sign element will not be required. If the building does not serve as the gateway, then a separate gateway feature/sign element shall be provided as approved as part of the Final Development Plan.

Office Architectural Standards

1. Architectural Requirements – General; these standards shall apply to permitted uses 2a and 2c, Office and Professional Services, within each Sub Area.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the proposed buildings.
   b. The architectural design of all commercial office buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts.
   c. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials
   a. Predominant exterior building materials shall be of high quality. The permissible building materials are 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 decorative elements only

b. Aluminum and/or vinyl shall be allowed for trim details only such as soffits, gutters, shutters, etc., but shall not be used as siding products.
c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.
d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 shall be articulated with recesses, pilasters, fenestration and/or material changes. Compositions of similar building materials shall be used on all building elevations visible to public view.
e. 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.
f. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.
g. The use of highly reflective exterior materials is prohibited. Reflective glass is prohibited.
h. Roof and building façade colors should be coordinated to complement each other.

3. Building Massing and Articulation
   a. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8" high) or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. Jack arches and/header details shall be utilized above window openings. Belt lines (horizontal accent bands) shall be encouraged 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 parapet cornices.
   b. Large single story structures shall have roof lines that provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Fenestration and Articulation
   a. 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.

5. Roofs
   a. Smaller single story buildings will be required to have pitched roofs with gable or hip ends. Flat roofs shall be permitted on buildings of 2 stories or greater or on larger single story buildings when it is impractical due to size.
   b. The minimum pitch for a sloped roof shall be 6:12.
   c. 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.

d. Gutters and downspouts: 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. Interior roof drains shall be used on all buildings greater than two stories in height.

6. Screening
   a. Service courts, waste and refuse areas shall be screened from all public streets by landscaping, mounding and/or walls. Screening shall be at least 6 inches taller than the height of any containers that may be in these areas and shall have the same exterior material as the building. Any overhead service and garage doors in the development shall be screened from the public streets.
   b. All ground mounted mechanical and electrical equipment shall be screened from view from all public streets by mounding, landscaping, wood fencing or a wall that are architecturally compatible with the building.
   c. Rooftop equipment, 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 conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all 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 used 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.
   d. Accessory buildings, enclosures and any structures that are appurtenant to any building shall be of similar or compatible design, materials and construction.
   e. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

Residential Architectural Standards

1. Residential Buildings-Detached or attached Single Family/Condominium/Patio Home/Cluster Home/Two Family Dwelling:
   a. The architectural design of all single family detached residential dwellings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials. All front elevations shall include a variety of styles, colors, and/or types of materials.
   b. The architectural design/patterns of attached residential dwellings and/or detached condominium, patio, cluster or two family dwellings may be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials.
   c. Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss colors.

d. Buildings primary roof line shall be required to have a minimum 6:12 roof pitch. The principal roof structure will have an overhang of not less then 8 inches and an end rake of not less than 8 inches.
e. Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or other manufactured stone products.
f. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and shall be screened from view when visible from a public street. .
g. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
h. All garage doors facing a public street shall adhere to one of the following standards:
   i. architecturally upgraded to include design elements consistent with the design of the home and development such as matching the door color to the predominant color of the main structure, incorporating a glass course, adding trim packages to give the appearance of stable doors, man doors, hinged swing doors and other similar architectural elements.
   ii. setback a minimum of 2 feet from the primary wall of the home facing the public street (detached single-family only).
   iii. not extend closer to the street than the primary wall facing the street (garages of front loaded attached single-family dwelling units only).
i. At least 50% of the front elevation of all homes will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved materials, not including EIFS and excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows. Other natural materials or synthetic materials that replicate a natural material and finish will be allowed. Stucco shall specifically not be permitted to count toward the 50% threshold in this section but rather shall be allowed on the remaining 50% or less of the front elevation.
j. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar

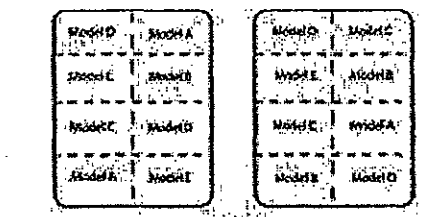
	Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

k. Trim is required around all corners, entry doors, roofs, gutters, downspouts and windows.

l. No blank walls shall be permitted.

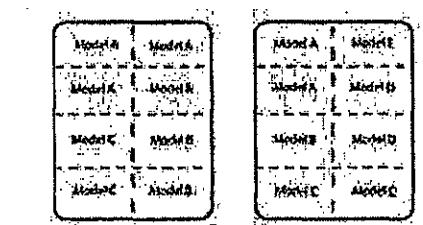
m. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

n. Within single-family detached residential developments, the same model of home or the same exterior color of home shall not be placed on adjacent lots and shall not be placed on facing lots.



Do This

The same model of home does not appear on two adjacent lots or on lots that are across the street from each other thereby creating a diverse streetscape.



Don't Do This

Having the same model of home appearing in clusters creates a monotonous streetscape that emphasizes conformity over diversity.

2. Residential Buildings- Multi-Family garden or townhome apartments and Dwelling Units on Upper Floors of a Commercial or Office Building:

   a. The architectural design of the buildings shall be 4-sided without emphasis on a single side as a "front" or de-emphasis of the "sides" or "back" in order to create unified, cohesive building designs. See attached Exhibit "F1", "F2" and "F3" as example multi-family elevations. Exterior materials shall be varied to create visual interest. The use of accent features such as dormers or chimneys are encouraged to enhance the quality of traditional architectural styles.

b. Architectural patterns shall be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing.
c. Exterior façade materials shall be natural in appearance, but need not be a product of nature. Materials which are virtually indistinguishable from a product of nature when installed and finished will be allowed.
d. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern – as an accent material)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

e. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

Landscaping, Tree Preservation, and Screening Standards

1. Buffer Yards and Landscaping
   a. All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code.
   b. A landscaping plan shall be submitted to the City of Delaware as part of the Final Development Plan for each phase of development. Landscaping shall be in conformance with that which is defined within this text and approved as part of the Final Development Plan.
   c. Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.
   d. All planting within the pubic right-of-way shall be approved by the City of Delaware Shade Tree Commission.

2. Entry Features
   a. Entry features shall include integrated project signage, lighting and landscaping.
   b. Final location, design, and standards for entry feature construction details, landscape details and signage details will be submitted for approval by the City of Delaware as part of a comprehensive sign plan.

3. Street Trees
   a. Street trees on public and private streets shall be installed in the center of a 7 feet wide tree lawn, between the road edge and sidewalk and/or bikepath.
   b. All street trees (including interior private streets) shall be spaced 40 feet on center. Street trees along the front and sides of the commercial areas shall be "upright" in form to permit view to the interior businesses.
   c. Street trees shall have a minimum caliper size of 1¾", measured at breast height and may be one consistent deciduous species per street.
   d. A street tree plan, specifying the plant type, location, size and condition will be submitted at the Final Development Plan Phase.

4. Additional Landscaping Standards
   a. A single row of trees, as defined by the Shade Tree Commission, shall be provided along Glenn Parkway, within the tree lawns. These trees shall be clustered, but in no case shall the total number of trees be less than if spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.
   b. All commercial lots shall have parking areas screened from the public right-of-way using a 2-3 ft. undulating earthen mound and plantings. Screening may be accomplished through the use of earth mounds or evergreen hedges while, walls or fencing may be used at areas where not feasible to employ a mound, hedges or landscaping. Screening shall maintain 75% year-round opacity.
   c. All buildings shall provide landscaping along the foundation and/or entry. Foundation plantings, such as tree wells, hedges, and/or plantation boxes, shall be provided along any Commercial building fronts.
   d. All commercial portions of the main retail center shall have the rear of all buildings that face a different use or are visible to the public, loading areas, and service areas, screened from view. Such screening shall be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Plain walls and fences may be utilized at necessary and strategic locations such as visible locations where earthen mounds and landscaping can not be utilized or on any interior side of a mound that is not visible to the public view. A minimum 8-10 foot undulating earth mound with a mix of tall deciduous and coniferous plantings that are a

minimum 6-7 feet tall and provide a 60% year round opacity, or as otherwise approved as part of the Final Development Plan, shall be provided. Slopes of 2:1 shall be permitted with walls used along the interior side. Landscaping in any 2:1 slope area shall utilize groundcover or shrubs in a mulch bed.

e. Earth mounding shall be used provided it does not disrupt the master drainage plan.
f. Landscaping shall not be installed in such areas as to adversely impact visibility in the sight triangle for vehicular traffic.
g. Interior trees can be clustered to accent architectural features and permit view to internal businesses.
h. Pedestrian connectivity will be provided throughout the development. Sidewalks, 5 feet in width, or multi-use paths, 8 feet in width, will be provided as generally shown on the preliminary plan and approved at the time of Final Development Plan.

5. Tree Removal and Replacement
   a. Tree removal and replacement shall meet all tree preservation and replacement requirements of the City of Delaware Zoning Code or as otherwise modified by any approved Final Development Plan.

6. Parking Lot Landscaping
   a. A 170 square foot landscaped island for every ten (10) parking spaces shall be provided
   b. Each landscape island will include shredded hardwood mulch, one (1) shade tree and four (4) shrubs with a maximum height (including curb) of 3 feet and a maximum with of 10 feet.
   c. One (1) shade tree shall be provided for every 20 spaces. The minimum size shade trees shall be 2-1/2 inches.
   d. Parking lot islands, of 340 square feet in area, must be provided along any perpendicular drive or access isle.
   e. A 20 foot wide landscaped island must be provided between every 10 rows of parking.

Lighting

1. Commercial Buildings
   a. All external lighting shall conform to Chapter 1158 of the City of Delaware Zoning Code.
   b. External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage off the commercial properties or into any adjacent public or private right-of-way. However, buildings and landscaping at entry location may be down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels. Fixture selections and photometric plan approval shall be approved as part of the Final Development Plan.
   c. All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be prohibited.
   d. All external outdoor lighting fixtures within a single sub area shall be from the same or similar manufacturer's type to insure compatibility.
   e. Parking lot lighting standards shall not exceed 28 feet in height, including base. Decorative poles and fixtures (for an example see Exhibit "G") located at internal private streets and aisles shall not exceed 16 feet in height, including the base.
   f. All exterior site lighting shall be low pressure sodium lamps, unless otherwise approved by the City of Delaware.

2. Residential
   a. Residential street lighting shall conform to the City of Delaware Standards for Residential Street Lighting and per the approval of the Chief Building Official.

Graphics and Signage - Commercial

1. A comprehensive signage plan for each Sub Area shall be submitted as part of the Preliminary and Final Development Plan approval. A temporary marketing/for sale or lease sign plan shall be provided as a part of the comprehensive sign plan for the development

2. Signage - General Requirements
   a. These standards shall apply to the following sign types:
      i. Freestanding Signs
      ii. Wall Signs
      iii. Directional/informational signs
      iv. Under-canopy signs
      v. Window signs.
   b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
   c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign is composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.
   d. Permanent sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   e. Prohibited graphic types shall include the following:
      i. Wall mounted enclosed cabinet signs, including illuminated cabinet logos and illuminated multi-graphic panels.
      ii. Changeable copy.
      iii. Electronic reader boards.
      iv. Roof top signs (above the eave line).
      v. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
      vi. The use of building walls for display of advertising.
      vii. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
      viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
      ix. No vehicle, trailer of equipment of any type may be parked on a building premises or lot for the sole purpose of advertising a business, product, service, event, object, location, organization or the like, except as approved as part of the Final Development Plan.
      x. Exposed neon or LED graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.
   f. Permanent Window Signs: Permanent window signs include store names and logos and are permitted to be placed on the storefront window or doors. Only one such window permanent sign shall be permitted per storefront and shall not exceed 4 inches in height. Such signs shall not exceed 20 percent of the window in which the sign is located, inclusive of any other signs. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.

g. Window Signs: Window signs indicating hours of operation may be mounted on the entry door or the window immediately adjacent to the entry door. They may not encompass an area larger then 2 square feet.
h. Uniform building address signage shall be provided on front storefront glass doors and rear service doors to each individual tenant address. Address numbers on the front doors shall be 6 inches high, mounted at 9 feet above finish floor in the door transom. Signs on the rear service doors shall be 6 inches high, mounted at 5 feet above finish floor. Each tenant shall identify the rear door with the Tenant's name. All address numerals and tenant names shall be white vinyl letters in Helvetica font.
i. Temporary Signs. Temporary window signs include any sign other than the name and/or logo of the business and shall not exceed 20 percent of the window in which the sign(s) is located, inclusive of any other signs. No temporary window sign shall be located at or above the door height. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.
j. Banners. Banners shall only be authorized during the initial grand opening of the business for a seven (7) day period commencing on the day the business opens to the public.
k. Temporary free standing signs shall not be permitted.

3. Shopping Center Identification Signs
   a. Developer shall be permitted to have two (2) Shopping Center Identification Signs listing the name of the Shopping Center and names of selected tenants.
   b. Shopping Center Identification signs shall not exceed twenty-five (25) feet in height. No graphics may exceed twenty (20) feet above grade.
   c. Tenant panels on the Shopping Center Identification signs shall be internally illuminated.
   d. The maximum number of tenants listed per sign shall be six.
   e. Two (2) secondary shopping center identification signs which identify the shopping center only shall be permitted in locations to be determined as part of the Final Development Plan. The maximum size of the secondary identification signs shall be six (6) feet high by fifteen (15) feet long.

4. Ground signs
   a. One (1) out parcel shall be permitted the right to one (1) ground sign. However, such out parcel shall not be located within 150' of the intersection of State Route 23 and Glenn Parkway.
   b. Ground signs shall be located at the primary right-of-way frontage along Glenn Parkway. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   c. Ground signs shall have a maximum height of six (6) feet and a maximum width of ten (10) feet. The graphic area shall not exceed forty (40) square feet per sign face.
   d. All ground signs are to be constructed with a masonry base that is consistent in color with the retail center.
   e. All ground signs shall be placed in a landscaped area.
   f. Each out parcel building site shall provide appropriate directional signage at ingress/egress access points. On site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
   g. Tenant ground signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view and down-lit only.

5. Retail Center Tenant Signage – In Line Tenants
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street with a limit of three (3) such signs per tenant. In all instances the message area letters shall be mounted directly to the building face above each tenant space within the designated sign area as defined in the comprehensive sign plan.
   b. All Tenant signage may be internally or externally illuminated. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.
   c. Sign area: The maximum sign area for an in-line tenant shall be two (2) square feet of sign area for each one (1) linear foot of wall to which the signage is to be mounted.
   d. The horizontal width of each Tenant's copy (i.e. logo, name, etc.) shall be a maximum of 80% of the width of such Tenant's storefront width.
   e. Sign height: The maximum mounting height of any sign shall not exceed twenty (20) feet above grade, unless the sign area is integrated into the building architecture, and shall not extend above the roof or line of the parapet construction.
   f. Maximum letter height of message area shall be 30", except that maximum height of the upper case letters may be 36". Special attention to descent letters will be considered.
   g. Each tenant's sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   h. No sign mounted to a side or rear elevation shall directly face a residential section.

6. Retail Center Tenant Signage – Anchor Store Tenants (stores greater then 100,000 square feet)
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street. However, there shall be a maximum of three (3) such signs per tenant regardless of the number of public street frontages. Use of individually mounted letters shall be limited to the fronts of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building face consisting of brick, cast stone, or synthetic stucco building material.
   b. All Tenant signage shall be internally illuminated. Letter returns shall be the same color.
   c. Sign area: The maximum sign area of an anchor store tenant shall be two (2) square feet of wall sign for each one (1) linear foot of wall to which the signage is to be mounted. Total signage shall not exceed of four (400) square feet per facade.
   d. Sign height: The maximum mounting height of any sign shall not exceed twenty-eight (28) feet above grade and shall not extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 72".
   f. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   g. Anchor store signs shall be approved as part of the Final Development Plan. Each store that is greater then 100,000 square feet with multiple public entrances and/or designated separate entrances shall be permitted supplemental wall signs over those entrances. Supplemental signs may not exceed thirty-six (36) inches in height.
   h. One supplemental exterior wall sign shall be permitted for each individual sublet licensee business located within a major anchor store, consisting of 100,000 square feet or greater. No more than three sub-tenant signs shall be permitted per store.

7. Out-Parcel Building Signs
   a. All wall mounted signage may be internally illuminated.
   b. Out parcel buildings shall be permitted one (1) wall sign except as noted below. No sign shall be larger than 100 square feet per sign.
   c. Outlots that have building frontage on two (2) public or private streets shall be permitted a second wall sign. The total aggregate sign area for all such wall signs shall not exceed one hundred fifty (150) square feet per building.

d. Out parcel building wall signs shall not be mounted higher than fifteen (15) feet above grade and no less than ten (10) feet above grade and shall not extend above the roof or line of the parapet construction.
e. At tenant spaces or buildings where the primary parking field is located to the rear of the building, a secondary wall sign shall be permitted on one of the two types:
    i. Projecting Tenant Blade Signs
        a. One (1) blade sign at a maximum of (3) square feet of sign area.
        b. Each blade sign shall be of the same color as the tenant's canopy sign letters
        c. No part of any blade sign shall be less then eight (8) feet above the sidewalk or ground level.
    ii. Wall Mounted Sign Letters
        a. Internally or externally illuminated individual letters not greater than twenty-four (24) inches in height.
        b. Sign are shall not exceed fifty percent (50%) of the main façade sign area.

8. Service/Fuel Station Signage
    a. Signage which displays the purchase price of fuels shall be comprehensively and permanently incorporated on the canopy of any retail service station. Changeable copy or electronic reader boards displaying the fuel price only are permitted.
    b. In addition to wall mounted signage as provided above, such retail service station may have two signs mounted to the soffit of any canopy placed over the fuel dispensing area. The maximum graphic area of any canopy signage shall be fifty (50) square feet. No canopy signage shall extend above the roofline or below the bottom of the canopy soffit on which it is mounted.
    c. If the retail service station facility also has a car wash one (1) wall mounted illuminated name sign shall be permitted (in addition to all other signs allowed above).

Graphics and Signage - Office

1. Signage - General Requirements
    a. These standards shall apply to the following sign types:
        i. Ground Signs
        ii. Wall Signs
    b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
    c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign, composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.
    d. Prohibited sign types shall include the following:
        i. Wall mounted enclosed cabinet signs.
        ii. Roof top signs.
        iii. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
        iv. Permanent banners, other than temporary or seasonal banners.
        v. The use of building walls for display of advertising.
        vi. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
        vii. No sign shall be attached to any fence within the right-of way of any road.
        viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

xi. No vehicle, trailer of equipment of any type may be parked on a building premised or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.

x. Exposed neon graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.

e. Window Signs: All window signs and graphics shall be prohibited.

f. Building Address Signage to be indicated on front storefront glass doors to each individual address by installing 10 inch high vinyl letters.

2. Site Identification Signs:
   a. Each office building shall be allowed one (1) site identification sign per right-of-way frontage. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   b. Site identification signs shall have a maximum height of eight (8) feet and a maximum width of ten (10) feet. The graphic area shall not exceed sixty (60) square feet per sign face.
   c. All site signs are to be constructed with a limestone or limestone like material (manufactured stone) base. .
   d. All site signs shall be placed in a landscaped area.
   e. Each building site may provide appropriate directional signage at ingress/egress access points. On-site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
   f. Site signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view.

3. Building Wall Signs:
   a. If a tenant or owner occupies equal to or more than fifty (50) percent of a single building, that tenant or owner shall be permitted to have one (1) exterior wall sign identifying the name of the business. The sign shall be mounted directly to the building face and shall not project more than 10 inches. Corporate logo/identities shall be permitted.
   b. Permanent wall sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   c. Sign area: The maximum sign area for a wall mounted sign shall be 48 square feet.
   d. Sign height: No sign shall extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 24 inches.
   f. The sign area must terminate twenty-four inches (24") from a corner of a building.
   g. No sign mounted to a side or rear elevation shall directly face a residential section.

Miscellaneous Provisions

1. If the part of the Joint Vocational School District property (parcel #41944001001000) to be purchased by the owner of the Glenn Road Capital Tract (parcel #41833001032000) and Peachblow Associates, LLC property (parcel #41944001002000) are annexed to the City of Delaware, and the then owner of the properties request in writing, within 90 days of such annexations, the properties shall be zoned in accordance with this PMU text as approved by the City of Delaware and it shall become part of Sub Area A.

2. Where conflicts exist between Delaware's base zoning code requirements and this PMU text, this text shall govern and prevail. This property shall conform to the City of Delaware's zoning code requirements and processes. In instances where this PMU text as approved provides no

standards, guidelines, procedures or requirements relative to the City of Delaware's Zoning Code requirements and processes, the City's Zoning Code shall govern and prevail.

3. The sale of memberships to the pool, community centers, or other accessory uses as part of the residential development shall be permitted.

4. Temporary signage shall be allowed for the development as approved with the comprehensive sign plan required herein. Generally, temporary marketing signs will be coordinated in style, size, and will be placed not on every outlot but at strategic, visible locations in order to indicate availability of leasing space and outlots, the developers name and contact number/web site. There shall be no more than 4 such free standing temporary signs for the development as shown on an approved comprehensive sign plan and each sign shall be removed and/or relocated as outlots are leased or sold according to the approved plan. The in-line tenant space will realize their tenant for-lease or sale signs through temporary window signage indicating the name of the developer and contact information.

5. Open Space and Park Areas: At the time of the drafting of this text, substantial economic and development rights issues remain to be negotiated and determined between the applicant and the City. For this reason a determination regarding parkland and open space dedication and/or fee in lieu of payment has not been finalized. It is anticipated that these negotiations and conclusions will be completed prior to submission of the required preliminary plan and that the open space and parkland issues will be proposed for resolution during this phase of the process. Given this uncertainty, base code requires that this zoning text reflect that the developer will dedicate and/or pay a fee in lieu of parkland at a rate of $30,000 per required acre unless otherwise negotiated through a separate development agreement and/or the preliminary plan process for the Planned Mixed Use District in order to satisfy Code.

6. Anything contained in Section 1147.06, or any other applicable provision of the Delaware Zoning Code, (chapter 11 Titles One, Three, Five, Seven and Nine of the Codified Ordinances), notwithstanding, this development text is intended to be and shall be construed as the sole source of zoning and development standards for the Glen Road Capitol Tract, PMU district as adopted by the City of Delaware. In particular, the City recognizes that upon adoption, the uses specified herein are sufficient to address the standards, procedures and requirements of Chapter 1148 of the Delaware Zoning Code, and Codified Ordinances, and that all uses herein are approved as permitted uses in the PMU district.

7. The City of Delaware Gateways and Corridors Standards identifies the corner of Peachblow Road and State Route 23 as a Gateway location. Given the location of this development, it is anticipated that a landscape easement will be established along Route 23 to accommodate a Gateway feature/sign element as depicted in the corridor 2004 standards. The exact size, design and location on this site will be set forth as part of the Final Development Plan.

Development Plan Text

Glenn Road Capital, LLC
Planned Mixed Use Development Text & Development Standards
September 6, 2018~~May 8, 2009~~

General Overview

Glenn Road Capital, LLC is proposing a mixed-use development containing approximately 109 +/- acres. The intent of the project will be to provide functional and aesthetically pleasing commercial uses including office, retail, and service-oriented development along with a variety of residential uses which provide multiple housing options, such as single family homes, patio homes, attached or detached condominiums, and multi-family housing (e.g. mid-rise garden and townhome apartments). Residential developments shall include small walkable neighborhood blocks, public green spaces, cohesive architectural styles and a wide range of dwelling sizes and types. It is the intent of the project to compliment the existing and future planned uses along Glenn Parkway and shall consist of quality design, materials and architectural standards.

Property Description

The property consists 109.93 +/- acres and is made up of three parcels: the Glenn Road Capital, LLC property, (parcel #41833001032000 – 103.071 acres), the Peachblow Associates, LLC property (parcel #41944001002000 – 0.80 acres) and a portion of the Joint Vocation School District property (parcel #41944001001000 – 6.057 acres). The latter two parcels are presently not located within the City of Delaware corporation limits. However, Glenn Road Capital, LLC has purchased or has obtained an option to purchase these parcels and will incorporate them into this development through annexation to the City of Delaware and requesting this development text be applied to those parcels as latter set forth. The site is bordered by the Grady Memorial Hospital property (parcel #41832001031000) to the north and east, Peachblow Road to the south, and the future Glenn Parkway to the west. See attached Exhibit "A".

General Development Standards

Upon the approval of this Development Text, it is intended that an overall preliminary development plan for an entire Sub Area, as defined below, and the first phase or phases of final development plan(s) for each Sub Area(s) may be submitted, considered and processed contemporaneously at the Developers election, with subsequent and remaining final development plan(s) for subsequent phase(s) being considered and approved thereafter for each Sub Area(s) as proposed. Illustrative examples of general development patterns that may emerge are attached as Exhibits "B1", "B2" and "B3".

Minor Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, the Director of Planning and Community Development may approve any minor modification to the plan. Minor modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan 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. Structural or design alterations that do not alter the overall design intent of the building or development.

In the event the Director of Planning and Community Development or the applicant are unsure whether a change is a minor or a major modification, or the parties are unable to agree, each party reserves the right to submit to the Planning Commission and/or City Council for final determination and/or approval of such minor or major modification.

Major Modifications. Once a Preliminary or Final Development Plan has been approved by City Council, any major modification to the plan shall require the approval of a revised Preliminary or Final Development Plan by City Council. Major modifications for the purposes of this text shall mean any modification of the approved Preliminary or Final Development Plan that results in:

1. Any major increase in the non-residential building area (a major increase in building area is defined as an increase of 10% or more in the preliminary aggregate non-residential building area), including any increase that creates more than 2 individual retail or service establishments equal to or greater than 100,000 square feet in gross floor area each.
2. Any major increase in the number of dwelling units allowed by this Development Text. Major increase in the number of dwelling units shall mean an increase of 10% or more in the total number of dwelling units allowed by this Development Text.
3. Any major increase in the type of dwelling units allowed by this Development Text. Major increase in the type of dwelling units shall mean an increase of 10% or more in the type of dwelling unit allowed by this Development Text.
4. Major change in the approved location of land uses or land use sub-areas.
5. 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, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

Sub Area Descriptions

The property shall consist of two sub areas. Sub Area A contains approximately 62 +/- acres and Sub Area B contains approximately 47 +/- acres.

1. Sub Area A: Sub Area A is the western portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital property to the north, Peachblow Road to the south, Sub Area B to the east (further defined herein) and the ~~future~~ Glenn Parkway to the west (50~~62~~ +/- acres). See attached Exhibit "C".

2. Sub Area B: Sub Area B is the eastern portion of the Glenn Road Capital Tract bounded by the Grady Memorial Hospital to the north and east, Sub Area A to the west, and Peachblow Road to the south (55~~47~~ +/- acres). See attached Exhibit "C".

Permitted Uses

The following uses shall be permitted:

Sub Area A:

1. Residential
   a. Attached single family/patio/condominium units
   b. Multiple family garden and townhome apartments (single story or mid-rise).
   c. Dwelling units on upper floors of a commercial or office building.
   d. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas.
   e. Uses customarily accessory hereto
   f. Temporary uses as authorized by the City of Delaware zoning code.
   g. Detached single family, patio, cluster or condominium dwelling units

h. Two family dwellings
i. Other accessory uses that are customarily found in a residential community such as sheds, swimming pools, recreation equipment, etc.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Retail Services
   a. Retail and service establishments in a completely enclosed building with a minimum gross floor area of less than 100,000 square feet
   b. Retail and service establishments in a completely enclosed building with a minimum gross floor area of 100,000 square feet or greater
   c. Restaurant
   d. Drive-thru or walk-up ATM (stand-alone facility)
   e. Veterinary office (without kennel)
   f. Veterinary hospital (with or without kennel). Outside runs permitted if sufficiently buffered and as approved as part of a final development plan.

4. Automotive and Transportation
   a. Gasoline station
   b. Automotive repair garage as part of a new car sales dealership only
   c. Automotive sales and rental. Used car sales only as part of a new car dealership
   d. Automotive service station, light repair and routine maintenance only
   e. Drive-thru facility associated with any principal permitted use
   f. Car wash, only as accessory to a permitted use

5. Outdoor display/storage
   a. Outdoor display
   b. Outdoor storage
   c. Garden Center, only as an accessory to permitted uses 3a. and 3b.

6. Community Facilities
   a. Places of worship
   b. Schools, public or private
   c. Schools, trade, business or cultural arts
   d. Library
   e. Public cultural institutions and art galleries
   f. Day care center, child/adult
   g. Congregate care facility
   h. Nursing home

7. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.
   c. Health club

8. Lodging
   a. Hotel/motel

Sub Area B:

1. Residential
   a. Detached single family, patio, cluster or condominium dwelling units
   b. Two family dwellings
   c. Attached single family, patio, cluster, or condominium dwelling units
   d. Single story or mid-rise (2-3 stories) multiple-family apartments, such as garden style (flats) or townhomes
   e. Dwelling units on upper floors of a commercial or office building
   f. Community services, open space and recreation structures and spaces such as swimming pools, club houses, parks, playgrounds and equipment, community buildings, etc. and associated off-street parking areas
   g. Other accessory uses that are customarily found in a residential community such as sheds, swimming pools, recreation equipment, etc.
   h. Temporary uses as authorized by the City of Delaware zoning code.

2. Office and Professional Services
   a. Offices – administrative, business and professional
   b. Financial institutions and banks (excluding check cashing and payroll advance)
   c. Medical and dental offices, health and allied services

3. Lodging
   a. Hotel/motel with or without food and beverage

4. Community Facilities
   a. Day care center, child or adult
   b. Congregate care facility
   c. Nursing home

5. Recreation/Open Space and Entertainment
   a. Parks and playgrounds
   b. Indoor recreation and entertainment, not including principal for profit, non-charitable, skill based gaming oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.
   c. Health club
   d. Non-commercial recreation facility

Additional Standards for Certain Permitted Uses

Any permitted or accessory use listed below shall meet all such requirements listed below for that permitted use. If any requirement set forth in this text for that specific permitted use is not met, the permitted use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set for in the Zoning Code.

1. Retail and service establishments with a minimum gross floor area of 100, 000 square feet or greater.

a. There shall be no more than two (2) "Big Box" retail users permitted. "Big Box" retail use shall be defined as "a single user that exceeds 100,000 square feet of continuous gross floor area (interior space) including a garden center". A Big Box retail user could occur in either a stand alone building or as part of a larger (attached) multi-user building. Additionally, any single Big Box use (per occurrence) shall be limited to a maximum of 200,000 square feet of continuous gross floor area (interior space) to include a garden center.
b. Within 30 days of vacation of a "Big Box" user, the property owner shall remove any sign, including any structure or anchorage devices, and repair any exterior surfaces when a sign is removed, including the removal of any ghost signs and temporary signs, except for "For Sale or Lease" signs. Additionally the property owner shall maintain and operate the exterior of the building and property in a manner that is consistent with both the maintenance of the rest of the overall development.
c. In the event a Big Box retail development occurs, the development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a gateway feature, network of pedestrian paths, patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or focal feature or amenity that adequately enhances such community and public spaces. Any such feature shall not be constructed of materials that are inferior to the principal materials of the building and landscape

2. Stand-Alone ATM Facility.
   a. The building housing the ATM shall be designed (e.g. architectural details, materials, and colors) and landscaped in a manner substantially similar with the overall design of the development.
   b. There shall be adequate and safe standing space for persons waiting to use the facility.
   c. Lighting and signage shall be limited, while not forgoing security and safety.

3. Gasoline Station.
   a. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   b. The principal building shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development.
   c. Gas pumps shall only be permitted as follows (see Exhibit "H" for illustrative example):
      i. Pumps shall be located with the pumps and the building perpendicular to the right-of-way, in which case the pumps shall not extend beyond the building towards the right-of-way
      ii. Pumps shall be located with the pumps behind the building with the building located between the pumps and the right-of-way
      iii. Pumps shall not be permitted to be located in front of the building facing the right-of-way

4. Drive-Thru Facility Associated with any Permitted use
   a. A covered drive-thru area or menu board may be permitted in the front of a building, except for the front of any building located along Glenn Parkway.
   b. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development and shall not include exposed metal support columns.
   c. All drive-thru menu boards shall be screened to minimize views from public roads.
   d. Retail Tenants occupying the end of a building or on outparcels may be permitted to have drive-thru unit(s) on the end of the building.

e. Drive-thru stacking requirements shall be illustrated on the Final Development Plan and shall be sufficient for the intended use i.e. meets industry standard and allows the site to function properly from a transportation perspective.
f. The drive-thru unit(s) shall be detailed with applicable architectural standards and in a manner comparable to and consistent with the architecture of the balance of the development.

5. Car Wash
   a. Car wash structures shall utilize consistent roof lines and building materials compatible with the standards of the overall commercial development and principal buildings.

6. Outdoor Storage & Outdoor Display for Big Box Users, Grocery and/or Anchor stores
   a. Permanent outdoor storage and display in the parking area in front of the building is prohibited.
   b. Seasonal outdoor displays are permitted in parking areas to the front of the building for live vegetation only. Such area location shall be determined with the Final Development Plan approval and shall be restricted as follows:
      i. it shall not exceed 15,000 square feet
      ii. it shall be located in the front of the building or to the side
      iii. it shall be enclosed by decorative fencing.
      iv. no material shall extend above the top of the fencing
   c. Mulch, soil, seeds, or other items may be permitted in the parking area on the side of the building with Final Development Plan approval.
   d. Outdoor display of merchandise is permitted in the walkway area in front of and to the side of the building in limited area to be approved as part of the Final Development Plan. Such outdoor display areas must maintain a minimum pedestrian walkway of 5 feet in width (measured between the front of the building and parking spaces or drive aisle).
   e. No display items shall be mounted to the side of the building.

7. Garden Center
   a. Garden centers are considered accessory structures, which are attached to the principal buildings and enclosed on four sides including canopies if desired. Such structures shall be substantially similar in design with the associated retail structure.

8. Day Care Center, Child or Adult
   a. For the protection of children and adults enrolled in the day care center, all outdoor activity areas shall be enclosed by a fence at a height approved by Planning Commission and City Council. An entry gate shall be securely fastened.
   b. A drop-off/pick-up area at the front and or side of the principal building that will not impede traffic on or off the site shall be approved to ensure the safety of the children and adults.
   c. The location and design of the day care center shall provide for the protection of patrons from the traffic, noises, and other hazards of the area and/or the arterial street location.
   d. Any day care shall not be located directly adjacent to a residential use.
   e. All day cares must be in compliance with state regulations and rules

9. Office and Professional Services in Sub Area B
   a. Use groups 2a and 2c defined within section Sub Area B Permitted Uses herein shall be permitted entirely in Sub Area B.
   b. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
   c. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

d. Financial institutions and banks (use group 2b defined within section Sub Area B Permitted Uses herein) shall only be permitted if it is completely within 450 feet of the Sub Area delineation.

10. Lodging in Sub Area B
    a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
    b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

11. Community Facilities in Sub Area B
    a. Shall be permitted within 450 feet of the west or south boundary of Sub Area B delineation only. Care shall be given during development plans to ensure layout compatibility with and adequate buffering to surrounding residential uses.
    b. When adjacent to a residential use a minimum 30 foot landscape/mounding buffer shall be provided in order to screen the residential uses from noise, traffic, etc.

Right to Outparcels

In addition to the uses above, Sub Area A shall be permitted a minimum of up to 8 total outparcels or stand alone buildings along Glenn Parkway, Route 23 and/or the Connector Road provided all lot sizes & setback are met. The minimum outparcel lot size shall be 1-acre. Outlots shall be accommodated as delineated on a future preliminary plan. See Exhibit "B1", "B2" and "B3" for example site plans.

Overall Density

Lot coverage for the overall development shall not exceed 70% of the gross area including public rights-of-way.

Residential Maximum Units

Sub Area A and B together shall collectively not exceed 600 dwelling units. The following shall be the maximum residential dwelling units permitted in each Sub Area.

1. Sub Area A may consist of a single use or a mix of uses while adhering to the following limitations:
   a. A maximum of 102 detached single family, patio, cluster or condominium dwelling units shall be permitted.
   b. A maximum of 250 two family dwellings, or attached single family, patio, cluster or condominium units shall be permitted.
   c. ~~shall be limited to a maximum of 75 attached single family/patio home/condominium units. In addition, t~~To the extent this use has not been fully exhausted within Sub Area B, Sub Area A shall allow a maximum of 400 multi-family garden or townhome apartments.

2. The maximum total residential dwelling units in Sub Area B shall collectively not exceed 525-dwelling units. Sub Area B may consist of a single use or a mix of uses while adhering to the following limitations:
   a. A maximum of 150 detached single family, patio, cluster, or condominium dwelling units shall be permitted.
   b. A maximum of 250 two family dwellings, or attached single family, patio, cluster, or condominium dwelling units shall be permitted.

c. A maximum of 400 multi-family garden or townhome apartments shall be permitted to the extent this right has not been fully exhausted within Sub Area A.

Residential Lot Standards

The following standards shall apply for each type of residential use.

1. Detached Single Family

Minimum Lot Area:	7,7008,~~125~~ sq. ft.
Minimum Lot Width:	65 ft. at the building line
Minimum Lot Depth:	1152~~5~~ ft
Minimum Lot Frontage:	35 ft.
Minimum Front Yard Setback:	25~~30~~ ft.
Minimum Side Yard Setback:	8 ft.
Minimum Rear Yard Setback:	25~~30~~ ft.
Minimum Square Footage:	1,500 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

2. Detached Condominium, Cluster Lots, or Patio Home

Minimum Lot Area:	4,500 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Lot Depth:	90 ft.
Minimum Lot Frontage:	30 ft.
Minimum Front Yard Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	5 ft.
Minimum Rear Yard Setback:	6 ft.
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Square Footage:	1,250 sq. ft. (finished living space)
Minimum Perimeter Setback:	25 ft. building and pavement

3. Attached Single Family, Condominium, Patio Home, or Cluster Lot

Minimum Building Setback:	5ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Perimeter Setback:	25 ft. building and pavement
Minimum Square Footage:	1,050 sq. ft. (finished living space)

4. Two Family Dwelling

Minimum Lot Area:	10,400 sq. ft.
Minimum Lot Width:	80 ft.
Minimum Lot Depth:	130 ft.
Minimum Lot Frontage:	50 ft.
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Side Yard Setback:	6 ft.
Minimum Rear Yard Setback:	35 ft.
Minimum Square Footage:	950 sq. ft. per unit
Minimum Perimeter Setback:	25 ft. building and pavement

5. Multiple Family Garden and Townhome Apartments or Dwelling Units on Upper Floors of a Commercial or Office Building:

Units Per Structure:	Up to 24 units per structure (typical 14-24 units per structure)
Stories:	1-3 stories
Lot Coverage Maximum:	None
Minimum Square Footage:	1 Bedroom - 600 sq. ft. 2 bedroom - 900 sq. ft. 3 bedroom – 1,050 sq. ft. Townhome – 1,200 sq. ft.
Minimum Building Separation:	10 ft. side wall to side wall 20 ft. rear wall to rear wall
Minimum Front Yard Setback:	5 ft. from right of way (public road) or 8 ft. from edge of street pavement (private road)
Minimum Perimeter Setback:	25 ft.

Setbacks and Height

Setbacks along Internal Private or Public Streets are intended to allow flexibility for more traditional neighborhood commercial designs. Reduced setbacks are intended for smaller commercial users and can be used (but not required) to implement a smaller "towncenter character" along the roads. See illustrative examples, Exhibit "D", detailing requirements for tighter setbacks. In no case shall a building be permitted to be constructed within an existing or proposed easement.

1. Minimum Setbacks. Minimum setbacks, which shall be measured from existing and planned public road rights of way, shall be established as follows:
   a. US 23:
      i. 60 ft. Building setback and 60 ft. parking setback from the US 23 right of way.
   b. Glenn Parkway:
      i. 25 ft. building and pavement setback.
   c. Peachblow Road:
      i. 50 ft. building setback and 20 ft. pavement setback from any commercial building.
      ii. 50 ft. building and pavement setback from any residential district or use as to serve as a buffer yard.
   d. Peachblow/Glenn Extension
      i. 8 ft. for building and pavement setback from any commercial building or multi-story apartment building.
      ii. 10 ft. for building and pavement setback from any other residential structure.
   e. Roundabout Road(s) Separating the Sub-Areas if any (as shown on the preliminary development plan):
      i. 8 ft. for building and pavement setback from any commercial building or multi-story apartment building with a maximum building setback of 15 feet. If the maximum building setback exceeds 15 feet, the minimum building and pavement setback shall be 25 feet.
      ii. 20 ft. for building and pavement setback from any other residential structure.
   f. Internal Private or Public Streets:
      i. 8 ft. building and pavement setback from any commercial building or multi-story apartment building.
      ii. 10 ft. building and pavement setback from any other residential building.
      iii. Setbacks for internal private streets shall be measured from the back of the curb or edge of pavement on uncurbed sections.
   g. Interior Lot Lines:

i. Interior lot lines shall have a zero (0) setback for parking and buildings as approved on the final development plan.

2. Maximum Height Standards.
   a. Any commercial building shall be a maximum of 55 ft. in height.
   b. Multi-story apartment buildings shall be a maximum of 45 ft. in height while all other residential buildings shall be a maximum of 35 ft. in height.
   c. Any commercial structure directly adjacent to and within 100 ft. of a residential district or use shall not exceed 45 ft. in height, except where residential is placed over commercial.
   d. Architectural elements, such as copulas, spires, dormers, chimneys, etc. may exceed the above referenced height restrictions.

Access, Parking, Loading and Other Traffic Related Standards and Commitments

1. Glenn Parkway shall have a right-of-way of 120 ft., plus additional right-of-way to accommodate the proposed roundabout intersection and intersection with US 23 as shown on the current Glenn Parkway Phase I-A plans.

2. Sidewalks or multi-use paths shall be provided as shown on the approved Final Development Plan.

3. Where feasible and practical, shared curb cuts may be developed on common lot lines. In situations where two lots share a curb cut, the maximum number of curb cuts per lot may be increased to 1½ per lot.

4. No curb cuts shall be permitted onto US 23.

5. At all locations, spacing and offsets of curb cuts shall be subject to the approval of the City Engineer.

6. Subject to the approval of the City Engineer, the City will allow curb cuts from the Peachblow/Glenn Extension to the Glenn Road Capital, LLC parcels that will ultimately lay both east and west of this road.

7. Subject to the approval of the City Engineer, the intersection of the Peachblow/Glenn Extension and Glenn Parkway shall be constructed in accordance with the latest version of the Glenn Parkway Phase I-A plans currently planned as a full access signalized intersection or as otherwise mutually agreed by all the parties.

8. Glenn Parkway shall be constructed from the Peachblow/Glenn Extension to the current terminus south of the intersection with Ohio Health Boulevard as shown on the current Glenn Parkway Phase IA plans. An intersection/roundabout and one left in, right out curb cut shall be permitted along Glenn Parkway to serve the development. The City of Delaware shall consider permitting additional full access or right-in right-out curb cuts along Glenn Parkway to serve the property subject to further traffic study and approval.

9. Curb cuts are subject to final design by the property owner and approval by the City Engineer.

10. Private residential or commercial streets/access drives shall have a minimum pavement width of 25 ft (back of curb to back of curb) and shall have at least 2 drive lanes with no on-street parking at this minimum width.

11. For commercial uses, parking service areas may be shared between uses and separate buildings (through the use of cross0easements, if necessary). As such and irrespective of use, parking shall be provided at a minimum rate of three (3) spaces per one thousand (1,000) square feet of development within a sub area. Parking may be provided at a minimum ratio determined by the applicant that sufficiently allows the users to satisfy its business needs as approved on the Preliminary Development Plan provided that the parking areas are adequately screened to minimize the scale and mass of the parking area in accordance with the landscape requirements of this Development Text.

12. Overnight parking of semi-trailers and other product delivery vehicles shall be permitted with the service areas at the rear of buildings with designated delivery or dock locations. All engines and compressors must be turned off.

13. Overnight parking of product delivery vehicles may be permitted within the general parking area at locations approved as part of the Final Development Plan.

Commercial/Retail Architectural Standards

1. Architectural Requirements – General; these standards shall apply to all permitted uses that are not covered under the office architectural standards or residential architectural standards sections herein.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the various uses and proposed building types within the commercial/retail development including free-standing out parcel buildings.
   b. The architectural design of all commercial/retail buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone/synthetic stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial and retail 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. See Exhibits "E1", "E2", "E3" and "E4" for illustrative examples of the architectural standards.
   c. 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.
   d. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials
   a. 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 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

b. Slate/Synthetic Slate
c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.
d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 visible to the public. Other than for necessary service and loading areas that do not face a pubic right-of-way and are not visible to the public, blank facades shall not be permitted.
e. 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.
f. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.
g. 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 masonry.

3. Building Massing and Articulation
   a. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, building facades greater than 100 feet in length shall incorporate recesses and projections a minimum of two (2) feet in depth and a minimum of twenty (20) contiguous feet within each hundred (100) feet of façade length.
   b. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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.
   c. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone/synthetic stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8") or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. 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 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.
   d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below or as otherwise approved as part of the Final Development Plan, walls shall have no more than thirty (30) 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.

e. Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation (3)(a)(b)(c) or (d) above:
   i. Two walls that face one another, are separated by not more than 60 feet and are not visible to public view.
   ii. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas not visible to the public view.

f. Roof line shall provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Storefronts, Fenestration and Articulation
   a. 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.

5. Roofs
   a. Pitched and flat roofs shall be permitted. Types of roofs are as follows:
      i. Pitched roofs with gabled or hipped ends.
      ii. Glass roofs are acceptable in portions of a structure
      iii. Mansard roofs
      iv. Flat roofs are permitted but must utilize parapets or cornices to screen bracing or breakup the roof line.
   b. 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. Rubber membrane shall be permitted on flat roofs. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance.
   c. The minimum pitch for a primary roof line with a sloped roof shall be 6:12.
   d. Gutters and downspouts: 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.

6. Screening
   a. Rooftop equipment, 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 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 used 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.
   b. 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 prohibited by code 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.

c. Loading docks, trash collection, outdoor storage 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. Screenwall materials shall be compatible with the building materials. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

7. Outparcel Buildings Additional Requirements
   a. The architectural details, materials, and colors of all outparcel buildings shall be compatible with the standards for the main retail structures described above. In addition, the following standards shall apply.
   b. The maximum height of any out parcel building shall be twenty-four (24) feet except for architectural features such as parapets, cupolas, etc.
   c. Outparcel buildings are encouraged to use pitched roofs; such pitched roofs shall have a minimum of a 6:12 pitch for primary roof lines.
   d. The owner of the Shopping Center and out parcel will review each out parcel Final Development Plan with its architect prior to submittal for municipal review.
   e. Buildings shall be designed to be seen from all sides and shall be designed to have a comparable level of detail on all sides. Roof elements such as dormers, cupolas, roof spires, and hip and gable roofs shall be encouraged to emphasize and reduce the building scale. All roof-mounted equipment and appurtenances shall be screened.
   f. The outlot building located at the corner of Route 23 and Glenn Parkway may be provided additional architectural detailing and scale to serve as a potential jurisdictional gateway in accordance with the Gateway & Corridor Plan and as approved as part of the Final Development Plan and as such the inclusion of a separate jurisdictional Gateway feature/sign element will not be required. If the building does not serve as the gateway, then a separate gateway feature/sign element shall be provided as approved as part of the Final Development Plan.

Office Architectural Standards

1. Architectural Requirements – General; these standards shall apply to permitted uses 2a and 2c, Office and Professional Services, within each Sub Area.
   a. The architectural design shall be consistent with the standards set forth in this text and shall be coordinated between the proposed buildings.
   b. The architectural design of all commercial office buildings shall be traditional in nature and shall establish proper relationships with adjacent developments. All structures 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. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Large commercial buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts.
   c. Buildings shall be oriented to a public street whenever possible.

2. Exterior Materials

a. Predominant exterior building materials shall be of high quality. The permissible building materials are 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 decorative elements only
b. Aluminum and/or vinyl shall be allowed for trim details only such as soffits, gutters, shutters, etc., but shall not be used as siding products.
c. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.
d. Unless screened by mounding or landscaping as described in the Section Landscaping 4.d. below 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 shall be articulated with recesses, pilasters, fenestration and/or material changes. Compositions of similar building materials shall be used on all building elevations visible to public view.
e. 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.
f. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.
g. The use of highly reflective exterior materials is prohibited. Reflective glass is prohibited.
h. Roof and building façade colors should be coordinated to complement each other.

3. Building Massing and Articulation
   a. Exterior Elevations: Each exterior elevation shall be predominately composed of brick masonry or stone/synthetic stone. 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 on the front, rear and sides of buildings. Either 4" high (3 5/8" high) or 8" high nominal units (7 5/8" high) may be used on elevations not visible to the general public. Jack arches and/header details shall be utilized above window openings. Belt lines (horizontal accent bands) shall be encouraged 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 parapet cornices.
   b. Large single story structures shall have roof lines that provide variations in height and profile to reduce the mass and scale of a large structure and to add visual interest.

4. Building Fenestration and Articulation
   a. 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.

5. Roofs
   a. Smaller single story buildings will be required to have pitched roofs with gable or hip ends. Flat roofs shall be permitted on buildings of 2 stories or greater or on larger single story

buildings when it is impractical due to size but must utilize parapets or cornices to screen bracing or breakup the roof line.

b. The minimum pitch for a primary roof line with a sloped roof shall be 6:12.

c. 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. Rubber membrane shall be permitted on flat roofs. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance.

d. Gutters and downspouts: 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. Interior roof drains shall be used on all buildings greater than two stories in height.

6. Screening

a. Service courts, waste and refuse areas shall be screened from all public streets by landscaping, mounding and/or walls. Screening shall be at least 6 inches taller than the height of any containers that may be in these areas and shall have the same exterior material as the building. Any overhead service and garage doors in the development shall be screened from the public streets.

b. All ground mounted mechanical and electrical equipment shall be screened from view from all public streets by mounding, landscaping, wood fencing or a wall that are architecturally compatible with the building.

c. Rooftop equipment, 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 conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all 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 used 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.

d. Accessory buildings, enclosures and any structures that are appurtenant to any building shall be of similar or compatible design, materials and construction.

e. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

Residential Architectural Standards

1. Residential Buildings-Detached or attached Single Family/Condominium/Patio Home/Cluster Home/Two Family Dwelling:

a. The architectural design of all single family detached residential dwellings shall be traditional in nature and shall establish proper relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials. All front elevations shall include a variety of styles, colors, and/or types of materials.

b. The architectural design/patterns of attached residential dwellings and/or detached condominium, patio, cluster or two family dwellings may be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into

a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing. Quality architecture shall be utilized with a consistent look and feel while using compatible exterior building materials.

c. Color palette shall consist of earth tones, including white. Additional colors may be used as accents but may not be high gloss colors.
d. Buildings primary roof line shall be required to have a minimum 6:12 roof pitch. The principal roof structure will have an overhang of not less then 8 inches and an end rake of not less than 8 inches.
e. Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or other manufactured stone products.
f. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and shall be screened from view when visible from a public street. .
g. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
h. All garage doors facing a public street shall adhere to one of the following standards:
    i. architecturally upgraded to include design elements consistent with the design of the home and development such as matching the door color to the predominant color of the main structure, incorporating a glass course, adding trim packages to give the appearance of stable doors, man doors, hinged swing doors and other similar architectural elements.
    ii. setback a minimum of 2 feet from the primary wall of the home facing the public street (detached single-family only).
    iii. not extend closer to the street than the primary wall facing the street (garages of front loaded attached single-family dwelling units only).
i. At least 50% of the front elevation of all homes will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved materials, not including EIFS and excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows. Other natural materials or synthetic materials that replicate a natural material and finish will be allowed. Stucco shall specifically not be permitted to count toward the 50% threshold in this section but rather shall be allowed on the remaining 50% or less of the front elevation.
j. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)

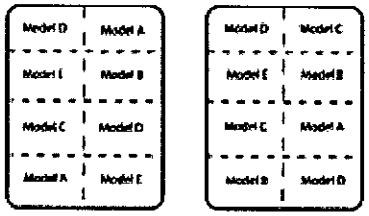
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

k. Trim is required around all corners, entry doors, roofs, gutters, downspouts and windows.

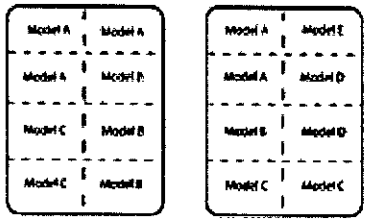
l. No blank walls shall be permitted.

m. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

n. Within single-family detached residential developments, the same model of home or the same exterior color of home shall not be placed on adjacent lots and shall not be placed on facing lots.



Do This
The same model of home does not appear on two adjacent lots or on lots that are across the street from each other - thereby creating a diverse streetscape.



Don't Do This
Having the same model of home appearing in clusters creates a monotonous streetscape that emphasizes conformity over diversity.

2. Residential Buildings- Multi-Family garden or townhome apartments and Dwelling Units on Upper Floors of a Commercial or Office Building:

a. The architectural design of the buildings shall be 4-sided without emphasis on a single side as a "front" or de-emphasis of the "sides" or "back" in order to create unified, cohesive building

designs. See attached Exhibit "F1", "F2" and "F3" as example multi-family elevations. Exterior materials shall be varied to create visual interest. The use of accent features such as dormers or chimneys are encouraged to enhance the quality of traditional architectural styles.

b. Architectural patterns shall be similar, but not identical, and may be repeated from one building to the next, to the extent possible, to unify the project into a single architectural style. The similarities shall include window styles & patterns, roof pitches, use & mix of exterior materials and building massing.

c. Exterior façade materials shall be natural in appearance, but need not be a product of nature. Materials which are virtually indistinguishable from a product of nature when installed and finished will be allowed.

d. Exterior materials include the following or shall be a comparable material as approved by the City of Delaware:

Stucco	(any pattern – as an accent material)
Quarried Stone	(any cut or pattern)
Cultured Stone	(any pattern – special corners and trim pieces are used)
Brick/Brick Veneers	(any bond pattern)
Wood Siding	(wood lap siding, shingle siding, hand split shake siding, cedar shake looking man made materials, board & batten)
Composite Siding	(Synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood siding when painted. Examples include LP and Hardi siding products.)
Vinyl Lap Siding or Board and Batten	(Quality PVC or other molded plastic products mimicking wood lap siding. Material thickness of lap siding products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Installation shall minimize vertical joints and the use of J-channels at vertical edges. Examples include Wolverine "Restoration Smooth" and Royal Building Products "Architectural Series" products)
Vinyl Shingle or Shakes	(Quality PVC or other molded plastic products with textured surfaces mimicking wood products of the same name. Finished shall be of low gloss. Examples include Certainteed "Cedar Impressions" or Nailite International "Hand Split Shake" and Rough Sawn shingle" products.)
Wood Trims	(standard board sizes or molded shapes)
Composite Trims	(synthetic materials comprised of resin bonded wood fibers, glass fiber reinforced cement boards or similar materials which resemble wood trim when painted. Examples include LP, Hardi and Miratec products.)
Vinyl Trims	(Quality PVC or other molded plastic products mimicking wood boards and molded wood profiles. Material thickness of trim products shall be minimum of .040", and the surface texture shall be smooth and finished with low gloss. Examples include Certainteed "Vinyl Carpentry" and Royal Building Products "Architectural Series" products)

e. Roof materials may be asphalt shingles, cedar shake looking man made materials, slate/synthetic slate or shall be a comparable material as approved by the Director of Planning and Community Development. Asphalt shingles shall have an "architectural" or

"dimensional" appearance and performance. The use of other roof materials, such as prefinished metal standing seam shall be allowed on a limited basis, but are not required.

Landscaping, Tree Preservation, and Screening Standards

1. Buffer Yards and Landscaping
   a. All landscaping shall comply with Chapter 1166 of the City of Delaware Zoning Code. The portion of any lot located along the Peachblow / Glenn Rd. Extension is not subject to Section 1166.07 Landscaping Requirements for Front Yards; however, the other frontages of such lots (if any) are subject to the requirements of this zoning text and applicable code.
   b. A landscaping plan shall be submitted to the City of Delaware as part of the Final Development Plan for each phase of development. Landscaping shall be in conformance with that which is defined within this text and approved as part of the Final Development Plan.
   c. Reasonable and good faith efforts will be made to preserve healthy existing trees within drainage course areas. Selective clearing of wooded areas is permitted, consistent with the requirements of the City of Delaware Zoning Code. Additionally, standard tree preservation techniques will be utilized to protect trees during all phases of construction.
   d. All planting within the pubic right-of-way shall be approved by the City of Delaware Shade Tree Commission.

2. Entry Features
   a. Entry features shall include integrated project signage, lighting and landscaping. Entry features shall have directional shielded up-lighting.
   b. Final location, design, and standards for entry feature construction details, landscape details and signage details will be submitted for approval by the City of Delaware as part of a comprehensive sign plan.

3. Street Trees
   a. Street trees on public and private streets shall be installed in the center of a 7 feet wide tree lawn, between the road edge and sidewalk and/or bikepath.
   b. All street trees (including interior private streets) shall be spaced 40 feet on center. Street trees along the front and sides of the commercial areas shall be "upright" in form to permit view to the interior businesses.
   c. Street trees shall have a minimum caliper size of 1¾", measured at breast height and may be one consistent deciduous species per street.
   d. A street tree plan, specifying the plant type, location, size and condition will be submitted at the Final Development Plan Phase.

4. Additional Landscaping Standards
   a. A single row of trees, as defined by the Shade Tree Commission, shall be provided along Glenn Parkway, within the tree lawns. These trees shall be clustered, but in no case shall the total number of trees be less than if spaced 40' on center. Trees shall be a minimum of 1¾" caliper and shall be one consistent species per street.
   b. All commercial lots shall have parking areas screened from the public right-of-way using a 2-3 ft. undulating earthen mound and plantings. Screening may be accomplished through the use of earth mounds or evergreen hedges while, walls or fencing may be used at areas where not feasible to employ a mound, hedges or landscaping. Screening shall maintain 75% year-round opacity. Along the Peachblow / Glenn Rd. Extension parking lot screening does not have to include the use of earthen mounds as described above, but does need to include the use of hedges and / or other plantings as required by this text and code.

c. All buildings shall provide landscaping along the foundation and/or entry. Foundation plantings, such as tree wells, hedges, and/or plantation boxes, shall be provided along any Commercial building fronts.
d. All commercial portions of the main retail center shall have the rear of all buildings that face a different use or are visible to the public, loading areas, and service areas, screened from view. Such screening shall be accomplished through the use of earth mounds, evergreen hedges, walls or fencing. Plain walls and fences may be utilized at necessary and strategic locations such as visible locations where earthen mounds and landscaping can not be utilized or on any interior side of a mound that is not visible to the public view. A minimum 8-10 foot undulating earth mound with a mix of tall deciduous and coniferous plantings that are a minimum 6-7 feet tall and provide a 60% year round opacity, or as otherwise approved as part of the Final Development Plan, shall be provided. Slopes of 2:1 shall be permitted with walls used along the interior side. Landscaping in any 2:1 slope area shall utilize groundcover or shrubs in a mulch bed.
e. Earth mounding shall be used provided it does not disrupt the master drainage plan.
f. Landscaping shall not be installed in such areas as to adversely impact visibility in the sight triangle for vehicular traffic.
g. Interior trees can be clustered to accent architectural features and permit view to internal businesses.
h. Pedestrian connectivity will be provided throughout the development. Sidewalks, 5 feet in width, or multi-use paths, 8 feet in width, will be provided as generally shown on the preliminary plan and approved at the time of Final Development Plan.

5. Tree Removal and Replacement
   a. Tree removal and replacement shall meet all tree preservation and replacement requirements of the City of Delaware Zoning Code or as otherwise modified by any approved Final Development Plan.

6. Parking Lot Landscaping
   a. A 170 square foot landscaped island for every ten (10) parking spaces shall be provided
   b. Each landscape island will include shredded hardwood mulch, one (1) shade tree and four (4) shrubs with a maximum height (including curb) of 3 feet and a maximum with of 10 feet.
   c. One (1) shade tree shall be provided for every 20 spaces. The minimum size shade trees shall be 2-1/2 inches.
   d. Parking lot islands, of 340 square feet in area, must be provided along any perpendicular drive or access isle.
   e. A 20 foot wide landscaped island must be provided between every 10 rows of parking.

Lighting

1. Commercial Buildings
   a. All external lighting shall conform to Chapter 1158 of the City of Delaware Zoning Code.
   b. External lighting shall be cutoff type (down lighting) or decorative fixtures, and shall provide no light spillage off the commercial properties or into any adjacent public or private right-of-way. However, buildings and landscaping at entry location may be down-lit, provided that landscaping lighting does not spill over into the public right-of-way or adjoining parcels. Fixture selections and photometric plan approval shall be approved as part of the Final Development Plan.
   c. All lights shall be arranged to reflect light away from adjacent streets or property. Direct or indirect glare into the eyes of motorists or pedestrians shall be prohibited.
   d. All external outdoor lighting fixtures within a single sub area shall be from the same or similar manufacturer's type to insure compatibility.

e. Parking lot lighting standards shall not exceed 28 feet in height, including base. Decorative poles and fixtures (for an example see Exhibit "G") located at internal private streets and aisles shall not exceed 16 feet in height, including the base.
f. All exterior site lighting shall be low pressure sodium lamps, unless otherwise approved by the City of Delaware.

2. Residential
   a. Residential street lighting shall conform to the City of Delaware Standards for Residential Street Lighting and per the approval of the Chief Building Official.

Graphics and Signage - Commercial

1. A comprehensive signage plan for each Sub Area shall be submitted as part of the Preliminary and Final Development Plan approval. A temporary marketing/for sale or lease sign plan shall be provided as a part of the comprehensive sign plan for the development

2. Signage - General Requirements
   a. These standards shall apply to the following sign types:
      i. Freestanding Signs
      ii. Wall Signs
      iii. Directional/informational signs
      iv. Under-canopy signs
      v. Window signs.
   b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
   c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign is composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.
   d. Permanent sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   e. Prohibited graphic types shall include the following:
      i. Wall mounted enclosed cabinet signs, including illuminated cabinet logos and illuminated multi-graphic panels.
      ii. Changeable copy.
      iii. Electronic reader boards.
      iv. Roof top signs (above the eave line).
      v. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
      vi. The use of building walls for display of advertising.
      vii. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
      viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
      ix. No vehicle, trailer of equipment of any type may be parked on a building premises or lot for the sole purpose of advertising a business, product, service, event, object, location, organization or the like, except as approved as part of the Final Development Plan.

x. Exposed neon or LED graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.

f. Permanent Window Signs: Permanent window signs include store names and logos and are permitted to be placed on the storefront window or doors. Only one such window permanent sign shall be permitted per storefront and shall not exceed 4 inches in height. Such signs shall not exceed 20 percent of the window in which the sign is located, inclusive of any other signs. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.

g. Window Signs: Window signs indicating hours of operation may be mounted on the entry door or the window immediately adjacent to the entry door. They may not encompass an area larger then 2 square feet.

h. Uniform building address signage shall be provided on front storefront glass doors and rear service doors to each individual tenant address. Address numbers on the front doors shall be 6 inches high, mounted at 9 feet above finish floor in the door transom. Signs on the rear service doors shall be 6 inches high, mounted at 5 feet above finish floor. Each tenant shall identify the rear door with the Tenant's name. All address numerals and tenant names shall be white vinyl letters in Helvetica font.

i. Temporary Signs. Temporary window signs include any sign other than the name and/or logo of the business and shall not exceed 20 percent of the window in which the sign(s) is located, inclusive of any other signs. No temporary window sign shall be located at or above the door height. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to fame and shall not include the total window area of the storefront.

j. Banners. Banners shall only be authorized during the initial grand opening of the business for a seven (7) day period commencing on the day the business opens to the public.

k. Temporary free standing signs shall not be permitted.

3. Shopping Center Identification Signs
   a. Developer shall be permitted to have two (2) Shopping Center Identification Signs listing the name of the Shopping Center and names of selected tenants.
   b. Shopping Center Identification signs shall not exceed twenty-five (25) feet in height. No graphics may exceed twenty (20) feet above grade.
   c. Tenant panels on the Shopping Center Identification signs shall be internally illuminated.
   d. The maximum number of tenants listed per sign shall be six.
   e. Two (2) secondary shopping center identification signs which identify the shopping center only shall be permitted in locations to be determined as part of the Final Development Plan. The maximum size of the secondary identification signs shall be six (6) feet high by fifteen (15) feet long.

4. Ground signs
   a. One (1) out parcel shall be permitted the right to one (1) ground sign. However, such out parcel shall not be located within 150' of the intersection of State Route 23 and Glenn Parkway.
   b. Ground signs shall be located at the primary right-of-way frontage along Glenn Parkway. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   c. Ground signs shall have a maximum height of six (6) feet and a maximum width of ten (10) feet. The graphic area shall not exceed forty (40) square feet per sign face.

d. All ground signs are to be constructed with a masonry base that is consistent in color with the retail center.
e. All ground signs shall be placed in a landscaped area.
f. Each out parcel building site shall provide appropriate directional signage at ingress/egress access points. On site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
g. Tenant ground signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view and down-lit only.

5. Retail Center Tenant Signage – In Line Tenants
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street with a limit of three (3) such signs per tenant. In all instances the message area letters shall be mounted directly to the building face above each tenant space within the designated sign area as defined in the comprehensive sign plan.
   b. All Tenant signage may be internally or externally illuminated. External light sources shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.
   c. Sign area: The maximum sign area for an in-line tenant shall be two (2) square feet of sign area for each one (1) linear foot of wall to which the signage is to be mounted.
   d. The horizontal width of each Tenant's copy (i.e. logo, name, etc.) shall be a maximum of 80% of the width of such Tenant's storefront width.
   e. Sign height: The maximum mounting height of any sign shall not exceed twenty (20) feet above grade, unless the sign area is integrated into the building architecture, and shall not extend above the roof or line of the parapet construction.
   f. Maximum letter height of message area shall be 30", except that maximum height of the upper case letters may be 36". Special attention to descent letters will be considered.
   g. Each tenant's sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   h. No sign mounted to a side or rear elevation shall directly face a residential section.

6. Retail Center Tenant Signage – Anchor Store Tenants (stores greater then 100,000 square feet)
   a. Each tenant shall be permitted signage on any façade with frontage on a public or private street. However, there shall be a maximum of three (3) such signs per tenant regardless of the number of public street frontages. Use of individually mounted letters shall be limited to the fronts of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building face consisting of brick, cast stone, or synthetic stucco building material.
   b. All Tenant signage shall be internally illuminated. Letter returns shall be the same color.
   c. Sign area: The maximum sign area of an anchor store tenant shall be two (2) square feet of wall sign for each one (1) linear foot of wall to which the signage is to be mounted. Total signage shall not exceed of four (400) square feet per facade.
   d. Sign height: The maximum mounting height of any sign shall not exceed twenty-eight (28) feet above grade and shall not extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 72".
   f. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.
   g. Anchor store signs shall be approved as part of the Final Development Plan. Each store that is greater then 100,000 square feet with multiple public entrances and/or designated separate entrances shall be permitted supplemental wall signs over those entrances. Supplemental signs may not exceed thirty-six (36) inches in height.

h. One supplemental exterior wall sign shall be permitted for each individual sublet licensee business located within a major anchor store, consisting of 100,000 square feet or greater. No more than three sub-tenant signs shall be permitted per store.

7. Out-Parcel Building Signs
   a. All wall mounted signage may be internally illuminated.
   b. Out parcel buildings shall be permitted one (1) wall sign except as noted below. No sign shall be larger than 100 square feet per sign.
   c. Outlots that have building frontage on two (2) public or private streets shall be permitted a second wall sign. The total aggregate sign area for all such wall signs shall not exceed one hundred fifty (150) square feet per building.
   d. Out parcel building wall signs shall not be mounted higher than fifteen (15) feet above grade and no less than ten (10) feet above grade and shall not extend above the roof or line of the parapet construction.
   e. At tenant spaces or buildings where the primary parking field is located to the rear of the building, a secondary wall sign shall be permitted on one of the two types:
      i. Projecting Tenant Blade Signs
         a. One (1) blade sign at a maximum of (3) square feet of sign area.
         b. Each blade sign shall be of the same color as the tenant's canopy sign letters
         c. No part of any blade sign shall be less then eight (8) feet above the sidewalk or ground level.
      ii. Wall Mounted Sign Letters
         a. Internally or externally illuminated individual letters not greater than twenty-four (24) inches in height.
         b. Sign are shall not exceed fifty percent (50%) of the main façade sign area.

8. Service/Fuel Station Signage
   a. Signage which displays the purchase price of fuels shall be comprehensively and permanently incorporated on the canopy of any retail service station. Changeable copy or electronic reader boards displaying the fuel price only are permitted.
   b. In addition to wall mounted signage as provided above, such retail service station may have two signs mounted to the soffit of any canopy placed over the fuel dispensing area. The maximum graphic area of any canopy signage shall be fifty (50) square feet. No canopy signage shall extend above the roofline or below the bottom of the canopy soffit on which it is mounted.
   c. If the retail service station facility also has a car wash one (1) wall mounted illuminated name sign shall be permitted (in addition to all other signs allowed above).

Graphics and Signage - Office

1. Signage - General Requirements
   a. These standards shall apply to the following sign types:
      i. Ground Signs
      ii. Wall Signs
   b. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which form an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
   c. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. When a sign, composed of letters only, the sign area is the sum of the area of the smallest contiguous rectangle capable of containing all adjoining letters.

d. Prohibited sign types shall include the following:
   i. Wall mounted enclosed cabinet signs.
   ii. Roof top signs.
   iii. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
   iv. Permanent banners, other than temporary or seasonal banners.
   v. The use of building walls for display of advertising.
   vi. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
   vii. No sign shall be attached to any fence within the right-of way of any road.
   viii. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
   xi. No vehicle, trailer of equipment of any type may be parked on a building premised or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
   x. Exposed neon graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.
e. Window Signs: All window signs and graphics shall be prohibited.
f. Building Address Signage to be indicated on front storefront glass doors to each individual address by installing 10 inch high vinyl letters.

2. Site Identification Signs:
   a. Each office building shall be allowed one (1) site identification sign per right-of-way frontage. If no right-of-way frontage exists, then interior roadways will be classified as frontage for ground sign purposes.
   b. Site identification signs shall have a maximum height of eight (8) feet and a maximum width of ten (10) feet. The graphic area shall not exceed sixty (60) square feet per sign face.
   c. All site signs are to be constructed with a limestone or limestone like material (manufactured stone) base. .
   d. All site signs shall be placed in a landscaped area.
   e. Each building site may provide appropriate directional signage at ingress/egress access points. On-site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
   f. Site signs may be externally illuminated. Light sources to illuminate signs shall be shielded from view.

3. Building Wall Signs:
   a. If a tenant or owner occupies equal to or more than fifty (50) percent of a single building, that tenant or owner shall be permitted to have one (1) exterior wall sign identifying the name of the business. The sign shall be mounted directly to the building face and shall not project more than 10 inches. Corporate logo/identities shall be permitted.
   b. Permanent wall sign type illumination shall be provided by one of the following manners:
      i. Individually mounted, internally illuminated, face lit, channel letter.
      ii. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
   c. Sign area: The maximum sign area for a wall mounted sign shall be 48 square feet.
   d. Sign height: No sign shall extend above the roof or line of the parapet construction.
   e. Maximum letter height of message area shall be 24 inches.
   f. The sign area must terminate twenty-four inches (24") from a corner of a building.
   g. No sign mounted to a side or rear elevation shall directly face a residential section.

Miscellaneous Provisions

1. If the part of the Joint Vocational School District property (parcel #41944001001000) to be purchased by the owner of the Glenn Road Capital Tract (parcel #41833001032000) and Peachblow Associates, LLC property (parcel #41944001002000) are annexed to the City of Delaware, and the then owner of the properties request in writing, within 90 days of such annexations, the properties shall be zoned in accordance with this PMU text as approved by the City of Delaware and it shall become part of Sub Area A.

2. Where conflicts exist between Delaware's base zoning code requirements and this PMU text, this text shall govern and prevail. This property shall conform to the City of Delaware's zoning code requirements and processes. In instances where this PMU text as approved provides no standards, guidelines, procedures or requirements relative to the City of Delaware's Zoning Code requirements and processes, the City's Zoning Code shall govern and prevail.

3. The sale of memberships to the pool, community centers, or other accessory uses as part of the residential development shall be permitted.

4. Temporary signage shall be allowed for the development as approved with the comprehensive sign plan required herein. Generally, temporary marketing signs will be coordinated in style, size, and will be placed not on every outlot but at strategic, visible locations in order to indicate availability of leasing space and outlots, the developers name and contact number/web site. There shall be no more than 4 such free standing temporary signs for the development as shown on an approved comprehensive sign plan and each sign shall be removed and/or relocated as outlots are leased or sold according to the approved plan. The in-line tenant space will realize their tenant for-lease or sale signs through temporary window signage indicating the name of the developer and contact information.

~~5. Open Space and Park Areas: At the time of the drafting of this text, substantial economic and development rights issues remain to be negotiated and determined between the applicant and the City. For this reason a determination regarding parkland and open space dedication and/or fee in lieu of payment has not been finalized. It is anticipated that these negotiations and conclusions will be completed prior to submission of the required preliminary plan and that the open space and parkland issues will be proposed for resolution during this phase of the process. Given this uncertainty, base code requires that this zoning text reflect that the developer will dedicate and/or pay a fee in lieu of parkland at a rate of $30,000 per required acre unless otherwise negotiated through a separate development agreement and/or the preliminary plan process for the Planned Mixed Use District in order to satisfy Code.~~

~~6.~~5. Anything contained in Section 1147.06, or any other applicable provision of the Delaware Zoning Code, (chapter 11 Titles One, Three, Five, Seven and Nine of the Codified Ordinances), notwithstanding, this development text is intended to be and shall be construed as the sole source of zoning and development standards for the Glen Road Capitol Tract, PMU district as adopted by the City of Delaware. In particular, the City recognizes that upon adoption, the uses specified herein are sufficient to address the standards, procedures and requirements of Chapter 1148 of the Delaware Zoning Code, and Codified Ordinances, and that all uses herein are approved as permitted uses in the PMU district.

~~7.~~6. The City of Delaware Gateways and Corridors Standards identifies the corner of Peachblow Road and State Route 23 as a Gateway location. Given the location of this development, it is anticipated that a landscape easement will be established along Route 23 to accommodate a Gateway feature/sign element as depicted in the corridor 2004 standards. The exact size, design and location on this site will be set forth as part of the Final Development Plan.

ZONING DESCRIPTION
41.9 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 1, Quarter Township 4, Township 4, Range 19, and Farm Lot 36, Quarter Township 3, Township 4, Range 18, United States Military Lands, being comprised of part of that 97.874 acre tract of land conveyed to Glenn Road Capital, LLC by deed of record in Official Record 1237, Page 1997, and all of that 0.428 acre tract of land conveyed to City of Delaware by deed of record in Official Record 1036, Page 2029, (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northwesterly corner of the subdivision entitled, "Belmont Place Section 5", of record in Official Record ____, Page ____, in the southerly line of that 105.278 acre tract conveyed to Grady Memorial Hospital by deed of record in Official Record 594, Page 212;

Thence South 03° 28' 27" West, with the westerly line of said "Belmont Place Section 5," a distance of 704.12 feet to the northeasterly terminus of the right of way of Crownover Way;

Thence North 86° 31' 33" West, with the northerly right-of-way line of said Crownover Way, a distance of 70.00 feet to a point;

Thence South 03° 28' 27" West, with the westerly right-of-way line of said Crownover Way, with the westerly right-of-way line of Crownover Way, a distance of 683.65 feet to a point;

Thence crossing said 97.874 acre tract the following courses and distances:

North 86° 31' 33" West, a distance of 225.32 feet to a point;

South 58° 31' 40" West, a distance of 145.30 feet to a point; and

South 18° 26' 53" West, a distance of 97.94 feet to a point in the northerly right-of-way line of Peachblow Road;

Thence with said northerly right-of-way line the following courses and distance:

North 71° 33' 07" West, a distance of 323.62 feet to a point of curvature to the right;

With the arc of said curve, having a central angle of 25° 47' 36", a radius of 992.01 feet, an arc length of 446.58 feet, a chord bearing of North 58° 39' 18" West and chord distance of 442.82 feet to a point;

North 45° 45' 30" West, a distance of 427.31 feet to a point; and

North 00° 57' 56" West, a distance of 35.48 feet to a point in the easterly right-of-way line of Glenn Parkway;

Thence with said easterly right-of-way line the following courses and distances:

With the arc of a curve to the left, having a central angle of 40° 00' 05", a radius of 799.48 feet, an arc length of 558.16 feet, a chord bearing of North 22° 59' 41" East and chord distance of 546.89 feet to a point;

North 02° 59' 38" East, a distance of 138.78 feet to a point;

North 48° 28' 27" East, a distance of 49.50 feet to a point;

North 03° 28' 27" East, a distance of 78.00 feet to a point;

North 41° 31' 33" West, a distance of 49.50 feet to a point; and

North 03° 28' 27" East, a distance of 173.43 feet to the southwesterly corner of said 105.278 acre tract;

Thence South 85° 51' 16" East with the southerly line of said 105.278 acre tract, a distance of 1288.70 feet to the POINT OF BEGINNING, containing 41.9 acres of land, more or less.

This description is for zoning purposes only and is not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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ZONING DESCRIPTION
7.7 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 1, Quarter Township 4, Township 4, Range 19, and Farm Lot 36, Quarter Township 3, Township 4, Range 18, United States Military Lands, being comprised of part of that 97.874 acre tract of land conveyed to Glenn Road Capital, LLC by deed of record in Official Record 1237, Page 1997, all of that 4.618 acre tract of land conveyed to City of Delaware by deed of record in Official Record 1036, Page 2029, and part of that 0.701 acre tract of land conveyed to Glenn Road Capital, LLC by deed of record in Official Record 1237, Page 2006, (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, in the centerline intersection of Glenn Parkway and Peachblow Road;

Thence South 03° 22' 15" East, crossing said Glenn Parkway, a distance of 131.69 feet to the intersection of the easterly right-of-way line of said Glenn Parkway and the southerly right-of-way line of said Peachblow Road, the TRUE POINT OF BEGINNING for this description;

Thence with said southerly right-of-way line the following courses and distances:

North 87° 34' 46" East, a distance of 40.83 feet to a point; and

South 49° 04' 57" East, a distance of 206.24 feet to a point;

South 45° 51' 30" East, a distance of 79.28 feet to a point;

South 45° 51' 30" East, a distance of 91.67 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of 19° 17' 01", a radius of 1098.61 feet, an arc length of 369.75 feet, a chord bearing of South 54° 52' 31" East and chord distance of 368.01 feet to a point;

South 21° 27' 00" West, a distance of 18.51 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of 16° 46' 36", a radius of 249.86 feet, an arc length of 73.16 feet, a chord bearing of South 12° 36' 42" West and chord distance of 72.90 feet to a point; and

South 48° 43' 41" West, a distance of 38.67 feet to a point in the northerly right-of-way line of Old Peachblow Road;

Thence with said northerly right-of-way line the following courses and distances:

North 86° 29' 49" West, a distance of 403.04 feet to a point;

North 86° 03' 20" West, a distance of 142.63 feet to a point;

North 36° 30' 16" West, a distance of 68.66 feet to a point of curvature to the left;

With the arc of said curve, having a central angle of 79° 05' 26", a radius of 70.50 feet, an arc length of 97.32 feet, a chord bearing of North 76° 03' 00" West and chord distance of 89.77 feet to a point;

South 64° 24' 17" West, a distance of 66.03 feet to a point;

South 26° 13' 15" East, a distance of 50.00 feet to a point; and

North 85° 20' 37" West, a distance of 161.43 feet to a point in the easterly limited access right-of-way line of Columbus Pike;

Thence with said easterly limited access right-of-way line the following courses and distances:

North 35° 32' 28" West, a distance of 53.50 feet to a point;

North 60° 13' 51" East, a distance of 13.83 feet to a point;

North 29° 46' 09" West, a distance of 118.24 feet to a point; and

North 35° 07' 08" West, a distance of 57.19 feet to a point in the easterly right-of-way line of said Glenn Parkway;

Thence with said easterly right-of-way line the following courses and distances:

North 45° 02' 03" East, a distance of 37.39 feet to a point;

North 47° 51' 41" East, a distance of 39.94 feet to a point; and

North 52° 29' 24" East, a distance of 450.00 feet to the TRUE POINT OF BEGINNING, containing 7.7 acres of land, more or less.

This description is for zoning purposes only and is not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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ORDINANCE NO. 18-94

AN ORDINANCE APPROVING A DEVELOPMENT TEXT AMENDMENT TO ORDINANCE 08-113 FOR STAVROFF LAND DEVELOPMENT FOR BELMONT PLACE (SUB-AREA A) FOR 102 SINGLE FAMILY LOTS AND 5 COMMERCIAL OUT LOTS LOCATED NORTH OF PEACHBLOW ROAD AND EAST OF GLENN PARKWAY ON APPROXIMATELY 49.6 ACRES ZONED C-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

WHEREAS, the Planning Commission at its meeting of October 17, 2018 recommended approval of a Development Text Amendment to Ordinance 08-113 for Stavroff Land Development for Belmont Place (Sub-Area A) for 102 single family lots and 5 commercial out lots located north of Peachblow Road and east of Glenn Parkway on approximately 49.6 acres zoned C-3, R-6 and A-1 PMU (Community Business District, Multi-Family Residential District and Agricultural District with a Planned Mixed Use Overlay District) (PC 2018-2459).

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

SECTION 1. That the Development Text Amendment to Ordinance 08-113 for Stavroff Land Development Belmont Place (Sub-Area A) for 102 single family lots and 5 commercial out lots located north of Peachblow Road and east of Glenn Parkway on approximately 49.6 acres zoned C-3, R-6 and A-1 PMU (Community Business District, Multi-Family Residential District and Agricultural District with a Planned Mixed Use Overlay District), is hereby confirmed, approved, and accepted with the following condition that:

1. Any change of land use and/or bulk and setback requirements 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 6 NAYS 0
ABSTAIN 0

PASSED: November 12, 2018 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCluskey
CITY CLERK

MAYOR Vice Mayor Strafer