ORDINANCE NO. 25-59

AN ORDINANCE APPROVING A REQUEST BY MARONDA HOMES FOR APPROVAL OF A ZONING MAP AMENDMENT FROM A-1 (AGRICULTURAL) TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ON 44.05 ACRES OF PROPERTY AS DESCRIBED IN "EXHIBIT A".

WHEREAS, the Planning Commission at its meeting on September 3, 2025 recommended approval of a request by Maronda Homes for approval of a Zoning Map Amendment from A-1 (Agricultural) to R-PUD (Residential Planned Unit Development) on 44.05 acres of property as described in "Exhibit A".

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

SECTION 1. A request by Maronda Homes for approval of a Zoning Map Amendment from A-1 (Agricultural) to R-PUD (Residential Planned Unit Development) on 44.05 acres of property as described in "Exhibit A", is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated "08/20/25" illustrates the general layout of the development within this PUD except as further modified by the following conditions.
2. Uses permitted in this Residential Planned Unit Development are: One-Family Dwelling, Two-Family Dwelling, Three-Family Dwelling, and Public or Private Recreational Facility.
3. Roads and Traffic:
    a. Access points shall generally conform to the access points shown on the concept plan dated "08/20/25". The City Engineer shall determine the final design and location of all access points at the development plan stage.
    b. The applicant is required to complete a Traffic Impact Study (TIS)/Access Study. The TIS is required to be submitted prior to the development plan and must be accepted by the City Engineer prior to submitting a subdivision plat application. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.
    c. All roads within the PUD shall be private unless the development is comprised exclusively of single-family dwellings.
4. Density and Layout:

a. The net density of the development shall not exceed 5.0 dwelling units per acre.

5. Buffers, Landscaping, and Open Space:

   a. Open space shall generally conform to the areas shown on the concept plan dated "08/20/25".

   b. Site coverage shall not exceed 65% of the total acreage of the site.

   c. A minimum 10% of open space provided shall be common open space.

   d. The existing trees on the north, west, and east boundaries of the site shall be preserved in Tree Preservation Zones under common ownership of the Homeowner's Association or other association of owners. The applicant shall work with the City Forester to determine appropriate locations for additional plantings within these preservation areas.

6. Pedestrian Access

   a. A minimum 10-foot asphalt multi-use path shall be required on the north side of Peachblow to connect to the existing path in the Winterbrooke subdivision. The exact location, geometry, and orientation of this path shall be determined at the Development Plan stage.

   b. All roads shall be lined with minimum of 8-foot tree lawns and minimum 5-foot sidewalks on each side.

7. Signage requirements shall be determined at the Development Plan stage.

8. The applicant shall be responsible for paying the City's full cost of third-party engineering plan reviews.

SECTION 2. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone 44.049 acres of land described further in Exhibit A, from A-1 (Agriculture District) to R-PUD (Residential Planned Unit Development)

SECTION 3. 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 Ohio Revised Code.

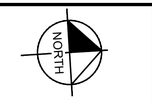
VOTE ON RULE SUSPENSION: YEAS 5 NAYS 2 ABSTAIN Ø

PASSED: October 21, 2025 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Sarah Manors
CITY CLERK

Cindy Kay Riggle
MAYOR





GRAPHIC SCALE IN FEET
0 50 100 200

LEGEND

- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. WATER LINE
- EX. SANITARY SEWER LINE
- EX. PROPERTY LINE
- EX. PROPERTY BOUNDARY
- EX. MUNICIPALITY LINE
- EX. RIGHT-OF-WAY
- EX. PAVEMENT
- EX. BUILDING
- EX. EASEMENT
- EX. STREAM
- EX. WETLAND
- EX. SOIL BOUNDARY
- EX. TREE LINE
- EX. DITCH
- EX. FLOODPLAIN
- EX. FLOODWAY

No.	REVISIONS	DATE	BY

Kimley»Horn

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.

7965 N. HIGH STREET, SUITE 200
COLUMBUS, OH 43235
614.846.4499
WWW.KIMLEY-HORN.COM

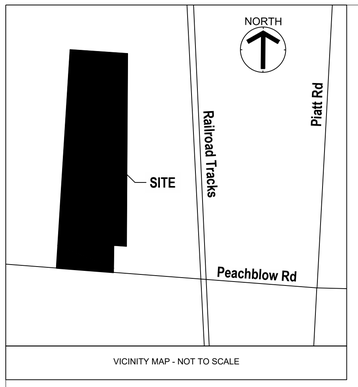
SCALE: AS NOTED
DESIGNED BY:
DRAWN BY:
CHECKED BY: KDK

EXISTING CONDITIONS PLAN

PEACHBLOW ROAD
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

ORIGINAL ISSUE: 08/20/2025
KHA PROJECT NO.
SHEET NUMBER
1 OF 1

Drawing name: K:\CLB_LDEV\190148000 Peachblow #7 Ac - Berlin Twp\2 Design\CAD\Exhibits\2025-0820 Existing Conditions Plan.dwg EX COND Aug 20, 2025 12:03pm by: JalenBrown
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



VICINITY MAP - NOT TO SCALE

100 0 100

GRAPHIC SCALE (IN FEET)

SCHEDULE B - SECTION II

9. Affidavit of Facts recorded on July 3, 2023 in O.R. Book 2040, Page 2334 of the Delaware County, Ohio Recorder's Office.
Surveyed property located within area described.

10. Affidavit of Facts recorded on September 24, 2024 in (i) O.R. Book 2113, Page 1163 of the Delaware County, Ohio Recorder's Office, and (ii) O.R. Book 2113, Page 1203 of the Delaware County, Ohio Recorder's Office.
Surveyed property located within area described.

11. Site Development and Easement Agreement recorded on December 30, 2022 in O.R. Book 2010, Page 397 of the Delaware County, Ohio Recorder's Office as modified by that certain (i) Addendum on December 22, 2023 in O.R. Book 2069, Page 18 of the Delaware County, Ohio Recorder's Office and (ii) Second Addendum on October 25, 2024 in O.R. 2119, Page 2735 of the Delaware County, Ohio Recorder's Office.
Surveyed property located within area described.

12. Drainage Maintenance Easement recorded on July 21, 2009 in O.R. Volume 917, Page 2387 of the Delaware County, Ohio Recorder's Office.
Not located on surveyed property.

13. Easement to The Dayton Power and Light Company recorded on September 26, 1973 in O.R. Volume 379, Page 354 of the Delaware County, Ohio Recorder's Office.
Located on surveyed property as shown hereon.

14. Easement to Del-Co Water Company, Inc., recorded on October 29, 1971 in O.R. Volume 359, Page 73 of the Delaware County, Ohio Recorder's Office.
Located on surveyed property, centered on utility as installed. Cannot plot.

15. Easement to The Northern Ohio Telephone Company recorded on December 1, 1970 in O.R. Volume 351, Page 454 of the Delaware County, Ohio Recorder's Office.
Cannot be determined. Document does not specify which side of the road. Overhead utilities are evident on south side of roadway.

16. Easement to Ohio Power Company recorded on January 4, 1968 in O.R. Volume 333, Page 590 of the Delaware County, Ohio Recorder's Office.
Located on surveyed property, easement is blanket in nature.

17. Oil and Gas Lease recorded on August 21, 1964 in O.R. Volume 26, Page 43 of the Delaware County, Ohio Recorder's Office.
Not located on surveyed property.

18. Right of Way recorded in (i) DB 206, Page 251 of the Delaware County, Ohio Recorder's Office, and (ii) as subsequently assigned in DB 540, Page 428 of the Delaware County, Ohio Recorder's Office.
Not located on surveyed property.

LEGAL DESCRIPTION PER DEED

Parcel 11

Being Part of Lot Numbers 20, 21, 28 and 29 in Section 3, Township 4 North, Range 18 West, United States Military Lands, and being part of an original 45.14 acre tract of land, now or formerly owned by Robert McNett et al, Registered Land Vol. 1, page 69, Berlin Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at an existing 3/4 inch dia. iron pipe located at the common corner of Lot Numbers 19, 20, 29 and 30, said point being on the centerline of County Road 98 (Peachblow Rd.), said point also being on the South Line of hereinafter described 44.049 acre tract;

Thence along the centerline of County Road 98 and South Line of Lot 29 North 88 deg. 00 min. 00 sec. West for a distance of 333.05 feet to a survey nail found at Grantor's Southwest corner;

Thence along Grantor's West Line North 00 deg. 58 min. 45 sec. East for a distance of 2595.21 feet to an 8 inch square concrete post found at Grantor's Northwest corner (passing over a 5/8 inch dia. iron pin found at a distance of 31.08 feet and the North Line of Lot 29 at a distance of 1647.17 feet);

Thence along Grantor's North Line South 88 deg. 41 min. 21 sec. East for a distance of 683.02 feet to an 8 inch square concrete post found at Grantor's Northeast corner (passing over the East Line of Lot 28 at a distance of 333.00 feet);

Thence along Grantor's East Line South 02 deg. 16 min. 32 sec. east for a distance of 2283.41 feet to a point at the Northeast corner of a 1.10 acre tract of land, now or formerly owned by L. Viers, Deed Vol. 504, page 257, said point referenced North 31 deg. 23 min. 51 sec. West for a distance of 0.70 feet to a 3/4 inch dia. iron pipe found (passing over the South Line of Lot 20 at a distance of 955.22 feet);

Thence North 88 deg. 29 min. 19 sec. West for a distance of 150.29 feet to a point (passing over a 3/4 inch dia. iron pipe found at a distance of 149.86 feet);

Thence South 02 deg. 16 min. 32 sec. East for a distance of 322.51 feet to a point on the centerline of County Road 98 and South Line of Lot 20 (passing over a 3/4 inch dia. iron pipe found at a distance of 290.44 feet and a railroad spike found at a distance of 320.50 feet);

Thence along the centerline of County Road 98 and South Line of Lot 20 North 88 deg. 29 min. 19 sec. West for a distance of 347.70 feet to a 3/4 inch dia. iron pipe found at the Southwest corner of Lot 20 and the place of beginning.

Containing 15.948 acres, more or less, in Lot 20, 8.247 acres, more or less, in Lot 21, 7.262 acres, more or less, in Lot 28 and 12.592 acres, more or less, in Lot 29, for a total conveyed acreage by this description of 44.049 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated April 15, 1994.

Basis of bearings, D.V. 512, page 421, centerline C.R. 98 North 88 deg. 00 min. 00 sec. West

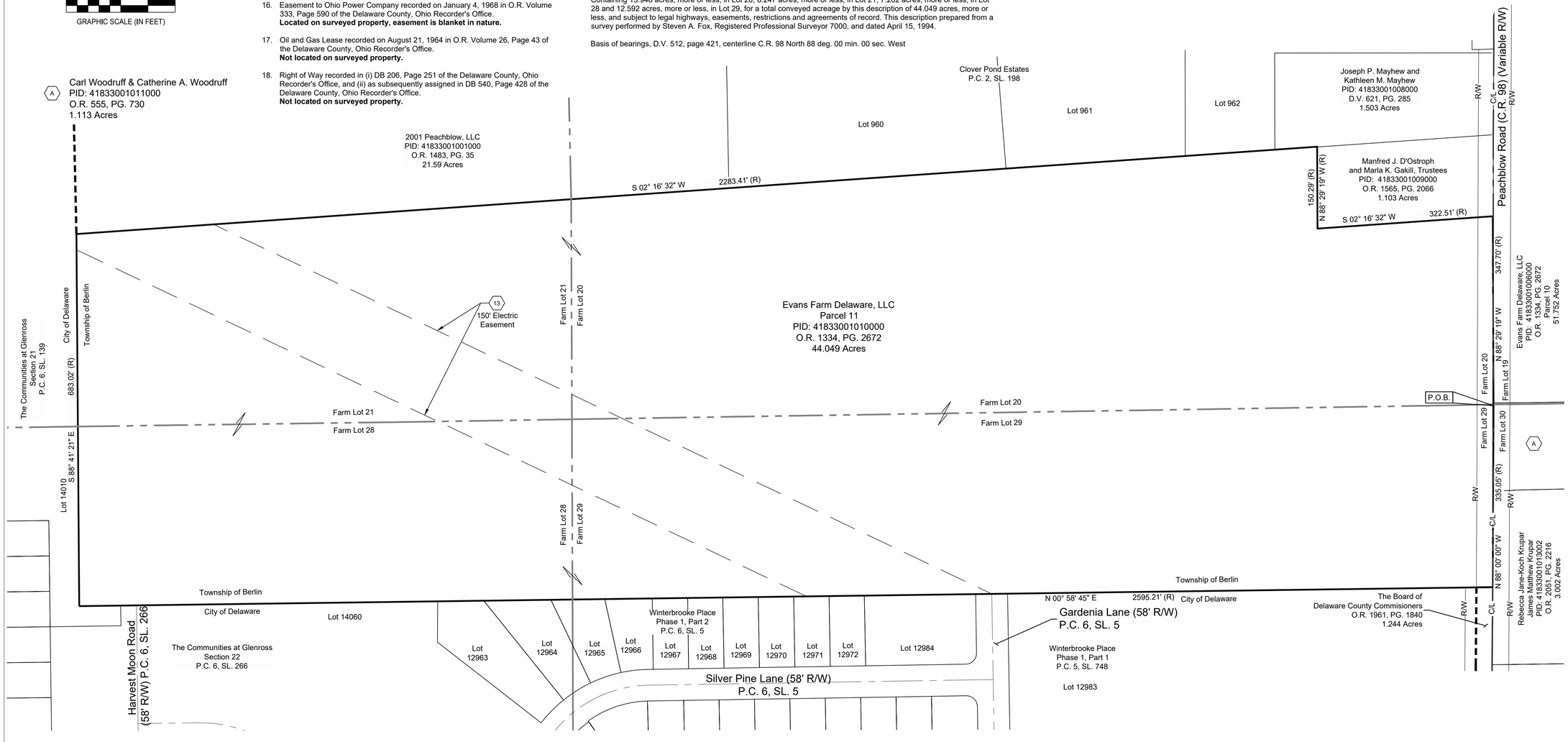


EXHIBIT "A"

Note: This survey is based on record and GIS Linework of Delaware County, Ohio.
This is not a Boundary Survey.

CESO
WWW.CESOINC.COM
2800 Corporate Exchange Dr., Suite 400
Columbus, OH 43231
Phone: 614.794.7080 Fax: 888.208.4826

Evans Farm Delaware - Peachblow Road

Record Survey

Situated in the State of Ohio, County of Delaware, Township of Berlin, Section 3, Township 4, Range 18, Farm Lots 20, 21, 28 and 29, United States Military Lands

Revisions / Submissions

ID	Description	Date

Project Number:	765306
Scale:	1"=100'
Drawn By:	VJM
Checked By:	MJA
Date:	06/13/2025
Issue:	N/A

Drawing Title:

OPEN SPACE

ELECTRICAL EASEMENT

44.28 ACRES
PRD ZONE

RESIDENTIAL 2-STORY

RESIDENTIAL 2-STORY

CLUB HOUSE

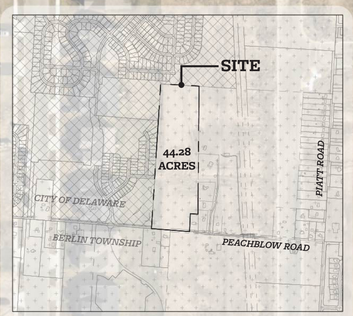
150’

OPEN SPACE

20’ GREEN BUFFER

20’ GREEN BUFFER

PEACHBLOW ROAD



VICINITY MAP

SITE PLAN INFO

FRONT SET BACK: 25 FT

SIDE SETBACK: 6/12 FT

REAR SETBACK: 20 FT.

PERIM. SETBACK: 20 FT.

PEACHBLOW RD = 130 FT OFF C/L PEACHBLOW ROAD

CITY OF DELAWARE
PLANNING COMMISSION
October 1, 2025

R-PUD 25-13
EVANS FARM
REZONING

RESOLUTION

WHEREAS, Maronda Homes, Inc, 4700 Lakehurst Court, Suite 100, Dublin, Ohio, 43016, has filed an application requesting to rezone 44.049 acres of land from A-1, Agricultural, to R-PUD (Residential Planned Unit Development). The property is located on the north of Peachblow Road, further described as parcel 418-330-01-010-000 as shown in Exhibit "A".

WHEREAS, a public hearing was held on October 1, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1114.07 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1114.13 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific R-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 44.049 acres of land described in Exhibit "A", from A-1 Agriculture to R-PUD (Residential Planned Unit Development).

SECTION 2.

1. The concept plan dated "08/20/25" illustrates the general layout of the development within this PUD except as further modified by the following conditions.

2. Uses permitted in this Residential Planned Unit Development are: One-Family Dwelling, Two-Family Dwelling, Three-Family Dwelling, and Public or Private Recreational Facility.

3. Roads and Traffic:

    a. Access points shall generally conform to the access points shown on the concept plan dated "08/20/25". The City Engineer shall determine the final design and location of all access points at the development plan stage.

    b. The applicant is required to complete a Traffic Impact Study (TIS)/Access Study. The TIS is required to be submitted prior to the development plan and must be accepted by the City Engineer prior to submitting a subdivision plat application. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.

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4. Density and Layout:

    a. The net density of the development shall not exceed 5.0 dwelling units per acre.

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    a. Open space shall generally conform to the areas shown on the concept plan dated "08/20/25".

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    d. The existing trees on the north, west, and east boundaries of the site shall be preserved in Tree Preservation Zones under common ownership of the Homeowner's Association or other association of owners. The applicant shall work with the City Forester to determine appropriate locations for additional plantings within these preservation areas.

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    a. A minimum 10-foot asphalt multi-use path shall be required on the north side of Peachblow to connect to the existing path in the Winterbrooke subdivision. The exact location, geometry, and orientation of this path shall be determined at the Development Plan stage.

    b. All roads shall be lined with minimum of 8-foot tree lawns and minimum 5-foot sidewalks on each side.

7. Signage requirements shall be determined at the Development Plan stage.
8. **The applicant shall be responsible for paying the City's full cost of third-party engineering plan reviews.**

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: October 1, 2025 YEAS 4 NAYS 0
ABSTAIN 0

ATTEST: Sarah Dinovo
CITY CLERK

CHAIRMAN