ORDINANCE NO. 26-12

AN ORDINANCE APPROVING A REQUEST BY WINKLE CIVIL ENGINEERING & SURVEYING LLC FOR APPROVAL OF A ZONING MAP AMENDMENT FROM PMU (PLANNED MIXED-USE) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 3.039 ACRES OF PROPERTY LOCATED ON THE NORTHEAST SIDE OF LIBERTY ROAD AND BELLE AVENUE.

WHEREAS, Winkle Civil Engineering & Surveying LLC, 47 Greenfield Drive, Milford Center, Ohio, 43045 requests rezoning and concept plan approval; and

WHEREAS, the City of Delaware Planning Commission at its meeting on March 4, 2026 recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Delaware City Council finds the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §1114.07 of the Zoning Code and;

WHEREAS, Delaware City Council finds that pursuant to §1114.13 of the Zoning Code, each and all of the permitted and conditional uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Delaware City Council has voted to adopt the recommendation of the Planning Commission with modifications.

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

SECTION 1.

The zoning map referenced in §1110.02 of the Zoning Code is hereby further amended to change approximately 3.039 acres of land described in the attached "Exhibit A" from PMU, Planned Mixed Use Overlay to C-PUD, Commercial Planned Unit Development.

SECTION 2.

The following conditions and requirements shall apply:

Planned Unit Development are as follows:

| Land Use | Permitted Use |
|---|---|
| Retail development with a minimum gross floor area under 80,000 square feet | P |
| Offices: Clerical/ professional, financial institution, bank, medical/ dental, veterinary, no boarding kennel | P |
| Restaurant | P |
| Automotive repair, major | C |
| Automotive repair, minor | P |
| Research and Development Facility | P |
| Training Facility | P |
| Brewery or winery, micro | P |
| School - trade, business, or cultural arts | P |
| Event venue — capacity of 50 or fewer | P |
| Event venue — capacity of 50 or greater | C |
| Place of religious assembly | C |
| Outdoor storage: Storage of fleet vehicles for operation of principal use | A |

*Table 1: P= Permitted Use, C= Conditional Use, A= Accessory Use*

3. Roads, Traffic, and Engineering:
    a. All comments and concerns of the City Engineer, including any stormwater and utility requirements, must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.
    b. Fee-simple public right of way shall be dedicated along Liberty Road, 35-FT from centerline along the entire property frontage, prior to the release of the plat for recording.
    c. Right of way and/or easements shall be dedicated along Liberty Road and Belle Avenue to allow the City to perform a stream restoration/stabilization project, as specified by the City Engineer prior the release of the plat for recording.
    d. The proposed roadway shall be constructed with development of the first lot and shall be privately owned and maintained. Cross access easements shall be granted, at no cost, along the entire length of the

private shared access drive to allow access from abutting properties to Liberty Rd.

4. Buffers, Landscaping, and Screening:
    a. Landscaping, screening, and buffers shall be determined at the Development Plan stage and shall at a minimum comply with Chapter 1121 of City Code requirements.
5. Pedestrian Access
    a. Pedestrian facilities with a minimum of 5-foot sidewalks shall be provided along the Private Road. Pedestrian facilities shall be established at the Development Plan stage.
6. Minimum building and parking setbacks shall be established at the Development Plan stage.
7. Signage requirements shall be determined at the Development Plan stage and shall require the submission of a comprehensive sign plan for the entire PUD.
8. A final subdivision plat to include all dedicated easements and right of way must be recorded prior to the release of permits.

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_____ NAYS_____ ABSTAIN_____

PASSED: April 13, 2026 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Sarah Dinour
CITY CLERK

Cindy Kay Rigg
MAYOR

EXHIBIT A

**Legal Description**
**LOT #1**
**3.039 acres**

The following described Tract of land is situated in the State of Ohio, Delaware County, City of Delaware, being part of Out Lot 98 and 99 of the Twins Parks Addition as recorded in Plat Book 3, Page 122, being part of Out Lot 12784 as recorded in Belle Commons subdivision plat in Official Record 1657, Page 281, and being part of 12.272 acres conveyed to Makapa, LLC recorded in Official Record 996, Page 379 in Delaware County Recorder's Office and being more particularly described as follows:

Beginning at an iron pin found at the southwest corner of said Out Lot 99, and at the intersection of the north line of Belle Avenue (60' R/W) and the east line of Liberty Road (50' R/W), and the southeast corner of said Makapa, LLC tract;

Thence North 03°27'21" East 398.30 feet, following the east lines of said Liberty Road and the west line of said Makapa, LLC tract the ***point of beginning***;

Thence along a curve to the right having a radius of 30.00 feet, an arc length of 47.12 feet, a chord bearing of **North 48°27'46" East** and a chord distance of **42.43 feet**, to a point of tangency;

Thence **South 86°32'13" East 396.88 feet**, to a point of curvature;

Thence along a curve to the right having a radius of 54.00 feet, an arc length of 53.28 feet, a chord bearing of **South 58°16'07" East** and a chord distance of **51.12 feet**, to a point of tangency;

Thence along a curve to the left having a radius of 53.00 feet, an arc length of 218.94 feet, a chord bearing of **North 31°39'15" East** and a chord distance of **93.29**, to a point of tangency;

Thence **North 03°27'47" East 184.96 feet**, to a point in the north line of said Makapa, LLC tract and the south line of a tract conveyed to The Delaware Bible Church, Inc. recorded in O.R. 295, Pg. 533;

Thence **North 86°24'55" West 516.00 feet,** following the north line of said Makapa, LLC tract and the south line of said The Delaware Bible Church, Inc. tract to northwest corner of said Makapa, LLC tract, the southwest corner of said The Delaware Bible Church, Inc tract, and the east line of said Liberty Road;

Thence **South 03°27'47" West 274.06 feet,** following the west line of said Makapa, LLC tract and the east line of said Liberty Road to the ***point of beginning,*** containing **3.039 acres**, more or less. Subject to all valid easements and restrictions of record.

Basis of Bearing: State Plane Coordinate System, Ohio South Zone, NAD83.

# CONCEPT SITE PLAN FOR
# BELLE COMMONS

## SITUATED IN STATE OF OHIO, DELAWARE COUNTY, CITY OF DELAWARE

### SITE DATA

**SITE ADDRESS:**

NORTHEAST CORNER OF LIBERTY ROAD & BELLE AVENUE

**PARCEL:**

PARCEL NO. 41912201027005

**SITE:**

10.928 ACRES

**CURRENT ZONING:**

PMU - PLANNED MIXED USE DISTRICT - ORD 19-52

**PROPOSED ZONING:**

PMU - PLANNED MIXED USE DISTRICT - ORD 19-52

**EXISTING USE:**

VACANT LAND

**PROPOSED USE:**

AUTOMOTIVE REPAIR

| ZONING LEGEND | |
|---|---|
| | REZONE TO ADD AUTOMOTIVE REPAIR |
| | ZONING TO REMAIN |

GRAPHIC SCALE

0 20 40 80

1 inch = 40 feet


WCS

WINKLE CIVIL ENGINEERING & SURVEYING LLC

47 GREENFIELD DRIVE
MILFORD CENTER, OH 43045
WWW.WINKLE-CS.COM
P: (614) 507-6316


PREPARED BY:

PROFESSIONAL STAMP:

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

SHEET NAME:

**BELLE COMMONS BUSINESS PARK**

ZONING SITE PLAN

BELLE AVENUE & LIBERTY ROAD, DELAWARE OHIO 43015

DATE: 01/28/2026

DRAWN BY: CAW

SHEET: 1 / 1

SITE PLAN

JOB # 26002

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