

**CITY OF DELAWARE
CITY COUNCIL
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M.**

AGENDA

REMINDER: 5:00-6:30 P.M. PUBLIC WORKS OPEN HOUSE

6:30 P.M. EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.

REGULAR MEETING

APRIL 11, 2016

1. ROLL CALL
2. INVOCATION – Pastor Philip Wilden, Asbury United Methodist Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held March 28, 2016, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Establish April 25, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-27, an ordinance approving amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to Nonconforming Use of Buildings, Structures and Land.
 - B. Establish April 25, 2016 at 7:40 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-28, an ordinance approving a rezoning for Sawmill Delaware Investments, LLC to the existing M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (Parcel #419-220-02-003-00) on approximately 47.558 acres.
 - C. Establish April 25, 2016 at 7:50 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-29, an

ordinance approving a Conditional Use Permit for Shorty's Casual Cuisine to construct a temporary outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District).

- D. Acceptance of the Motion Summary for the Planning Commission meeting held March 2, 2016.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATIONS

- A. 2015 Recipient of the Storm Water Pollution Prevention Award – Public Utilities Director Brad Stanton and Watershed Coordinator Kristin Piper
- B. Presentation of Earth Week Proclamation - Watershed Coordinator Kristin Piper

9. SECOND READING of Ordinance No. 16-16, an ordinance approving a Community Reinvestment Area (CRA) Agreement and School Compensation Agreement with Midwest Acoust-A-Fiber and Metal Stars II, LLC, Delaware City Schools and Delaware Area Career Center for investment in real property improvements on their building and parcel at 759 Pittsburgh Drive, and declaring an emergency.

10. CONSIDERATION of Ordinance No. 16-26, an ordinance approving a Combined Preliminary and Final Development Plan for Midwest Acoust-A-Fiber for an approximate 40,000 square foot building addition on approximately 14.70 acres zoned M-2 (General Manufacturing District) located at 759 Pittsburgh Drive.

11. SECOND READING of Ordinance No. 16-25, an ordinance supplementing the 2016 Appropriations Ordinance to provide funding for concept drawings and construction estimates for three city facilities, and declaring an emergency.

12. CONSIDERATION of Ordinance No. 16-27, an ordinance approving amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to Nonconforming Use of Buildings, Structures and Land.

13. CONSIDERATION of Ordinance No. 16-28, an ordinance approving a rezoning for Sawmill Delaware Investments, LLC to the existing M-1 PMU

(Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (Parcel #419-220-02-003-00) on approximately 47.558 acres.

14. CONSIDERATION of Ordinance No. 16-29, an ordinance approving a Conditional Use Permit for Shorty's Casual Cuisine to construct a temporary outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District).
15. CONSIDERATION of Ordinance No. 16-30, an ordinance approving a Final Subdivision Plat for Belmont Place Section 2 consisting of 25 Single Family lots on 6 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop.
16. CONSIDERATION of Ordinance No. 16-31, an ordinance approving a Final Subdivision Plat for Belmont Place Section 3 consisting of 24 Single Family lots 20 7.271 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop.
17. CONSIDERATION of Ordinance No. 16-32, an ordinance approving a Final Development Plan for Speedway, LLC for an approximate 4,608 square foot gas station and convenience store on approximately 12.912 acres located on the northwest corner of US23 North and Hills Miller Road on property zoned B-4 (General Business District).
18. CITY MANAGER'S REPORT
19. COUNCIL COMMENTS
20. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 28

20 16

6:30 EXECUTIVE SESSION: Vice-Mayor Shafer motioned to enter into Executive Session at 6:30 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, and Section 121.22 (G) (2) acquisition of property for public purpose and 121.22 (G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 7:00 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Vice-Mayor Shafer and approved by 7-0 vote.

The regular meeting of March 28, 2016 was called to order at 7:01 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Mr. Sean Hughes, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Brad Stanton, Public Utilities Director, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the Council Work Session held March 7, 2016, as recorded and transcribed.

APPROVAL of the Motion Summary of the regular meeting of Council held March 14, 2016, as recorded and transcribed.

Motion: Vice-Mayor Shafer moved to approve the Motion Summary for the Council Work Session held March 7, 2016 seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to approve the Motion Summary for the regular meeting of Council held March 14, 2016 seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held February 16, 2016.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held January 27, 2016.
- C. Acceptance of the Motion Summary for the Shade Tree Commission meeting held February 23, 2016.

Motion: Mr. DiGenova moved to approve the Consent Agenda, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 28 20 16

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC PARTICIPATION:

Molly Hobbs
45 Vernon Avenue
Delaware, Ohio

Jim Harter
40 Vernon Avenue
Delaware, Ohio

Ms. Hobbs read a letter into the record that she wrote to the Delaware Gazette voicing her concern over the poor conditions of properties located near Conger Elementary. Mr. Homan and Mayor Riggle informed Ms. Hobbs that the City had purchased two of the homes to tear down due to their poor condition.

- A. Circus Ban Petition
Staff received this petition on March 23. Under the Delaware Codified Ordinance 111.01(e)(5) "Council shall consider all other removed from the consent agenda. Action shall not be taken at the first meeting on a petition or letter which is presented from the floor, unless Council determines that an emergency exists."

PUBLIC PARTICIPATION:

Shelly Emans
277 Pinecrest Drive
Delaware, Ohio

Julie McDonough
614 Boulder Drive
Delaware, Ohio

Ms. Emans requested that Council deny Circus Pages permission to operate in the city due to history of poor treatment of their circus animals and voiced concerns of the well being of the citizens of Delaware.

Ms. McDonough and Ms. Emans discussed the petition that they provided to Council and their own observations of the treatment of the animals in 2015.

Bill Lowe
Delaware County Fair Board
180 Euclid Avenue
Delaware, Ohio

Henry Thomson
Delaware County Fair Board
42 Yorkshire Rd
Delaware, Ohio

Mr. Lowe and Mr. Thomson reported that they have not seen any animal cruelty or abuse of the animals in the past. Mr. Thomson indicated that the Circus had paid a deposit to the Fair Board in December of 2015.

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A discussion was held regarding when Circus Pages were notified in the past of the need to apply for a permit from the City of Delaware. Mr. DiGenova voiced a concern regarding the petition being signed by non-residents of the City of Delaware.

Beth Keener
33 Montrose Avenue
Delaware, Ohio 43015

Ms. Keener stated that she began the petition online and did not realize that it went worldwide.

A discussion was held with Council and City Attorney Shulman on necessary changes to the ordinance. Mr. Shulman recommended possibly increasing permit cost and insurance cost and recommends defining the factor of denying in regards to the treatment of animals. Mr. Shulman also recommended that permits be filed 30 days prior to the event date.

ITEM 7: COMMITTEE REPORTS

Mr. Rohrer provided an update on the sub-committee plans for the Parks and Recreation Advisory Committee.

Mr. Rohrer provided an update on the recommendations from the HPC meeting.

Mr. Hellinger provided an update on the Shade Tree Commission's plans to celebrate Arbor Day at the YMCA and during the May First Friday event.

ITEM 8: CONSIDERATION OF LIQUOR PERMT STOCKHOLDER CHANGE

A. Authentic Foods, LLC, DBA Corner Café & Restaurant, 535 Sunbury Rd. & Patio, Delaware, OH 43015. Permit Classes: D1, D2 and D3

Motion: Vice-Mayor Shafer moved to approve the Liquor Permit change, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

ITEM 9: ORDINANCE NO. 16-25 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR CONCEPT DRAWINGS AND CONSTRUCTION ESTIMATES FOR THREE CITY FACILITIES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 10: RESOLUTION NO. 16-14 [First Reading]

A RESOLUTION GRANTING PERMISSION FOR CIRCUS PAGES TO OPERATE A CIRCUS IN MARCH WITHIN THE CITY OF DELAWARE.

The Clerk read the resolution for the second time.

Mrs. Keller requested information on when the permit information was turned into the city. Mr. Homan indicated that the permit paperwork was received earlier in the day at around 4:30 p.m. Mrs. Keller voiced

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her concern over the timing for the permit and that it does not provide Council the time to adequately research the decision.

Mr. Jones voiced his concern that there is no time to for Council to do its due diligence on the public wellbeing and safety on the concern that an animal may get loose.

A discussion was held to table the discussion to allow for time to get more information.

Mayor Riggle indicated that she will abstain from all votes due to she is a representative of the Delaware County Fair Board.

Motion: Mr. DiGenova moved to approve Resolution No. 16-14. Motion dies as there was no second.

Motion: Mrs. Keller moved to deny Resolution No. 16-14 and permission due to the lack of timeliness for the city to investigate public safety, seconded by Mr. Jones. A discussion was held on the motion, and Mrs. Keller withdrew her motion and Mr. Jones withdrew his second.

Motion: Mrs. Keller moved to deny Resolution No 16-14 and permission to Circus Pages to operate a circus in City of Delaware due to safety concerns, seconded by Mr. Jones. A discussion was held with Council in regards to the lack of information to show the circus is unsafe. Mrs. Keller withdrew her motion, and Mr. Jones withdrew his second.

Motion: Mr. Rohrer recommended that Resolution No. 16-14 be tabled, seconded by Vice-Mayor Shafer. Motion approved by a 5-1(DiGenova)-1 (Riggle) vote.

ITEM 11: PUBLIC RECORDS TRAINING, presented by City Attorney Darren Shulman, named by Council as designee for public records training as required by Ohio Revised Code 149.43(E)(1)

ITEM 12: FINANCE DIRECTOR'S REPORT

A discussion was held on the distribution of the J.E.D.D. money.

ITEM 13: CITY MANAGER'S REPORT

Mr. Homan requested that Council notify him if interested in attending the MORPC luncheon.

Mr. Homan stated that there will be a reception on April 4, 2016 to meet the three candidates for the Parks and Natural Resource Director position. Mr. Homan indicated that there will not be a work session held April 4, 2016.

ITEM 14: COUNCIL COMMENTS

Mr. Jones requested the date for the next Parking and Safety meeting. Mrs. Walker informed him that the date was scheduled for May 16, 2016.

Mr. Hellinger requested information from Chief Donahue regarding the parking on both sides of streets that are designed like Lofton Circle.

Mayor Riggle requested a break at 8:13 p.m. Mayor Riggle reconvened the meeting at 8:20 p.m.

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Held March 28

20 16

Mr. DiGenova motioned to re-enter into Executive Session at 8:20 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, and Section 121.22 (G) (2) acquisition of property for public purpose and 121.22 (G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 9:03 p.m., it was moved by Mr. DiGenova that Council move into open session, seconded by Vice-Mayor Shafer and approved by 7-0 vote.

ITEM 15: ADJOURNMENT

Motion: Mr. Rohrer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:04 p.m.

 Mayor Carolyn Kay Riggle

 Elaine McCloskey, Council Clerk

**PLANNING COMMISSION
MOTION SUMMARY
March 2, 2016**

ITEM 1. Roll Call

Vice-Chairman Simpson called the Planning Commission meeting to order at 7:00 p.m.

Members Present: Robert Badger, George Mantzoros, Jim Halter, Dean Prall, and Vice-Chairman Stacy Simpson

Members Absent: Colleen Tucker-Buck and Chairwoman Lisa Keller

Staff Present: Jennifer Stachler, Assistant City Engineer, Lance Schultz, Zoning Administrator, and David Efland, Planning and Community Development Director.

Motion: Mr. Prall moved to excuse Ms. Tucker-Buck and Chairwoman Keller, seconded by Mr. Halter. Motion approved by a 5-0 vote.

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on February 3, 2016, as recorded and transcribed.

Motion: Mr. Halter moved to approve the Motion Summary for the February 3, 2016 meeting, seconded by Mr. Mantzoros. Motion approved by a 5-0 vote.

ITEM 3. REGULAR BUSINESS

A. Communities at Glenross

- (1) 2016-0172: A request by Pulte Homes for approval of a Final Development Plan for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive.
- (2) 2016-0173: A request by Pulte Homes for approval of a Final Subdivision Plat for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the zoning map and aerial photograph from 2013. Mr. Schultz reviewed the Final Development Plan and Final Subdivision Plat. Included in the presentation was information on the access locations and landscape plans. Mr. Schultz discussed staff conditions.

b. Applicant Presentation

APPLICANT:

Brian Prenger
5500 New Albany Road
Columbus, Ohio

c. Public comment (not a public hearing)

There was no public comment.

d. Commission Action

Mr. Halter clarified that 2016-0173 was for Section 7. Mr. Efland confirmed that this was an approval of a Final Subdivision Plat for the Communities of Glennross Section 7.

Motion: Mr. Prall moved to approve 2016-0172, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-0173, Section 7, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

B. 2016-0242: A request by The Daimler Group for approval of a Final Development Plan for a building addition to the Delaware Health Center on approximately 102.25 acres zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District) located at 801 Ohio Health Boulevard.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the proposed site plan and discussed the current parking lot spaces and requirements. Mr. Schultz reviewed the proposed building elevations and landscaping plan.

b. Applicant Presentation

APPLICANT:

Chris Tumblin
1533 Lake Shore Drive
Columbus, Ohio

Todd Sloan

1533 Lake Shore Drive
Columbus, Ohio

Mr. Sloan discussed upgrades to Grady Hospital and site location for possible expansion in the future.

c. Public comment (not a public hearing)

There was no public comment.

d. Commission Action

Motion: Mr. Prall moved to approve 2016-0242, along with all staff conditions and recommendations, seconded by Mr. Mantzoros. Motion approved by a 5-0 vote.

C. 2016-0244: A request by Fed One Dublin LLC for approval of a Combined Preliminary and Final Development Plan for an approximate 77,500 square foot building for Precision Tower Products on approximately 9.49 acres zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the Final Development Plan and the potential additional parking spaces on the proposed plan. Mr. Schultz reviewed the proposed building elevations.

b. Applicant Presentation

APPLICANT:

Sara Hanes
8400 Industrial Parkway
Plain City, Ohio

Todd King
7048 Bordeaux Ct.
Dublin, Ohio

Mr. Halter discussed with the applicant the requirement for dust control in gravel parking lots.

c. Public comment (not a public hearing)

There was no public comment.

d. Commission Action

Motion: Mr. Halter moved to approve 2016-0244, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

D. 2016-0245: A request by Delaware Development Plan LTD for a Concept Plan Review for a proposed mixed use development on approximately 78 acres zoned A-1 (Agricultural District) and A-1 PMU (Agricultural with a Planned Mixed Use Overlay District) in the City and located north of proposed Meeker Way, east of US 23 and west of Stratford Road.

Anticipated Process

a. Staff Presentation

Mr. Efland discussed the definition of a Concept Plan Review. Mr. Efland provided a presentation that included the location map for the potential development and zoning map. Mr. Efland discussed the proposed site plan and proposed access locations on US 23, Meeker Way and Stratford Road. Mr. Efland discussed the need for a traffic study to be completed. Mr. Efland discussed the applicant's plan for green space and open space. Mr. Efland provided information regarding the historical house and barn on the proposed site plan.

b. Applicant Presentation

APPLICANT:

Connie Klema
Delaware Development Plan LTD
P.O. Box 991
Pataskala, Ohio

Michael R. Shade
P.O. Box 438
Delaware, Ohio

Valerie Croasmun
2221 Schrock Rd
Columbus, Ohio
M.S. Consultants

Ms. Klema discussed the potential uses for the green space area and proposed plans for the historic barn.

Mr. Prall recommended that density along Stratford Road be low, as well as along the residential properties to the northern portion of the development.

Mr. Halter voiced a concern over the quantity of black top as well as the original Master Plan for the area to be developed as residential.

Mr. Shade addressed questions and concerns pertaining to the annexation of part of the property into the City of Delaware.

A discussion was held on the pedestrian connectivity.

Mr. Badger voiced a concern over traffic safety at the designated access locations.

Ms. Croasmun discussed the current process to complete the traffic study.

Vice-Chairman Simpson voiced concern over potential light pollution from the site to Perkins Observatory. Vice-Chairman Simpson voiced he would not be in support of the removal of historic buildings.

Vice-Chairman Simpson requested a break at 8:41 p.m. Vice-Chairman Simpson reconvened the meeting at 8:53 p.m.

c. Public comment (not a public hearing)

PUBLIC PARTICIPATION:

Mike James
144 Wagner Way
Delaware, Ohio

Mr. James discussed the livestock that resides on his property and concern over the buffer for the bike path. Mr. James also voiced a concern over the creek.

Marci Bird
5785 Buechel Dr.
Delaware, Ohio 43015

Ms. Bird spoke to represent Friends of the Lower Olentangy Watershed (FLOW). Ms. Bird discussed concerns over the effects to the stream from the impervious pavement and potential relocation of the stream. Ms. Bird discussed the use of electrical lines and if the lines would be buried or above ground.

Barbara Martin
1901 Stratford Rd
Delaware, Ohio 43015

Ms. Martin discussed a previous underground passage way for cows off of the Babbington Farm, and potential use of this access for pedestrians to cross U.S.

23.

Ms. Martin voiced a concern of possible increase of traffic to the area.

Jean Ball
1989 Stratford Rd.
Delaware, Ohio 43015

Voiced her preference to keep the historic sites and the benefits these sites have to surrounding areas.

Roger Koch
Delaware County Historical Society
2690 Stratford Rd.
Delaware, Ohio 43015

Mr. Koch discussed the historical significance of the area. Mr. Koch voiced concern over the creek and methods to prevent erosion.

Dave Kerr
7792 Olentangy River Rd, Suite C.
Columbus, Ohio 43235

Mr. Kerr recommended the applicant consider residential space for second level floor plans to promote community involvement and to have active use of the green space.

d. No Commission Action

ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland discussed the need for all Commission Members to have a copy of the Comprehensive Plan of the City of Delaware. Mr. Halter requested a copy.

Mr. Efland provided information on the CHIP Grant.

Mr. Efland provided an update on the East William Street project.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Halter requested an update on the future development plans for Delaware Place. Mr. Efland discussed the tax credit process changes by the State of Ohio.

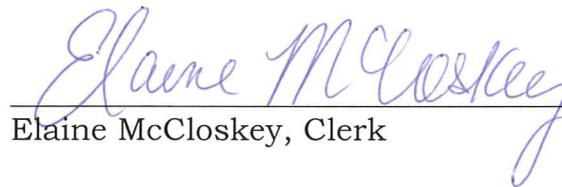
ITEM 6. NEXT REGULAR MEETING: April 6, 2016

ITEM 7. ADJOURNMENT:

Motion: Vice-Chairman Simpson moved for the March 2, 2016 Planning Commission meeting to adjourn. The meeting adjourned at 9:26 p.m.



Lisa Keller, Chairwoman



Elaine McCloskey, Clerk

STORM WATER POLLUTION PREVENTION AWARD

CITY OF DELAWARE, OHIO
PUBLIC UTILITIES DEPARTMENT

For community outreach and distinguished service
in the prevention of Storm Water Pollution Prevention

2015 Award Recipient
Main Street Delaware

On this day is recognized with the 4th Annual City of Delaware, Ohio
Storm Water Pollution Prevention Award.

Mayor

Date

Protecting Public Health
Promoting Environmental Responsibility
City of Delaware MS4 Program

Office of the Mayor

Proclamation

Whereas:

the City of Delaware has the

responsibility to recognize occasions of outstanding significance; and

WHEREAS, Forty-six years ago, on April 22, 1970, twenty million people joined together for the first Earth Day and brought the urgent need for clean air and water to the attention of the world;

WHEREAS, that first Earth Day launched the environmental movement and sent forth a worldwide call for responsible stewardship of the Earth's resources;

WHEREAS, progress has since been made in improving the environmental health of the Earth, but there remains much critical work to be done at levels: by citizens, organizations, businesses, industries, and governments, including local communities and governments;

WHEREAS, we all are responsible for preserving our planet's resources for our children, grandchildren, and future generations;

WHEREAS, a community-wide week of education, activities and actions in Delaware County is encouraged to recognize the 46th anniversary of the first Earth Day and to seek solutions to the problems of today and the future;

NOW, THEREFORE, I, Carolyn Kay Riggle encourage the community to join together to do our share of the tasks ahead and I hereby declare April 18, 2016 the start of:

EARTH WEEK

in the City of Delaware, Ohio.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Delaware.



Carolyn Kay Riggle, Mayor



FACT SHEET

AGENDA ITEM NO: 9

DATE: 04/11/16

ORDINANCE NO: 16-16

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH MIDWEST ACOUST-A-FIBER AND METAL STARS II, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 759 PITTSBURGH DR.

BACKGROUND:

We are requesting City Council's approval for the City Manager to enter into a Community Reinvestment Area (CRA) Tax Incentive Agreement and School Compensation Agreement with Midwest Acoust-A-Fiber and landlord METAL STARS II, LLC, Delaware City Schools and Delaware Area Career Center for a \$2,600,000 investment in a 40,000 sq. ft. expansion, machinery and equipment at their 759 Pittsburgh Dr. facility.

Patrick Bye, Operations Director for Midwest Acoust-A-Fiber has submitted application for a 100%/10 year Community Reinvestment Area Tax Abatement.

The company currently is operating a heat insulation metal stamping production process at a leased facility at 487 London Rd. with 36 employees. Their lease is being terminated, therefore, they are exploring the best possible location in which to locate this operation. They have explored a few Southeast U.S. states in order to be closer to some of the automotive manufacturers who

are their customers. They have stated that if they are to open a Southeast U.S. operation, they may move their entire operation including headquarters to this new location.

REASON WHY LEGISLATION IS NEEDED:

Our success in retaining Midwest Acoust-A-Fiber would allow us to retain their existing 36 employees from the London Rd. location with a total payroll of \$1,080,000 and 126 employees from 759 Pittsburgh Dr. with a payroll of \$4,780,000. Losing these jobs would be a loss of \$108,410 in income tax to the city per year. A successful project also would allow Midwest Acoust-A-Fiber to commit to hiring a minimum of 14 new FTEs with a payroll of \$420,000 within 3 years in the City of Delaware (18 in 4 years with a payroll of \$540,000) for their expanded facility.

The City of Delaware Tax Incentive Negotiating Committee (TINC) met on October 13, 2015 with Midwest Acoust-A-Fiber officials. The TINC investigated the tax incentive/abatement application and found Midwest Acoust-A-Fiber qualified by financial responsibility and business experience to able to retain and create employment opportunities. The TINC (City, County, City School and Delaware Area Career Center representatives) recommends that City Council authorize these agreements. The TINC considers this a high return on investment (454.31%), advanced manufacturing, high priority project that is indicative of the target industries in the City's 2014 economic development plan.

Based on Midwest Acoust-A-Fiber's commitments of the creation of retention of 162 FTEs with a payroll of \$5.86 million and the creation of 14 new full-time jobs within 3 years of the completion of your project and the creation of an additional \$420,000 in taxable payroll, we are proposing the following incentives.

Summary of Incentives:

- Community Reinvestment Area (CRA) Tax Abatement
100% tax abatement on property improvements
10 year term
Value of Abatement is estimated at \$305,167 (11.7% of their total investment with this project)
- School Compensation Agreement between the companies, the City of Delaware, Delaware City Schools and Delaware Area Career Center for \$9,950.10 per year for 10 years for a total of \$99,501 to be paid by Midwest Acoust-A-Fiber (30% of the estimated value).

All incentives contain claw back or incentive modification clauses if the company fails to meet its job and payroll commitment and term requirements.

COMMITTEE RECOMMENDATION:

Tax Incentive Negotiation Committee Recommends Approval

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

CRA School Notification Letters
Midwest Acoust-A-Fiber Incentives Application
CRA Agreement
School Compensation Agreement

ORDINANCE NO. 16-16

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH MIDWEST ACOUST-A-FIBER AND METAL STARS II, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 759 PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 16-13, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines;

WHEREAS, the City of Delaware partners with impacted school districts to ensure mutual benefit from economic development projects; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware, Midwest Acoust-A-Fiber and METAL STARS II, LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District, Delaware Area Career Center, Midwest Acoust-A-Fiber and METAL STARS II, LLC meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. The Economic Incentive Grant Agreement by and between the City of Delaware and Engineered Materials Systems meets all state laws in regards to grants and economic development incentives, and the same is hereby approved.

SECTION 4. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation Agreement for this project.

SECTION 5. 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.

SECTION 6. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and **METAL STARS II, LLC AND
MIDWEST ACOUST-A-FIBER**

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **METAL STARS II, LLC, 2201 N. Willenborg St., Ste. #2, Effingham, IL, 62401** and **Midwest Acoust-A-Fiber, 759 Pittsburgh Dr., Delaware, OH 43015**, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, **Midwest Acoust-A-Fiber** desires to consolidate its operations into a single facility that it will lease at its current facility at 759 Pittsburgh Dr. from owner **METAL STARS II, LLC** and **METAL STARS II, LLC** will construct a 40,000 sq. ft. expansion to accommodate the company's consolidation and expansion. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, **METAL STARS II, LLC** is the owner of the current building and developer and owner of the 40,000 sq. ft. expansion and **Midwest Acoust-A-Fiber** is the job creator tenant of **METAL STARS II, LLC** at 759 Pittsburgh Dr.; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of the Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **METAL STARS II, LLC** and **Midwest Acoust-A-Fiber** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Midwest Acoust-A-Fiber**, has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Midwest Acoust-A-Fiber** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware has investigated the APPLICATION of **Midwest Acoust-A-Fiber**, and has recommended the same to the Council of the City of Delaware on the basis that **Midwest Acoust-A-Fiber**, is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by **Midwest Acoust-A-Fiber** and **METAL STARS II, LLC**, is located in the Delaware City School District and the Delaware Area Career Center (per the attached resolutions authorizing the superintendents to act on behalf of the board) has been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **METAL STARS II, LLC** shall construct a new 40,000 sq. ft. addition onto the existing 84,146 sq. ft. facility at 759 Pittsburgh Dr. and combine their Delaware City operations at the new facility.

The PROJECT will begin May 1, 2016 and all construction will be completed by December 1, 2016. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Midwest Acoust-A-Fiber** shall **create** the equivalent of **14** new **full-time equivalent (FTE)** jobs at the Delaware facility. The job creation period begins

December 1, 2016 and all jobs will be in place by **December 1, 2019** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

This increase in the number of new employees shall result in at least FOUR HUNDRED AND TWENTY THOUSAND DOLLARS (\$420,000) in total new annual payroll (\$420,000 NEW FULL TIME PERMANENT PAYROLL) generated at the PROJECT site.

3. The incentives application listed **Midwest Acoust-A-Fiber's** current employment as 162. **Midwest Acoust-A-Fiber** shall **retain 162 existing full-time equivalent (FTE)** employees in addition to the new 14 full-time equivalent (FTE) employees (for a total of 176 FTEs) at **METAL STARS II, LLC's** Delaware facility until the expiration of this CRA agreement, December 31, 2027, with a **minimum existing payroll of \$5,860,000** in addition to the **newly created \$420,000 payroll from the new FTEs** (for a total of **\$6,280,000 in payroll**).

4. Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of \$7,770 (\$420,000 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Midwest Acoust-A-Fiber AND/OR METAL STARS II, LLC**, agree to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, the reimbursement will be adjusted accordingly.

To the extent that **Midwest Acoust-A-Fiber and METAL STARS II, LLC** substantially comply with the terms of this section 4 of this agreement, the company shall incur no income tax reimbursement penalty.

5. The incentives detailed in this agreement are based on the arrangement between Midwest Acoust-A-Fiber and METAL STARS II, LLC creating the jobs and payroll detailed above. If Midwest Acoust-A-Fiber terminates its lease or otherwise vacates the building during the term of the abatement, METAL STARS II, LLC may meet the FTE and payroll requirement by leasing the building to a replacement company, as long as the replacement is in place within eleven months of Midwest Acoust-A-Fiber vacating the building.

6. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement,

including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7).

ADDITIONAL REQUIREMENTS:

a. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall make the following payments totaling \$9,950.10 to **Delaware City School District** (\$9,545.23) and **Delaware Area Career Center** (\$404.87) to benefit the districts' educational initiatives. These payments shall be subject to the terms and conditions of a separate School Compensation Agreement between Midwest Acoust-A-Fiber, METAL STARS II, LLC, Delaware City Schools, Delaware Area Career Center and the City of Delaware. Per this agreement, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** will make these payments directly to the school districts upon receipt of invoices from Delaware City Schools and Delaware Area Career Center for the amounts established in the School Compensation Agreement at the following times.

<u>School Compensation Payment #</u>	<u>Payment Due Date</u>	<u>Total Amount</u>
Payment #1	9/30/18	\$9,950.10
Payment #2	9/30/19	\$9,950.10
Payment #3	9/30/20	\$9,950.10
Payment #4	9/30/21	\$9,950.10
Payment #5	9/30/22	\$9,950.10
Payment #6	9/30/23	\$9,950.10
Payment #7	9/30/24	\$9,950.10
Payment #8	9/30/25	\$9,950.10
Payment #9	9/30/26	\$9,950.10
Payment #10	9/30/27	\$9,950.10

If Ohio tax law changes result in no net tax incentive benefits (tax incentives offered through this agreement minus the school compensation payment is negative), Midwest Acoust-A-Fiber OR METAL STARS II, LLC may request that the City of Delaware Tax Incentive Review Council modify or terminate this agreement.

7. City of Delaware hereby grants **METAL STARS II, LLC and tenant Midwest Acoust-A-Fiber** a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (10) years in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
------------------------------	-----------------------------

Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2017, nor extend beyond December 31, 2026. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Midwest Acoust-A-Fiber AND/OR METAL STARS II, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

8. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

The fee shall be made payable to the City of Delaware once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

9. Waiver Requirement (for jobs relocated within Ohio)

If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:

Continuation of this agreement is subject to the validity of the circumstances upon which **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver

pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

10. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).

11. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).

12. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** materially fails to fulfill their obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).

13. If **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** materially fails to fulfill their obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

14. (a) **Midwest Acoust-A-Fiber** hereby certifies that at the time this agreement is executed, **Midwest Acoust-A-Fiber** does not owe any delinquent

real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Midwest Acoust-A-Fiber** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Midwest Acoust-A-Fiber** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Midwest Acoust-A-Fiber** for the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

(b) **METAL STARS II, LLC** hereby certifies that at the time this agreement is executed, **METAL STARS II, LLC** does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **METAL STARS II, LLC** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **METAL STARS II, LLC** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **METAL STARS II, LLC** for the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

15. (a) **Midwest Acoust-A-Fiber** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

(b) **METAL STARS II, LLC** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

16. **Midwest Acoust-A-Fiber, METAL STARS II, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution

of this agreement by **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** as a condition for the agreement to take effect (ORC3735.671C10).

17. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

18. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Midwest Acoust-A-Fiber OR METAL STARS II, LLC**, any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).

19. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Midwest Acoust-A-Fiber** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.

20. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a

misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

21. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.

22. **Midwest Acoust-A-Fiber** acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

23. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** hereby represents that they have full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Resolution** __-__ adopted on _____, has caused this instrument to be executed this ____ day of _____ 2016, and **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** has caused this instrument to be executed on this _____ day of _____ 2016.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

MIDWEST ACOUST-A-FIBER

By: _____
_____, President
Midwest Acoust-A-Fiber

METAL STARS II, LLC, by AGRACEL, INC., Manager

By: _____
R. Dean Bingham, President

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

School Compensation Agreement
MIDWEST ACOUST-A-FIBER and METAL STARS II, LLC
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, **Midwest Acoust-A-Fiber**, 759 Pittsburgh Drive, Delaware, OH 43015, and **METAL STARS II, LLC**, 2201 N. Willenborg St., Ste. #2, Effingham, IL 62401 specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of an expansion to their headquarters and manufacturing facility at 759 Pittsburgh Dr., Delaware, Ohio 43015 in Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, the City of Delaware within **Resolution Number** __-__ adopted on _____, 2016, has acted pursuant to ORC 3735 to grant a tax exemption

to **Midwest Acoust-A-Fiber and METAL STARS II, LLC** and entered into a formal Community Reinvestment Area abatement agreement on _____, **2016**; and

Whereas, Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center, **Midwest Acoust-A-Fiber, and METAL STARS II, LLC**, agree as follows:

Section 1. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay NINE THOUSAND FIVE HUNDRED FORTY FIVE DOLLARS AND TWENTY THREE CENTS (\$9,545.23) per year for ten (10) years to the Delaware City School District AND FOUR HUNDRED FOUR AND EIGHTY SEVEN CENTS (\$404.87) per year for ten (10) years to the Delaware Area Career Center in accordance with the terms and conditions set forth in Item 6a of the Community Reinvestment Area Agreement for the referenced project. This payment shall be made upon receipt of invoices per the instructions set forth in Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due September 30, 2018 and dispersed per Section 2 of this agreement.

Section 2. The cash payment made by **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** to the Delaware City School District **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center, as follows:

a.	Delaware City School District	\$9,545.23
b.	Delaware Area Career Center	\$404.87
c.	Total	\$9,950.10

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Midwest Acoust-A-Fiber AND METAL STARS II, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No

School Compensation payment is required if there is no net tax benefit to Midwest Acoust-A-Fiber and METAL STARS II, LLC

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Paul A. Craft, PhD, Superintendent
Delaware City School District
248 N. Washington Street
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

_____, President
Midwest Acoust-A-Fiber
759 Pittsburgh Drive
Delaware, OH 43015

_____, President
METAL STARS II, LLC
c/o Agracel, Inc., Manager
R. Dean Bingham, President
2201 N. Willenborg St., Ste. #2
Effingham, IL 62401

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 6. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this **day of** **2016**.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

Mary Beth Freeman, Superintendent

MIDWEST ACOUST-A-FIBER

_____, President

METAL STARS II, LLC, by AGRACEL, INC.,
Manager

R. Dean Bingham, President

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

From: [Paul Craft](#)
To: [Sean Hughes](#)
Cc: [R. Thomas Homan](#); [Melissa Lee](#)
Subject: Waiver of 45 Day Notification
Date: Monday, December 7, 2015 6:32:23 PM

Sean,

The DCS Board of Education voted tonight to waive the 45 day notification period.

- Paul

Paul A. Craft
Superintendent
Delaware City Schools
craftpa@delawarecityschools.net
(740) 833-1100

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INCENTIVES APPLICATION

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Enterprise Name **Midwest Acoust-A-Fiber** Contact Person **Judy Evans/ Pat Bye**

Address **759 Pittsburgh Dr, Delaware, OH 43015** Telephone Number **7403693624**
x 152

b. Project site: Same

Contact Person Same

Address Same

Telephone Number Same

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. **Manufacturing. We manufacture and supply primarily automotive industry. We supply, Chrysler, GM, Honda, Nissan, Toyota, Subaru and others. We ship daily to US plants, Mexico plants and Canadian plants. (please see the Company presentation attached)**

b. List primary 6 digit North American Industry Classification System (NAICS) #

Business may list other relevant SIC numbers. 3296

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: **Potential Relocation of 36 jobs from the leased 487 London rd, Delaware OH to the owned 759 Pittsburgh Dr Delaware OH or other potential locations out of state. In addition we are experiencing growth and anticipate hiring a minimum of 18 new full time jobs over 4 years.**

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).
Corporation

3. Name of principal owner(s) or officers of the business. **Herve Bocher, CEO**

4. a. State the enterprise's current employment level at the proposed project site: **Current total employment at the leased London Rd and the owned Pittsburgh Dr is 162 (36 at London Rd and 126 at Pittsburgh dr the proposed location)**

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? **Yes**

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:
Potential Relocation of 36 jobs from the leased ,487 London rd , Delaware OH to 759 Pittsburgh Dr Delaware OH or other potential locations out of state.

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): **162 total full time, 0 temporary**

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: **Current total employment at leased London Rd and Pittsburgh Dr is 162 (36 at London Rd and 126 at Pittsburgh dr the proposed location)**

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? **36 current employees will be relocated and approximately \$1,200,000 of existing equipment.**

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
No

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? No

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
No

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: **Relocate our Metal stamping facility from the leased 487 London Rd , Delaware , OH to the owned 759 Pittsburgh Dr, Delaware, OH (or other potential geographic location)**

- **This will involve adding a 40,000 sq ft addition to our Pittsburgh Dr facility .**
- **Relocation of stamping lines valued at \$1,200,000**
- **Provide space and capacity to continue our growth.**

7. Project will begin October ,2015 and be completed August ,2015 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

b. State the time frame of this projected hiring: 4 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): **18 new hires total . Year 1 = 4, Year 2 = 6, Year 3 = 4, year 4 = 4**

9. a. Estimate the amount of annual payroll such new employees will add **\$ 30,000 per each new employee for a total of \$540,000 new annual payroll These all will be full time employees.** (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:

- **36 retained jobs at leased London rd Facility = \$1,080,000**
- **126 jobs at Pittsburgh dr location = \$4,780,000 could be at risk in future if an out of state location is picked for the proposed relocation project.**

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ 0
B. Additions/New Construction:	\$ 2,000,000
C. Improvements to existing buildings:	\$ 0
D. Machinery & Equipment:	\$ 500,000
E. Furniture & Fixtures:	\$ 0
F. Inventory:	\$ 100,000
Total New Project Investment:	\$ 2,600,000

11. a. Business requests the following tax exemption incentives: **100 % for 10 years** covering real as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible) Submission of this application expressly authorizes (City of Delaware) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of



December 2, 2015

Mary Beth Freeman
Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, OH 43015

Paul Craft
Superintendent
Delaware City Schools
248 North Washington Street
Delaware, OH 43015

RE: Agracel/Midwest Acoust-A-Fiber Community Reinvestment Area Request for Tax Incentives

Dear Superintendents Craft and Freeman:

In an attempt to retain and grow Midwest Acoust-A-Fiber in the City of Delaware, the City of Delaware's Tax Incentive Negotiation Committee, that includes the superintendents and treasurers from the impacted school districts, negotiated a 100% for 10 year CRA tax abatement for their project to be located at 759 Pittsburgh Dr. As part of their CRA abatement, Midwest Acoust-A-Fiber has agreed to an annual payment equal to 30% of what the school districts normally would have received without the abatement. The total of payments to both Delaware City Schools and Delaware Area Career Center would be \$9,950.10/year for a total of \$99,501 in ten years.

All incentives are based on Midwest Acoust-A-Fiber's commitments of the creation of 14 new full-time jobs with a payroll minimum of \$420,000 within 3 years of the completion of your project, and the retention of your existing 162 full-time jobs with a minimum payroll of \$5,860,000 in the City of Delaware. A copy of their application for tax incentives and commitment letter is attached.

Due to Midwest Acoust-A-Fiber's building being purchased by Agracel, Inc., the actual CRA agreement will be with Agracel and Midwest Acoust-A-Fiber will be listed as a job creator on the project so that both the building owner and the tenant have shared responsibility in the job creation and retention.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments, notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: <http://onlinedocs.andersonpublishing.com/>).

The City of Delaware is requesting a waiver of the required 45 business day notice period so that Delaware City Council will be able to consider these requests at our regularly scheduled Council meeting on January 11, 2016, held at Delaware City Hall, 1 South Sandusky Street, Delaware, at 7:00 P.M. A second reading and public hearing should be scheduled for January 25, 2016, but may not be needed if Council choose to take action on the first reading for economic development purposes. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or shughes@delawareohio.net. Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.

Yours Sincerely,
Sean Hughes
Economic Development Director

xc: Honorable George Kaitsa, Auditor
R. Thomas Homan, City Manager
Dean Stelzer Finance Director
Melissa Lee , Treasurer, Delaware City School District
Chris Bell, Treasurer, Delaware Area Career Center
Bob Lamb, Delaware County Economic Development Director

Attached:

1. ORC 3735.671
2. EMS application for tax incentives
3. EMS incentives letter of intent

3735.671 Written agreement where commercial or industrial property is to be exempted.

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or remodeling that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative

authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property

would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of owner) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If (insert name of owner) materially fails to fulfill its obligations under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement

under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62, 5709.63, or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development within fifteen days after the agreement is entered into.

Effective Date: 09-26-2003; 03-23-2005



FACT SHEET

AGENDA ITEM NO: 10

DATE: 4/11/16

ORDINANCE NO: 16-26

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR MIDWEST ACOUST-A-FIBER FOR APPROVAL OF COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATE 40,000 SQUARE FOOT BUILDING ADDITION ON APPROXIMATELY 14.70 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) LOCATED AT 759 PITTSBURGH DRIVE.

BACKGROUND:

Midwest Acoust-A-Fiber is an 87,368 square foot business located in the City's Industrial Park and the owner is proposing to construct an approximate 40,000 square foot addition on southern portion of the building for a total square footage of 127,368 square feet. The building addition would have a 26,000 square feet allocated for warehouse space and 14,000 square feet for manufacturing. Also, the existing 99 space parking lot would be increased by 40 parking spaces to accommodate the new addition. The addition would be 36 feet high and constructed of metal siding to match the existing building and capped off with a standing seam metal roof. There would be three truck docks with overhead doors on the western elevation and one overhead door on the south elevation. In addition, the development would have to achieve compliance with the tree preservation, landscaping, lighting, signage and FAA regulations.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-26

AN ORDINANCE FOR MIDWEST ACOUST-A-FIBER FOR APPROVAL OF COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATE 40,000 SQUARE FOOT BUILDING ADDITION ON APPROXIMATELY 14.70 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) LOCATED AT 759 PITTSBURGH DRIVE.

WHEREAS, the Planning Commission at its meeting of April 6, 2016 recommended approval of a Combined Preliminary and Final Development Plan for Midwest Acoust-A-Fiber for an approximate 40,000 square foot building addition on approximately 14.70 acres zoned M-2 (General Manufacturing District) located at 759 Pittsburgh Drive (PC 2016-0503), and

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

SECTION 1. That the Combined Preliminary and Final Development Plan for Midwest Acoust-A-Fiber for an approximate 40,000 square foot building addition on approximately 14.70 acres zoned M-2 (General Manufacturing District) located at 759 Pittsburgh Drive, 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. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The required parking spaces for the new addition shall be reduced to 40 parking spaces with 133 future parking spaces identified. The current land owner, at their sole expense, shall construct the future parking spaces when it is notified to do so by the City in its sole discretion.
3. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
4. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. Any trees that are removed shall comply with Chapter 1168 Tree Preservation Regulations. Evergreen trees shall be counted as to their height at a formula of 2 feet of height are equivalent to 1 caliper inch DBH.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.

7. A building permit shall not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.

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___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2016-0503

REQUEST: Combined Preliminary and Final Development Plan

PROJECT: Midwest Acoust-A-Fiber

MEETING DATE: April 6, 2016

APPLICANT/OWNER

FedOne Dublin LLC
8400 Industrial Parkway
Plain City, Ohio 43064

REQUEST

2016-0503: A request by Fed One Dublin LLC for approval of a Combined Preliminary and Final Development Plan for an approximate 40,000 square foot addition to Midwest Acoust-A-Fiber on approximately 14.70 acres zoned M-2 (General Manufacturing District) located at 759 Pittsburgh Drive.

PROPERTY LOCATION & DESCRIPTION

The existing business is on a 14.70 acre site located on the south side of Pittsburgh Drive just west of London Road is zoned M-2 (General Manufacturing District). The properties to the north, south and west and south are all zoned M-2 while the property to the east is zoned M-2 PMU.

BACKGROUND/PROPOSAL

Midwest Acoust-A-Fiber is an 87,368 square foot business located in the City's Industrial Park and owner is proposing to construct an approximate 40,000 square foot addition on southern portion of the building for a total square footage of 127,368 square feet. The building addition would have a 26,000 square feet allocated for warehouse space and 14,000 square feet for manufacturing. Also, the existing 99 space parking lot would be increased by 40 parking spaces to accommodate the new addition.

STAFF ANALYSIS

- **ZONING:** The subject property is currently zoned M-2 (General Manufacturing District) which would allow the proposed addition. A Combined Preliminary and Final Development Plan would need to be approved by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** The access to the site would remain at the same locations utilizing the two existing curb cuts on Pittsburgh Drive and the one curb cut on London Road. In addition, new pavement would be installed on the south and west side of the addition to access three new truck docks and new canopy on the west side of the building. This also would allow fire access to all four sides of the building.
- **SITE CONFIGURATION:** The 40,000 square foot building addition would be located on the south side of the existing 83,368 square foot building with three new truck docks on the west elevation. In addition, the owner is constructing a 100 foot by 80 foot metal canopy adjacent to the southern portion of the existing building. Furthermore, an approximate 80 foot by 120 foot gravel storage area would be located just south of the addition. They are proposing to expand the existing parking lot to the east with 40 new parking spaces to accommodate the expansion. The base zoning code requires 61 spaces. However per Chapter 1161.08, the Planning Commission can grant a 30% reduction ($61 \times 0.70 = 43$ total spaces) if the subject future spaces could be constructed on the site. The applicant is only identifying 40 parking spaces (which is an approximate 65% reduction) because they believe that would be sufficient based on the number of employees. Staff can support the 65% reduction because the current user is comfortable with the parking ratio and because the site plan identifies 133 parking spaces that could be built if the existing user or future user would have a parking issue and staff could require the appropriate parking spaces to be constructed. This would be consistent with past decisions for other industrial uses. There is no compelling reason to pave over what otherwise would be green space for vacant parking lots. The critical element is that there is sufficient room and accesses to allow the future provision for additional parking should it become necessary either by the applicant or by the City. A detention basin is located in the extreme southern portion of the site.

- **BUILDING DESIGN:** The addition would be 36 feet high and constructed of metal siding to match the existing building and capped off with a standing seam metal roof. There would be three truck docks with overhead doors on the western elevation and one overhead door on the south elevation. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color. The building design and materials achieve compliance with the zoning code and are consistent with the surrounding area.
- **TREE REMOVAL & REPLACEMENT:** The owner is removing two-10 inch pine trees and proposing to replace them with ten-2 inch maple trees. Evergreen trees are treated slightly differently than deciduous trees due to the fact that they do not grow at the same rate and are therefore not sized the same. The City requires that every 2 feet of height of an evergreen tree is equivalent to 1 caliper inch. Thus, the heights of the two trees in questions will need to be determined and the resulting number of caliper inches of trees planted and/or payment in lieu of planting will be required.
- **LANDSCAPING & SCREENING:** The development requires interior parking lot trees and shrubs. The owner is installing 4 trees in the parking lot along with a row of continuous shrubs to buffer the parking lot to achieve compliance. The landscaping plan would be required to be approved by the Shade Tree Commission.
- **LIGHTING:** The plan identifies three new 25 foot high light poles located in the eastern parking lot (the existing light pole would be razed). In addition, there would be three wall mounted lights located on the building addition elevations and one light on the new canopy. The lighting plan would have to achieve compliance with the zoning code along with being approved by the Chief Building Official.
- **SIGNAGE:** The owner didn't identify any specific signage in the application.
- **AIRPORT OVERLAY DISTRICT:** The owner would have to receive the "Determination of No Hazard to Air Navigation" approval from the FAA. In addition, the owner would have to get a temporary determination letter to allow a crane, etc. during construction. Therefore, any approval must be conditioned that a building permit will not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.

STAFF RECOMMENDATION (2016-0503 – COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN)

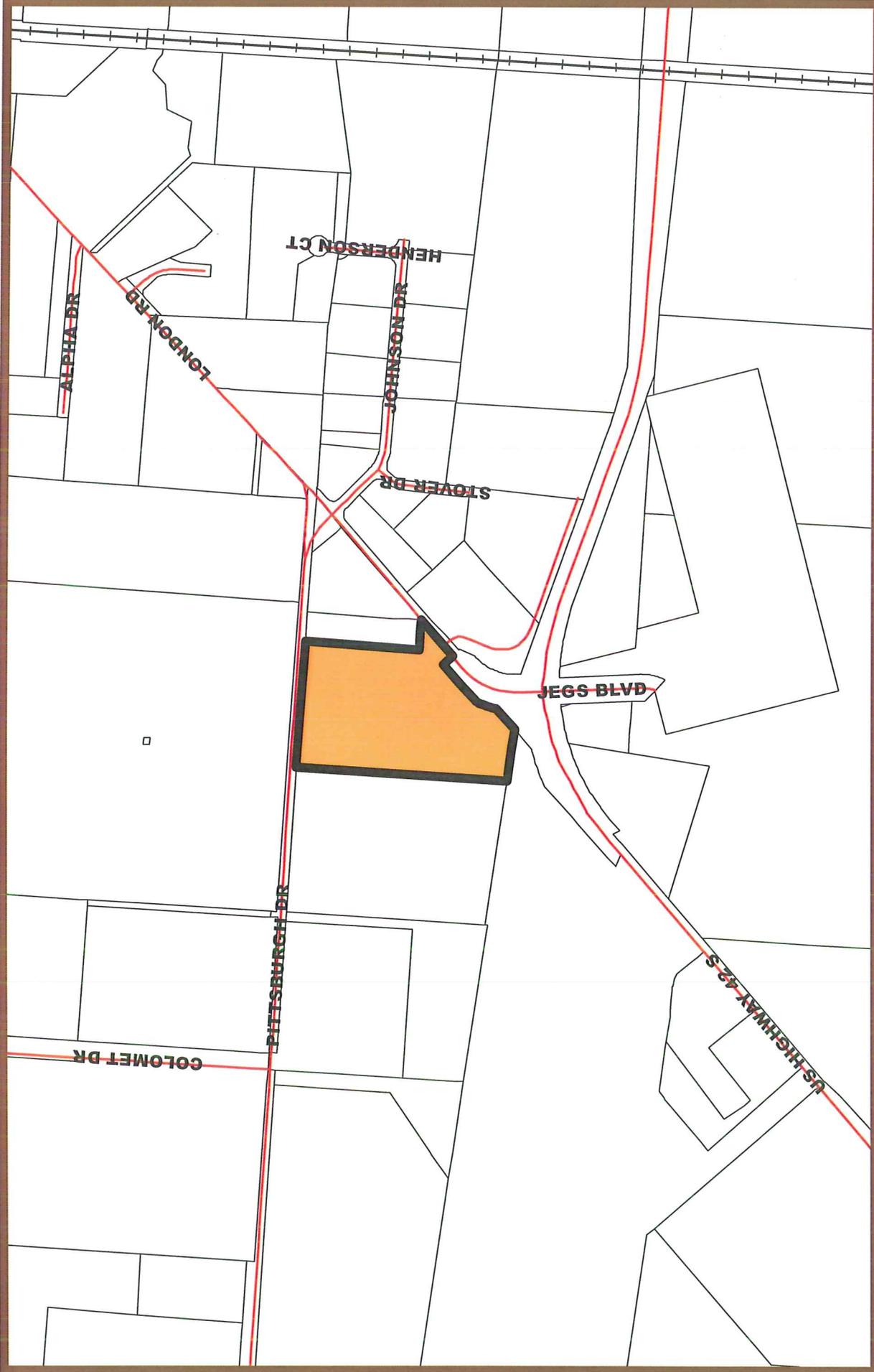
Staff recommends approval of a request by Fed One Dublin LLC for a Combined Preliminary and Final Development Plan for an approximate 40,000 square foot addition to Midwest Acoust-A-Fiber on approximately 14.70 acres zoned M-2 (General Manufacturing District) located at 759 Pittsburgh Drive, with the 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. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The required parking spaces for the new addition shall be reduced to 40 parking spaces with 133 future parking spaces identified. The current land owner, at their sole expense, shall construct the future parking spaces when it is notified to do so by the City in its sole discretion.
3. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
4. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. Any trees that are removed shall comply with Chapter 1168 Tree Preservation Regulations. Evergreen trees shall be counted as to their height at a formula of 2 feet of height are equivalent to 1 caliper inch DBH.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
7. A building permit shall not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:



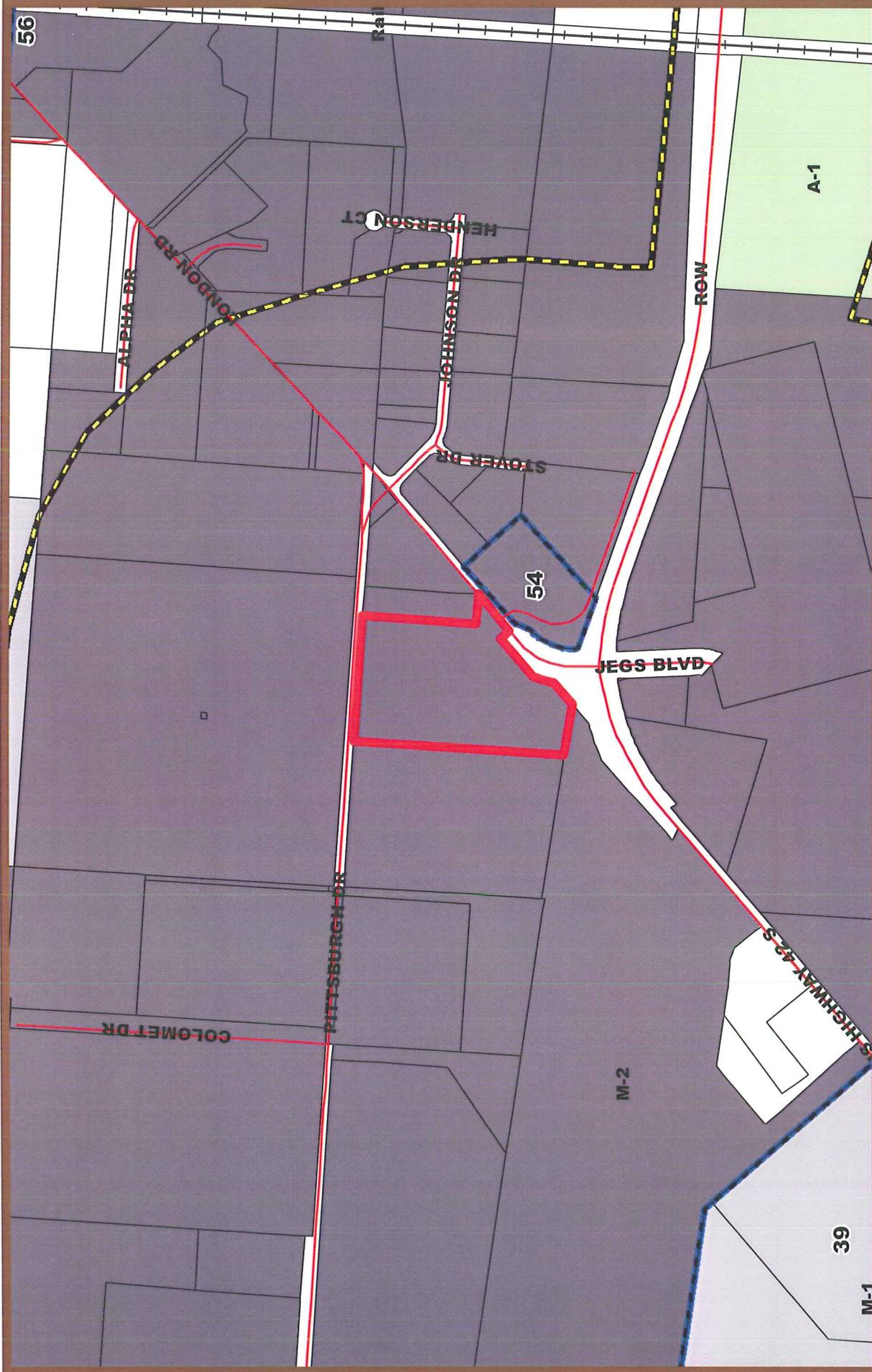
2016-0503
Preliminary and Final Development Plan
Midwest Acoust-A-Fiber - 759 Pittsburgh Drive
Location Map





2016-0503
Preliminary and Final Development Plan
Midwest Acoust-A-Fiber - 759 Pittsburgh Drive
Aerial (2013)





2016-0503
 Preliminary and Final Development Plan
 Midwest Acoust-A-Fiber - 759 Pittsburgh Drive
 Zoning Map



97-4 (0001)
4-11-11 (REV)

HC PARKING SIGNS

LEGEND

- MAJOR FLOOD ROUTING.....
- EXISTING CONTOURS.....
- PROPOSED CONTOURS.....
- PROPOSED LIGHT POLE.....
- PROPOSED LIGHTING.....
- WALL.....



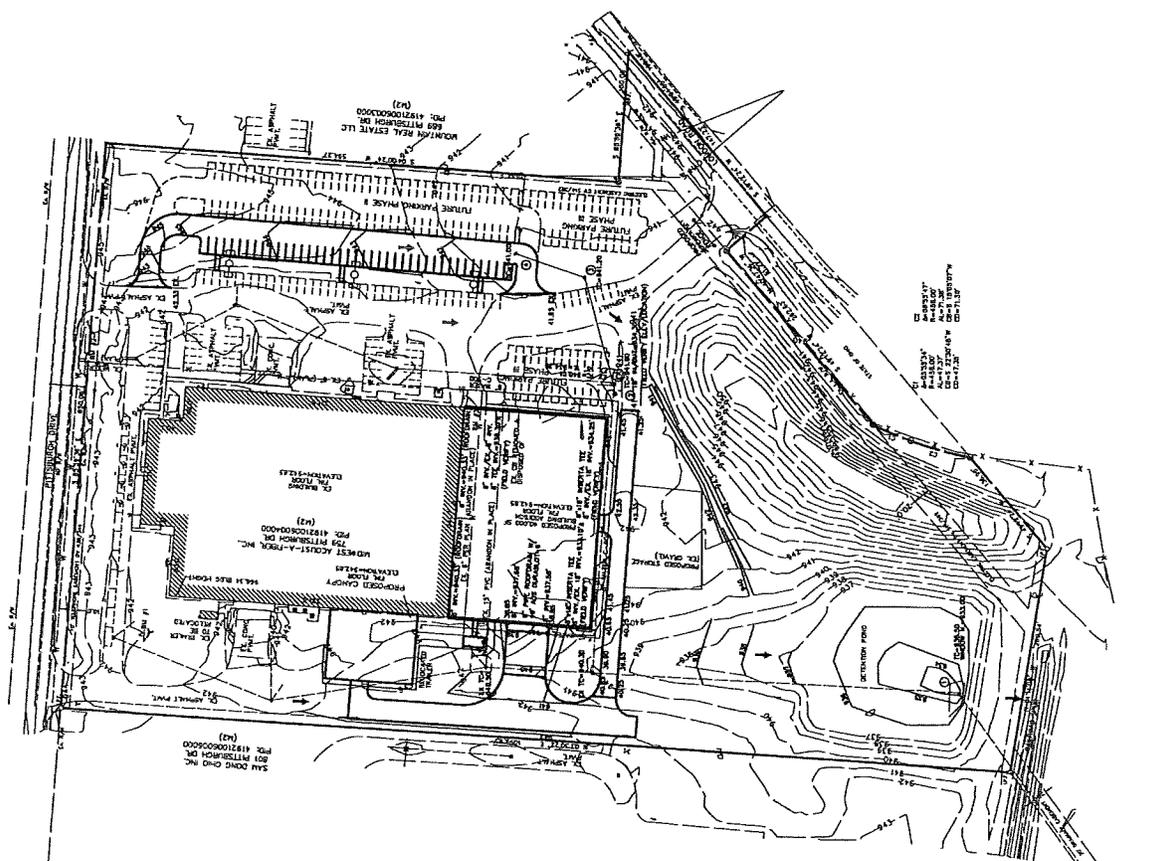
GRAPHIC SCALE
1" = 100' ±

NOTE: PROPOSED SPOT ELEVATIONS ARE AT TOP OF PAVEMENT.
GRID IS NOT PROVIDED.

FINAL DEVELOPMENT PLAN
WIDWEST ACQUST-A-FIBER, INC
758 PITTSBURGH DRIVE
DELLAVILLE, OHIO
FED ONE DUBLIN LLC

PREPARED BY
ROCKABY AND ASSOCIATES, INC
CIVIL ENGINEERS
10000 WOODBINE DRIVE
COLUMBUS, OHIO 43240
TEL: 614-232-0444
FAX: 614-232-0444

DATE: 11-11-11
SCALE: 1" = 100'
SHEET NO. 1 OF 2





DONALD SCHOFIELD + ASSOCIATES, INC.
 ARCHITECTS
 1277 WORTHINGTON WOODS BLVD.
 WORTHINGTON, OHIO 43085
 TEL (614) 840-0986
 FAX (614) 840-0989

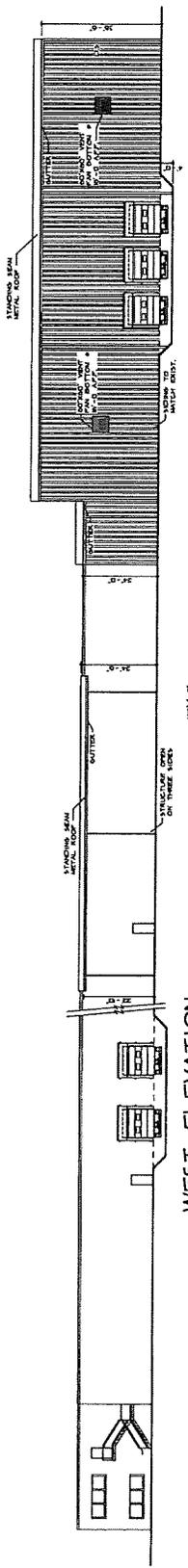
MIDWEST ACQUST-A-FIBER
 BUILDING ADDITION
 751 PITTSBURGH DRIVE
 DELAWARE, OHIO 43085

NO.	DESCRIPTION
1	NEW WORK
2	EXISTING WORK
3	REMOVE
4	AS SHOWN
5	AS NOTED
6	AS NOTED
7	AS NOTED
8	AS NOTED
9	AS NOTED
10	AS NOTED
11	AS NOTED
12	AS NOTED
13	AS NOTED
14	AS NOTED
15	AS NOTED
16	AS NOTED
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43	AS NOTED
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48	AS NOTED
49	AS NOTED
50	AS NOTED

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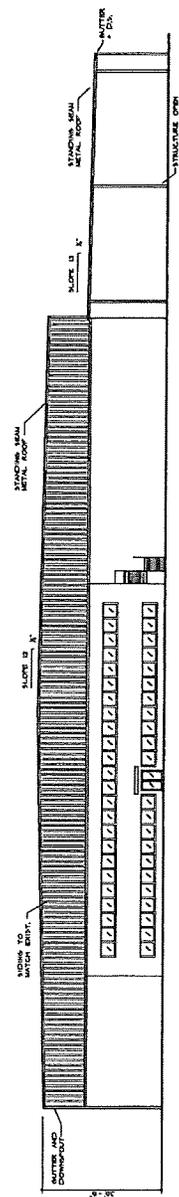
NO.	DESCRIPTION
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2	EXISTING WORK
3	REMOVE
4	AS SHOWN
5	AS NOTED
6	AS NOTED
7	AS NOTED
8	AS NOTED
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49	AS NOTED
50	AS NOTED

EXTERIOR ELEVATIONS



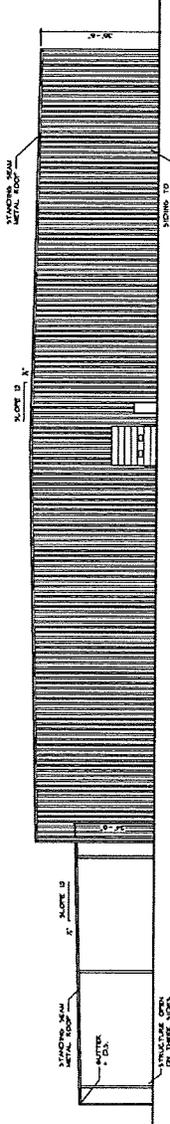
WEST ELEVATION

1. NEW WORK COLOR TO BE
2. EXISTING COLOR TO BE
3. COLOR AND MATERIALS TO BE
4. AS SHOWN
5. AS NOTED



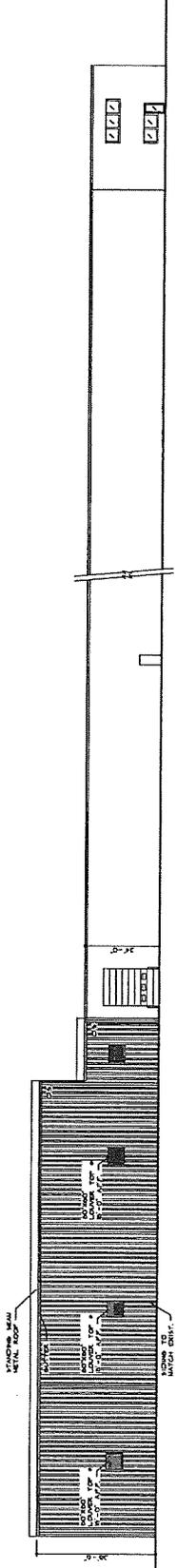
NORTH ELEVATION

1. NEW WORK COLOR TO BE
2. EXISTING COLOR TO BE
3. COLOR AND MATERIALS TO BE
4. AS SHOWN
5. AS NOTED



SOUTH ELEVATION

1. NEW WORK COLOR TO BE
2. EXISTING COLOR TO BE
3. COLOR AND MATERIALS TO BE
4. AS SHOWN
5. AS NOTED



EAST ELEVATION

1. NEW WORK COLOR TO BE
2. EXISTING COLOR TO BE
3. COLOR AND MATERIALS TO BE
4. AS SHOWN
5. AS NOTED



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



Project # _____

Case # 2016-0503 - CPFDP

Planning Commission

- | | | |
|--|--|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | Board of Zoning Appeals |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input checked="" type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Midwest Acoust-A-Fiber Address 759 Pittsburgh Dr. Delaware, OH
 Acreage 14.70 Square Footage 40,000 sq addition Number of Lots 1 Number of Units 1
 Zoning District/Land Use M2 Proposed Zoning/Land Use M2 Parcel # 419-210-06-004-000

Applicant Name Fedone Dublin, LLC Contact Person Amy Biondi-Huffman
 Applicant Address 8400 Industrial Pkwy, Plain City, OH 43064
 Phone 614-873-0662 Fax 614-873-2684 E-mail amyhuffman@rohio.com
 Owner Name Metal Stars II, LLC Contact Person Mark Keller
 Owner Address 2201 N. Willenborg Dr. #2 Effingham, IL 62401
 Phone 217-342-4443 Fax _____ E-mail mkeller@agracer.com
 Engineer/Architect/Attorney Hockaden + Assoc. Contact Person Mark Schroeder
 Address 883 North Cassady Ave. Columbus, OH 43219
 Phone 614-252-0993 Fax 614-252-0444 E-mail mschroeder@hockaden.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 _____
Amy Biondi-Huffman
 Agent Signature

Owner Printed Name _____
Amy Biondi-Huffman
 Agent Printed Name

Sworn to before me and subscribed in my presence this 24th day of February, 2016



Margaret M Long
 Notary Public



FACT SHEET

AGENDA ITEM NO: 11

DATE: 4/11/16

ORDINANCE NO: 16-25

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR CONCEPT DRAWINGS AND CONSTRUCTION ESTIMATES FOR THREE CITY FACILITIES AND, DECLARING AN EMERGENCY.

BACKGROUND:

The City of Delaware sent out to qualified firms a request for qualifications and received three qualification statements. From the three, one firm withdrew due to anticipated new business. A committee comprised of Chief John Donahue, Scott Stowers, Sean Hughes, Dave Efland, Jerry Warner and Jackie Walker the remaining two firms and ranked them according to 1) Experience with similar projects of size and nature 2) Approach to the project 3) Key Staff dedicated to this project as well as the total number of staff employed with the successful firm and 4) Timeline Completion. The highest ranked firm was determined to be Triad.

At the completion of the project, Triad will include in their deliverables:

- Construction drawings for all buildings, including a phasing plan and associated construction costs taking all local, state and federal laws into consideration due to the City of Delaware no more than 90 calendar days after execution of the agreement.

- The successful firm will have access to the facilities and staff as needed to complete the project.

In order to accomplish these tasks, Triad will include several professionally accepted tasks to include but not limited to: conduct a kick off meeting, meetings with stakeholders (staff), and a review by mechanical and structural engineer.

The total project is expected to take 90 days from the date of execution of the contract.

REASON WHY LEGISLATION IS NEEDED:

This legislation is needed in order to execute a contract with the successful firm.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Appropriating an additional \$25,000

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval on second reading

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-25

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR CONCEPT DRAWINGS AND CONSTRUCTION ESTIMATES FOR THREE CITY FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware is charged to provide safe facilities for the citizens and employees of Delaware, and

WHEREAS, a protective purchase of 18 East William Street was made in 2013, and the Engineering Department was relocated from 20 East William Street to 440 East William Street in late 2015,

WHEREAS, City Council has expressed interest in the development of an entrepreneurial center;

WHEREAS, City staff wishes to provide City Council with complete information and recommendations regarding the use and the associated renovation costs of the facilities as well as the second floor of City Hall;

WHEREAS, City staff believes that contracting with an outside professional design firm is the best option to achieve these goals;

WHEREAS, the cost to complete the study as proposed is \$25,000, and

WHEREAS, a supplemental appropriation to the 2016 budget will be necessary to complete the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund \$25,000 increasing the following account:

Building Renovations (410-4118-5520)	\$25,000.00
--------------------------------------	-------------

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.

SECTION 3. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to have the information ready for the 2017 Capital Improvement Program and grant opportunities. The Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___ NAYS___
ABSTAIN ___

EMERGENCY CLAUSE:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 12

DATE: 4/11/16

ORDINANCE NO: 16-27

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 25, 2016 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 1151.02 (NONCONFORMING BUILDINGS OR STRUCTURES) AND 1151.03 (NONCONFORMING USE OF BUILDINGS AND LAND) OF THE PLANNING AND ZONING CODE TO REVISE REGULATIONS RELATED TO NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND.

BACKGROUND:

Throughout the City, there are several existing single family homes zoned multi-family or non-residential for various reasons (e.g., the houses were constructed before the current zoning code was adopted, past city-sponsored rezoning of perceived commercial corridors, etc.) that are considered nonconforming per the zoning code. A single-family residence is a nonconforming use, as well, in these cases; and, if the structure is destroyed by any means or razed to the extent of more than fifty percent (50%) of the fair replacement cost of the structure or portion thereof immediately prior to the damage, it shall not be reconstructed except in conformity with provisions of the zoning code. Since the recession in the 2000's, some banks have restricted their lending practices that have negatively impacted nonconforming uses, specifically single family residential owners who want to sell or refinance their homes. In the last several years, Staff has processed re-zonings to allow single family houses / uses to achieve compliance with the aforementioned 50% reconstruction provision issue (namely, three re-zonings affecting nine

properties since 2011). Though not a large overall number, and recognizing that each circumstance may be different, it seems reasonable to Staff to make this change, which simply allows essentially for a reconstruction of a use or structure and not an extension or enlargement of such. Some property owners in the Lewis Street area of the community concerned about their ability to refinance what are existing, non-conforming single family homes situated within a commercial zoning district recently met with Staff. After discussion with Staff, the consensus was to bring forward these changes to the code to address this ongoing issue of lending rather than craft another unique solution to this particular area of the community. Not passing these amendments will, therefore, delay or otherwise could create lending issues for these Lewis Street homeowners, as well as others similarly situated citywide. Therefore, Staff is requesting to revise the zoning code to exempt from the reconstruction provision only single family homes and uses that achieve compliance with the remainder of Chapter 1151 as proposed and attached.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1151 Nonconforming Uses, Buildings, Structures and Lots of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

ORDINANCE NO. 16-27

AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 1151.02 (NONCONFORMING BUILDINGS OR STRUCTURES) AND 1151.03 (NONCONFORMING USE OF BUILDINGS AND LAND) OF THE PLANNING AND ZONING CODE TO REVISE REGULATIONS RELATED TO NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND.

WHEREAS, the Planning Commission at its meeting of April 6, 2016, recommended approval of Amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to nonconforming use of buildings, structures and land (PC 2016-0697), and

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

SECTION 1. That the Amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to nonconforming use of buildings, structures and land is hereby confirmed, approved, and accepted.

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___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2016-0697
REQUEST: Zoning Code Amendment
PROJECT: Nonconforming Uses
MEETING DATE: April 6, 2016

APPLICANT/OWNER

City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

REQUEST

2016-0697: A request by the City of Delaware for approval of Amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to nonconforming use of buildings, structures and land.

PROPERTY LOCATION & DESCRIPTION

These amendments to the Planning & Zoning Code affect all single family homes that are currently zoned multi-family or non-residential in the City of Delaware.

BACKGROUND

Throughout the City, there are several existing single family homes zoned multi-family or non-residential for various reasons (e.g., the houses were constructed before the current zoning code was adopted, past city-sponsored rezoning of perceived commercial corridors, etc.) that are considered nonconforming per the zoning code. A single-family residence is a nonconforming use, as well, in these cases; and, if the structure is destroyed by any means or razed to the extent of more than fifty percent (50%) of the fair replacement cost of the structure or portion thereof immediately prior to the damage, it shall not be reconstructed except in conformity with provisions of the zoning code. Since the recession in the 2000's, some banks have restricted their lending practices that have negatively impacted nonconforming uses, specifically single family residential owners who want to sell or refinance their homes. In the last several years, Staff has processed re-zonings to allow single family houses / uses to achieve compliance with the aforementioned 50% reconstruction provision issue (namely, three re-zonings affecting nine properties since 2011). Though not a large overall number, and recognizing that each circumstance may be different, it seems reasonable to Staff to make this change, which simply allows essentially for a reconstruction of a use or structure and not an extension or enlargement of such. Some property owners in the Lewis Street area of the community concerned about their ability to refinance what are existing, non-conforming single family homes situated within a commercial zoning district recently met with Staff. After discussion with Staff, the consensus was to bring forward these changes to the code to address this ongoing issue of lending rather than craft another unique solution to this particular area of the community. Not passing these amendments will, therefore, delay or otherwise could create lending issues for these Lewis Street homeowners, as well as others similarly situated citywide. Therefore, Staff is requesting to revise the zoning code to exempt from the reconstruction provision only single family homes and uses that achieve compliance with the remainder of Chapter 1151 as proposed and attached.

STAFF ANALYSIS

- Chapter 1151.02 (d) Reconstruction of Nonconforming Building or Structure which states “Should such nonconforming structure or nonconforming portion of structure be destroyed by any means or razed to the extent of more than fifty percent (50%) of the fair replacement cost of the structure or portion thereof immediately prior to the damage, it shall not be reconstructed except in conformity with provisions of this Ordinance” and Chapter 1151.03 (a) Alteration/Reconstruction of a Building Occupied by a Nonconforming Use which states “No building or structure occupied by a nonconforming use shall be altered, improved or reconstructed except when the cumulative cost of the alteration, improvement or reconstruction does not exceed fifty percent (50%) of the building's replacement value” which pertain to this subject reconstruction provision issue would be modified by adding the following provisions to the appropriate sections of Code:
 - *A pre-existing single family home on an individual lot of record that existed immediately prior to the damaging event is exempt from this provision and may be reconstructed to the extent (and no more) that it previously existed on the lot immediately prior to the incident causing the damage. This shall be measured using the pre-existing building footprint area as established by a survey of record or other source deemed acceptable by the City. Height limitations shall be in accordance with the current zoning district of the property. This exemption is not allowable for structures or uses that are*

discontinued as provided for in Section 1151.03(e) Discontinuance of Use and the exemption is not allowable for structures that have been willfully demolished or damaged.

Staff believes the minor revision would have a positive impact on owners of nonconforming single family homes on pre-existing lots of record based on the current lending environment without compromising the zoning code and the general health, safety and welfare of the community. Staff did not include multi-family and non-residential uses from the reconstruction provision to ensure preservation of the original intent of the nonconforming provision. Therefore, these nonconforming uses, buildings, lots, and structures are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be continued only in conformance with the applicable provisions of the Code. In conclusion, Staff does not believe single family owners, some of which have been longstanding residents of the City, should be impacted negatively by this proposed change, and other uses and structures will be left in the same regulatory condition as exists today and thus unaffected by the proposal.

STAFF RECOMMENDATION

Staff recommends approval of amendment to Chapters 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to nonconforming use of buildings, structures and land as documented in the attached revised ordinances.

COMMISSION NOTES:

MOTION: _____ 1st _____ 2nd _____ approved _____ denied _____ tabled _____

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 03/25/2016
REVISED: 03/31/2016

Chapter 1151
Nonconforming Uses, Buildings, Structures, and Lots

<p>1151.01 Purpose.</p> <p>1151.02 Nonconforming buildings or structures.</p> <p>1151.03 Nonconforming use of buildings and land.</p> <p>1151.04 Nonconforming lots of record.</p> <p>1151.05 Nonconforming site conditions.</p> <p>1151.06 Nonconforming parking facilities.</p> <p>1151.07 Nonconforming signs.</p>	<p>1151.08 Nonconforming use due to reclassification.</p> <p>1151.09 Change from nonconforming use.</p> <p>1151.10 Determination of nonconforming status.</p> <p>1151.11 Existing use deemed conditional use; permit required for change.</p> <p>1151.12 Completion of construction with zoning certificate.</p>
---	--

SECTION 1151.01 PURPOSE.

- (a) The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Ordinance's enactment, or amendment thereto, but which now do not conform to one or more of the regulations contained in this Ordinance. Nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists. Therefore, nonconforming uses, buildings, lots, and structures are subject to regulations limiting their use, restoration, reconstruction, extension, and substitution. Such nonconforming status shall be continued only in conformance with this Chapter.
- (b) A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

SECTION 1151.02 NONCONFORMING BUILDINGS OR STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not now be built under the terms of this Ordinance by reason or restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Enlargement/Alteration of Nonconforming Building or Structure. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. (ORD 03-78 Passed September 22, 2003)
- (b) Reconstruction of Nonconforming Building or Structure. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means or razed to the extent of more than fifty percent (50%) of the fair replacement cost of the structure or portion thereof immediately prior to the damage, it shall not be reconstructed except in conformity with provisions of this Ordinance.
 - (1) A pre-existing single family home on an individual lot of record that existed immediately prior to the damaging event is exempt from this provision and may be reconstructed to the extent (and no more) that it previously existed on the lot immediately prior to the incident causing the damage. This shall be measured using the pre-existing building footprint area as established by a survey of record or other source deemed acceptable by the City. Height limitations shall be in accordance with the current zoning district of the property. This exemption is not allowable for structures or uses that are discontinued as provided for in Section 1151.03(e)

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Discontinuance of Use and the exemption is not allowable for structures that have been willfully demolished or damaged. (ORD 16-XX Passed XXXX XX, 2016)

~~(a)(c)~~ Relocation of Nonconforming Building or Structure. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

~~(a)(d)~~ Repair and Maintenance of Nonconforming Building or Structure.

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

~~(1)(2)~~ If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe, or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

~~(1)(3)~~ Nothing in this section shall be interpreted to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe.

SECTION 1151.03 NONCONFORMING USE OF BUILDINGS AND LAND.

Where, at the time of adoption of this Zoning Ordinance, lawful uses of buildings and land exist that would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as no division of any parcel is made which creates a lot with width or area below the requirements stated in this Ordinance.

(a) Alteration/Reconstruction of a Building Occupied by a Nonconforming Use. No building or structure occupied by a nonconforming use shall be altered, improved or reconstructed except when the cumulative cost of the alteration, improvement or reconstruction does not exceed fifty percent (50%) of the building's replacement value.

(1) A pre-existing single family home (a single dwelling unit/use) on an individual lot of record that existed immediately prior to the damaging event is exempt from this provision and may be reconstructed to the extent (and no more) that it previously existed on the lot immediately prior to the incident causing the damage. This shall be measured using the pre-existing building footprint area as established by a survey of record or other source deemed acceptable by the City. Height limitations shall be in accordance with the current zoning district of the property. This exemption is not allowable for structures or uses that are discontinued as provided for in Section 1151.03(e) Discontinuance of Use and the exemption is not allowable for structures that have been willfully demolished or damaged. (ORD 16-XX Passed XXXX XX, 2016)

(b) Expansion/Relocation of Nonconforming Use of Land. A nonconforming use of land shall not be physically enlarged, increased, extended, or relocated to a part of the lot that was not occupied by the use at the time it became nonconforming. No additional structures shall be constructed in connection with such nonconforming use.

(c) Expansion/Relocation of Nonconforming Use of Buildings. A nonconforming use of an existing building may be extended throughout any parts of the building that were manifestly arranged or designed for such use at the time of adoption or amendment to this Ordinance. However, no such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than occupied by such uses at the effective date of adoption or

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amendment of this Ordinance, and no such building shall be enlarged or expanded to increase the nonconforming use.

(d) Change or Substitution of Use.

(1) Substitution of "Equal" Use. If no structural alterations are made other than those required by enforcement of other codes or ordinances or those necessary for maintenance, a nonconforming use may be changed to another nonconforming use which is determined to be equally appropriate and similar in nature for the district in which it is located. The Board of Zoning Appeals shall make such determination by using the use variance procedures. (ORD 03-78 Passed September 22, 2003)

(2) Substitution of "Less Nonconforming" Use. If no structural alterations are made other than those required by enforcement of other codes or ordinances or those necessary for maintenance, a nonconforming use may be changed to another nonconforming use of a less nonconforming, more appropriate nature for the district in which it is located. The Board of Zoning Appeals shall determine if the proposed use is of a less nonconforming, more appropriate nature by using its use variance procedures. (ORD 03-78 Passed September 22, 2003)

(e) Discontinuance of Use.

(1) When a nonconforming use of a structure, or structure and premises is discontinued or abandoned for a one-year period, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(2) If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which it is located.

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CITY OF DELAWARE, OHIO
BZA (BOARD OF ZONING APPEALS) SIGN-IN SHEET

March 3, 2016

PLANNING & COMMUNITY DEVELOPMENT

Agenda/ Item Number	Name	Address	Phone	Email Address
	Lauren Eastham	14 Lewis St	740-363-7576	
	Tara Wilsworth	22 Lewis St	740 816 3377	
	Shirley Oranhood	26 Lewis St	740 863 2673	
	Scott Kidwell	17 Lewis St	740 815-0693	
	Chuck N. Sumner	20 Lewis St	740-363-1769	
	Clara Sumner	20 Lewis St	740 363-0586	

LEWIS STREET STAFF REVIEW MTG

3/9/16

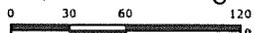


Delaware County Auditor
George Kaltsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel. Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201). Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.

Prepared by: Delaware County Auditor's GIS Office

Printed on 2/22/2016



City of Delaware, Ohio
Planning & Community Development
109 N. Sandusky Street
Delaware, Ohio 43015

To Whom It May Concern:

As the owners of the residence located at 14 Lewis St., We are requesting that the zoning applicable to this property be changed from b-3 to a form of residential zoning. The frame construction house currently located at this address was built in the early 20th century (circa 1926) and has served as a single family dwelling from that time to the present day.

Lewis Street is a residential street with the exception to the Certified Oil Company on the corner of Lake and William Streets. This change in zoning would more accurately reflect the historical as well as current use of our property.

After speaking with Mr. Efland, we were made aware that there may be issues concerning our ability to sell this house as a residence to a future owner as well as complications with the financing of such a sale due to the zoning. Additionally, should damage or loss occur to the property, an insurance claim could be complex and not allow us to rebuild the house as it exists today.

For these reasons, We believe that it is most beneficial to ourselves as well as to the preservation of the residential nature of Lewis Street to approve this change in zoning.

Thank you for your attention to this request,



Kent A. Eastham
Lauren J. Eastham
Owners, 14 Lewis St.
Parcel #519-431-13-007-000

City of Delaware, Ohio
Planning & Community
Development
109 W. Sandusky Street
Delaware, Ohio 43015

Gloria Jean Wright
20 Lewis Street
Delaware, Ohio 43015
Phone # 440-272-0586
Email - GJW0149@AOL.com
Parcel # 519-431-13-006-000

To Whom it May Concern,

I am petitioning my home at 20 Lewis Street Delaware, Ohio to be rezoned for the following reason:

I had applied for a loan to refinance my home at 20 Lewis Street, all was going well until the appraisal. The appraiser told the lender the house was zoned commercial with the single family residential grandfathered in. Well that stopped the loan because FHA & conventional lenders financing these properties can not lend on a home that is zoned commercial even if its grandfathered in because according to zoning rules & regulations (which I checked) states that if the home is destroyed by fire or if its destroyed by a act of God the house can not be built back as a resident only be built as a commercial property. So the loan was stopped and I lost the appraisal fee.

I thought maybe it was just this lenders rule so I checked with different lenders, a credit union, Bank, Queen loans. They all said a loan could not be given on the property because of the zoning and its rules.

There also may be an Insurance issue the Insurance Company may not have to pay full replacement value because the house can not be built back on the same site. (only a commercial property).

It also becomes a big problem if the people on the street wants to sell their home if the loan wasn't for commercial use they could not sell because they couldnt get a loan.

The other issue is what if one of us pass away, our heirs want to sell they couldnt sell it.

This is not fair to the home owners whom had no knowledge of the zoning and rules or was never notified of the zoning, rules or lending rules.

So I and my neighbors want it rezoned so the rule
doesn't continue and our homes can be financed.

Who protects us? How many other people are in the
same situation and are unaware of it.

Any questions please call me at 740-272-0586

Thank you,

Sonia Jean Wright

20 Lewis Street

Delaware, Ohio

43015

25 Lewis Street
Delaware, OH 43015
19 February 2016

City of Delaware, Ohio
Planning and Community Development
109 N. Sandusky Street
Delaware, OH 43015

To whom it may concern:

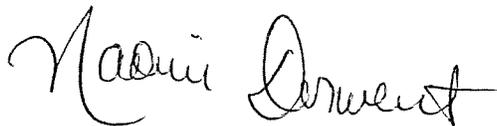
I live at 25 Lewis Street in Delaware and have just found out (through my neighbor, Gloria Jean Wright, that our street is zoned for commercial use). I would like to add my petition to hers to have this changed back to residential.

I would like the zoning changed for the following reasons:

1. I would like to sell the house at some point, in fact, we tried to sell last year. With this current zoning in place, we would not be able to find a buyer.
2. I hear that there are implications from an insurance perspective, in that only the value of the house is replaced in case of catastrophic damage, since I'm not able to rebuild on the land.
3. Having a home in a commercial zoning drastically reduces the value of the home.
4. I had no idea the street was in a commercial zone; otherwise I would have objected when it was changed from residential.

I would really appreciate your attention to this matter and will answer any questions you might have.

Yours faithfully,



NAOMI DERWENT
Phone: 740 971-8409

26 Lewis Street
Delaware, OH 43015
17 February 2016

City of Delaware, Ohio
Planning and Community Development
109 N. Sandusky Street
Delaware, OH 43015

To whom it may concern:

I live at 26 Lewis Street in Delaware and have just found out (through my neighbor, Gloria Jean Wright, that our street is zoned for commercial use. I would like to add my petition to hers to have this changed back to residential.

I have lived at my address for more than 55 years. I recall that my ex-husband had to have the garage rezoned 50+ years ago because he was working on fixing cars there, but I do not recall the entire street being re-zoned for commercial use.

I would like the street rezoned because I would like to leave my house to my children and grandchildren and they will not be able to sell it, zoned the way it is. They may even choose to live here, and if they do and something happens, the insurance payout won't be enough to pay for a replacement. In addition to that, they would not be able to rebuild on this same lot, which has been in the family for five decades.

I would really appreciate your attention to this matter and will answer any questions you might have.

Yours faithfully,



SHIRLEY ORAHOOD
Phone: 740 363-2673
E-mail: Sorahood002@columbus.rr.com

22 Lewis Street
Delaware, OH 43015
17 February 2016

City of Delaware, Ohio
Planning and Community Development
109 N. Sandusky Street
Delaware, OH 43015

To whom it may concern:

I live at 22 Lewis Street in Delaware and have just found out (through my neighbour, Gloria Jean Wright, that our street is zoned for commercial use. I would like to add my petition to hers to have this changed back to residential.

I bought my house in 2012, not knowing that it was commercially zoned. I probably would not have bought it had I known the status. Having a commercially zoned property makes it impossible to refinance and reduces the value of the home significantly. I understand that there are insurance implications as well, in that the insurance value no longer includes the value of the land, but only the house.

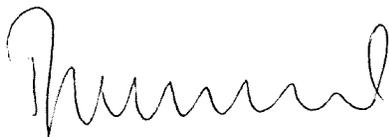
I was planning to refinance my house this year but with this new development, I know I won't be able to, and therefore won't be able to lower my interest rate.

Additionally, if I want to sell my house sometime in the future, any potential buyer would have to pay cash because they won't be able to get financing.

I don't know when this street was re-zoned to commercial use but I was unaware of this change and would like to have it changed to residential so I can continue to live there without the threat of a business opening next door to me, and so that I can rest assured that I can sell my house if I want to.

If you have any questions, please contact me!

Yours faithfully,



TARA WILSWORTH
Phone: 740 816-337
E-mail: tarawilsworth@rocketmail.com

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY
DEVELOPMENT
109 N. SANDUSKY STREET
DELAWARE, OHIO 43015

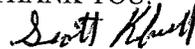
SCOTT KIDWELL
17 LEWIS STREET
DELAWARE, OHIO 43015
PARCEL #519-431-13-006-000

TO WHOM IT MAY CONCERN;

I AM PETITIONING MY HOME AT 17 LEWIS STREET DELAWARE, OHIO 43015
TO BE REZONED.

DUE TO THE FACT THAT IT IS NOW ZONED R-6 WHICH WILL NOT ALLOW ME
TO REBUILD MY HOME AS A SINGLE FAMILY HOME IF DESTROYED BY FIRE
OR BY AN ACT OF GOD. THIS ALSO POSSES A PROBLEM IN SELLING MY HOME
DUE TO FINANCING ISSUES.

THANK YOU,



SCOTT KIDWELL
17 LEWIS STREET
DELAWARE, OHIO 43015

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY
DEVELOPMENT
109 N. SANDUSKY STREET
DELAWARE, OHIO 43015

CHARLES THOMPSON
27 LEWIS STREET
DELAWARE, OHIO 43015
PARCEL #519-43-11202-0000

TO WHOM IT MAY CONCERN;

I AM PETITIONING MY HOME AT 17 LEWIS STREET DELAWARE, OHIO 43015
TO BE REZONED.

DUE TO THE FACT THAT IT IS NOW ZONED R-6 WHICH WILL NOT ALLOW ME
TO REBUILD MY HOME AS A SINGLE FAMILY HOME IF DESTROYED BY FIRE
OR BY AN ACT OF GOD. THIS ALSO POSSES A PROBLEM IN SELLING MY HOME
DUE TO FINANCING ISSUES.

THANK YOU.

Charles J. Thompson

CHARLES THOMPSON
27 LEWIS STREET
DELAWARE, OHIO 43015



FACT SHEET

AGENDA ITEM NO: 13

DATE: 4/11/16

ORDINANCE NO: 16-28

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 25, 2016 at 7:40 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A REZONING FOR SAWMILL DELAWARE INVESTMENTS, LLC TO THE EXISTING M-1 PMU (LIGHT MANUFACTURING PLANNED MIXED USE OVERLAY DISTRICT) AT 2663 AIRPORT ROAD (PARCEL #419-220-02-003-00) ON APPROXIMATELY 47.558 ACRES.

BACKGROUND:

The owner received rezoning approval for this site in 2014. The applicant has subsequently subdivided this property into what is now known as the Innovation Business Park (plat). The Applicant has experienced interest in several of the parcels. However, they have also received feedback concerning the need for some additional clarity of the zoning text as well as being allowed some additional limited uses on lot #6 of the Innovation Business Park plat – the southwestern most lot. The Applicant seeks to clarify the existing text to allow for wholesale activities to businesses serving vender/suppliers of the residential or commercial construction industry or its suppliers. Additionally, the Applicant wishes to add some limited uses to Lot #6 of the Innovation Business Park subdivision allowing for transportation related businesses as well as providing the ability to have ancillary retail activities both as provided for in the proposed revised text. Staff, including the City Manager's office and Economic Development, have reviewed the proposed amendments and have worked with the Applicant to produce the draft text included in this request.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-28

AN ORDINANCE APPROVING A REZONING FOR SAWMILL DELAWARE INVESTMENTS, LLC TO THE EXISTING M-1 PMU (LIGHT MANUFACTURING PLANNED MIXED USE OVERLAY DISTRICT) AT 2663 AIRPORT ROAD (PARCEL #419-220-02-003-00) ON APPROXIMATELY 47.558 ACRES.

WHEREAS, the Planning Commission at its meeting of April 6, 2016 recommended approval of a Rezoning to the Existing M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (Parcel # 419-220-02-003-00) on approximately 47.558 (PC 2016-0631), and

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

SECTION 1. That the Rezoning to the Existing M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (Parcel # 419-220-02-003-00) on approximately 47.558, the same and is hereby confirmed, approved, and accepted with the following condition that:

- 1. Any new building(s), structure(s) and site improvements shall require conformance with all provisions of the revised Development Text.

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___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2016-0631

REQUEST: Rezoning Text Amendment

PROJECT: Sawmill Delaware Investments LLC /
Innovation Court

MEETING DATE: April 6, 2016

APPLICANT/OWNER

FedOne Dublin LLC
8400 Industrial Parkway
Plain City, Ohio 43064

REQUEST

2016-0631: A request by Sawmill Delaware Investments LLC for approval of a Rezoning Amendment to the existing M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (original parcel # 419-220-02-003-000) on approximately 47.558 acres.

PROPERTY LOCATION & DESCRIPTION

The 47.558 acre parcel is located approximately a quarter mile west of US 42 on Airport Road and the currently under construction Sawmill Parkway extension. The subject property has previously been annexed into the City (Ordinance 14-96) and zoned M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) while the property to the north is zoned M-2 (General Manufacturing District), the property to the east is zoned M-1 PMU (Light Manufacturing with a Planned Mixed Use Overlay District) and to the property to the south is zoned M-1 (Light Manufacturing District). The remaining properties to the south and west are located in the County.

BACKGROUND/PROPOSAL

The owner received rezoning approval for this site in 2014. The applicant has subsequently subdivided this property into what is now known as the Innovation Business Park (plat). The Applicant has experienced interest in several of the parcels. However, they have also received feedback concerning the need for some additional clarity of the zoning text as well as being allowed some additional Limited uses on lot #6 of the Innovation Business Park plat – the southwestern most lot. Staff, including the City Manager’s office and Economic Development, have reviewed the proposed amendments and have worked with the Applicant to produce the draft text included in this request.

STAFF ANALYSIS

- **ZONING:** The subject property is currently zoned M-1 PMU (Light Manufacturing with a Planned Mixed Use Overlay District) with an approved development text and land use designations as well as an approved preliminary plan. The Applicant seeks to clarify the existing text to allow for wholesale activities to businesses serving vender/suppliers of the residential or commercial construction industry or its suppliers. Additionally, the Applicant wishes to add some limited uses to Lot #6 of the Innovation Business Park subdivision allowing for transportation related businesses as well as providing the ability to have ancillary retail activities both as provided for in the proposed revised text.
- **COMPREHENSIVE PLAN:** The subject site is located in the Southwest Subarea of the Comprehensive Plan with a land use designation of “Light Manufacturing.” The proposed text amendments are consistent with land use plan and zoning for the site and the following objective and strategy for this subarea:
 - LU 26.1- The Southwest Subarea will continue to be promoted as the major industrial center of the community, with a focus on light to medium industrial production, light assembly, warehousing, distribution, flex-office, and related service industries.
- **GENERAL ENGINEERING:** This request does not involve Engineering items or review

SPIERLING PROPERTY
SAWMILL DELAWARE INVESTMENTS, LLC / ENGINEERED MATERIALS SYSTEMS, INC

FUTURE SAWMILL PARKWAY EXTENSION / 2663 AIRPORT ROAD
~~CURRENT ORIGINAL~~ PARCEL # 419-220-02-003-000
CURRENT – INNOVATION BUSINESS PARK PLAT PARCELS (multiple)
APPROXIMATELY 47.558 ACRES

DEVELOPMENT TEXT
PLANNED MIXED USE OVERLAY DISTRICT
PC 2014-2061 (original Approval)
PC 2016-0631 (proposed Amended Zoning Text)

1. DESCRIPTION OF DEVELOPMENT

Fed One Dublin, LLC (applicant) on behalf of Sawmill Delaware Investments, LLC (future owner and master site developer) and Engineered Materials Systems (future parcel owner), and all on behalf of Barbara Spierling Trustee, Et. Al. which is the current owner of the property, is proposing a PMU (Planned Mixed Use Overlay District) on the subject property zoned M-1 (General Manufacturing District) that encompasses approximately 47.558 acres and is intended to be subdivided into multiple parcels. The subject property is located along the planned future Sawmill Parkway extension west of US 42 and currently shown by the County Auditor as being addressed as 2663 Airport Road located south of Airport Road and north of future Sawmill Parkway (to be extended in the near future by Delaware County) and west of US 42. The property was recently annexed to the City of Delaware via Ordinance 14-96 passed by the City Council on September 22, 2014. The intended use of the property is for a light manufacturing park.

March 2016 Update – The Applicant has identified some additional uses and clarifications to the original text that they desire specifically with respect to what is now known as Lot 6 of the Innovation Business Park Plat (the southwestern most parcel of the subdivision). These changes involve expressly allowing accessory retail activities for tenant spaces as well as clarifying allowed uses as given in the proposed revised text.

2. GENERAL DEVELOPMENT STANDARDS

- a. **Purpose and Intent.** It is the intent of the owner to allow the subject property to achieve compliance with the M-1 District (Light Manufacturing District). This Development Text represents the zoning requirements for this area unless otherwise noted.
- b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application. This text shall control where there is conflict or silence with the current zoning code.
- c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

- d. **Development Review Process:** All developments shall comply with the then current zoning and subdivision regulations including, but not limited to, Chapter 1129 Procedures and Chapter 1111 Subdivision Regulations. The general process shall be Preliminary and Final Development Plan and Plat Reviews. These processes may be combined as allowed per the then current Zoning Code. The Applicants have initially submitted for a Zoning Amendment, Conditional Use Permit, and Preliminary Subdivision Plat for the entire acreage and a Preliminary Development Plan for the first 8.89 acre parcel located in the southeastern portion of the site. Therefore, if approved as submitted, each subsequent development will be required to submit for Preliminary and Final Development Plan approval as well as for final plat approval which may be on a lot by lot basis as approved by the Director of Planning & Community Development.

- e. **Major Modifications.** The proposed site plan and existing farm and associated out buildings at the date of approval comprise the Final Development Plan. Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
 - (1) Any major change in the use or occupancy or any major increase in the residential, commercial and general manufacturing building area.
 - (2) Major change in the approved location of land uses.

- f. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
 - (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
 - (2) Any minor change to the use or occupancy other than those uses specifically allowed in this text or any minor changes to the approved site layout.
 - (3) Minor change in the approved location of land uses.
 - (4) Minor structural alterations that do not alter the overall design intent of the building.

3. USE & SPECIFIC DEVELOPMENT STANDARDS



- a. **Uses.** The following general manufacturing and commercial uses shall be considered permitted, conditionally permitted, or limited uses on the subject site as represented in the chart below by P, C, or L, respectively, and as defined by Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.
- (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.
 - (2) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.
 - (3) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
 - (4) **Accessory Uses and Structures.** Specific accessory uses are identified but other accessory use items that are customarily incidental and secondary to the principal use of the land are permitted. Such items include but are not limited; trash receptacles and enclosures, small storage buildings, etc. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	Subject site
(a) Offices	
(1) Research and development facility	P
(2) Office – professional, administrative and sales	P
(3) Training facility	P
(b) Storage and Distribution	
(1) Distribution facility/truck terminal	P
(2) Warehouse or indoor storage facility, <u>including wholesale to businesses serving vender/suppliers to the residential or commercial construction industry or its suppliers.</u>	P
(3) Storage (aboveground) of flammable liquids in support of or as raw material inputs for permitted uses only.	C
(c) Outdoor Storage	
(1) Storage (general) of materials	P
(2) Storage of fleet vehicles for operation of principal use	P
(d) Manufacturing and Processing	
(1) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(2) Manufacture of products made in part from raw materials	L
(e) Transportation	
(1) Airport and airport related uses – See Section 1145.07 of the Zoning Code	C
(2) <u>Transportation related businesses including air or ground freight, package pickup / delivery center</u>	<u>L</u>
(f) Other	
(1) Public safety facility	P
(2) Public service/maintenance facility	P
(3) Public utility substation or distribution facility	C
(g) Accessory Uses	
(1) Any use deemed accessory to the principal use	P
(2) <u>Retail for commercial or service businesses not to exceed 25% of a demised tenant space and not to exceed 4,000 sq. ft. whichever is less.</u>	<u>L</u>

b. LIMITED USES

(1) Use (d)(2) Manufacture of products made in part from raw materials from the use chart above: This use is limited by the following unless approved via the Major Modification process as defined herein.

A. Raw materials (with the exception of above ground storage of flammable liquids as noted in the use chart) must be stored completely within an enclosed building.

B. Uses may include manufacturing of finished parts or products primarily from previously prepared materials with limited raw material inputs. This use group includes: printing and related support activities; machining and machinery manufacturing; computer and electronic product manufacturing; electrical equipment, appliance, component manufacturing; and other similar related manufacturing businesses as determined by the Director of Planning & Community Development.

C. This use is NOT characterized and no uses shall be allowed that include intensive or high impact manufacturing uses such as manufacturing of acetylene, cement, lime, gypsum, chlorine, corrosive acid, fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive material, smelting, animal slaughtering, oil refining or any similar use as determined by the Director of Planning & Community Development.

D. If a Major Modification process is determined to be appropriate by the Director of Planning & Community Development, City Council shall determine the impact of any such request in light of the surrounding area, the intent of this zoning text and section, and may reject any application for any reason as a result that is not consistent with this text and the then current Zoning Code.

(2) Use (e)(2) Transportation - Transportation related businesses including air or ground freight, package pickup / delivery center from the use chart above. This use is limited by the following unless approved via the Major Modification process as defined herein.

A. The use shall only be permitted on Lot 6, the southwest most lot in the Innovation Business Park subdivision, and bordered by Sawmill Parkway to the south and Innovation Court to the east.

(3) Use (g)(2) Accessory Uses - Retail for commercial or service businesses not to exceed 25% of a demised tenant space and not to exceed 4,000 sq. ft. whichever is less from the use chart above. This use is limited by the following unless approved via the Major Modification process as defined herein.

D.A. The use shall only be permitted on Lot 6, the southwest most lot in the Innovation Business Park subdivision, and bordered by Sawmill Parkway to the south and Innovation Court to the east.

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c. **Lot Standards.** The existing lot is permitted as platted; however, any future lot splits or subdivisions shall be in conformance with this text and all applicable codes. The following standards shall apply for any potential future lot.

Lot Standards	Subject Site
(1) Minimum lot area	3 acres
(2) Minimum lot frontage and width (at building line)	200 ft.
(3) Maximum lot coverage by building	40%
(4) Maximum lot coverage by building and pavement	70%

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

Minimum Building Setbacks	Subject Site
(1) Front Yard	50 ft.
(2) Side Yard	20 ft.
(3) Rear Yard	50 ft.

- e. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle and parking lot circulation as approved on a Final Development Plan.

Minimum Parking Setbacks	Subject Site
(1) Setback from Sawmill Road and Cul-de-Sac (to be constructed)	20 ft.
(2) Setback from rear and side setbacks	5 ft.

- f. **Maximum Building Height.**
- (1) The maximum height of any building or structure (including any accessory structures) shall be 50 feet as measured from finished floor elevation to the highest point of the roof.
 - (2) Any structure with 20,000 feet of the boundary of the Delaware Municipal Airport shall comply with the State of Ohio and FAA notification regulations for construction in the vicinity of an airport as described in the Ohio Administrative Code, Section 5501:1-10.
- g. **Building Design.** Any new building and/or structure shall comply with the then current Zoning Code. Tilt up concrete walls, panelized wall structure systems, and the like shall be permitted in this overlay district. The side of the building facing a street or public way shall incorporate additional design elements including, but not limited to, windows, architectural elements, and additional landscaping treatments so as to ensure the front of

the building has a more detailed and more highly designed appearance than other less visible elevations on the building. The intent is to ensure that a campus like environment is obtained while allowing structures to be consistent with other surrounding structures in the area south of the existing airport such as the two existing industrial buildings to the east of the subject site. Final Design Review shall be as approved on any Final Development Plan for structures on the Subject Site.

- h. **Tree Removal and Replacement.** Any new development activity shall comply with Chapter 1168 Tree Preservation Regulations except as follows.

The following Tree Replacement Plan shall be the controlling regulation for the Subject Site:

(1) *Tree Survey.* An estimate of the total number, type, size, and health of trees to be preserved and replaced will be provided by the applicant with each Final Development Plan as determined and verified by the City of Delaware. The survey shall be the basis for any subsequent required tree replacement.

(2) *Calculation of Replacement Trees.* Only trees six (6) caliper inches and greater that are removed in the development of the Subject Site and construction on any parcel shall be replaced according to the following schedule:

A. Trees considered in good health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 100% replacement schedule meaning every good tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than the total caliper of the tree removed.

B. Trees considered in fair health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 50% replacement schedule meaning every fair tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than 50% of the total caliper of the tree removed.

C. Trees considered in poor health or ash trees as determined by a Certified Arborist and verified by the City of Delaware shall be exempt from replacement. However, to the maximum extent allowed by local, state, and federal regulations, poor trees and ash trees located in areas that are not required for development shall be left undisturbed on-site provided such trees are not considered hazardous to life or property as determined by the City of Delaware.

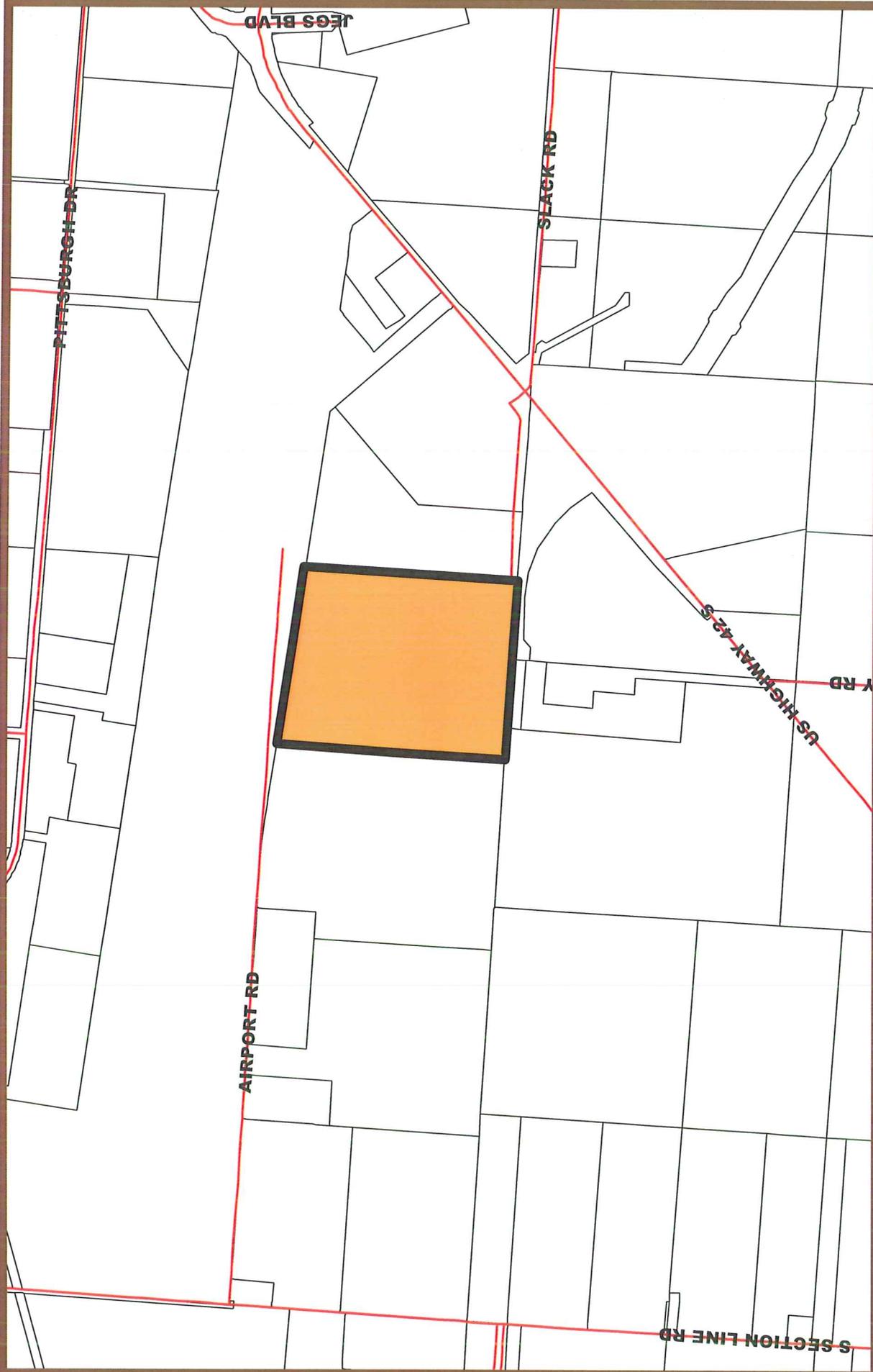
D. After development upon any parcel of the Subject Site after approval of a Final Development Plan, any qualifying major tree (any tree over 6 caliper inches in diameter) or any tree required to be planted by a Final Development Plan that subsequently dies, is damaged, or diseased shall be replaced inch for caliper inch and in accordance with any Approved Final Development Plan.

- i. **Landscaping and Screening.** Any new developments shall comply with all landscaping and screening requirements per Chapter 1166.
- j. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the Chapter 1158 Lighting Plan.

| PC TEXT – Update 4/6/2016

(1) The light standards for the subject site shall be 0.5 foot candles for all car parking and pedestrian areas only. No lighting is required elsewhere on the site except as otherwise approved on a Final Lighting Plan.

k. **Signs.** All signage shall comply with Chapter 1165 Signs and the Gateways and Corridor Plan of the City.



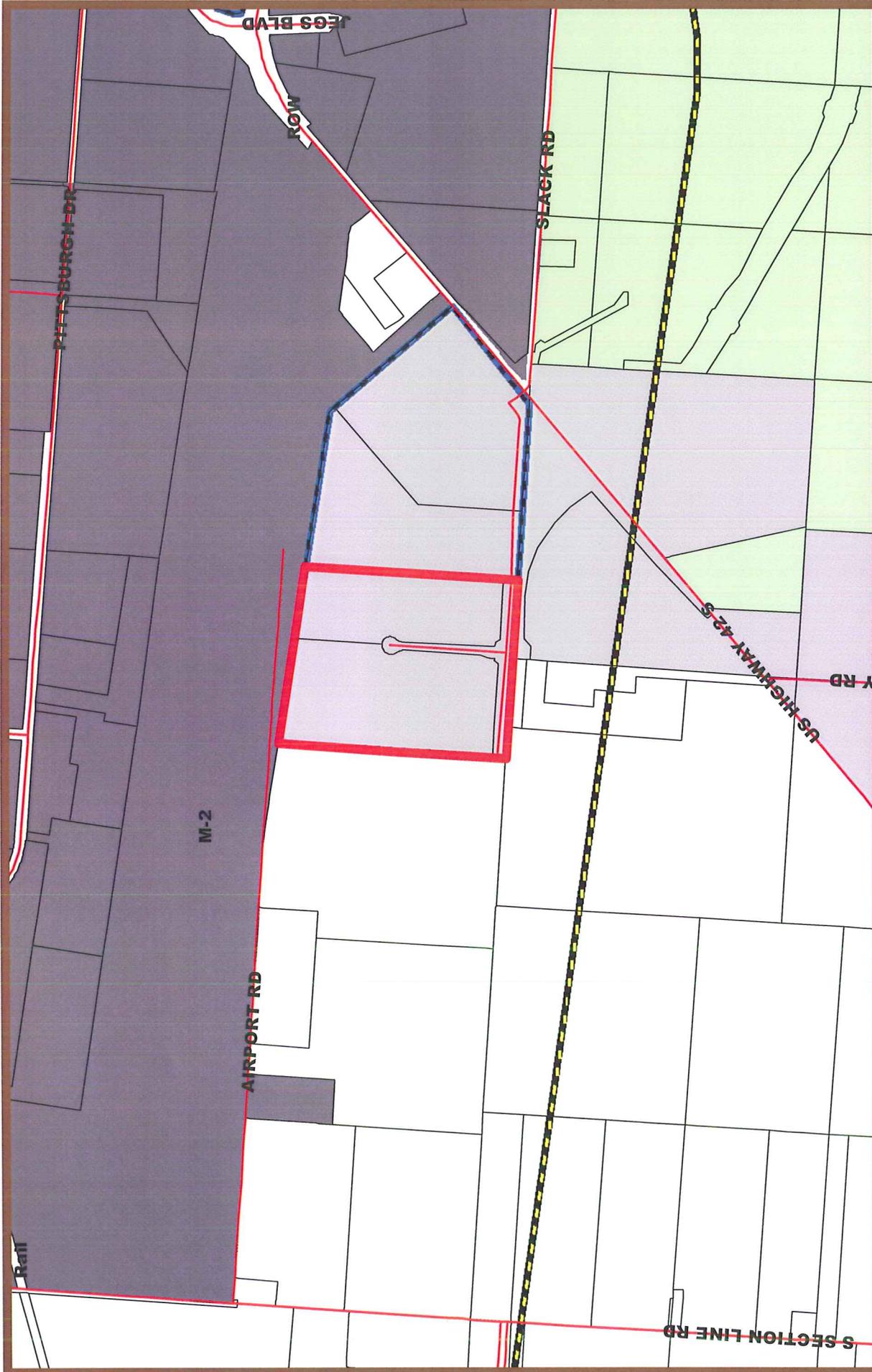
2016-0631
 Rezoning Amendment
 2663 Airport Road
 Location Map





2016-0631
Rezoning Amendment
2663 Airport Road
Aerial (2013)





2016-0631
 Rezoning Amendment
 2663 Airport Road
 Zoning Map



We are requesting a revision to the current zoning to allow for a small retail component to the suites that will be constructed in our new 60,000 s.f. multi-tenant building on Lot 6 of Innovation Business Park. We are not asking for any zoning revision to the remaining Innovation Business Park lots and do not envision any retail on those lots. As the owners of the Symmetry One building at the corner of London Rd. and US 42, we have discovered that there is a market for small “incubator” type businesses. Many of these businesses had the need for a small retail component that is vital to their operation. In meeting with local brokers, we have determined that there are virtually no available units of this type within the City of Delaware. (Small, Flexible sized Industrial Units with relatively high ceilings).

We are confident that the completion of the final leg of Sawmill Parkway will mark the beginning of a dramatic new phase of growth for the City of Delaware and Central Delaware County. We are also confident that our new facility will help meet that demand, however, we cannot ignore the lessons learned from the lease up of Symmetry One and other Delaware County area Industrial Facilities. Our suggested change is a result of those lessons.

Thank you for your consideration of our requests.



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



Project # _____

Case # 2016-0031

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | Board of Zoning Appeals |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input checked="" type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Innovation Business Park Lot 6 Address Lot 6 Innovation Business Park
 Acreage 7.165 Square Footage 60,000 Number of Lots 1 Number of Units 1 building - 10 suites
 Zoning District/Land Use M with pmu Proposed Zoning/Land Use M with pmu Parcel # _____

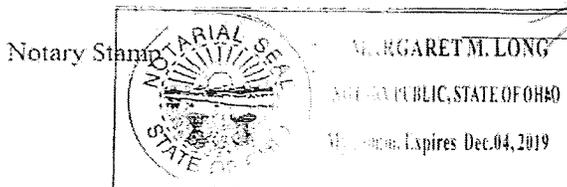
Applicant Name Sawmill Delaware Investments, LLC Contact Person John Lewis
 Applicant Address 3737 Glentany River Rd., Delaware, OH 43015
 Phone 740-815-0454 Fax 866-841-3878 E-mail jlewis1957@gmail.com
 Owner Name Sawmill Delaware Investments, LLC Contact Person John Lewis
 Owner Address 3737 Glentany River Rd., Delaware, OH 43015
 Phone 740-815-0454 Fax _____ E-mail jlewis@gmail.com
 Engineer/Architect/Attorney Bischoff Miller + Assoc. Contact Person Sara Haves
 Address PO Box 1410 Powell, OH 43065
 Phone 614-873-0662 Fax 614-873-2684 E-mail shaves@rrkio.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 _____
Amy Biondi-Huffman
 Agent Signature

Owner Printed Name _____
Amy Biondi-Huffman
 Agent Printed Name

Sworn to before me and subscribed in my presence this 16th day of March, 2016.



Margaret M. Long
 Notary Public



FACT SHEET

AGENDA ITEM NO: 14

DATE: 4/11/16

ORDINANCE NO: 16-29

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 25, 2016 at 7:50 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR SHORTY'S CASUAL CUISINE TO CONSTRUCT A TEMPORARY OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:

The tenant is proposing to construct a temporary outdoor patio on private property (from March to early November) front of their tenant space of the strip center on West Central Avenue. There have been a few cases in recent years regarding patios on private property and Staff has endeavored to maintain the same recommend restrictions in this case. This case is unique, however, in that (to Staff knowledge) this is the only such case involving a private patio extension into an existing parking lot area.

The approximate 440 square foot (20' x 22') temporary outdoor patio on the south side of the restaurant and would encompass two existing parking spaces and a few feet of the access aisle. Per the conditional use criteria requirements, the access aisle is required to be 24 feet wide which would require the existing patio to be reduced by a few feet. Two parking spaces would be removed to accommodate the outdoor patio but the site has more than sufficient parking to absorb the loss of two parking spaces per the zoning code and according to the owner of the strip center. The applicant is proposing

a five foot high split rail fence around the patio with the poles cemented into buckets that would make the fence temporary in nature with the applicant requesting a March to early November time period for service. In addition, there would be 6 foot tall privacy bushes in moveable pots buffering the south end of the patio to screen the patio from the parking lot. Staff would recommend either parking blocks or removable bollards or the like to provide some barrier between the split rail fence and parking lot. The aforementioned landscaping and any barriers shall not protrude into the required 24 foot wide access aisle. Also, the patio hours would be from 11am to 10pm Sunday thru Thursday and from 11am to 11pm Friday and Saturday. Furthermore, the applicant is proposing that no live music and not outdoor speakers would be permitted on the patio.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1148 Conditional Use Regulations of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-29

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR SHORTY'S CASUAL CUISINE TO CONSTRUCT A TEMPORARY OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 6, 2016, recommended approval of a Conditional Use Permit for Shorty's Casual Cuisine to construct a Temporary Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District) (2016-0518), and

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

SECTION 1. That the Conditional Use Permit for Shorty's Casual Cuisine to construct a Temporary Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District), is hereby confirmed, approved, and accepted with the following conditions:

1. The parking lot driving aisle located adjacent to the patio shall be maintained at 24 feet per the zoning code.
2. This approval does not constitute approval by the State of Ohio to occupy the space for the consumption/sale of alcoholic beverages. Such approval must be obtained from the State.
3. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor patio area due to the proximity of the residential uses.
4. The outdoor patio shall cease to operate at 10:00 p.m. Sunday thru Thursday and at 11pm on Friday and Saturday.
5. The proposed outdoor patio shall require zoning and building permit approval.
6. No signage shall be permitted on the proposed fence.

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___NAYS___

PASSED: _____, 2016

ABSTAIN ____

YEAS ____ NAYS ____

ABSTAIN ____

ATTEST: _____

CITY CLERK

MAYOR

CASE NUMBER: 2016-0518

REQUEST: Conditional Use Permit

PROJECT: 554 West Central Avenue

MEETING DATE: April 6, 2016

APPLICANT/OWNER

Shorty's Casual Cuisine
554 West Central Avenue
Delaware, Ohio 43015

REQUEST

2016-0518: A request by Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a temporary outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District).

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the north side of West Williams Avenue just east of the Georgetown Plaza and is zoned B-3 (Community Business District). The properties to the north, east and west are zoned B-3 while the property to the south is zoned PO/I (Planned Office/Institutional District).

BACKGROUND/PROPOSAL

The tenant is proposing to construct a temporary outdoor patio on private property (from March to early November) encompassing the westernmost two parking spaces in front of their tenant space of the strip center on West Central Avenue. There have been a few cases in recent years regarding patios on private property and Staff has endeavored to maintain the same recommend restrictions in this case. This case is unique, however, in that (to Staff knowledge) this is the only such case involving a private patio extension into an existing parking lot area.

STAFF ANALYSIS

- **ZONING** – As mentioned above, the site is zoned B-3 and would require a Conditional Use Permit approval by the Planning Commission and City Council for the proposed temporary outdoor patio.
- **ENGINEERING** – The applicant would not be required to submit engineering drawings because the improvements are on private property and do not impact any public utilities or infrastructure.
- **ROADS AND TRAFFIC** – The applicant is proposing to utilize the two existing curb cuts on West Central Avenue into the strip center to provide access to the site.
- **SITE CONFIGURATION/DESIGN** – The owner is proposing to construct an approximate 440 square foot (20' x 22') temporary outdoor patio on the south side of the restaurant and would encompass two existing parking spaces and a few feet of the access aisle. Per the conditional use criteria requirements, the access aisle is required to be 24 feet wide which would require the existing patio to be reduced by a few feet. Two parking spaces would be removed to accommodate the outdoor patio but the site has more than sufficient parking to absorb the loss of two parking spaces according to the owner of the strip center. The applicant is proposing a five foot high split rail fence around the patio with the poles cemented into buckets that would make the fence temporary in nature with the applicant requesting a March to early November time period for service. In addition, there would be 6 foot tall privacy bushes in moveable pots buffering the south end of the patio to screen the patio from the parking lot. Staff would recommend either parking blocks or removable bollards or the like to provide some barrier between the split rail fence and parking lot. The aforementioned landscaping and any barriers shall not protrude into the required 24 foot wide access aisle. Also, the patio hours would be from 11am to 10pm Sunday thru Thursday and from 11am to 11pm Friday and Saturday. Furthermore, the applicant is proposing that no live music and not outdoor speakers would be permitted on the patio.
- **LANDSCAPING** - The plan proposes 6 foot high bushes in pots located on the south side of the patio to screen it from the parking lot.
- **SIGNAGE** – No additional signage is proposed and none would be allowed on the proposed fence.
- **LIGHTING** – The applicant is not proposing any lights but may request string lighting in the future if illumination on the patio becomes an issue. Any such lighting would have to meet the minimum requirements of the zoning code and be approved by the Chief Building Official.

- **CONDITIONAL USE PERMIT:** Outdoor dining has long been considered outdoor storage and display and as such is a conditionally permitted use in the B-3 District. As a result, a Conditional Use Permit is required for this use. Staff has reviewed this application for compliance with the attached Conditional Use Permit decision criteria and specific use decision criteria. These criteria prescribe that the location, design elements, accessibility, and compatibility of existing and adjacent uses will not be detrimental to or endanger the public health, safety or general welfare. The proposal with the conditions noted appears to comply with all the aforementioned requirements. Also, staff would recommend the standard condition for patio uses of restricting the noise and hours of the outdoor patio because of the proximity of the residential uses located to the east to be consistent with other such proposals in the City. The applicant indicates he spoke with the proximate neighbors and received their concurrence with the request with the limitations and conditions noted herein.

STAFF RECOMMENDATION – (2016-0518 CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Shorty's Casual Cuisine for a Conditional Use Permit to construct a temporary outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District), with the following conditions that:

1. The parking lot driving aisle located adjacent to the patio shall be maintained at 24 feet per the zoning code.
2. This approval does not constitute approval by the State of Ohio to occupy the space for the consumption / sale of alcoholic beverages. Such approval must be obtained from the State.
3. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor patio area due to the proximity of the residential uses.
4. The outdoor patio shall cease to operate at 10:00 p.m. Sunday thru Thursday and at 11pm on Friday and Saturday.
5. The proposed outdoor patio shall require zoning and building permit approval.
6. No signage shall be permitted on the proposed fence.

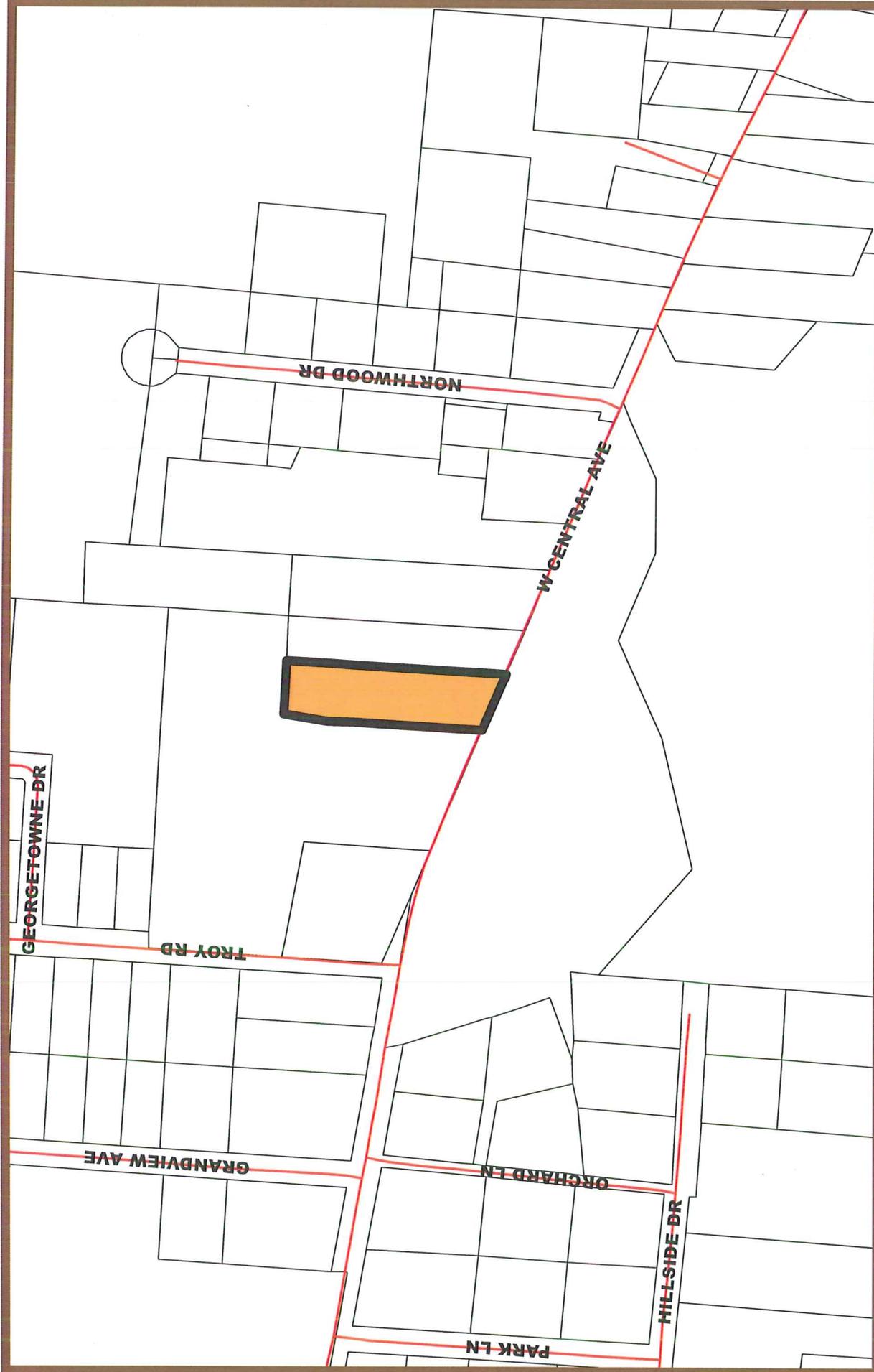
GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
2. Will not be detrimental to property values in the immediate vicinity.
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
5. Will be properly landscaped in accordance with Chapter 1166.
6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.
10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

COMMISSION NOTES:

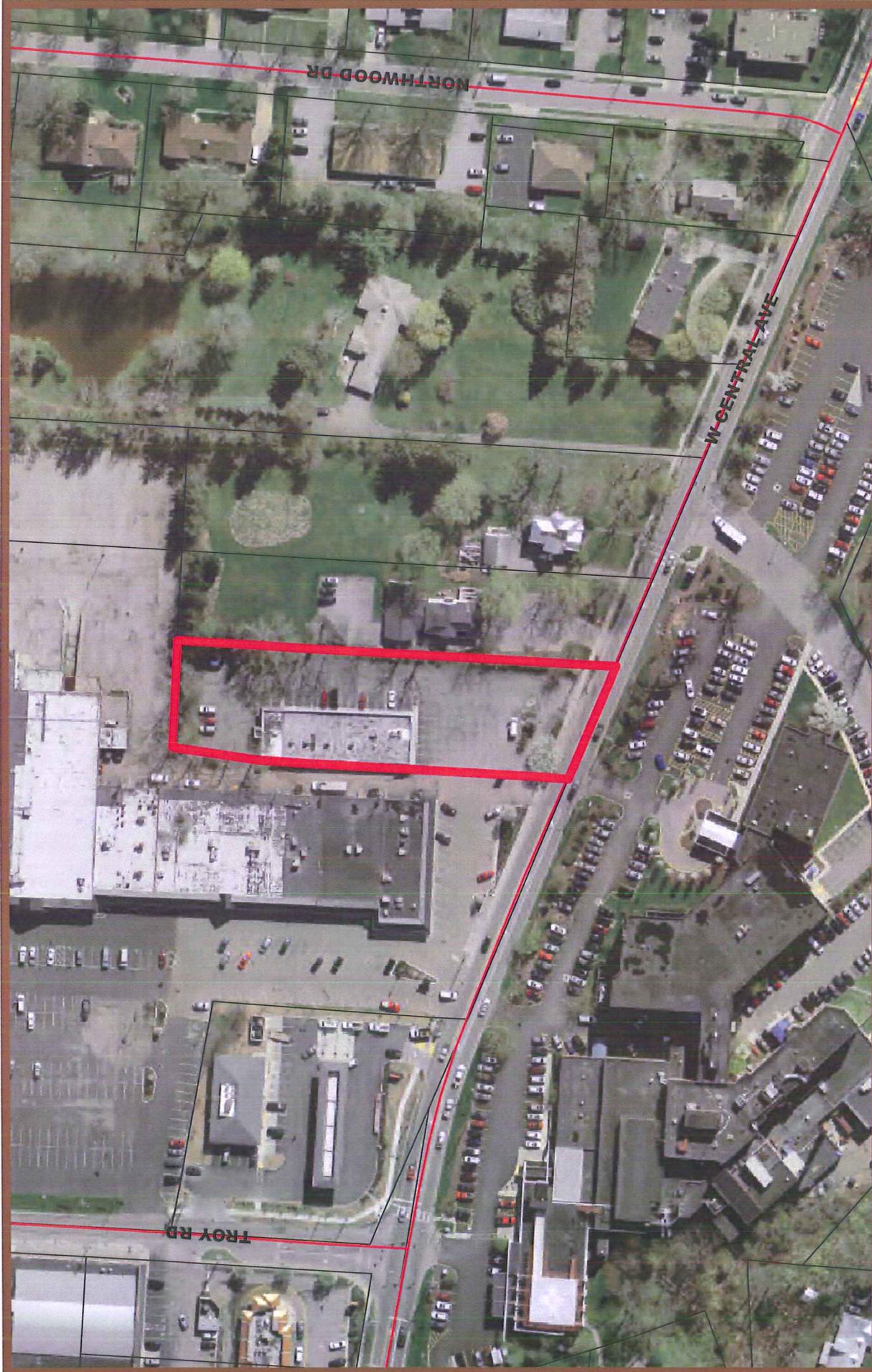
MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:



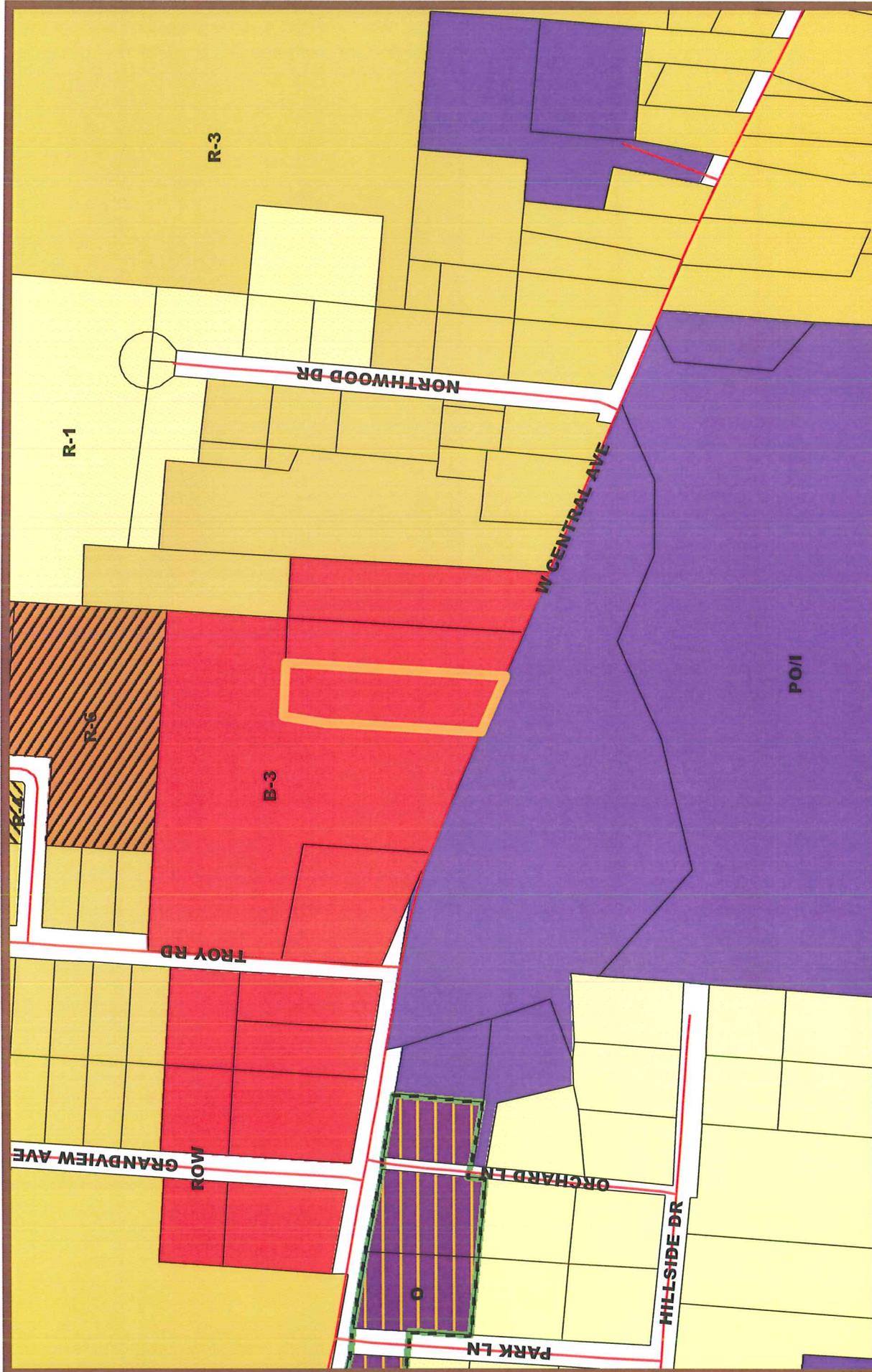
2016-0518
Conditional Use Permit
Shorty's Casual Cuisine - 554 W Central Avenue
Location Map





2016-0518
Conditional Use Permit
Shorty's Casual Cuisine - 554 W Central Avenue
Aerial (2013)





2016-0518
 Conditional Use Permit
 Shorty's Casual Cuisine - 554 W Central Avenue
 Zoning Map



*The patio is 20 feet by 22 feet

*The fencing will be split rail fence mounted into a weighed stand:

The Fencing will be 5ft tall

*There will be four (4) picnic tables: 30" tall and 52.5" wide 60" long

*There will be four (4) restaurant tables: 2ft.5" tall 2.5ft*2ft wide

*There will be privacy bushes (6ft tall) placed at the front of the patio

*There will be four (4) umbrellas: 7.5ft tall

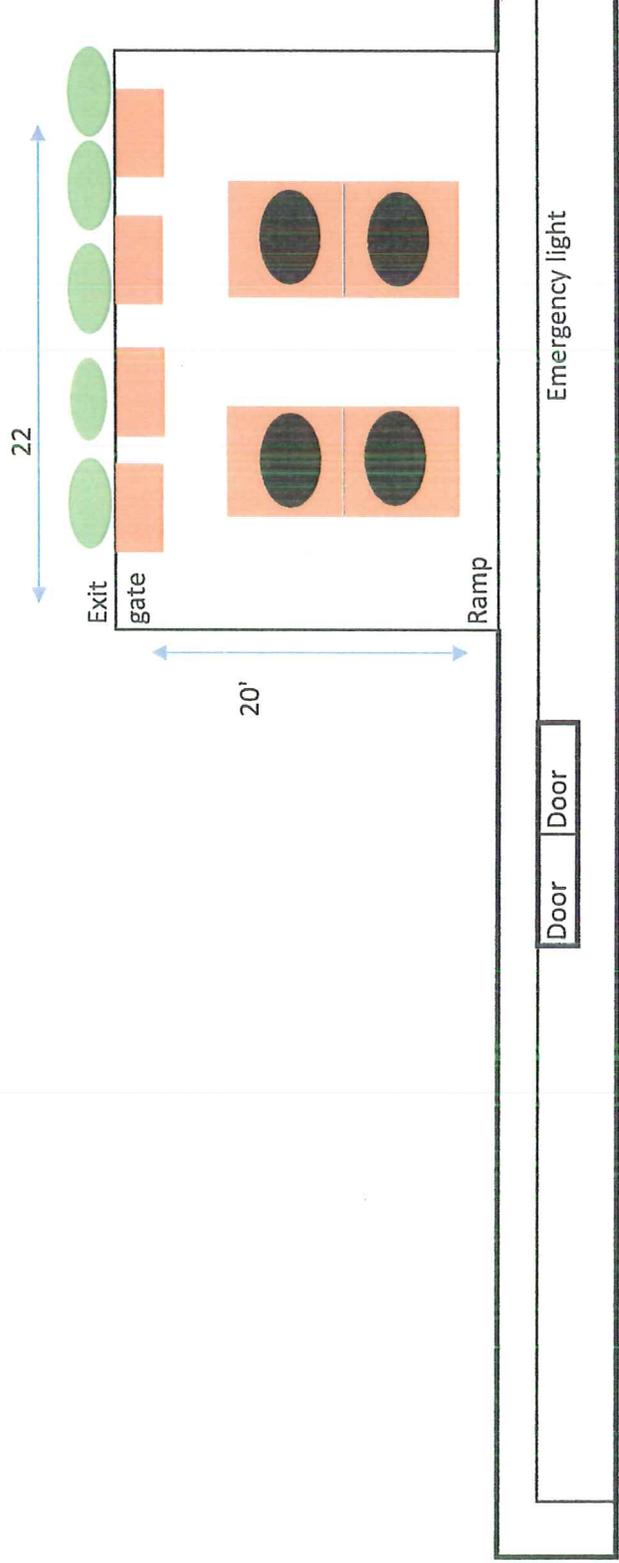
Outline of Patio uses and hours.

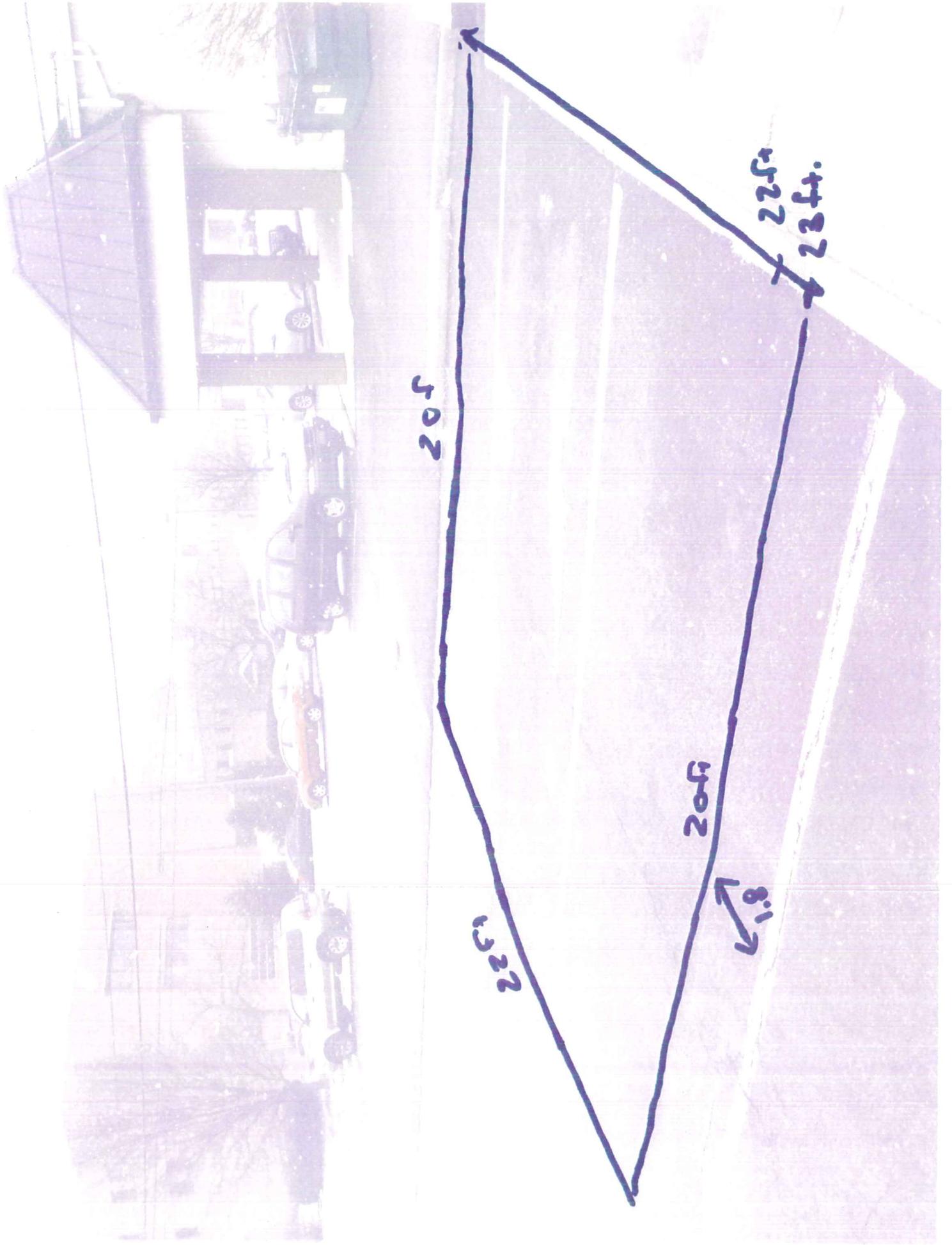
Hours: 11am-10pm Monday-thursday and 11am-11pm Friday and Saturday

Sound: No music will be played on patio and no out door speakers will be added. The only volume will be from our customers.

Months of use: Since this will not be a perminate fixture we will be removing it during the winter months. Late March-Early November would be ideal for us.

Lighting: We have no plans of adding lighting but if we do, it would be very low wattage string lighting. (Refer to Picture 1a)





202

232 ft

20 ft

22 ft

23 ft

18

1A





23 FT
TO BETWEEN PARKING
SPACES FOR DRIVE AISLE

23 FT

1B







1.85

23"

22"



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



Project # Shorty's outdoor dining Case # 2016-0518 CUP
Dining

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | Board of Zoning Appeals |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Shorty's outdoor dining Address 554 W. Central Ave
 Acreage _____ Square Footage 4407 Number of Lots 1 Number of Units NA
 Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # _____

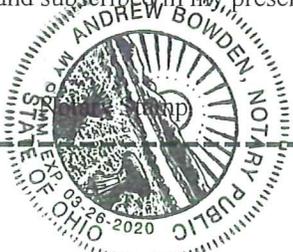
Applicant Name IC of Ohio LLC Contact Person Thom Johnson
 Applicant Address 554 W. Central Ave Delaware OH 43015
 Phone (740) 362-5355 Fax _____ E-mail icofohio@hotmail.com
 Owner Name Thom Johnson IC of Ohio LLC Contact Person Thom Johnson
 Owner Address 554 W Central Ave Delaware OH 43015
 Phone (740) 362-5355 Fax _____ E-mail icofohio@hotmail.com
 Engineer/Architect/Attorney _____ Contact Person _____
 Address _____
 Phone _____ Fax _____ E-mail _____

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.

<u>[Signature]</u> Owner Signature	<u>Thom Johnson</u> Owner Printed Name
<u>Mary M. Teisel (Pres.)</u> Agent Signature	<u>Mary M. Teisel (740-602-0075)</u> Agent Printed Name
<u>Jiri Teisel Properties, Inc.</u> Owner Signature	<u>FEB</u> Owner

Sworn to before me and subscribed in my presence this 27 day of FEB, 2016

[Signature]
Notary Public





FACT SHEET

AGENDA ITEM NO: 15

DATE: 4/11/16

ORDINANCE NO: 16-30

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 2 CONSISTING OF 25 SINGLE FAMILY LOTS ON 6 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETS LANE, ENSIGNS LANE AND MCNAMARA LOOP.

BACKGROUND:

On December 9, 2013 City Council approved Ordinance 13-76 and 13-77 for Preliminary Development Plan and Preliminary Subdivision Plat (Sub Area B) respectively for 74 single family lots in Phase 1 which encompasses 3 Sections with a density of 2.34 units per acre. The applicant proposed to construct a residential subdivision in Sub Area B of the subject site which permits a maximum 525 residential units and which would require Final Development Plan approval for the remainder of the site. In March 2014, City Council approved a Final Development Plan for Phase 1 Sections 1-3 which contains 74 single family lots and Final Subdivision Plat for Phase 1 Section 1 which contains 25 single family lots on 15.387 acres located on the eastern portion of the site. Now, the applicant is requesting to construct Phase 1 Section 2 which contains 25 single family lots and Section 3 which contains 24 single family lots.

The main entrance into the subdivision is from Crownover Way (a north/south service road) that intersects with Peachblow Road. A single curb (McNamara

Loop) off Crownover Way along McNamara Loop, Brets Lane and Ensign Lane would provide access to Section 2 and Section 3 through constructed Section 1. In Section 2 a single street (Squaregaiter Lane) would stub to the north while McNamara Loop stubs to the north and Ensigns Lane stubs to the east in Section 3. All streets would achieve compliance with minimum engineering standards.

The approved development text has the following single family lot requirements: 8,125 square foot minimum lot, 65 foot minimum lot width, 125 foot minimum lot depth, 30 foot front yard setback, 8 foot side yard setback; 30 foot rear yard setback and, 1,500 square foot minimum house size. In addition, the corner lots are oversized by 30% (85 foot wide) to comply with the current zoning code. In addition, the houses would not only have to meet the minimum standards of the Residential Development Design Criteria and Performance Standards in Chapter 1171 but also the more restrictive residential architectural standards in the approved PMU (Planned Mixed Use) development text. Some of the upgrades include: 1.) At least 50% of the front elevation of all homes shall consist of approved natural materials as defined in the text (stucco is not considered a natural material); 2.) Upgraded garage door standards for doors that face a public street; 3.) No blank walls; 4.) The same model of home or the same exterior color of the home shall not be placed on adjacent lots and shall not be placed on facing lots. Also, there is no open space or parkland in Sections 2 and 3. However in Section 1, there is approximate 1.67 acre active parkland which is constructed with a tot lot with play equipment, a basketball half court, a large open playfield, benches and landscaping. In addition, there is approximately 6.24 acres of active and passive open space in Section 1 including a bike path along Peachblow Road. The landscape plans and lighting plans have been approved by the Shade Tree Commission and Chief Building Official respectively.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-30

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 2 CONSISTING OF 25 SINGLE FAMILY LOTS ON 6 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETTS LANE, ENSIGNS LANE AND MCNAMARA LOOP

WHEREAS, the Planning Commission at its meeting of April 6, 2016 recommended approval of a Final Subdivision Plat for Belmont Place Section 2 consisting of 25 single family lots on 6 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Bretts Lane, Ensigns Lane and McNamara Loop (2016-0488), and

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

SECTION 1. That the Final Subdivision Plat for Belmont Place Section 2 consisting of 25 single family lots on 6 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Bretts Lane, Ensigns Lane and McNamara Loop, is hereby confirmed, approved, and accepted with the following conditions that:

1. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
2. The single family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
3. All homes shall have basements which shall have gravity sewer to the lowest elevation to allow for basement bathrooms and fixtures by gravity connection only. Hung sewers, grinder pumps and the like shall not be permitted.
4. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and the approved landscaping 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.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

APPLICANT/OWNER

Stavroff Interests
Glenn Road Capital LLC
565 Metro Place South Suite 480
Dublin, Ohio 43017

REQUEST

2016-0488: A request by Glen Road Capital LLC. for approval of a Final Subdivision Plat for Belmont Place Phase 1 Section 2 consisting of 25 single family lots on 6 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop.

2016-0492: A request by Glen Road Capital LLC. for approval of a Final Subdivision Plat for Belmont Place Phase 1 Section 3 consisting of 24 single family lots on 7.271 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop.

PROPERTY LOCATION & DESCRIPTION

The property is located north of Peachblow Road and just east of Crownover Way with Sections 2 and 3 located just east of Section 1 on open farmland without trees except for along the eastern property line. The zoning of the subject property, which is in Sub-Area B per the May 2009 rezoning, is R-3 with a PMU Overlay District (Planned Mixed Use District). The surrounding zoning to the east and south is Berlin Township Farm Residential Zoning, to the west is B-4 and R-6 with PMU Overlay District with text limitations, and to the north is PO/I (Planned Office/Institutional District) with a PMU Overlay.

BACKGROUND/PROPOSAL

On May 11, 2009 City Council approved Ordinance 08-112 and 08-113 which approved a Conditional Use Permit and Rezoning adding a PMU Overlay District (Planned Mixed Use District) on the subject 109 acres. The PMU was divided into Sub Areas A & B which contained approximately 62 and 47 acres respectively. Sub Area A permits residential, office, retail services, community facilities and recreational/open space uses while Sub Area B permits residential, office, community facilities and recreational/open space uses.

On December 9, 2013 City Council approved Ordinance's 13-76 and 13-77 for Preliminary Development Plan and Preliminary Subdivision Plat (Sub Area B) respectively for 74 single family lots in Phase 1 which encompasses 3 Sections with a density of 2.34 units per acre. The applicant proposed to construct a residential subdivision in Sub Area B of the subject site which permits a maximum 525 residential units and which would require Final Development Plan approval. In March 2014, City Council approved a Final Development Plan for Phase 1 Sections 1-3 which contains 74 single family lots and Final Subdivision Plat for Phase 1 Section 1 which contains 25 single family lots on 15.387 acres located on the eastern portion of the site. Now, the applicant is requesting to construct Phase 1 Section 2 which contains 25 single family lots and Section 3 which contains 24 single family lots.

STAFF ANALYSIS

- **ZONING:** As mentioned above, the subject site is zoned R-3 PMU (One Family Residential District with Planned Mixed Use Overlay District). Phase 1 Sections 2 and 3 would require Final Subdivision Plat approval by the Planning Commission and City Council while the Final Development Plan for the subject sections was approved in March 2014.
- **GENERAL ENGINEERING:** The Applicant received construction drawing approval on July 16, 2014 for the entirety of Phase 1. Phase 1 Section 1 has been constructed since late 2015.
- **ROADS AND ACCESS:** The main entrance into the subdivision is from Crownover Way (a north/south service road) that intersects with Peachblow Road. A single curb (McNamara Loop) off Crownover Way along McNamara Loop, Brets Lane and Ensign Lane would provide access to Section 2 and Section 3 through constructed Section 1. In Section 2 a single street (Squaregaiter Lane) would stub to the north while McNamara Loop stubs to the north and Ensigns Lane stubs to the east in Section 3. All streets would achieve compliance with minimum engineering standards.

- **LOT SIZE:** The approved development text has the following single family lot requirements: 8,125 square foot minimum lot, 65 foot minimum lot width, 125 foot minimum lot depth, 30 foot front yard setback, 8 foot side yard setback; 30 foot rear yard setback and, 1,500 square foot minimum house size. In addition, the corner lots are oversized by 30% (85 foot wide) to comply with the current zoning code. The submitted Final Subdivision Plats for Section 2 and 3 achieve compliance with the approved Final Development Plan for the subject sections.
- **DESIGN** The houses would not only have to meet the minimum standards of the Residential Development Design Criteria and Performance Standards in Chapter 1171 but also the more restrictive residential architectural standards in the approved PMU (Planned Mixed Use) development text. Some of the upgrades include: 1.) At least 50% of the front elevation of all homes shall consist of approved natural materials as defined in the text (stucco is not considered a natural material); 2.) Upgraded garage door standards for doors that face a public street; 3.) No blank walls; 4.) The same model of home or the same exterior color of the home shall not be placed on adjacent lots and shall not be placed on facing lots.
- **OPEN SPACE & PARKLANDS** There is no open space or parkland in Sections 2 and 3. However in Section 1, there is approximate 1.67 acre active parkland which is constructed with a tot lot with play equipment, a basketball half court, a large open playfield, benches and landscaping. In addition, there is approximately 6.24 acres of active and passive open space in Section 1 including a bike path along Peachblow Road.
- **LANDSCAPING PLAN:** The Shade Tree Commission approved the street tree and landscaping for Phase 1 Sections 1-3 on February 25, 2014.
- **TREE REMOVAL & REPLACEMENT:** No trees appear to be removed in the proposed development but there are trees along the eastern property line and if they are removed because of any construction they would need to be replaced per Chapter 1168 Tree Preservation Regulations.
- **LIGHTING PLAN.** A lighting plan for Phase 1 Sections 1-3 was approved by the Chief Building Official on March 25, 2014.

STAFF RECOMMENDATION – (2016-0488 FINAL SUBDIVISION PLAT)

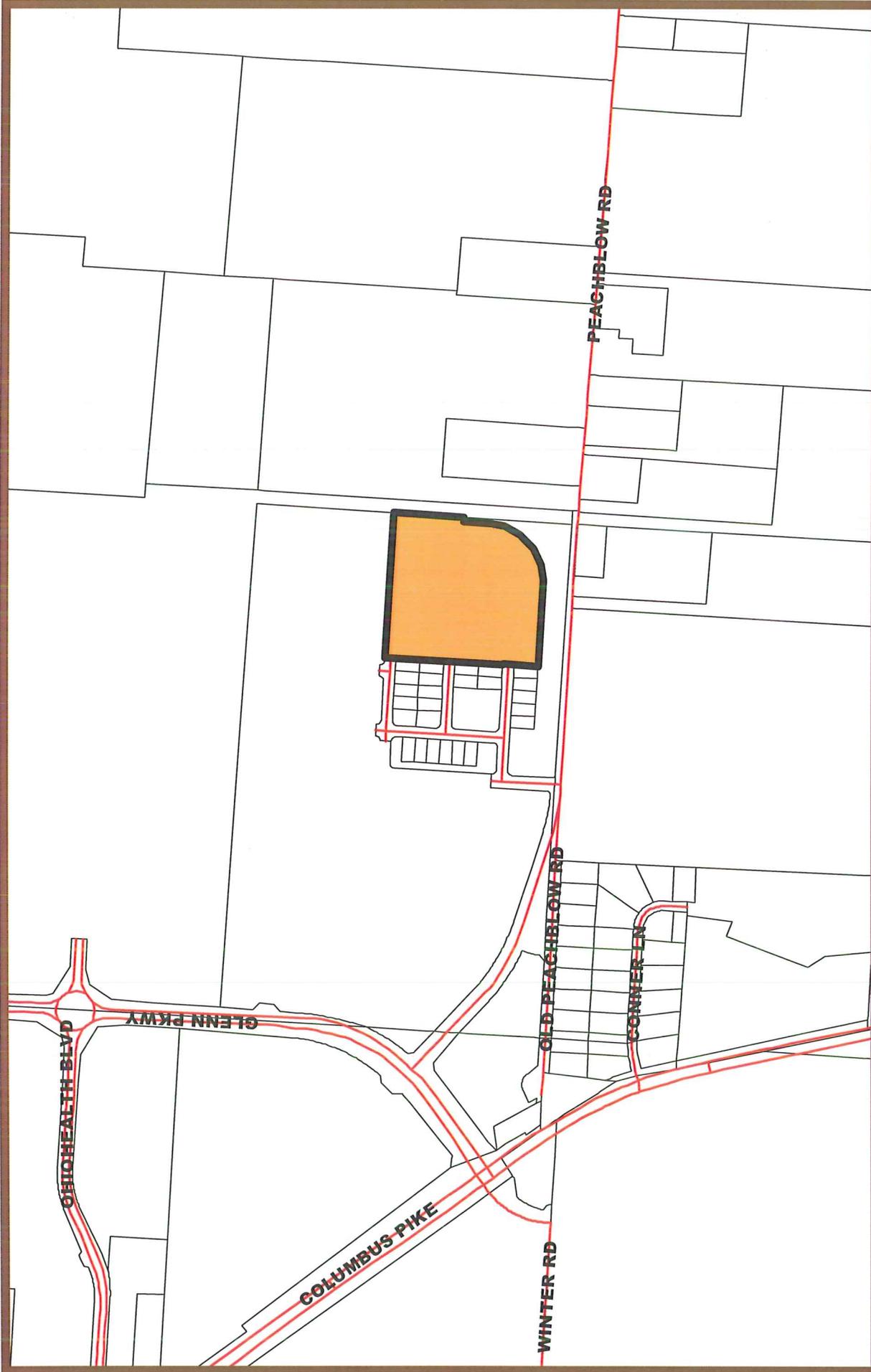
Staff recommends approval of a request by Glen Road Capital LLC. for a Final Subdivision Plat for Belmont Place Phase 1 Section 2 consisting of 25 single family lots on 6 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop, with the following conditions that:

1. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
2. The single family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
3. All homes shall have basements which shall have gravity sewer to the lowest elevation to allow for basement bathrooms and fixtures by gravity connection only. Hung sewers, grinder pumps and the like shall not be permitted.
4. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and the approved landscaping plan.

STAFF RECOMMENDATION – (2016-0492 FINAL SUBDIVISION PLAT)

Staff recommends approval of a request by Glen Road Capital LLC. for a Final Subdivision Plat for Belmont Place Phase 1 Section 3 consisting of 24 single family lots on 7.271 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Brets Lane, Ensigns Lane and McNamara Loop, with the following conditions that:

1. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
2. The single family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
3. All homes shall have basements which shall have gravity sewer to the lowest elevation to allow for basement bathrooms and fixtures by gravity connection only. Hung sewers, grinder pumps and the like shall not be permitted.



2016-0488 & 0492
Final Subdivision Plat
Belmont Place - Phase 1 Sections 2 & 3
Location Map





2016-0488 & 0492
Final Subdivision Plat
Belmont Place - Phase 1 Sections 2 & 3
Aerial (2013)





2016-0488 & 0492
 Final Subdivision Plat
 Belmont Place - Phase 1 Sections 2 & 3
 Zoning Map





FACT SHEET

AGENDA ITEM NO: 16

DATE: 4/11/16

ORDINANCE NO: 16-31

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 3 CONSISTING OF 24 SINGLE FAMILY LOTS ON 7.271 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETS LANE, ENSIGNS LANE AND MCNAMARA LOOP

BACKGROUND:

On December 9, 2013 City Council approved Ordinance 13-76 and 13-77 for Preliminary Development Plan and Preliminary Subdivision Plat (Sub Area B) respectively for 74 single family lots in Phase 1 which encompasses 3 Sections with a density of 2.34 units per acre. The applicant proposed to construct a residential subdivision in Sub Area B of the subject site which permits a maximum 525 residential units and which would require Final Development Plan approval for the remainder of the site. In March 2014, City Council approved a Final Development Plan for Phase 1 Sections 1-3 which contains 74 single family lots and Final Subdivision Plat for Phase 1 Section 1 which contains 25 single family lots on 15.387 acres located on the eastern portion of the site. Now, the applicant is requesting to construct Phase 1 Section 2 which contains 25 single family lots and Section 3 which contains 24 single family lots.

The main entrance into the subdivision is from Crownover Way (a north/south service road) that intersects with Peachblow Road. A single curb (McNamara

Loop) off Crownover Way along McNamara Loop, Brets Lane and Ensign Lane would provide access to Section 2 and Section 3 through constructed Section 1. In Section 2 a single street (Squaregaiter Lane) would stub to the north while McNamara Loop stubs to the north and Ensigns Lane stubs to the east in Section 3. All streets would achieve compliance with minimum engineering standards.

The approved development text has the following single family lot requirements: 8,125 square foot minimum lot, 65 foot minimum lot width, 125 foot minimum lot depth, 30 foot front yard setback, 8 foot side yard setback; 30 foot rear yard setback and, 1,500 square foot minimum house size. In addition, the corner lots are oversized by 30% (85 foot wide) to comply with the current zoning code. In addition, the houses would not only have to meet the minimum standards of the Residential Development Design Criteria and Performance Standards in Chapter 1171 but also the more restrictive residential architectural standards in the approved PMU (Planned Mixed Use) development text. Some of the upgrades include: 1.) At least 50% of the front elevation of all homes shall consist of approved natural materials as defined in the text (stucco is not considered a natural material); 2.) Upgraded garage door standards for doors that face a public street; 3.) No blank walls; 4.) The same model of home or the same exterior color of the home shall not be placed on adjacent lots and shall not be placed on facing lots. Also, there is no open space or parkland in Sections 2 and 3. However in Section 1, there is approximate 1.67 acre active parkland which is constructed with a tot lot with play equipment, a basketball half court, a large open playfield, benches and landscaping. In addition, there is approximately 6.24 acres of active and passive open space in Section 1 including a bike path along Peachblow Road. The landscape plans and lighting plans have been approved by the Shade Tree Commission and Chief Building Official respectively.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-31

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 3 CONSISTING OF 24 SINGLE FAMILY LOTS ON 7.271 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETTS LANE, ENSIGNS LANE AND MCNAMARA LOOP.

WHEREAS, the Planning Commission at its meeting of April 6, 2016 recommended approval of a Final Subdivision Plat for Belmont Place Section 3 consisting of 24 single family lots on 7.271 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Bretts Lane, Ensigns Lane and McNamara Loop (2016-0492), and

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

SECTION 1. That the Final Subdivision Plat for Belmont Place Section 3 consisting of 24 single family lots on 7.271 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on Bretts Lane, Ensigns Lane and McNamara Loop, is hereby confirmed, approved, and accepted with the following conditions that:

1. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
2. The single family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
3. All homes shall have basements which shall have gravity sewer to the lowest elevation to allow for basement bathrooms and fixtures by gravity connection only. Hung sewers, grinder pumps and the like shall not be permitted.
4. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and the approved landscaping 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.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 17

DATE: 4/11/16

ORDINANCE NO: 16-32

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SPEEDWAY LLC., FOR AN APPROXIMATE 4,608 SQUARE FOOT GAS STATION AND CONVENIENCE STORE ON APPROXIMATELY 12.912 ACRES LOCATED ON THE NORTHWEST CORNER OF US 23 NORTH AND HILLS MILLER ROAD ON PROPERTY ZONED B-4 (GENERAL BUSINESS DISTRICT).

BACKGROUND:

Speedway purchased the 12.912 acre parcel in May 2014 with the intent to construct an approximate 4,608 square foot gas station and convenience store. This parcel was annexed into the City in 1968 along with approximately 222 acres of ground, some of which would become the Oakhurst Subdivision. The subject property is zoned B-4 (General Business District) and the proposed gas station and convenience store is a permitted use. The owner would only develop approximately 4.8 acres of the property while the remaining approximate 8 acres would remain undeveloped with approximately 4 acres being dedicated as a permanent conservation easement.

The site would be accessed by a right-in/right out curb cut on US 23 while a full movement curb cut would be located on Hills Miller Road with required roadway improvements by ODOT. The gas station would have 7 fueling bays for passenger vehicles and 4 separate diesel fueling bays which could accommodate large vehicles such as semi-trucks along with a convenience store. The rectangular building would be oriented towards US 23 North with

the vehicular fueling canopy located between the building and US 23 North. The elevations would be comprised mainly of red structural brick with a limestone wainscoting with a typical aluminum storefront door and windows with an asphalt shingled pitched roof. There would be two dormer windows on the front elevation for aesthetic purposes. In addition, both fuel canopies would have a mansard roof with a beige sign band supported by limestone columns. The Applicant has voluntarily proposed an approximate four acre permanent conservation easement on the northern portion of the site with approximately 2,531 caliper inches of qualifying major trees (any tree over 6 caliper inches) contained within the conservation easement. The proposed development is primarily placed over open and previously disturbed ground but would remove 1546.47 caliper inches of trees while replacing 376 caliper inches of trees for a net of 1,170.4 caliper inches of trees being removed. Overall then, approximately two-thirds of the major trees on the site will be permanently preserved. Speedway submitted a check for \$117,040 (1170.4 x \$100) along with a tree clearing permit on March 2, 2016 to achieve compliance with Chapter 1168 Tree Preservation Regulations. The development achieves compliance with the street, front yard, parking lot and perimeter landscaping. In addition, 3.5 feet high limestone piers with concrete cap stones approximately 20 feet on center along US 23 North would be installed to supplement the landscaping and continue the theme that currently exists along US 23 to be consistent with the other recently approved developments in the corridor. Additionally, a stone monolith would be installed. All the landscape plans would need to be approved by the Shade Tree Commission. The owner is proposing vehicular fuel canopy and ground signage that would have to achieve compliance with the zoning code. Furthermore, a comprehensive lighting plan for the site and building would be required to be approved by the Chief Building Official. Finally, Speedway plans to initiate construction in the Summer of 2016 with a 5-6 month timeline for completion.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 6, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-32

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SPEEDWAY LLC., FOR AN APPROXIMATE 4,608 SQUARE FOOT GAS STATION AND CONVENIENCE STORE ON APPROXIMATELY 12.912 ACRES LOCATED ON THE NORTHWEST CORNER OF US 23 NORTH AND HILLS MILLER ROAD ON PROPERTY ZONED B-4 (GENERAL BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 6, 2016, recommended approval of a Final Development Plan for Speedway LLC., for an approximate 4,608 square foot Gas Station and Convenience Store on approximately 12.912 acres located on the northwest corner of US 23 North and Hills Miller Road on property zoned B-4 (General Business District) (PC 2016-0517), and

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

SECTION 1. That the a Final Development Plan for Speedway LLC., for an approximate 4,608 square foot Gas Station and Convenience Store on approximately 12.912 acres located on the northwest corner of US 23 North and Hills Miller Road on property zoned B-4 (General Business District), is hereby confirmed, approved, and accepted with the following conditions:

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. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The Applicant shall be responsible for any roadway improvements and/or financial obligations of the traffic impact study per ODOT and the City Engineer. The roadway improvements plan shall be approved by the City Engineer and ODOT prior to building and zoning permit issuance for the store. The roadway improvements as agreed upon by the City Engineer, ODOT and Speedway shall be completed prior to any certificate of occupancy being issued.
3. Prior to issuance of any building permit for the store, Speedway will make a good faith effort, and provide documentation of such to the satisfaction of the City, to acquire additional right-of-way or right-of-entry at the US 23 and Hills Miller intersection. If the additional right-of-way or right-of-entry are not able to be obtained, the roadway improvements within the right-of-way shall be designed and constructed by Speedway so that the

improvements which are located outside of the right-of-way on the property at 2321 US Highway 23 N can be constructed in the future by either the City or others. Speedway shall be responsible for designing all improvements either in or out of the right-of-way to the satisfaction of the City and prior to issuance of any building permit. If the additional right-of-way or right-of-entry is not able to be obtained, Speedway shall escrow funds in a form and an amount sufficient for those improvements to the satisfaction of the City and prior to issuance of any building permit and which shall include additional design, construction, and contingency costs as well as any acquisition costs at a minimum.

4. Speedway shall provide a payment in lieu of constructing the sidewalk along US 23 per the City Engineer prior to engineering plan approval.
5. The private access road easement agreement to the property to the north shall be executed and recorded at the County by the subject property owner prior to issuance of any building permits. The City shall have the right to review, edit, and approve any such easement prior to its recording.
6. As submitted by the Applicant, no overnight semi-truck parking shall be permitted within the subject development and the applicant shall be responsible for ensuring compliance of such.
7. The dumpster shall be screened from public view by a wall constructed of similar building materials that match the new building with wood doors painted or stained to match or compliment the overall building.
8. The owner submitted a tree clearing permit together with a tree replacement fee of \$117,040 per Chapter 1168 Tree Preservation Requirements. The permit has been issued by the City as a result. Any revisions to the tree replacement plan shall be addressed prior to both building and zoning permit issuance and final occupancy permit.
9. Limestone piers approximately 3.5 feet high with a concrete cap and approximately 20 feet on center along US 23 shall be installed to supplement the landscaping, continue this theme along US 23, and comply with the Gateway & Corridor Plan. In addition, a decorative stone monolith shall be installed.
10. The approximate 4 acre conservation easement on the northern and western portions of the property shall be executed and recorded at the County by the subject owner prior to issuance of any building permits. The City shall have the right to review, edit and approve the conservation easement as well as the proposed easement holder (or holding entity) to ensure consistency with the intend purpose of the easements as noted within the Staff report.
11. The Shade Tree Commission shall review and approve the submitted street tree plans.
12. The limestone on the building, the stone canopy columns, and the ground sign bases shall be Delaware blue vein limestone (or cultured stone) or equivalent as approved by Staff. The same material used on the recently

reconstructed Troy Road Speedway columns will comply with this condition.

13. The limestone columns on the fuel canopies shall extend from ground level to the canopy.
14. All building and fuel canopy appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building material color.
15. All roof top mechanical equipment shall be completely screened from public view.
16. The Applicant shall submit all building, fuel canopy, and sign elevations along with material and color samples for all building materials for staff review and approval after approval of the Final Development Plan and prior to any building permit issuance.
17. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official during the Final Development Plan approval process. All lights shall be fully recessed and cut off and the light poles shall be black.
18. The signs on the fuel canopy shall be flush mounted or inset to achieve a flush mounted appearance.
19. The ground signs shall be flush mounted to the stone cap base, shall be faced with limestone (or cultured stone) as per the building and columns, and shall be no larger than 10 feet high and 72 total square feet per face on the US23 frontage and no larger than 5 feet high and 50 total square feet per face on the Hills Miller Rd. frontage.
20. The outdoor merchandise (ice box, propane tanks, etc.) shall be located on the north side of the building with a 2-3 foot tall wall that matches the building to screen the subject merchandise.
21. The outdoor merchandise shall be limited to designated and limited area to be shown on the final approved Final Development Plan and as approved by Staff. No movie boxes, ATM machines, etc., shall be allowed outside the building.
22. No commercial, truck trailer, campers, or motor home traffic shall be allowed on the property for over one hour.

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___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST:

CITY CLERK

MAYOR



PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2016-0517
REQUEST: Final Development Plan
PROJECT: Speedway US 23 North
MEETING DATE: April 6, 2016

APPLICANT/OWNER

Speedway LLC
500 Speedway Drive
Enon, Ohio 453235

REQUEST

2016-0517: A request by Speedway LLC for approval of a Final Development Plan for an approximate 4,608 square foot Speedway Gas Station and Convenience Store on approximately 12.912 acres located on the northwest corner of US 23 North and Hills Miller Road on property zoned B-4 (General Business District).

PROPERTY LOCATION & DESCRIPTION

The property is located at the northwest corner of US 23 and Hills Miller Road which is currently a vacant site. The subject property is zoned B-4 (General Business District). The property to the north is zoned B-3 (Community Business District), the properties to the south are zoned B-4 and R-6 (Multi-Family Residential District) and the property to the west is zoned R-6. The properties to the east across US 23 are in the Township.

BACKGROUND

Speedway purchased the 12.912 acre parcel in May 2014 with the intent to construct an approximate 4,608 square foot gas station and convenience store. This parcel was annexed into the city in 1968 along with approximately 222 acres of ground, some of which would become the Oakhurst Subdivision. The subject development would only develop approximately 4.8 acres of the property while the remaining approximate 8 acres would remain undeveloped with approximately 4 acres being dedicated as a permanent conservation easement. The site would be accessed by a right-in/right out curb cut on US 23 while a full movement curb cut would be located on Hills Miller Road. The gas station would have 7 fueling islands for passenger vehicles and 3 separate diesel fueling bays which could accommodate large vehicles such as semi-trucks along with a convenience store. In October 2015, City Council approved the Preliminary Development Plan for the subject site. Speedway plans to initiate construction in the Summer of 2016 with a 5-6 month timeline for completion.

STAFF ANALYSIS

- **ZONING:** As previously mentioned, the subject property is zoned B-4 General Business District. Under the current zoning, the proposed gas station and convenience store is a permitted use. The applicant would have to receive Preliminary and Final Development Plan approval from the Planning Commission and City Council prior to any construction. The parcel has been zoned in a similar manner to B-4 since at least 1991 and has been in a general business district since it was annexed in 1968. The only required pre-development zoning process for this proposal is Development Plan Review. That process is defined (in this case) by two parts – a preliminary followed by a final plan. While many details are reviewed during the Preliminary phase of review, not all aspects of the project are known to a final degree as the Final Development Plan review captures any outstanding remaining review items. The Preliminary review establishes the basic arrangement of the proposed use on the site, access points, and preliminary site circulation while establishing any specific elements or conditions that must be further detailed and submitted during the Final Development Plan review. Therefore, the proposed use is not in question, is permitted in this district, and is not subject to review during this process. In fact, the B-4 District allows many other potentially more impactful uses on this site than what the applicant proposes and many more acres could be developed if the applicant desired. This Final Development Plan review is governed by the attached decision criteria (Section 1129.09), conformance with applicable codes, as well as consistency with past similar decisions. The Applicant, therefore, has the right to make this application and has satisfied the basic requirements (in many cases far exceeding the basic requirements) for the site, use, and potential impacts of the proposed development and Staff finds that the proposal achieves compliance with the Decision Criteria for granting the Final Development Plan approval.

- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be detailed through the Engineering and Utilities Departments prior to Final Development Plan Submission and with the subsequent Site Engineering Construction Improvement plans that would follow. Utilities are available to the site and it is the responsibility of the applicant to construct whatever is required to service the site and use. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** The proposed site plan identifies two curb cuts to the new gas station and convenience store. A right-in/right-out curb cut would be located on US 23 and a full movement curb cut would be located on Hills Miller Road. Per an approved traffic impact study by ODOT and the City of Delaware, traffic improvements are required at the US 23/Hills Miller Road intersection, on US23, on Hills Miller Rd., and a drop lane is required for the right-in/right out along the southbound lane of US 23. Speedway is responsible to construct many significant improvements to US23 and Hills Miller Rd. as documented in the City Engineering Plans and communication. Additionally, right-of-way or a right-of-entry at the US23 and Hills Miller Rd. intersection must be acquired by the Applicant before final engineering plans are approved in order to implement the contemplated improvements. Once engineering plans are completed, the required improvements must be started on US23 and Hills Miller Rd. prior to Building and Zoning Permit Issuance for the store and must be completed prior to any Certificate of Occupancy being issued to ensure completion of the necessary improvements prior to or concurrent with the opening of the store itself. In addition, an easement for a private rear backage road would extend from the curb cut on Hills Miller Road to the northern property line of the subject property per the ODOT Access Management Plan for the northern US23 corridor as well as the City Thoroughfare Plan. The private road would only be constructed to the northern portion of the Speedway development (allowing this portion of the north property area to remain undisturbed at construction) and the remainder would be in an easement and available for any future developer of the land to the north to utilize to provide required connectivity to their site if and when a development would come forward for parcels to the north of the Speedway site.
- **PEDESTRIAN CONNECTIVITY:** City Council indicated they would not want a bike path adjacent to US 23 because of safety reasons. As with the case of other similar developments along US 23, the applicant would be required to provide easements for a sidewalk (if it cannot be accommodated within the existing right-of-way as determined by the City Engineer) while a condition of approval would require a payment in lieu of construction. This method would ensure space for future such connections if desired while allowing for other priority pathway construction to be addressed in accordance with adopted plans. In addition, bikeway connectivity would be assured by the installation of a bike path on the west side of aforementioned backage road to the northern portion of the Speedway development. The remainder of the bike path would be in an easement and available for any future developer of the land to the north to utilize to provide required connectivity to their site if and when a development would come forward for parcels to the north of the Speedway site.
- **SITE CONFIGURATION:** The approximate 4,608 square foot gas station and convenience store would front US 23 and be located just south of the proposed right-in/right-out curb cut. The gas station would have 7 vehicular fueling islands on the east side of the building fronting US 23 and 3 diesel fueling bays located west of the building (behind the building). The vehicular and diesel fueling bays would each be covered with a canopy with a mansard roof. The development would have 34 vehicular parking spaces located on the north, south and east sides of the building for the convenience store patrons which would achieve compliance with parking space requirements of the proposed use. No parking spaces for semi-trucks are provided and no overnight parking signs would be posted throughout the site. Speedway has volunteered that their personnel would actively monitor the truck areas to ensure that no trucks are parking on the site long term or overnight. The minimum building and parking setbacks for the entire development are significantly more than required. Dumpsters would be located north of the building along the access drive and the enclosure would be constructed of brick with wood doors painted to match per the zoning code. The doors would be oriented to the northeast (or away from the public streets). Staff would require that an area (maybe between the building and the north parking lot) should be dedicated for "outside merchandise" (ice box, propane tanks, seasonal items, mulch, etc.) and painted to match the brick or moved to the side of the building. Also, staff would suggest potentially installing a low wall (2 to 3 feet tall) to delineate the storage area and shield the "outside

merchandise” from public right-of-way. The applicant is voluntarily proposing to place a permanent conservation easement on over 4 acres of the site (over 31% of the site). The easement is located north and west of the developed area and covers the most heavily treed portions of the site including some stream corridors. Local and State processes exist that would allow much of this conserved area to be potentially developed if the applicant chose to do so. Stream setback and wetland items are being addressed and mitigated with the appropriate State and Federal agencies as required. Additionally, in an effort to demonstrate their commitment to preserving these areas as much as practical and to address questions about future expansion of the proposed use on the site, the applicant is volunteering to place a permanent conservation easement on their property (which would run with the land). This will effectively permanently limit the extent of any development on this site to the area proposed with this case while allowing for the aforementioned backage road to properties to the north if and when they might develop and require access.

- **BUILDING DESIGN:** The rectangular approximate 4,608 square foot building would be oriented towards US 23 with the vehicular fueling canopy located between the building and US 23. The front elevation (east) would be comprised mainly of red structural brick with a limestone wainscoting with a typical aluminum storefront door and windows with an asphalt shingled pitched roof. There would be two dormer windows on the front elevation for aesthetic purposes along with an enhanced pitched roof vestibule. The side (north and south) and rear (west) elevations would be mainly structural red brick with a limestone wainscoting with an asphalt shingled pitched roof. The southern elevation would have a return of five aluminum storefront windows from the front window bay. Dark structural brick rectangular wall accents would be located on the side and rear elevations to break up the wall face. The mansard roof vehicular gas canopy would have a beige sign band in place of the prototypical Speedway color scheme that will help minimize its appearance and would be supported by fourteen limestone (cultured) faced columns while the diesel gas canopy mansard roof with a beige sign band would be supported by ten limestone columns. The building and fuel canopy appurtenances (coping, downspouts, etc.) should be painted to match the adjacent building surface. The limestone on the building and canopy columns shall match the limestone at the Troy Road Speedway and the limestone columns shall extend to the canopy. Furthermore, the mechanical equipment would be located on the rear roof elevation and would be screened from public view by a decorative fence. Staff would need submittal of each building material with color samples to ensure compliance is achieved with any Final Development Plan requirements. The upgraded building would provide a signature northern gateway into the City and is not prototypical in nature.
- **TREE REMOVAL & REPLACEMENT:** The applicant submitted a tree survey that indicates there are a significant amount of trees in certain areas on the site. The majority of these are located within the northern and western portions of the site. The Applicant has voluntarily proposed a permanent conservation easement for these areas and the approximately 2,531 caliper inches of qualifying major trees (any tree over 6 caliper inches) contained within them. The proposed development is primarily placed over open and previously disturbed ground but would remove 1,546.4 caliper inches of trees while replacing 376 caliper inches of trees for a net of 1,170.4 caliper inches of trees being removed. Overall then, approximately two-thirds of the major trees on the site will be permanently preserved. However, a payment in lieu of replacement of the removed trees is calculated at \$117,040 (1170.4 x \$100) and shall be made by the applicant to achieve compliance with Chapter 1168 Tree Preservation Regulations prior to building permit approval. The City accepted a check from Speedway in the amount of \$117,040 along with a tree clearing permit on March 2, 2016. The aforementioned permit and check were submitted, reviewed, and approved.
- **LANDSCAPING & SCREENING:** The development would require street, front yard, parking lot and perimeter landscaping. The 510 feet of frontage along US 23 requires 13 street trees and 11 front yard trees. The 250 feet of frontage along Hills Miller Road requires 7 and 5 street and front yard trees respectively. The subject landscape plan accounts for the required trees with flexibility in the placement because of the existing major water line and easement already in place which runs between the roadway and the site on both frontages and which does not allow for placement of landscaping or permanent improvements within the easement area. The plan achieves compliance with parking lot buffering of shrubs and the internal parking lot landscape requirements. There is significant perimeter buffering to the west with the existing trees supplemented by the many replacement trees planted north and south of the entrance road from Hills Miller Road. These include a significant number of evergreen trees as well to enhance the year round buffering of the facility. The Applicant has proposed White Spruce variety for the evergreen trees. After consultation with the City

arborist, Staff would suggest that primarily Norway spruce be used with a mixture of Black Hills Spruce and blue spruce and a limited number of white spruce and white pine. This diversity will enhance the chances that one event or malady will not impact the entire screening and the change in variety will ensure a better screen is provided overall for noise and visual buffering. The land just north and west of the Speedway development would be encumbered by an approximate 4 acre conservation easement that is heavily wooded and would only allow a potential backage road thru the proposed roadway easement as required by the ODOT Access Management Plan for the north US 23 corridor in this area. In addition, the applicant is proposing 19 -3.5 foot high limestone piers with concrete cap stones approximately 20 feet (approximately 30 ft. on center was required preliminarily, so the applicant has surpassed this requirement) on center south of the right-in-right-out along the frontage of site along US 23 to supplement the landscaping and continue the theme that currently exists along US 23 to be consistent with the other recently approved developments in the corridor. Additionally, a stone monolith is proposed just south of the southernmost stone pier as well. Though not designated as a gateway on the City's Gateway and Corridor Plan, the Applicant has agreed to include this installation to enhance the overall site development. The Shade Tree Commission would have to approve all landscape plans.

- **SIGNS:** The owner is proposing vehicular fuel canopy and ground signage. The vehicular fuel canopy sign on the east (front) would encompass approximately 17 square feet and would be red illuminated channel letters (Speedway) that would be flush mounted on the canopy. An approximately 6.14 square foot, internally illuminated Speedway Café logo would be proposed on the north and south elevations of the canopy. The canopy signs shall be flush mounted (or inset to achieve a flush mounted appearance) such that the sign faces do not extend past the front face of the canopy. Two ground signs are proposed. A 10 foot high internally illuminated ground sign located just south of the right-out on US 23 would encompass approximately 72 square feet of sign area on a 2-3 foot high base. This base must be Delaware limestone (or cultured stone) or equivalent as approved by Staff and not Quik-Brik as the drawings currently indicate. A second sign approximate 5 foot high internally illuminated ground sign (50 square feet) on a 1.5 foot high limestone base is proposed just east of the entrance on Hills Miller Road. There is a plan sheet inconsistency between the noted details and the dimensional drawing which need to be rectified prior to sign permit submission and shall be in conformance with the noted sizes and materials in this report. Each sign would contain two digital pricers with a Speedway logo and would achieve compliance with the adopted City Gateway and Corridor Plan as well as the Sign code. The signs shall be flush mounted to the stone base. In addition, no overnight parking signs would be placed throughout the parking lot and along the access drives. Finally, a number of on-site wayfinding / directional signs are proposed. By code, these must be non-illuminated and not as shown on the plan set.
- **LIGHTING:** The applicant is proposing 23 light poles throughout the site that would be 25 feet high with cut off style fixtures. In addition, there would be 3 wall pack lights, 40 canopy lights and 12 soffit lights. All lights shall be fully recessed and cut off. Additionally, any light poles shall be black in color. The lighting plans would have to achieve compliance with the minimum zoning requirements and would have to be approved by the Chief Building Official.
- **MISCELLANEOUS:** Video dispensers, ATM machines, etc. would not be permitted outside the building. Any outdoor storage areas shall be designated in limited areas on (as approved) the Final Development Plan. Outdoor storage shall be contained to only those areas so designated to be consistent with other recently approved developments.

STAFF RECOMMENDATION (2016-0517 – FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Speedway LLC for a Final Development Plan for an approximate 4,608 square foot Speedway Gas Station and Convenience Store on approximately 12.912 acres located on the northwest corner of US 23 and Hills Miller Road on property zoned B-4 (General Business District), 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. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The applicant shall be responsible for any roadway improvements and/or financial obligations of the

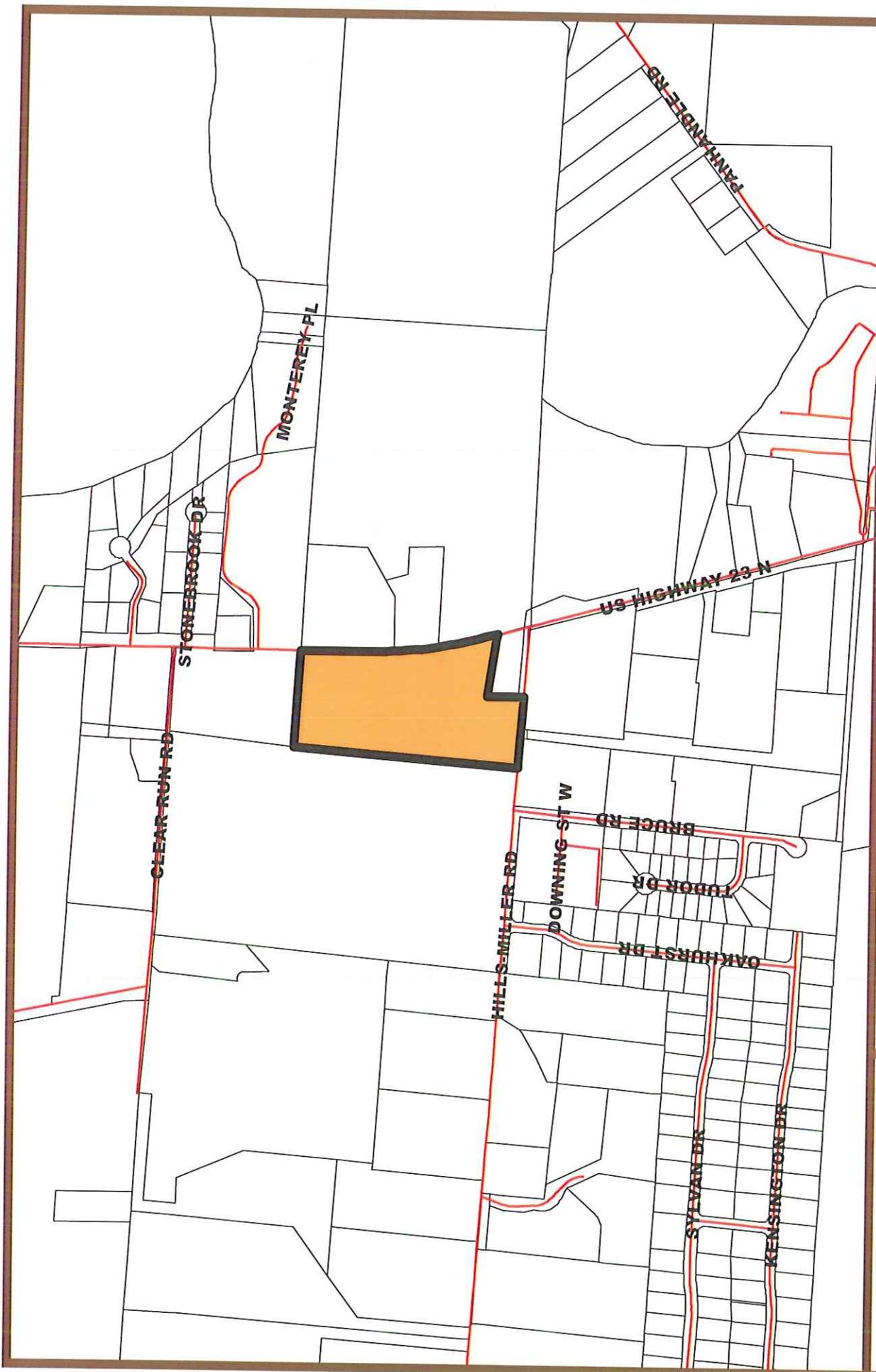
traffic impact study per ODOT and the City Engineer. The roadway improvements shall be started prior to Building and Zoning Permit issuance for the store and shall be completed prior to any certificate of occupancy being issued.

3. Additional right-of-way or right-of-entry at the US 23 and Hills Miller intersection shall be acquired by the owner prior to final engineering plan approval.
4. Speedway shall provide a payment in lieu of constructing the sidewalk along US 23 per the City Engineer prior to engineering plan approval.
5. The private access road easement agreement to the property to the north shall be executed and recorded at the County by the subject property owner prior to issuance of any building permits. The City shall have the right to review, edit, and approve any such easement prior to its recording.
6. As submitted by the Applicant, no overnight semi-truck parking shall be permitted within the subject development and the applicant shall be responsible for ensuring compliance of such.
7. The dumpster shall be screened from public view by a wall constructed of similar building materials that match the new building with wood doors painted or stained to match or compliment the overall building.
8. The owner submitted a tree clearing permit together with a tree replacement fee of \$117,040 per Chapter 1168 Tree Preservation Requirements. The permit has been issued by the City as a result. Any revisions to the tree replacement plan shall be addressed prior to both building and zoning permit issuance and final occupancy permit.
9. Limestone piers approximately 3.5 feet high with a concrete cap and approximately 20 feet on center along US 23 shall be installed to supplement the landscaping, continue this theme along US 23, and comply with the Gateway & Corridor Plan. In addition, a decorative stone monolith shall be installed.
10. The approximate 4 acre conservation easement on the northern and western portions of the property shall be executed and recorded at the County by the subject owner prior to issuance of any building permits. The City shall have the right to review, edit and approve the conservation easement as well as the proposed easement holder (or holding entity) to ensure consistency with the intend purpose of the easements as noted within the Staff report.
11. The Shade Tree Commission shall review and approve the submitted street tree plans.
12. The limestone on the building, the stone canopy columns, and the ground sign bases shall be Delaware blue vein limestone (or cultured stone) or equivalent as approved by Staff. The same material used on the recently reconstructed Troy Road Speedway columns will comply with this condition.
13. The limestone columns on the fuel canopies shall extend from ground level to the canopy.
14. All building and fuel canopy appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building material color.
15. All roof top mechanical equipment shall be completely screened from public view.
16. The Applicant shall submit all building, fuel canopy, and sign elevations along with material and color samples for all building materials for staff review and approval after approval of the Final Development Plan and prior to any building permit issuance.
17. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official during the Final Development Plan approval process. All lights shall be fully recessed and cut off and the light poles shall be black.
18. The signs on the fuel canopy shall be flush mounted or inset to achieve a flush mounted appearance.
19. The ground signs shall be flush mounted to the stone cap base, shall be faced with limestone (or cultured stone) as per the building and columns, and shall be no larger than 10 feet high and 72 total square feet per face on the US23 frontage and no larger than 5 feet high and 50 total square feet per face on the Hills Miller Rd. frontage.
20. The outdoor merchandise (ice box, propane tanks, etc.) shall be located on the north side of the building.
21. The outdoor merchandise shall be limited to designated and limited area to be shown on the final approved Final Development Plan and as approved by Staff. No movie boxes, ATM machines, etc., shall be allowed outside the building.
22. No commercial, truck trailer, campers, or motor home traffic shall be allowed on the property for over one hour.

COMMISSION NOTES:

MOTION: _____ 1st _____ 2nd approved denied tabled _____

CONDITIONS/MISCELLANEOUS:



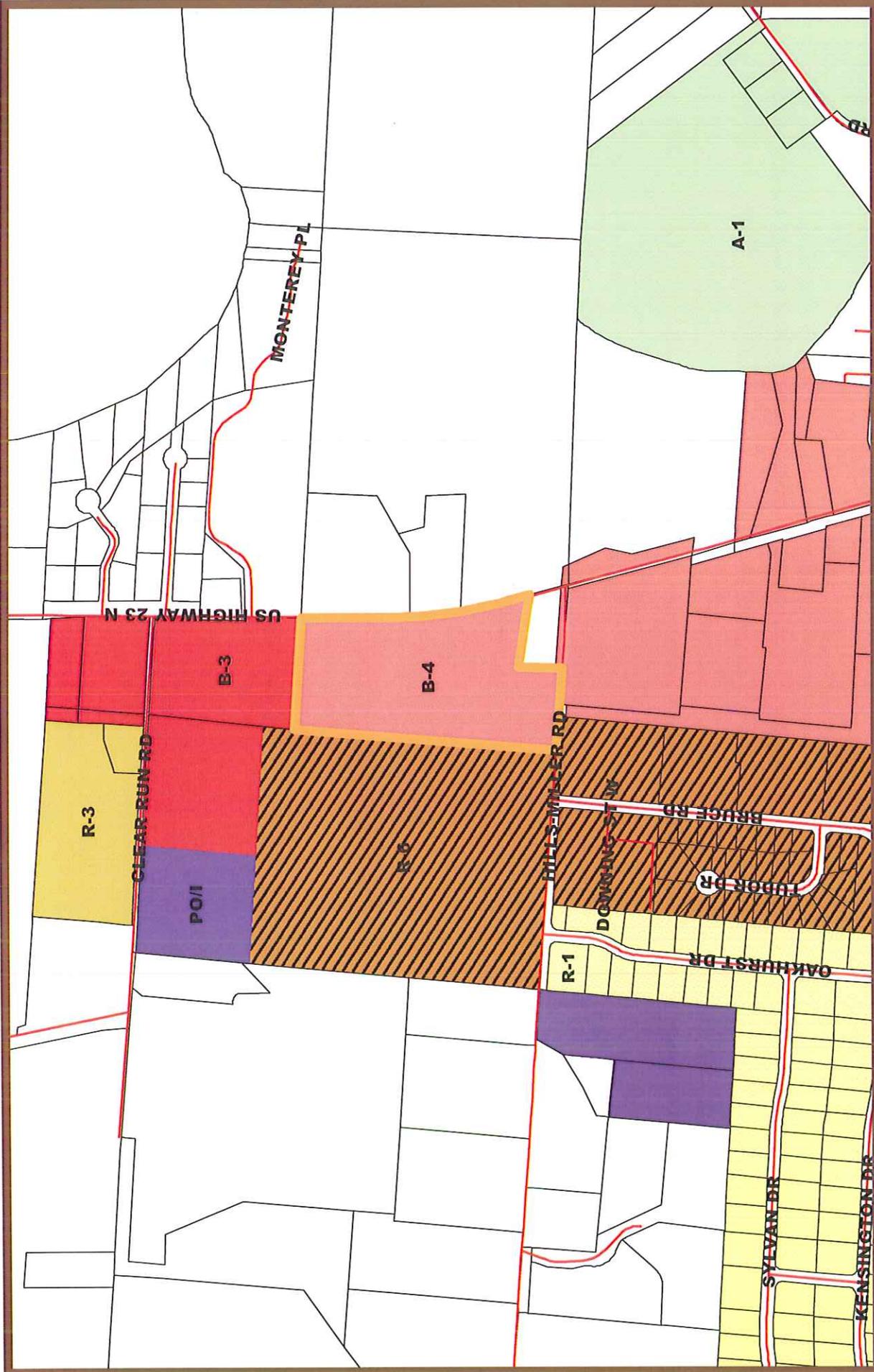
2016-0517
 Final Development Plan
 Speedway Gas Station and Convenience Store
 Location Map





2016-0517
Final Development Plan
Speedway Gas Station and Convenience Store
Aerial (2013)





2016-0517
 Final Development Plan
 Speedway Gas Station and Convenience Store
 Zoning Map





395 Springside Drive, Suite 202
Akron, OH 44333
(330) 665-0660
www.cesoinc.com

RE: SP #7775 – Speedway Fuel Station – Supporting Information

Narrative describing all aspects of the proposal:

The proposed Speedway site is located on the northwest corner of US 23 and Hills Miller Road in the City of Delaware. The property is 12.9 total acres with the development of the Speedway project developing approximately 4.8 acres. The remainder of the site will remain undisturbed with approximately 3.7 acres being dedicated as a conservation easement.

The site is located within the B4 – General Business zoning district within the City of Delaware zoning ordinance. The proposed use is a permitted use within the zoning district. No zoning variances are proposed at this time for the site.

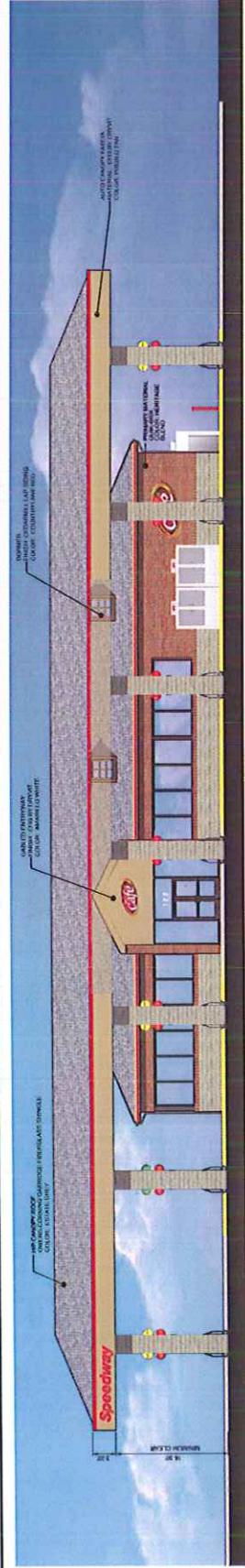
The proposed site plans shows the development of a 4,600 square foot Speedway convenience store with 14 fueling positions for automobiles and 3 separate fueling lanes for semi traffic. The store will sell typical convenience store items along with grab and go type food offerings.

A right-in / right-out driveway is proposed on US 23 and a full access driveway is proposed on Hills Miller Road. An easement for a shared access road will be placed along the rear driveway of the parcel per the City's transportation plan. The shared access road will be extended in the future if the adjacent property to the north is developed. A traffic impact study has been completed for the project and approved by the City of Delaware engineering department, the Delaware County Engineering Department, and ODOT District 8. As part of the development Speedway will design and construct improvements to both roadways and the intersection to bring them up to standards in line with the approved traffic study.

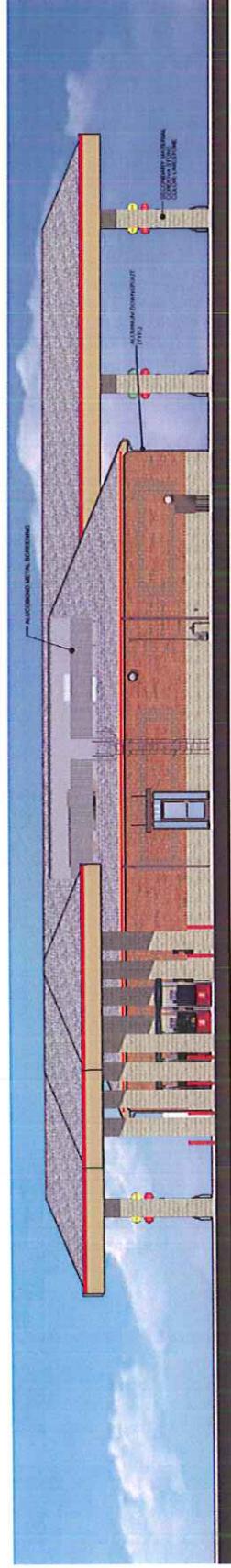
Parking for automobiles is proposed, but no parking for semi's will be allowed. No overnight parking signs will be posted throughout the site and Speedway personnel will actively monitor the truck areas to ensure no trucks are parking on the site long term. A bike path will be installed along the rear shared access road.

The architecture of both the proposed convenience store and the fueling canopies is an upgraded look from a standard Speedway. The convenience store is proposed with multiple building materials and a hip shingled roof. The fuel canopies are proposed with partial height stone columns to match the stone on the building and a shingled mansard roof. Speedway has worked with the city planning staff to develop the proposed building and canopy elevations to help ensure that the proposed Speedway is a good representation of the City of Delaware as the northern entrance to the City. Along with the upgraded building and canopy extensive landscaping is proposed to enhance the look of the property and provide additional screening from neighboring property owners.

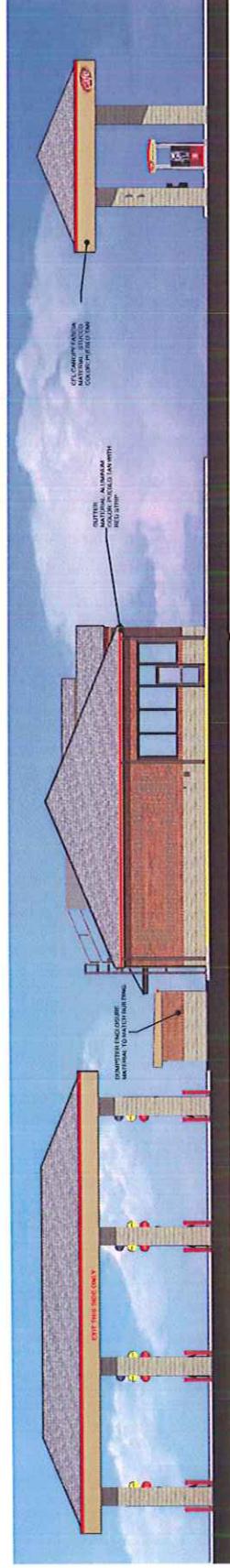
The site is proposed to begin construction in the summer of 2016 with a 5-6 month construction timeline to completion.



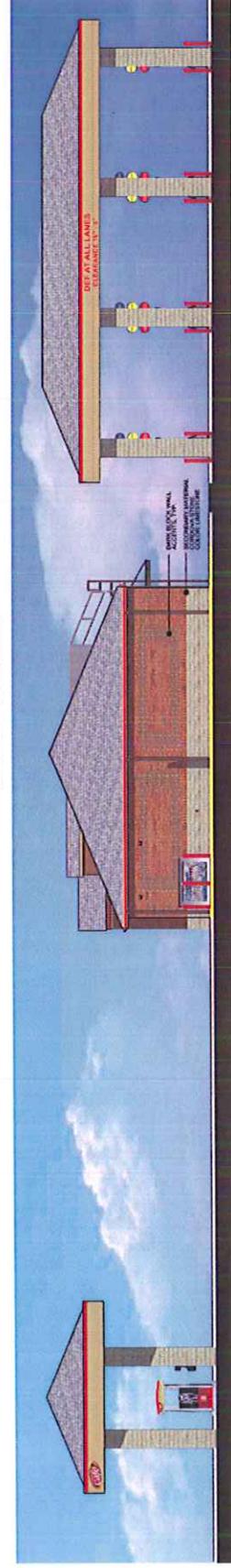
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

Speedway
 Speedway
 Engineering and Construction Dept.
 4500 E. 12th St.
 Oklahoma City, OK 73120

NO.	REVISIONS
1	ISSUE
2	REVISED
3	REVISED
4	REVISED
5	REVISED
6	REVISED
7	REVISED
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10	REVISED

BUILDING ELEVATIONS
NEW BUILD
 2219 WEST 23RD
 DELAWARE, OK
 7775

DATE	7/7/20
PROJECT NO.	137720
CLIENT	OKLAHOMA STATE UNIVERSITY
DESIGNER	OKLAHOMA STATE UNIVERSITY
ARCHITECT	OKLAHOMA STATE UNIVERSITY
ENGINEER	OKLAHOMA STATE UNIVERSITY
CONTRACTOR	OKLAHOMA STATE UNIVERSITY
OWNER	OKLAHOMA STATE UNIVERSITY
DATE	7/7/20

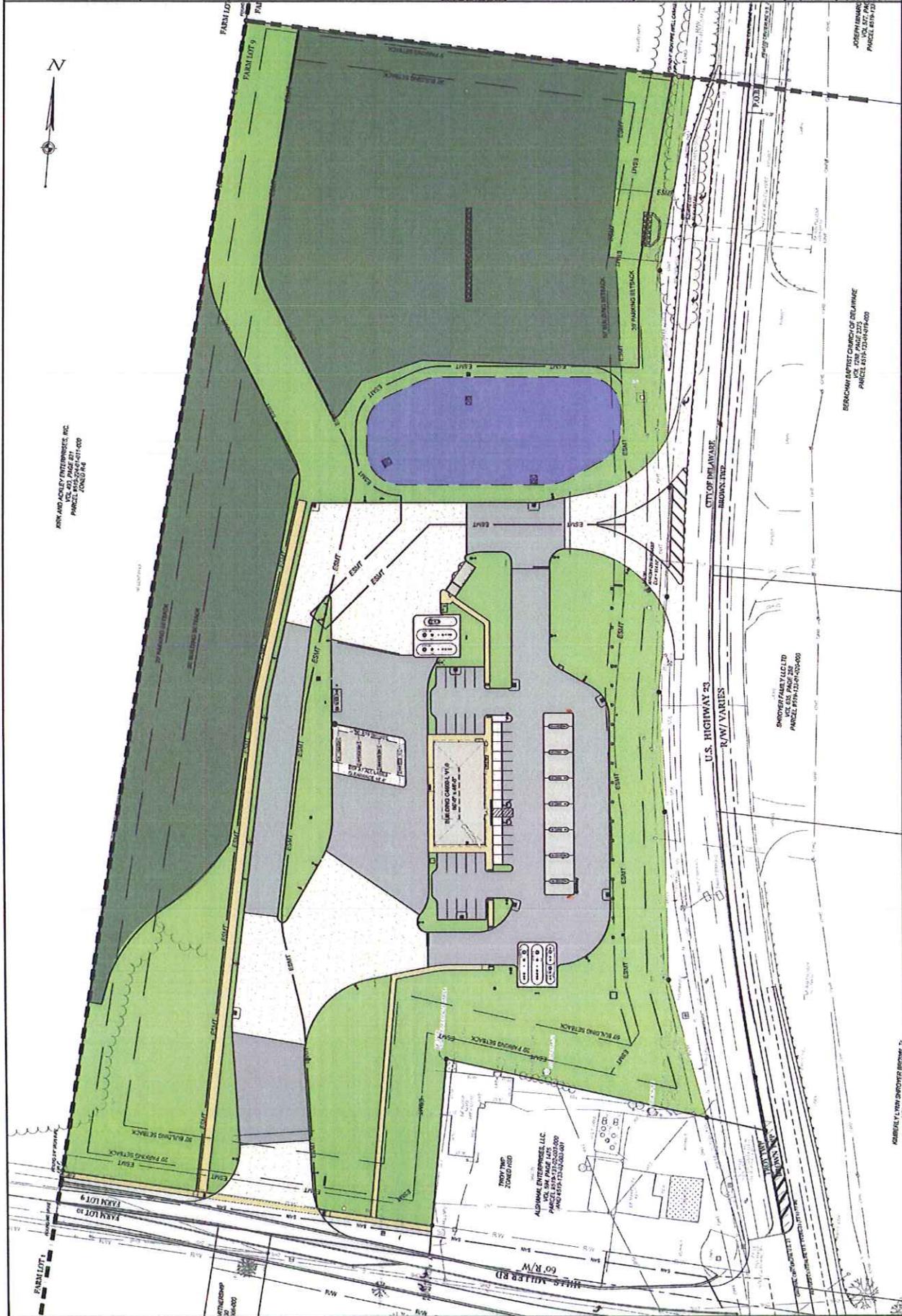
7775-ELE

NO.	DATE	DESCRIPTION
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2	11/10/14	REVISED PER COMMENTS
3	12/15/14	REVISED PER COMMENTS
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198	03/15/31	REVISED PER COMMENTS
199	04/15/31	REVISED PER COMMENTS
200	05/15/31	REVISED PER COMMENTS

NEW BUILD
2319 HWY. 23 N
DELAWARE COUNTY
DELAWARE, OH

PROJECT NO.	7775
DATE	07/15/23
SCALE	AS SHOWN
DRAWN BY	J. BROWN
CHECKED BY	M. BROWN
APPROVED BY	M. BROWN
DATE	07/15/23

7775
BENCHMARK BAPTIST CHURCH OF DELAWARE
1219 PARK 2325
PARCEL 8519-0247-000



JOHN AND ADELYN ENTERPRISES, INC.
1001 W. PARK 2325
PARCEL 8519-0247-000
DELAWARE, OH

ALISHA ENTERPRISES, LLC
1001 W. PARK 2325
PARCEL 8519-0247-000
DELAWARE, OH

SHOWER FAMILY LLC LTD
1001 W. PARK 2325
PARCEL 8519-0247-000

ADDITIONAL WORK SHOWN IN RED

CODED NOTES DESCRIPTIONS SEE SHEET 7775-CS1

REFERENCE ROADWAY PLANS FOR IMPROVEMENTS ALONG U.S. 23 AND HILLS-MILLER ROAD



CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS WITH ACTUAL FIELD CONDITIONS.

- EXISTING LEGEND**
- EXISTING TO REMAIN
 - FENCE
- PROPOSED LEGEND**
- PROPOSED CURB
 - FENCE
 - NORMAL STRENGTH CONCRETE PER SPEEDWAY STANDARDS
 - HEAVY DUTY ASPHALT PAVEMENT PER SPEEDWAY STANDARDS
 - SPIT-DOWN STRENGTH CONCRETE PER SPEEDWAY STANDARDS
 - CONCRETE SIDEWALK PER SPEEDWAY STANDARDS
 - NORMAL STRENGTH ASPHALT PAVEMENT PER SPEEDWAY STANDARDS
- ALL PAVEMENT MARKINGS ARE TO BE WHITE UNLESS REQUIRED BY ADA

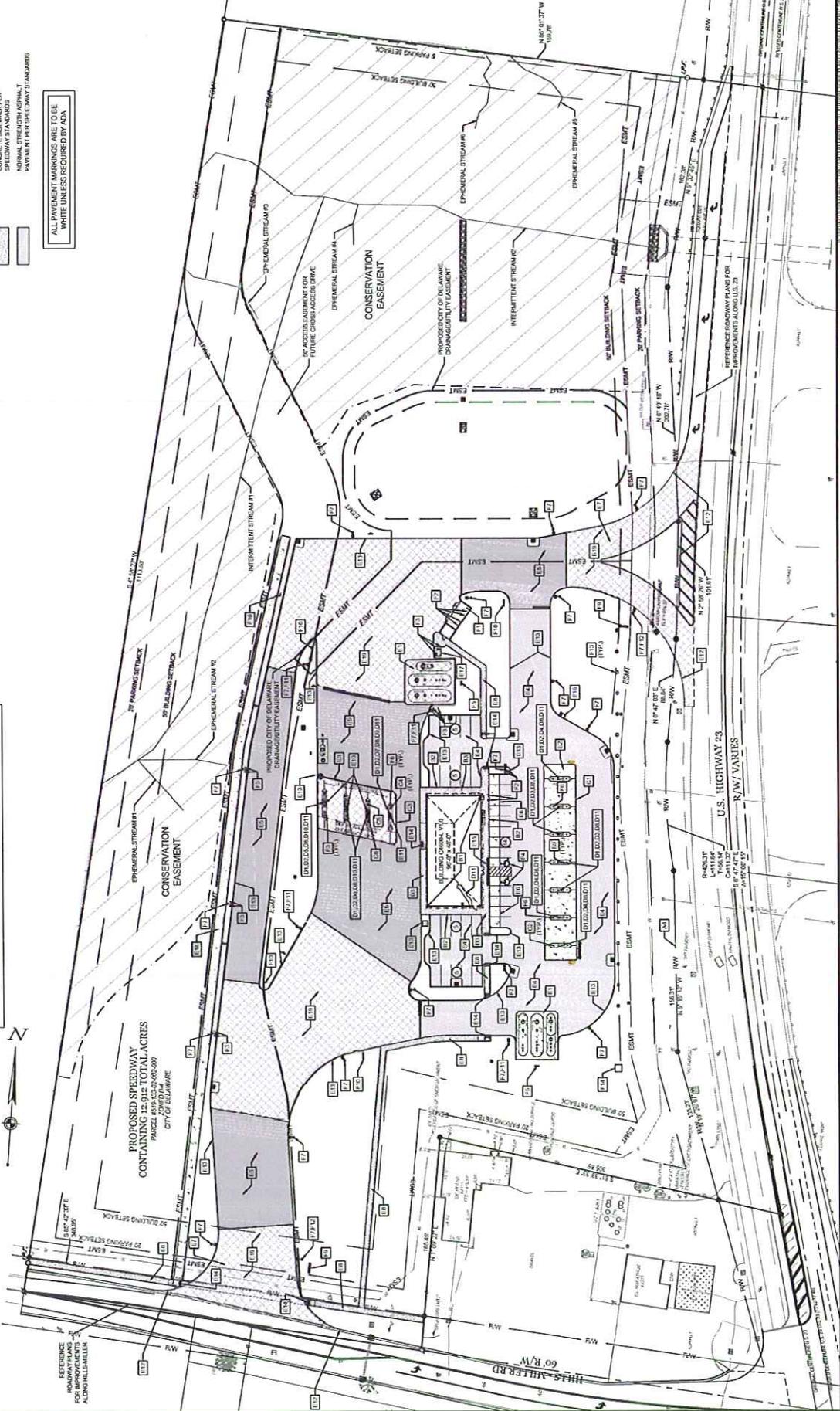


Speedway
Engineering and Construction Dept.
Elyria, OH 44032

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	11/15/11	J. W. WILSON	J. W. WILSON
2	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
3	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
4	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
5	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
6	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
7	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
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14	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
15	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
16	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
17	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
18	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
19	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON
20	REVISED PER COMMENTS	11/15/11	J. W. WILSON	J. W. WILSON

NEW BUILD
DELAWARE COUNTY
2319 HWY. 23 N
DELAWARE, OH

PROJECT NO.	7775
DRAWING NO.	7775-4
DATE	11/15/11
SCALE	AS SHOWN
DESIGNED BY	J. WILSON
CHECKED BY	J. WILSON
IN CHARGE	J. WILSON
DATE	11/15/11



7775-CS
4 41

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	08/14/13	JL	MS
2	REVISED PER COMMENTS	08/14/13	JL	MS
3	REVISED PER COMMENTS	08/14/13	JL	MS
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9	REVISED PER COMMENTS	08/14/13	JL	MS
10	REVISED PER COMMENTS	08/14/13	JL	MS

DIMENSION PLAN
NEW BUILD
DELAWARE COUNTY
2319 US HWY 23 N
DELAWARE, OH

PROJECT NO.	7775
DATE	08/14/13
SCALE	AS SHOWN
DRAWN BY	JL
CHECKED BY	MS
DATE	08/14/13
PROJECT NO.	7775
DATE	08/14/13
SCALE	AS SHOWN
DRAWN BY	JL
CHECKED BY	MS
DATE	08/14/13

EXISTING LEGEND

- EXISTING CURB
- EXISTING TO REMAIN
- FENCE

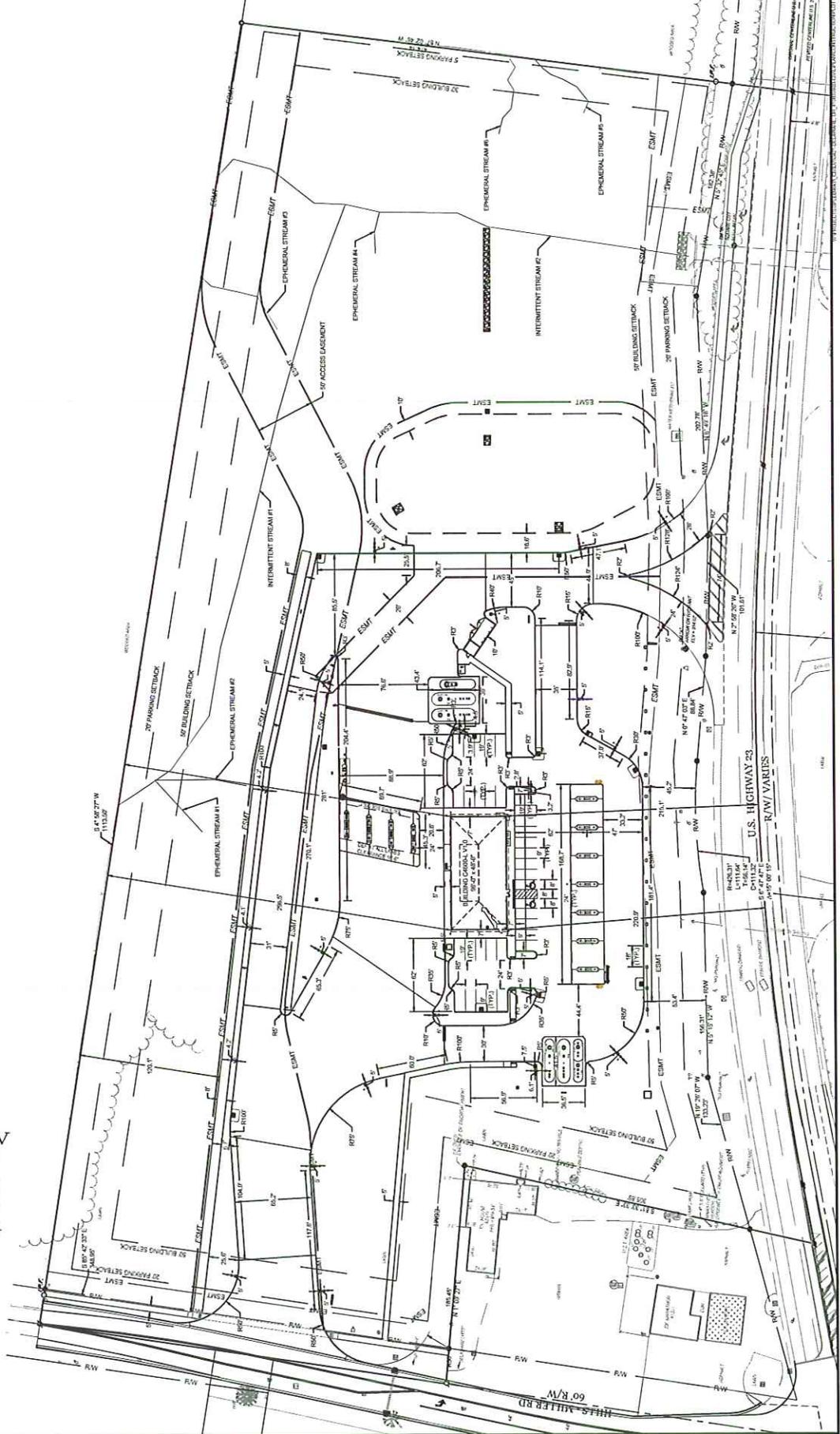
PROPOSED LEGEND

- PROPOSED CURB



O-H-C
Ohio
Utilities
Protection
SERVICE
P.O. Box 100
Columbus, OH 43260
614.291.1234 Call After 5pm Tx Day

CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES TO CONSTRUCTION IF ANY DISCREPANCIES ARE FOUND WITHIN THE DRAWINGS OR WITH ACTUAL FIELD CONDITIONS.



7775-CS4

CODED NOTES DESCRIPTIONS SEE SHEET 7775-QS1

CESO
CREATION TO COMPLETION
www.ceso.com
Address • Phone • Fax • Email

Speedway
Speedway and Construction Dept.
P.O. Box 40323
Cincinnati, OH 45240

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	08/11/11
2	REVISED PER COMMENTS	08/11/11
3	REVISED PER COMMENTS	08/11/11
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NEW BUILD
DELAWARE COUNTY
2319 US HWY 23 N
DELAWARE, OH

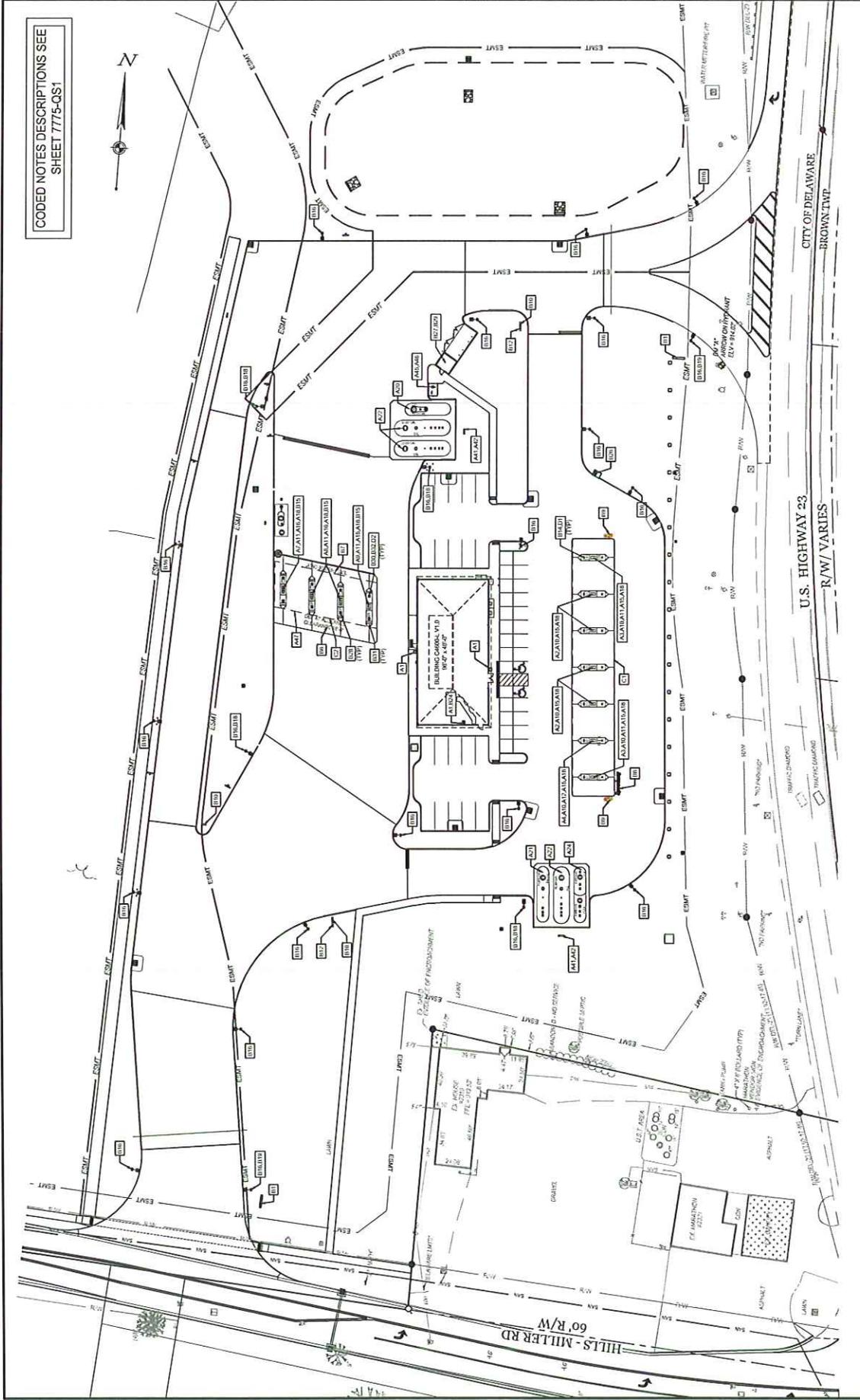
SITE EQUIPMENT PLAN
9 41
7775

DATE	7/7/11
BY	CSO
CHECKED	CSO
APPROVED	CSO
SCALE	AS SHOWN
PROJECT NO.	7775
SHEET NO.	9 41

NO.	REVISION	DATE
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OLIO
Utilities Production
Service
Call before you dig
800-455-2266

CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES TO THE CONSTRUCTION. PLANT DISCREPANCIES ARE FOUND WITHIN THE DRAWINGS OR WITH ACTUAL FIELD CONDITIONS.



CITY OF DELAWARE
BROWN TWP

U.S. HIGHWAY 23
R/W VARIES

HILLS-MILLER RD
60' R/W

GENERATOR

PUMP

ESMT

F 6

F 8

F 10

F 12

F 14

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NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	12/12/11	JL	ML
2	ISSUED FOR GRADING	12/12/11	JL	ML
3	ISSUED FOR CONSTRUCTION	12/12/11	JL	ML
4	ISSUED FOR RECORD	12/12/11	JL	ML
5	ISSUED FOR AS-BUILT	12/12/11	JL	ML

LEGEND

- EXISTING ELEVATION
- EXISTING INTERPOLATED ELEVATION
- NEW PAVEMENT ELEVATION
- EXISTING CONTOUR
- NEW CONTOUR
- NEW GRASS CONTOUR
- PAVEMENT CROWNLINE
- PROPOSED SWALE PER DETAIL THIS SHEET

GRASS SWALE DETAIL

3:1 SLOPE OR FLATTER
WIRES
3:1 SLOPE OR FLATTER

BENCHMARK

BENCHMARK "A"
IRON ON FIRE HYDRANT
LOCATED SE CORNER OF EX. TELEPHONE POLE AND
ELEV. = 1088.038
N. 248802.0
E. 108803.8

BENCHMARK "B"
CUT AND PAINTED CHAMBER LOCATED ON
COURT YD WEST OF HEADWALL AND 7' EAST
ELEV. = 1077.007 (NAD83)
N. 248794.0
E. 108803.8

Ohio Utilities Protection SERVICE
Call 800-367-7664
Call 513-367-7664

APPROXIMATELY 1/27 ACRES
SITE IN EXISTING STREAM

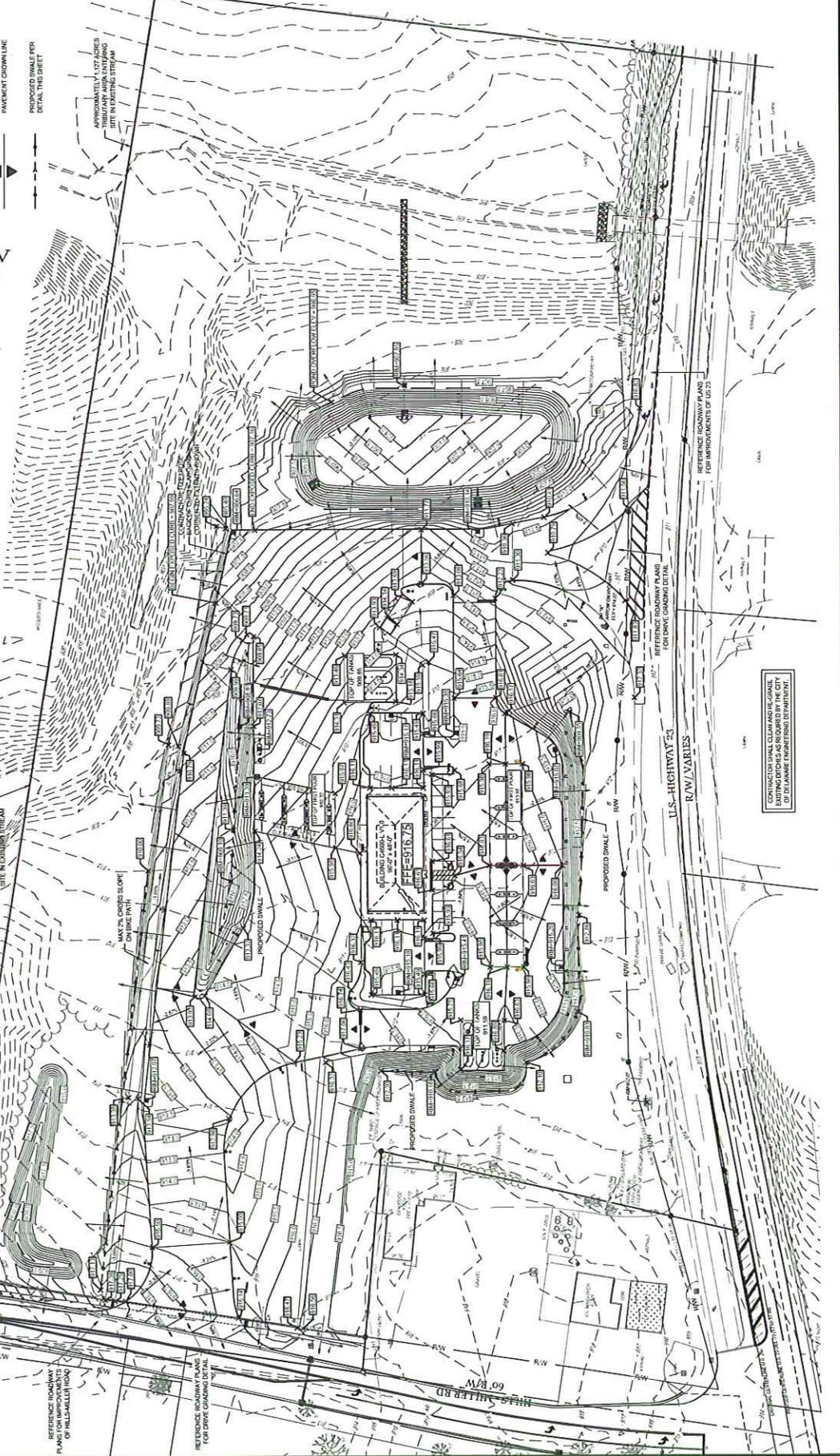
MAX 2% CROSS SLOPE
ON SIDE PATH

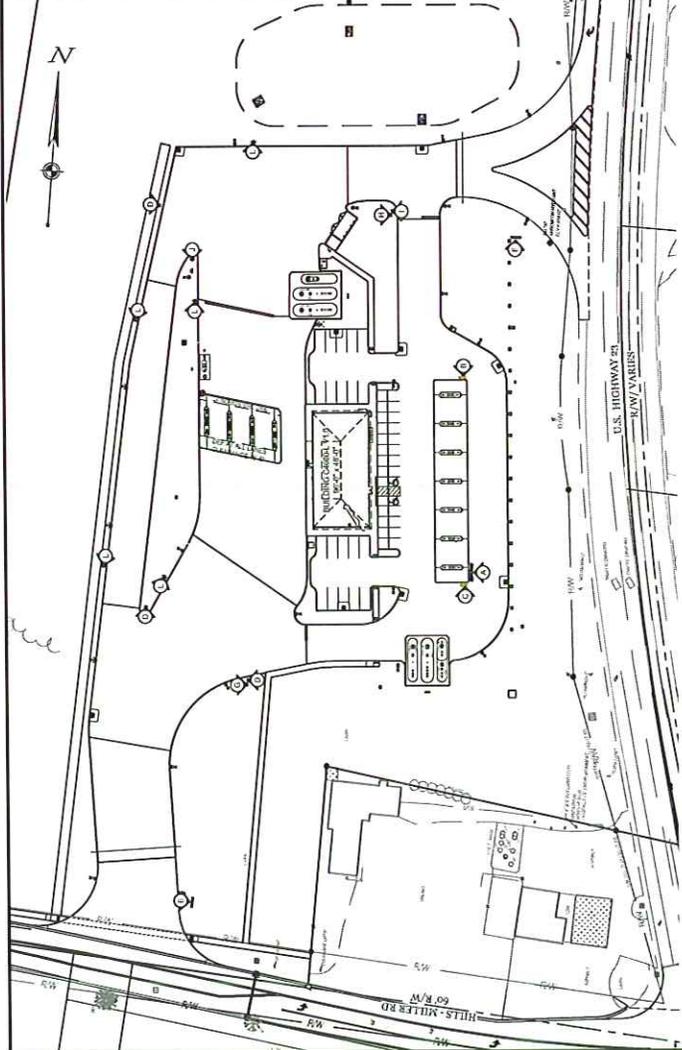
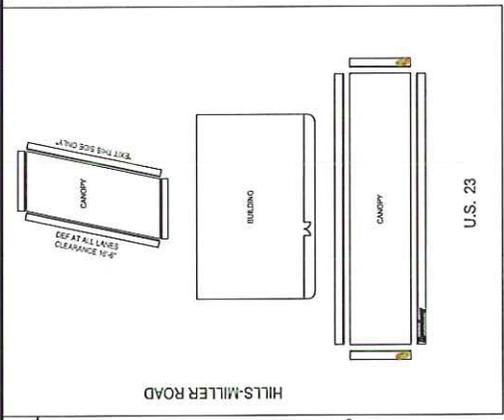
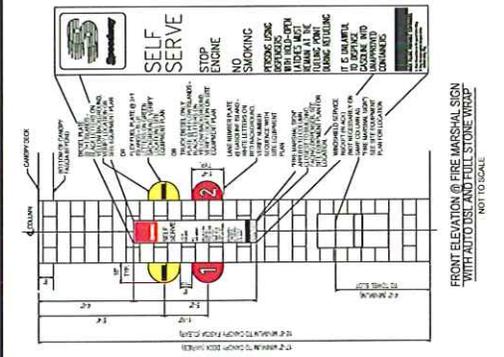
CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR OMISSIONS TO CONSTRUCTION. PAINT DIMENSION MARKERS ARE FOUND WITHIN THE DRAWINGS OR DIMENSIONS SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.

SEE GENERAL GRADING NOTES SHEET 7775-CG1

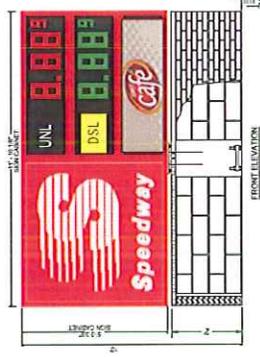
CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL EXISTING ELEVATIONS AT POINTS SUCH AS MANHOLE COVERS, STREET LIGHTS, CURBS, ETC. VERIFICATION SHALL BE PERFORMED DURING LAYOUT STAKES AND SHOWN IMMEDIATELY. DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.

CONTRACTOR SHALL CLEAN AND REPAIR EXISTING DITCHES AS REQUIRED BY THE CITY OF DELAWARE ENGINEERING DEPARTMENT.





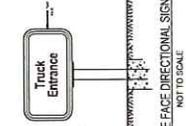
NO OVERNIGHT PARKING SIGN
NOT TO SCALE
TO BE PLACED THROUGH OUT PARKING AND QTY AREAS



72 SO. FT. "SPEEDWAY" GROUND MOUNT SIGN DETAIL
NOT TO SCALE



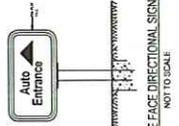
DO NOT ENTER SIGN (RS-1)
NOT TO SCALE



DOUBLE FACE DIRECTIONAL SIGN
NOT TO SCALE



DOUBLE FACE DIRECTIONAL SIGN
NOT TO SCALE



DOUBLE FACE DIRECTIONAL SIGN
NOT TO SCALE

CANOPY FASCIA WITH "SPEEDWAY" CHANNEL LETTERS
NOT TO SCALE



CANOPY FASCIA WITH SPEEDY CAFE LOGO
NOT TO SCALE



CANOPY FASCIA WITH SPEEDY CAFE LOGO
NOT TO SCALE

GRAPHICS - INSTALLATION

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SIGNAGE

REF. LET.	LOCATION	MESSAGE	ILLUMINATION	DIMENSION	AREA
A	CANOPY FASCIA WITH "SPEEDWAY" CHANNEL LETTERS	"SPEEDWAY"	CHANNEL LETTERS	10'-0" X 10'-0"	100.00
B	CANOPY FASCIA WITH SPEEDY CAFE LOGO	SPEEDY CAFE LOGO	ILLUMINATED	10'-0" X 10'-0"	100.00
C	CANOPY FASCIA WITH SPEEDY CAFE LOGO	SPEEDY CAFE LOGO	ILLUMINATED	10'-0" X 10'-0"	100.00
D	DOUBLE FACE DIRECTIONAL SIGN	TRUCK ENTRANCE	ILLUMINATED	10'-0" X 10'-0"	100.00
E	72 SO. FT. "SPEEDWAY" GROUND MOUNT SIGN	"SPEEDWAY"	ILLUMINATED	72'-0" X 10'-0"	720.00
F	50 SO. FT. "SPEEDWAY" GROUND MOUNT SIGN	"SPEEDWAY"	ILLUMINATED	50'-0" X 10'-0"	500.00
G	DOUBLE FACE DIRECTIONAL SIGN	AUTO ENTRANCE	ILLUMINATED	10'-0" X 10'-0"	100.00
H	DOUBLE FACE DIRECTIONAL SIGN	AUTO ENTRANCE	ILLUMINATED	10'-0" X 10'-0"	100.00
I	DO NOT ENTER SIGN	DO NOT ENTER	ILLUMINATED	10'-0" X 10'-0"	100.00
J	DOUBLE FACE DIRECTIONAL SIGN	TRUCK ENTRANCE	ILLUMINATED	10'-0" X 10'-0"	100.00
K	NO OVERNIGHT PARKING SIGN	NO OVERNIGHT PARKING	ILLUMINATED	10'-0" X 10'-0"	100.00

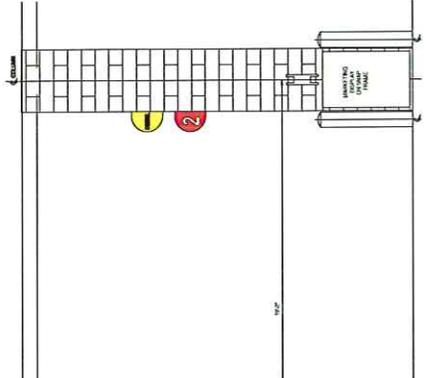


CONTRACTOR SHALL REVIEW THE DESIGN PROFESSIONAL'S WRITING PRIOR TO CONSTRUCTION AND MAKE ANY AND ALL NECESSARY CHANGES TO THE DESIGN WITH ACTUAL FIELD CONDITIONS.

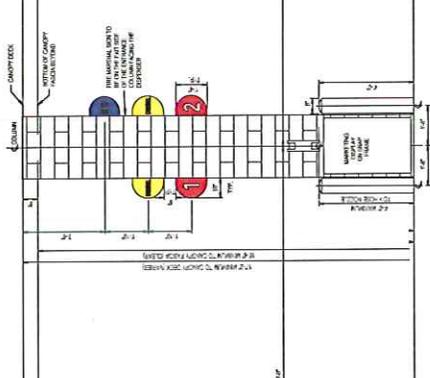
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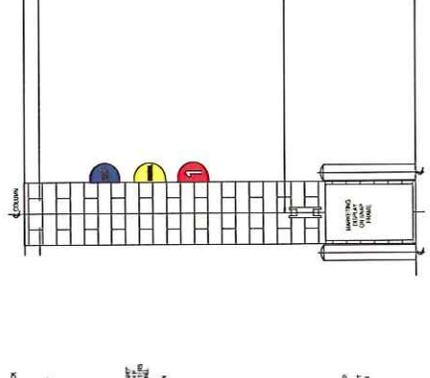
CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE ARCHITECT IMMEDIATELY IN WRITING OF ANY DISCREPANCIES OR OMISSIONS WITHIN THE DRAWING OR WITHIN 15 DAYS OF THE SUBMITTAL DATE.



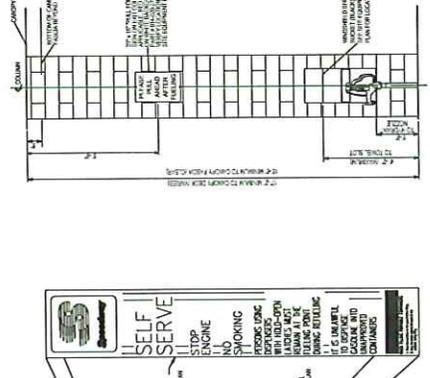
ENTRANCE ELEVATION @ SATELLITE DISPENSER



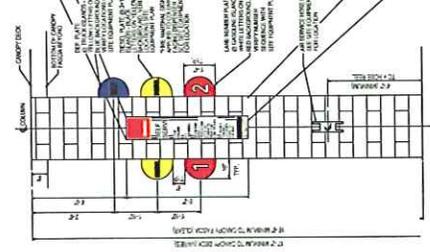
ENTRANCE ELEVATION @ MASTERSATELLITE DISPENSER



ENTRANCE ELEVATION @ MASTER DISPENSER

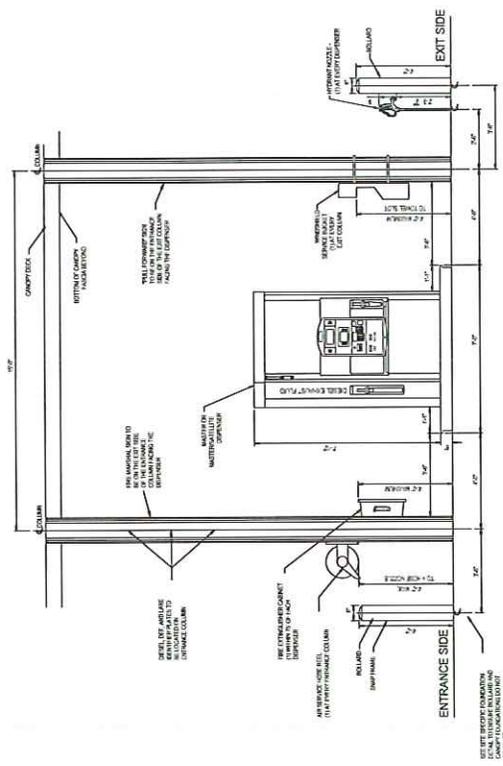


COMMERCIAL FUELING LANES CANOPY EXIT COLUMN ELEVATION NOT TO SCALE

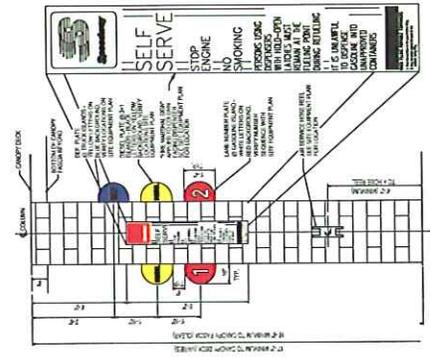


ENTRANCE ELEVATION @ FIRE MARSHAL SIGN FOR COMMERCIAL FUELING LANES W/ DET CANE IDENTIFIERS NOT TO SCALE

ENTRANCE ELEVATION @ FIRE MARSHAL SIGN FOR COMMERCIAL FUELING LANES W/ DET CANE IDENTIFIERS NOT TO SCALE



COMMERCIAL FUELING LANES SIDE ELEVATION @ MASTER DISPENSER NOT TO SCALE



ENTRANCE ELEVATION @ FIRE MARSHAL SIGN FOR COMMERCIAL FUELING LANES W/ DET CANE IDENTIFIERS NOT TO SCALE

OHIO
Utilities Process
SERVICE
 11100
 773-263-2376 Call before you dig

OWNER SHALL VERIFY THE COMPLETION OF THIS SITE AND WITH THE DESIGN PROFESSIONAL IN WRITING PRIOR TO CONSTRUCTION. ANY CHANGES OR ADDITIONS TO THE DRAWINGS OR SPECIFICATIONS SHALL BE MADE WITH ACTUAL FIELD CONDITIONS.

SYMBOL	CITY	PLANT NAME	INSTALLATION SIZE	NATIVE	SPACING
SM	6	SEEDLING	3" GAL. IBB	60/60	40' O.C.
AL	10	AMERICAN LILAC - LILAC AMERICANA	3" GAL. IBB	40/60	30' O.C.
WS	15	WHITE SPRUCE - PICEA GLAUCA	3" GAL. IBB	30/30	POST PLAN
OR	21	ORNAMENTAL TREE			
BT	22	BURNING BUSH - EUCHYPSYCHIA	2" GAL. IBB	30/30	POST PLAN
BC	25	BLACK CHERRY - PRUNUS SEROTINA	2" GAL. IBB	30/30	20' O.C.

SYMBOL	PLANT NAME
▲	American Basswood (Tilia americana)
●	American Elm (Ulmus americana)
○	American Plum (Prunus americana)
△	American Sycamore (Platanus occidentalis)
▲	Ash-Leaf Maple (Acer negundo)
●	Black-Red Hickory (Carya cordiformis)
▲	Black Cherry (Prunus serotina)
●	Black Walnut (Juglans nigra)
▲	Black Willow (Salix nigra)
○	Common Hackberry (Celtis occidentalis)
△	Cornus (Cornus sp.)
▲	Eastern Red-Cedar (Juniperus virginiana)
●	Green Ash (Fraxinus pennsylvanica)
▲	Honey-Locust (Gleditsia triacanthos)
●	Northern Red Oak (Quercus rubra)
▲	Orange-Orange (Machilus pomifera)
●	Shed-Leaf Hickory (Carya laciniosa)
▲	Shingle Oak (Quercus imbricaria)
●	Sabalan Elm (Ulmus pumilus)
▲	Silver Maple (Acer saccharinum)
●	Slippery Elm (Ulmus rubra)
▲	Sweet White Oak (Quercus bicolor)
●	Sugar Maple (Acer saccharum)

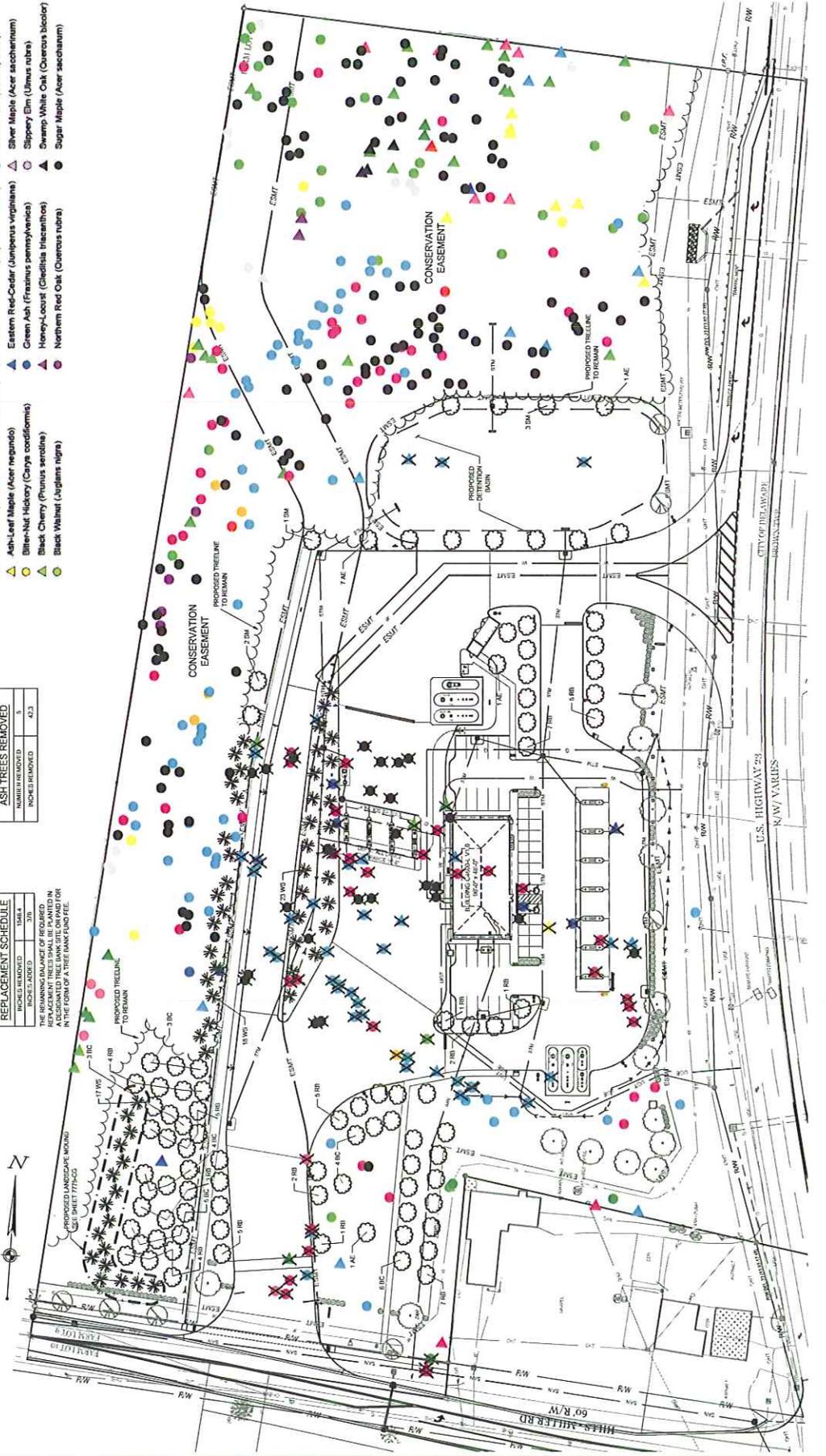
CEISO
 CREATION TO CONSTRUCTION

Legend:
 SEEDLING AREA
 MULCHED AREA
 RELATIVE EXISTING TREE
 REPLACEMENT TREE

REPLACEMENT SCHEDULE	
INCHES REMOVED	5
INCHES ADDED	5/8" x 4

NEW REPLACEMENT TREES SHALL BE PLANTED IN A DESIGNATED TREE BANK SITE OR PAD FOR THE FORM OF A TREE BANK FUND FEE.

ASH TREES REMOVED	
NUMBER REMOVED	423
INCHES REMOVED	5



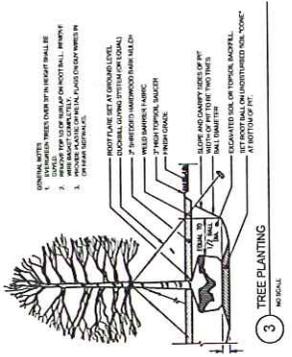
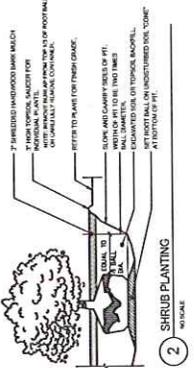
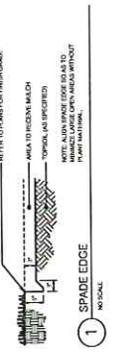
Speedway
 Engineering and Construction Dept.
 10000
 773-263-2376

NO.	DESCRIPTION	DATE
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CONTRACTOR SHALL VERIFY THE
CORRECT DRAWING SET AND NOTIFY THE
DESIGN PROFESSIONAL IN WRITING PRIOR
TO ANY FIELD CHANGES. ALL CHANGES
MUST BE APPROVED BY THE DESIGNER
AND FOLLOWS THE DRAWING OR
WITH ACTUAL FIELD CONDITIONS.

Ohio
Utilities
Protection
SERVICE
Call 800-352-284



- A. GENERAL NOTES**
1. CONTRACTOR SHALL DESIGN, SUPPLY, AND INSTALL IRRIGATION SYSTEM FOR ALL AREAS TO BE IRRIGATED. CONTRACTOR SHALL SHOW THE REPRESENTATIVE PRIOR TO INSTALLATION.
 2. THE IRRIGATION SYSTEM SHALL CONFORM TO SPEEDWAY SPECIFICATIONS SECTION 3100 - "PLANTING IRRIGATION".
 3. PROVIDE HYDRAULIC ANALYSIS OF CRITICAL FLOW RATE (CFM) AND STATIC PRESSURE REQUIRED FOR SYSTEM TO FUNCTION AS DESIGNED.
 4. CONTRACTOR SHALL PROVIDE WATER SOURCE AVAILABLE LOW HAZEL (GPM) AND SIZE AT POINT OF CONNECTION, CONTRACTOR SHALL PROVIDE ANALYSIS REQUIREMENTS.
 5. LOCATE AND IDENTIFY TYPE / SIZE OF DEDICATED WATER METER AND BACKFLOW PREVENTER ON PLAN.
 6. DESIGN SEPARATE ZONES FOR TURF AND MISED LANDSCAPE (TREES, SHRUBS, PERENNIALS OR GROUNDCOVERS).
 7. TREES, GROUNDCOVER AND TREES SHOULD BE IRRIGATED WITH DRIP IRRIGATION.
 8. PROVIDE DRIP IRRIGATION WITH A FLOW METER, FOR TURF AND MISED WHERE TYPICAL SPIN IRRIGATION LAYOUT CANNOT BE UTILIZED.
 9. TURF SHALL BE IRRIGATED WITH RATCH POP-UP SPRINKLERS.
 10. LIST OF SPRINKLER MANUFACTURERS SHALL BE AVAILABLE TO CONTRACTOR AND TO BE SUBMITTED TO THE OWNER PRIOR TO INSTALLATION. MANUFACTURER SHALL BE APPROVED BY THE OWNER.
 11. PROVIDE A DETAIL SHEET ON MANUFACTURER'S SPECIFICATIONS FOR CONTROLLER, VALVES, DRAINAGE, HEADS, AND PIPES.
 12. MINIMUM 2 YEAR MANUFACTURER WARRANTY ON IRRIGATION PRODUCTS.
 13. CONTROLLER TYPE, SIZE AND LOCATION SHALL BE IDENTIFIED ON PLAN ALONG WITH POWER REQUIREMENTS AND CONNECTIONS.
 14. LOCATE ALL SLEEVING ON PLAN FOR HAND SURFACE CROSSINGS.
 15. ALL PIPE SHALL BE SIZED ON THE BASIS OF THE MAXIMUM FLOW OF WATER BEING CARRIED THROUGH THE PIPE AND THE TYPE OF SOIL THE PIPE WILL BE INSTALLED IN ON THE PLAN.
 16. ALL PIPE SHALL BE VALVED, PRESSURE REDUCING, CHECK COVERS AND IRRIGATION HEADS.
 17. PROVIDE FLOW SENSOR ON EACH SYSTEM THAT WILL SHUT DOWN A ZONE OR MAINLINE IF A LEAK IS DETECTED.
 18. PROVIDE SMART CONTROL SYSTEM THAT OPERATES EITHER A CLIMATE SENSOR OR MOISTURE SENSOR TO AUTOMATICALLY IRRIGATE THE SYSTEM. PROVIDE A PROGRAM TO SET THE ACTUAL PLANT WATER REQUIREMENTS.
 19. PROVIDE A DETAIL AND NOTES THAT DEFINE PIPE DEPTHS, MAINLINE, LATERALS AND SLEEVES AND PIPE LOCATION RELATIVE TO CURBS AND HARDSHIPS.
 20. NO IRRIGATION HEADS, VALVES OR LINES TO BE WITHIN 24 INCHES OF CURBS OR HARDSHIPS. CONTRACTOR SHALL PROVIDE A BACK OF NARROW LANDSCAPE AREAS. CONTRACTOR TO ADJUST IRRIGATION HEADS, VALVES OR LINES AT THE CURB OR HARDSHIP TO BE WITHIN 24 INCHES OF CURBS BEHIND THE CURB.
 21. INSTALL A 3/4\"/>
 22. PREVENT EXCESSIVE WATER SPRAW OVER SIDEWALKS OR DRIVES.

3. IF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LETTER HEAD CONTACT THE OWNER TO RESOLVE THE DISCREPANCY.
4. THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO ANY CHANGES THAT MAY BE REQUIRED FOR MANUFACTURER'S PORTION OF WORK.
5. ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARDS FOR NURSERY STOCK. EQUIVALENT. ALL MATERIAL SHALL ALSO CONFORM TO THE CURRENT SPEEDWAY SPECIFICATIONS FOR NURSERY STOCK. CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO ANY CHANGES TO THE CONTROLLING SPECIFICATION.
6. ALL AREAS NOTED "GRADE AND SLEEP" AND "MULCHED PLANT BED" WILL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL OTHER AREAS SHALL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL PLANTING SHALL BE COMPLETED WITHIN THE RIGHT-OF-WAY'S ONLY ALLOWED IF REQUIRED BY LOCAL JURISDICTION AGENCY.
7. ALL PLANTS SHALL BE SPRAWLED WITH AN ANTHERBICIDANT AND MULCH DURING THE FIRST POWER PERIOD AFTER PLANTING.
8. AN APPROVED PRE-EMERGENT HERBICIDE SHALL BE APPLIED IN ALL PLANTING AND GROUND COVER BEDS AT RATES SPECIFIED BY MANUFACTURER FOR EACH VARIETY OF PLANT.
9. ALL STORM WATER DETENTION BASINS SHALL HAVE GRASS VEGETATION TREATMENT OR AS CALLED OUT ON THE LANDSCAPE PLAN.

8. LOGGED SUBGRADE TO A MINIMUM DEPTH OF 4 INCHES. REMOVE STORES LARGER THAN 1 INCH IN ANY DIMENSION AND STONES. ALL ROOTS SHALL BE CUT TO A MAXIMUM OF 1/2\"/>
- 9. NOTIFY THE OWNER'S REPRESENTATIVE PRIOR TO BID DATE IN WRITING OF ANY CHANGES TO THE PLAN. ALL CHANGES SHALL BE PROJECT IDENTIFICATION SHOWING GENUS, SPECIES, AND VARIETY AT A MINORITY OF CONTRACTORS OPERATING UNDER THE SAME CONTRACT. ALL CHANGES SHALL BE SUGGESTED AND APPROVED OR REJECTED ON THE JOB SITE.
- 10. ALL PLANTS INCLUDING TREES, SHRUBS, GROUND COVER AND PERENNIALS SHALL BE PLANTED AT THE SAME DEPTH AS INDICATED ON THE PLAN. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS PLANTED AT A DEPTH OTHER THAN INDICATED ON THE PLAN. ALL ROOT WRAPPING MATERIAL SHALL BE REMOVED PRIOR TO PLANTING. WITH CONTAINER GROWN STOCK, THE CONTAINER SHALL BE REMOVED PRIOR TO PLANTING. ALL PLANTS SHALL BE SET IN A 4 INCH LAYER OF APPROVED SCREENED TURF OR PEAT MOSS. A WELL BE USED IN LIEU OF PLANTING MIX.
- 11. PLANTS SHALL BE SPRAWLED WITH AN ANTHERBICIDANT AND MULCH DURING THE FIRST POWER PERIOD AFTER PLANTING.
- 12. SIZE OF PLANTING SHALL BE AS INDICATED ON THE PLAN. ALL PLANTS SHALL BE SPRAWLED WITH AN ANTHERBICIDANT AND MULCH DURING THE FIRST POWER PERIOD AFTER PLANTING.
- 13. REFER TO SPEEDWAY SPECIFICATIONS SECTION 3100 - "TURF AND GRASSES" AND SECTION 3200 - "PLANTING" FOR TYPES OF PLANTS TO BE USED ON SITE.
- 14. TREES ARE TO BE PLANTED AT A 1 FEET DIA. FROM ANY EXISTING UTILITY LINES. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITY LINES AND SHALL MAINTAIN A MINIMUM OF 3 FEET OF UTILITY LINE.
- 15. ALL AREAS NOTED "GRADE AND SLEEP" AND "MULCHED PLANT BED" WILL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL OTHER AREAS SHALL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL PLANTING SHALL BE COMPLETED WITHIN THE RIGHT-OF-WAY'S ONLY ALLOWED IF REQUIRED BY LOCAL JURISDICTION AGENCY.
- 16. ALL PLANTS SHALL BE SPRAWLED WITH AN ANTHERBICIDANT AND MULCH DURING THE FIRST POWER PERIOD AFTER PLANTING.
- 17. AN APPROVED PRE-EMERGENT HERBICIDE SHALL BE APPLIED IN ALL PLANTING AND GROUND COVER BEDS AT RATES SPECIFIED BY MANUFACTURER FOR EACH VARIETY OF PLANT.
- 18. ALL STORM WATER DETENTION BASINS SHALL HAVE GRASS VEGETATION TREATMENT OR AS CALLED OUT ON THE LANDSCAPE PLAN.

15. MAINTAIN 3 FEET MINIMUM FROM THE REARSEST CURB TO ANY UTILITY LINES. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITY LINES AND SHALL MAINTAIN A MINIMUM OF 3 FEET OF UTILITY LINE.
16. ALL AREAS NOTED "GRADE AND SLEEP" AND "MULCHED PLANT BED" WILL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL OTHER AREAS SHALL RECEIVE TOP SOIL AS INDICATED IN SPECIFICATIONS. ALL PLANTING SHALL BE COMPLETED WITHIN THE RIGHT-OF-WAY'S ONLY ALLOWED IF REQUIRED BY LOCAL JURISDICTION AGENCY.
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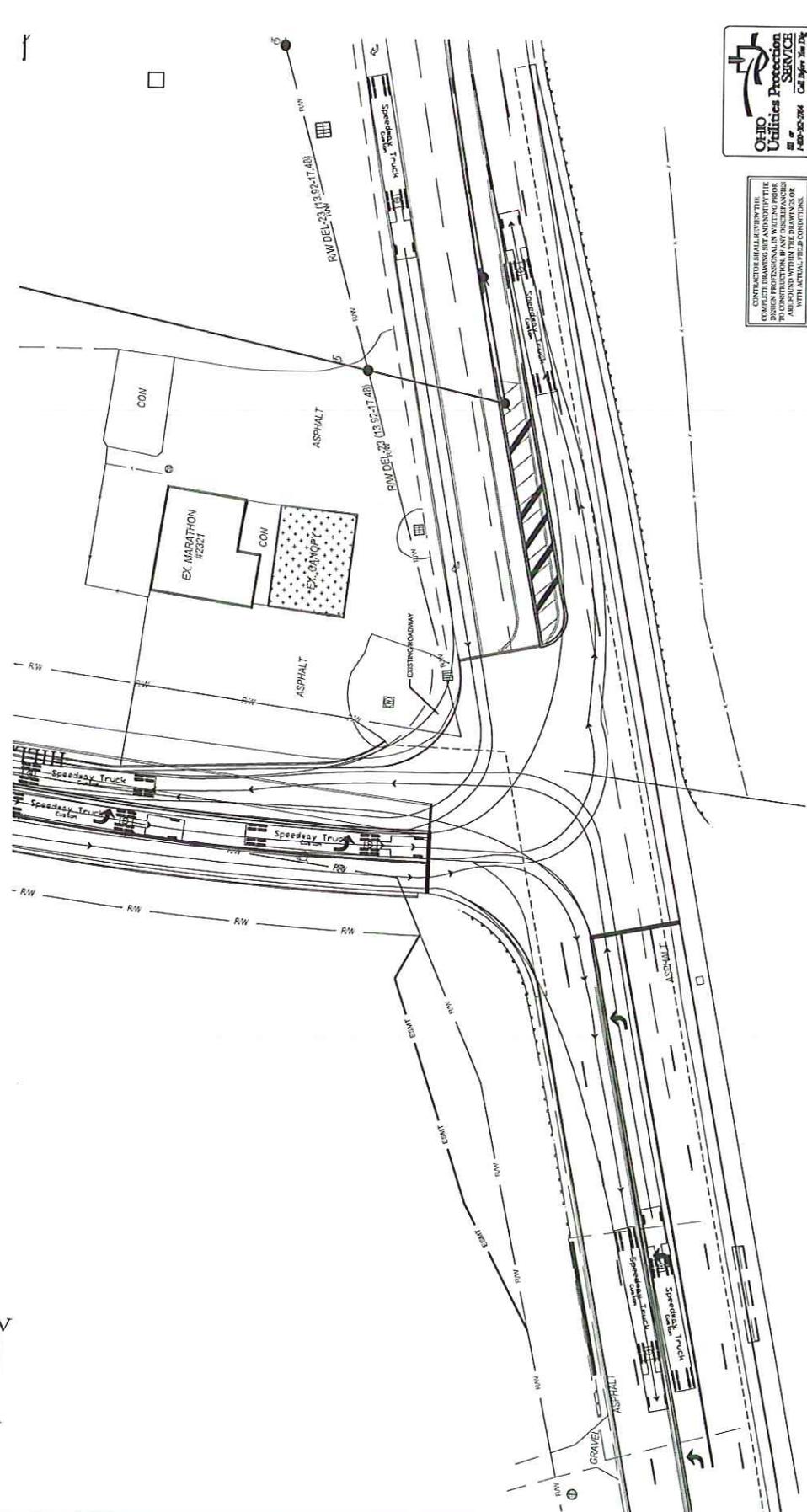
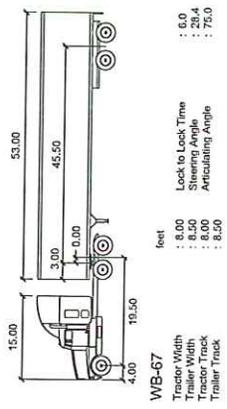
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235	7/1/20	REVISED
236	7/15/20	REVISED
237	8/1/20	REVISED
238	8/15/20	REVISED
239	9/1/20	REVISED
240	9/15/20	REVISED
241	10/1/20	REVISED
242	10/15/20	REVISED
243	11/1/20	REVISED
244	11/15/20	REVISED
245	12/1/20	REVISED
246	12/15/20	REVISED
247	1/1/21	REVISED
248	1/15/21	REVISED
249	2/1/21	REVISED
250	2/15/21	REVISED
251	3/1/21	REVISED
252	3/15/21	REVISED
253	4/1/21	REVISED
254	4/15/21	REVISED
255	5/1/21	REVISED
256	5/15/21	REVISED
257	6/1/21	REVISED
258	6/15/21	REVISED
259	7/1/21	REVISED
260	7/15/21	REVISED
261	8/1/21	REVISED
262	8/15/21	REVISED
263	9/1/21	REVISED
264	9/15/21	REVISED
265	10/1/21	REVISED
266	10/15/21	REVISED
267	11/1/21	REVISED
268	11/15/21	REVISED
269	12/1/21	REVISED
270	12/15/21	REVISED
271	1/1/22	REVISED
272	1/15/22	REVISED
273	2/1/22	REVISED
274	2/15/22	REVISED
275	3/1/22	REVISED
276	3/15/22	REVISED
277	4/1/22	REVISED
278	4/15/22	REVISED
279	5/1/22	REVISED
280	5/15/22	REVISED
281	6/1/22	REVISED
282	6/15/22	REVISED
283	7/1/22	REVISED
284	7/15/22	REVISED
285	8/1/22	REVISED
286	8/15/22	REVISED
287	9/1/22	REVISED
288	9/15/22	REVISED
289	10/1/22	REVISED
290	10/15/22	REVISED
291	11/1/22	REVISED
292	11/15/22	REVISED
293	12/1/22	REVISED
294	12/15/22	REVISED
295	1/1/23	REVISED
296	1/15/23	REVISED
297	2/1/23	REVISED
298	2/15/23	REVISED
299	3/1/23	REVISED
300	3/15/23	REVISED
301	4/1/23	REVISED
302	4/15/23	REVISED
303	5/1/23	REVISED
304	5/15/23	REVISED
305	6/1/23	REVISED
306	6/15/23	REVISED
307	7/1/23	REVISED
308	7/15/23	REVISED
309	8/1/23	REVISED
310	8/15/23	REVISED
311	9/1/23	REVISED
312	9/15/23	REVISED
313	10/1/23	REVISED
314	10/15/23	REVISED
315	11/1/23	REVISED
316	11/15/23	REVISED
317	12/1/23	REVISED
318	12/15/23	REVISED
319	1/1/24	REVISED
320	1/15/24	REVISED
321	2/1/24	REVISED
322	2/15/24	REVISED
323	3/1/24	REVISED
324	3/15/24	REVISED
325	4/1/24	REVISED
326	4/15/24	REVISED
327	5/1/24	REVISED
328	5/15/24	REVISED
329	6/1/24	REVISED
330	6/15/24	REVISED
331	7/1/24	REVISED
332	7/15/24	REVISED
333	8/1/24	REVISED
334	8/15/24	REVISED
335	9/1/24	

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	10/15/14	J. B. ...	J. B. ...
2	REVISED	10/15/14	J. B. ...	J. B. ...
3	REVISED	10/15/14	J. B. ...	J. B. ...
4	REVISED	10/15/14	J. B. ...	J. B. ...
5	REVISED	10/15/14	J. B. ...	J. B. ...
6	REVISED	10/15/14	J. B. ...	J. B. ...
7	REVISED	10/15/14	J. B. ...	J. B. ...
8	REVISED	10/15/14	J. B. ...	J. B. ...
9	REVISED	10/15/14	J. B. ...	J. B. ...
10	REVISED	10/15/14	J. B. ...	J. B. ...

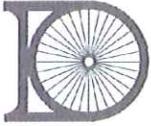
CIRCULATION PLAN
INTERSECTION DETAIL
NEW BUILD
2319 HWY. 23 N
DELAWARE COUNTY
DELAWARE, OH

PROJECT NO. 7775
SHEET NO. 41
DATE 10/15/14



CONTRACTOR SHALL REVIEW THE DESIGN PROFESSIONAL'S PRINTING PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE CONTRACTOR SHALL CONTACT THE DESIGN PROFESSIONAL FOR CLARIFICATION WITH ACTUAL FIELD CONDITIONS.

7775-CR1



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



Project # _____

Case # 2016-0517

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | Board of Zoning Appeals |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input checked="" type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Speedway 7775 Address 2319 US Hwy 23 N
 Acreage 11.45 Square Footage 498,806 Number of Lots 1 Number of Units 1
 Zoning District/Land Use B4 Proposed Zoning/Land Use B4 Parcel # 519-133-02-002-000

Applicant Name Speedway LLC Contact Person Bryan Witt
 Applicant Address 500 Speedway Dr, Enon, OH 45323
 Phone (937) 863-6507 Fax (937) 863-6078 E-mail bmwitt@speedway.com
 Owner Name Speedway LLC Contact Person Bryan Witt
 Owner Address 500 Speedway Dr, Enon, OH 45323
 Phone (937) 863-6507 Fax (937) 863-6078 E-mail bmwitt@speedway.com
 Engineer/Architect/Attorney CESO, Inc. Contact Person Christopher Warshaw
 Address 395 Springside Dr, Akron, OH 44333
 Phone (330) 396-5677 Fax (330) 665-0664 E-mail warshaw@cesoinc.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.

[Signature]
 Owner Signature
[Signature]
 Agent Signature

BRIAN T. LAFRENIERE
 Owner Printed Name
BRYAN M. Witt (Owner Rep)
 Agent Printed Name

Sworn to before me and subscribed in my presence this 25th day of February, 2016.

Notary Stamp
 MEGHAN R. WILSON
 NOTARY PUBLIC
 STATE OF OHIO
 Comm. Expires
 September 25, 2019
 Recorded in
 Clark County

[Signature]
 Notary Public

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: April 7, 2016

1. **Calendar**
See Attached
2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**
See attached
3. **Bi-Weekly Meetings**
March 25
* Hidden Valley Golf Course Grand Re-opening
March 28
* Rotary
* Council meeting
April 1
* Central Ohio Mayors and Managers Association
April 4
* Rotary
* Reception for Parks and Natural Resource Candidates
April 5
* 911 Board meeting
April 6
* ICMA 2022 Planning meeting
April 7
* Business Before Hours

April

2016

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					1	2

3	4	5	6	7	8	9
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Planning
Commission 7

10	11	12	13	14	15	16
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Public Works
Open House 5-
6:30
Council 7

Sister City
Advisory Board 6-
7

BZA 7 -
Cancelled

Charter Review
Commission 6

17	18	19	20	21	22	23
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Parks and
Recreation
Advisory Board 7

Airport
Commission 7

24	25	26	27	28	29	30
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Council 7

Shade Tree
Commission 7

HPC 7

Charter Review
Commission 6

CONTRACT APPROVAL - APRIL 11, 2016

VENDOR	EXPLANATION OF AGREEMENT	2016 AMOUNT	DEPARTMENT
ONDA	Economic Incentive Grant	\$30,000	Economic Development
Genoa Township	Tornado Siren Agreement	\$0	Police
EMH&T	CMAQ Application Services	\$9,000	Engineering
ms consultants	The Point Rendering	\$3,650	Engineering
G.E. Baker Construction	Mingo Park & Cherry Street Canoe Launch Sites	\$186,385.46	Public Utilities