

**CITY OF DELAWARE  
PLANNING COMMISSION  
AGENDA**

**CITY COUNCIL CHAMBERS  
1 S. SANDUSKY ST.  
7:00 P.M.**

REGULAR MEETING

April 5, 2017

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Planning Commission meeting held on March 1, 2017, as recorded and transcribed.
3. REGULAR BUSINESS

A. Yumii Kettle Corn

- (1) 2017-0416: A request by Redhawk Property Investments Inc., for approval of a Development Plan Exemption for a Building Renovation for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).
- (2) 2017-0417: A request by Redhawk Property Investments Inc., for approval of a Conditional Use Permit for an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).

**Anticipated Process**

- a. Staff Presentation
- b. Applicant Presentation
- c. Public comment (public hearing)
- d. Commission Action

- B. 2017-0407: A request by Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District).

**Anticipated Process**

- a. Staff Presentation
- b. Applicant Presentation
- c. Public comment (public hearing)
- d. Commission Action

C. River Street Business Park

- (1) 2017-0408: A request by Tim Colatruglio for approval of a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.
- (2) 2017-0411: A request by Tim Colatruglio for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.
- (3) 2017-0410: A request by Tim Colatruglio for approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

**Anticipated Process**

- a. Staff Presentation
- b. Applicant Presentation
- c. Public comment (public hearing)
- d. Commission Action

- D. 2017-0422: A request by Maronda Homes for approval of a Final Subdivision Plat for Curtis Farms Phase 4 encompassing 7.411 acres which consists of 33 single family lots zoned R-4 (Medium Density Residential District) and located on Delaware Drive.

**Anticipated Process**

- a. Staff Presentation
- b. Applicant Presentation
- c. Public comment (not a public hearing)
- d. Commission Action

4. PLANNING DIRECTOR'S REPORT

5. COMMISSION MEMBER COMMENTS AND DISCUSSION

6. NEXT REGULAR MEETING: May 3, 2017

7. ADJOURNMENT

**PLANNING COMMISSION**  
**March 1, 2017**  
**MOTION SUMMARY**

ITEM 1. Roll Call

Chairman Simpson called the meeting to order at 7:00 p.m.

Members Present: Robert Badger, Jim Halter, Dean Prall, Andy Volenik, Councilmember George Hellinger, Vice-Chairman George Mantzoros, and Chairman Stacy Simpson.

Staff Present: Matt Weber, Deputy City Engineer, Ted Miller, Parks and Natural Resource Director, Lance Schultz, Zoning Administrator, and Dave Efland, Planning and Community Development Director

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on February 1, 2017, as recorded and transcribed.

**Motion:** Mr. Halter moved to approve the Motion Summary for the February 1, 2017 meeting, seconded by Mr. Prall. Motion approved 6-0-1 (Hellinger) vote.

ITEM 3. REGULAR BUSINESS

A. The Enclaves at Adalee

- (1) 2017-0197: A request by T&R Properties for approval of a Final Development Plan for The Enclaves at Adalee consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of South Houk Road just north of Arthur Place.
- (2) 2017-0198: A request by T&R Properties for approval of a Final Subdivision Plat for The Enclaves at Adalee consisting of 96 single family lots on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of South Houk Road just north of Arthur Place.

**Anticipated Process**

a. Staff Presentation

Mr. Schultz provided a staff presentation that included location map and zoning map. Mr. Schultz reviewed the Final Development Plan and reviewed proposed building elevations. Information was provided to the Commission regarding pedestrian connectivity, landscape plan, and parking. Mr. Schultz discussed the requirements for mounding and the submitted plan. Mr. Schultz discussed the revised lighting plan that will need to be approved by the Chief Building Official.

Discussion was held regarding the private ownership of the streets. Mr. Prall discussed the roof shingle color and selection. Councilmember Hellinger voiced a concern regarding the lack of on-street parking available.

b. Applicant Presentation

APPLICANT:

Ron Sabatino  
3895 Stoneridge Lane  
Dublin, Ohio 43017

Mr. Sabatino stated he will notify staff on the color of roof shingles and that they will comply with the lighting plan. Mr. Sabatino discussed the current mounding requirements. A discussion was held regarding landscaping on the mound.

c. Public comment (not a public hearing)

There was no public comment.

d. Commission Action

**Motion:** Mr. Halter moved to approve 2017-0197, along with all staff recommendations and conditions, seconded by Mr. Badger. Motion approved by a 7-0 vote.

**Motion:** Mr. Halter moved to approve 2017-0198, along with all staff recommendations and conditions, seconded by Mr. Badger. Motion approved by a 7-0 vote.

B. 2016-0014: A request by the City of Delaware for approval of an Amendment to Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code pertaining to replacement of trees.

**Anticipated Process**

a. Staff Presentation

Mr. Efland and Mr. Miller reviewed the requested Amendment to Chapter 1168 Tree preservation Regulations of the Planning and Zoning Code.

b. Applicant Presentation

c. Public comment (public hearing)

There was no public comment.

d. Commission Action

**Motion:** Mr. Badger moved to approve 2016-0014, seconded by Mr. Prall. Motion approved by a 7-0 vote.

C. 2017-0324: A request by the City of Delaware for approval of Bike Plan 2025

**Anticipated Process**

a. Staff Presentation

Mr. Miller provided a staff presentation regarding the timeline and existing conditions of the current bike paths. Mr. Miller discussed the results from public input. A discussion was held regarding the top fifteen projects that were identified, and the cost to fund and maintain the projects.

b. Applicant Presentation

c. Public comment (not a public hearing)

**PUBLIC COMMENT:**

Rayna Patton  
86 Delaware Crossing East  
Delaware, Ohio 43015

Ms. Patton voiced a concern regarding the proposed project from Houk Road through the Delaware Run to Hidden Valley Golf Course. Ms. Patton voiced concerns over the suitability of the project for the area due to frequent flooding, wildlife, and the various trees present, including the Black Locust Tree.

d. Commission Action

**Motion:** Mr. Badger motioned to recommend the Bike Plan 2025 to City Council, seconded by Mr. Halter. Motion approved by a 7-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland welcomed Councilmember Hellinger to the Planning Commission.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

ITEM 6. NEXT REGULAR MEETING: April 5, 2017

ITEM 7. ADJOURNMENT:

**Motion:** Chairman Simpson moved for the March 1, 2017 Planning Commission meeting to adjourn. The meeting adjourned at 9:03 p.m.

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Stacy Simpson, Chairperson

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Elaine McCloskey, Clerk

CASE NUMBERS: 2017-0416 & 0417

REQUEST: Multiple Cases

PROJECT: Yumii Kettle Corn

MEETING DATE: April 5, 2017

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**APPLICANT/OWNER**

Redhawk Property Investments  
3130 Devonshire Drive  
Delaware, Ohio 43015

**REQUESTS**

2017-0416: A request by Redhawk Property Investments Inc., for approval of a Development Plan Exemption for a Building Renovation for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).

2017-0417: A request by Redhawk Property Investments Inc., for approval of a Conditional Use Permit for an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).

**PROPERTY LOCATION & DESCRIPTION**

The subject parcel located at 339 South Sandusky Street encompasses 0.522 acres and is located on the east side of South Sandusky Street just north of Weiser Avenue. The subject site is zoned B-3 (Community Business District). The property to the north is zoned B-3, the properties to the east and south are zoned B-3 PMU (Community Business District with a Mixed Use Overlay District) and the property to the west is zoned R-1 (One Family Residential District).

**BACKGROUND/PROPOSAL**

The subject property was originally part of the Delaware Place rezoning in 2015 but the project on this parcel never moved forward and the property reverted back to B-3 per the development text (Ordinance 15-10). The subject property was the Oakside Animal Clinic in the past but has been vacant for several years.

The new owner purchased the property in late 2016 and is proposing to renovate the building and create an outdoor dining (seating) area on the easternmost portion of the site for his retail establishment. The remainder of the site plan would remain the same except for a required tree lawn along South Sandusky Street. The owner intends to sell popcorn, ice cream and sandwiches and create a family atmosphere with limited seating indoor capacity.

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**STAFF ANALYSIS**

- **ZONING:** The building renovation requires a Development Plan Exemption approved by the Planning Commission while the outdoor dining (seating) area requires a Conditional Use Permit approved by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The engineering department indicated no formal engineering drawings are required because of the minimum site plan revisions. However, the appropriate amount of right-of-way shall be dedicated to the City along South Sandusky Street per the adopted Thoroughfare Plan.
- **SITE CONFIGURATION:** As mentioned earlier the site plan would remain as currently constructed except for the installation of a tree lawn along South Sandusky Street per the engineer's requirements. The access to the site would remain with an ingress curb cut south of the building and egress curb cut north of the building on South Sandusky Street that extends into a 13 space parking lot that surrounds the building. A new dumpster enclosed by a stone wall would be located on the northeastern portion of the parking lot. On the eastern portion of the site in the grass area, the owner is proposing four picnic tables for a family outdoor dining (seating) area while maintaining the existing trees in the area. This area has a large earthen mound immediately behind it (east) buffering the adjacent uses.
- **BUILDING DESIGN:** The proposed building renovation would be a significant upgrade and would be compatible with the recently constructed Delaware Place development just east of the subject site. The single story building's front elevation would have a limestone wainscoting with two limestone columns that bookend the front elevation. The remainder of the front elevation would be comprised of tan fiber cement siding above an aluminum store front door and window assemblage. A green fabric awning and six gooseneck lights would be located above the doors and windows respectively. The side elevations would have a return of limestone

wainscoting and windows that extend about a quarter to halfway back each elevation. The remainder of the side elevations and the rear elevation would utilize the existing building walls which are comprised of brick.

- **LANDSCAPING & SCREENING:** Street trees every 40 feet and front yard trees every 50 feet along South Sandusky Street are generally desired which would yield 4 and 3 street and front yard trees respectively. The trees could be installed in a small portion of the tree lawn along South Sandusky Street or more likely in the open space in the rear of the site because there is limited opportunity for landscaping on the established site. The trees along South Sandusky Street shall be installed where feasible and achieve compliance with engineering site distance requirements. Any landscaping requirements would need to be reviewed and approved by the Shade Tree Commission. Staff recommends that no trees are planted directly in front of the building as a result of these site limitations.
- **TREE PRESERVATION:** The owner is preserving the existing trees in the rear of the property but if any trees are removed in the construction of the building renovations they would have to be replaced per the Chapter 1168 Tree Preservation Regulations.
- **SIGNAGE:** The owner is proposing a building sign on the front elevation that would have to comply with minimum zoning requirements and submit for a sign permit.
- **LIGHTING:** The owner is proposing gooseneck lights on the front elevation and wall packs on the rear and side elevation and two existing light poles on the northern portion of the parking lot. The Chief Building Official would have to review and approve any lighting plans.
- **CONDITIONAL USE PERMIT:** Outdoor dining (seating area) 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 (outdoor dining) of restricting the noise and hours of the outdoor patio because of the proximity of the residential uses located to the east in Delaware Place to be consistent with other such proposals in the City. In addition, staff would add a condition that if the subject use changes to a more intensive commercial use per the Community Development and Planning Directors interpretation (restaurant, bar, etc.) the outdoor dining (seating) area would require a new Conditional Use Permit because the proposed outdoor dining (seating) area is family friendly and ancillary to the commercial use as opposed to more intensive uses (restaurant, bar, etc.).
- **DEVELOPMENT PLAN EXEMPTION:** Section 1129.06(k) of the Zoning Code authorizes the Director of Planning and Community Development to exempt small incidental construction, which does not result in an adverse impact to the site or surroundings, from the development plan review process. Should the Director make such a determination, the Planning Commission shall confirm or overturn the determination.

Section 1129.06(k) Development Plan Exemption. When a minor alteration is proposed to an existing building, structure, use or site arrangement the Director of Planning and Community Development may make a preliminary determination that such a proposal is not contrary to the Zoning Ordinance and will not result in any material adverse impact to the site or surrounding areas. In such case, the Director may further determine that such proposal is not subject to development plan review. Such determination shall primarily apply to small incidental construction on large zoning lots and when the proposed construction is substantially distant and screened from the adjacent roadways and property lines.

If the Director makes a determination that such a proposal is not a minor alteration, the proposal shall fully comply with the development plan review procedures in Chapter 1129.

- (1) When the Director of Planning and Community Development makes such preliminary determination of administrative approval, the proposal shall be placed on the agenda of the next regularly scheduled Planning Commission meeting. At such meeting, the Planning Commission shall, by motion and majority vote, either:
  - A. Confirm the Director of Planning and Community Development's preliminary determination, in which case, the Director may issue a certificate of zoning compliance; or

- B. Overturn the Director of Planning and Community Development's determination and, in so doing, require that the proposal fully comply with the development plan review procedures in Section 1129.06.

The Director finds, preliminarily, that this proposal with the conditions noted, is a minor alteration, with no adverse impacts to the site or surroundings, and is not contrary to the Zoning Code.

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**STAFF RECOMMENDATION – DEVELOPMENT PLAN EXEMPTION (2017-0416)**

Staff recommends approval of a request by Redhawk Property Investments Inc., for a Development Plan Exemption for a Building Renovation for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District) with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater 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.
2. The appropriate amount of right-of-way shall be dedicated and recorded by the owner to the City along South Sandusky Street per the adopted Thoroughfare Plan.
3. The proposed building renovation shall match the submitted building plans in construction materials, design and color.
4. The green awning shall be made of fabric per the submitted plans.
5. Any mechanical equipment on the roof shall be screened from public view.
6. The dumpster shall be enclosed by a limestone wall to match the building and have wood doors painted to match.
7. The appropriate number of street trees shall be planted along South Sandusky Street if possible but more likely in the open space in the rear of the property to achieve compliance with zoning code and engineering site distance standards so as not be directly in front of the proposed building.
8. The landscape plan shall be reviewed and approved by the Shade Tree Commission.
9. Any tree removed in the construction of the building renovation shall have to achieve compliance with Chapter 1168 Tree Preservation Regulations.
10. Any lighting plans shall be reviewed and approved by the Chief Building Official.

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**STAFF RECOMMENDATION – (2017-0417 CONDITIONAL USE PERMIT)**

Staff recommends approval of a request by Redhawk Property Investments Inc., for a Conditional Use Permit for an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District), with the following conditions that:

1. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor dining (seating) area due to the proximity of the residential uses to the east.
2. The outdoor dining area shall cease to operate after sundown.
3. No signage shall be permitted in the outdoor dining (seating) area.
4. If the subject use changes to a more intensive commercial use per the Community Development and Planning Director interpretation (restaurant, bar, etc.), the outdoor dining (seating) area shall require a new Conditional Use Permit.
5. Trash receptacles shall be provided.
6. All items shall be kept in good repair.

**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:**

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MOTION:    \_\_\_\_\_ 1<sup>st</sup>    \_\_\_\_\_ 2<sup>nd</sup>    *approved*    *denied*    *tabled* \_\_\_\_\_

**CONDITIONS/MISCELLANEOUS:**

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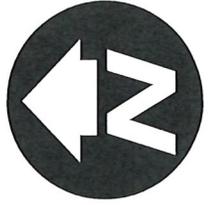
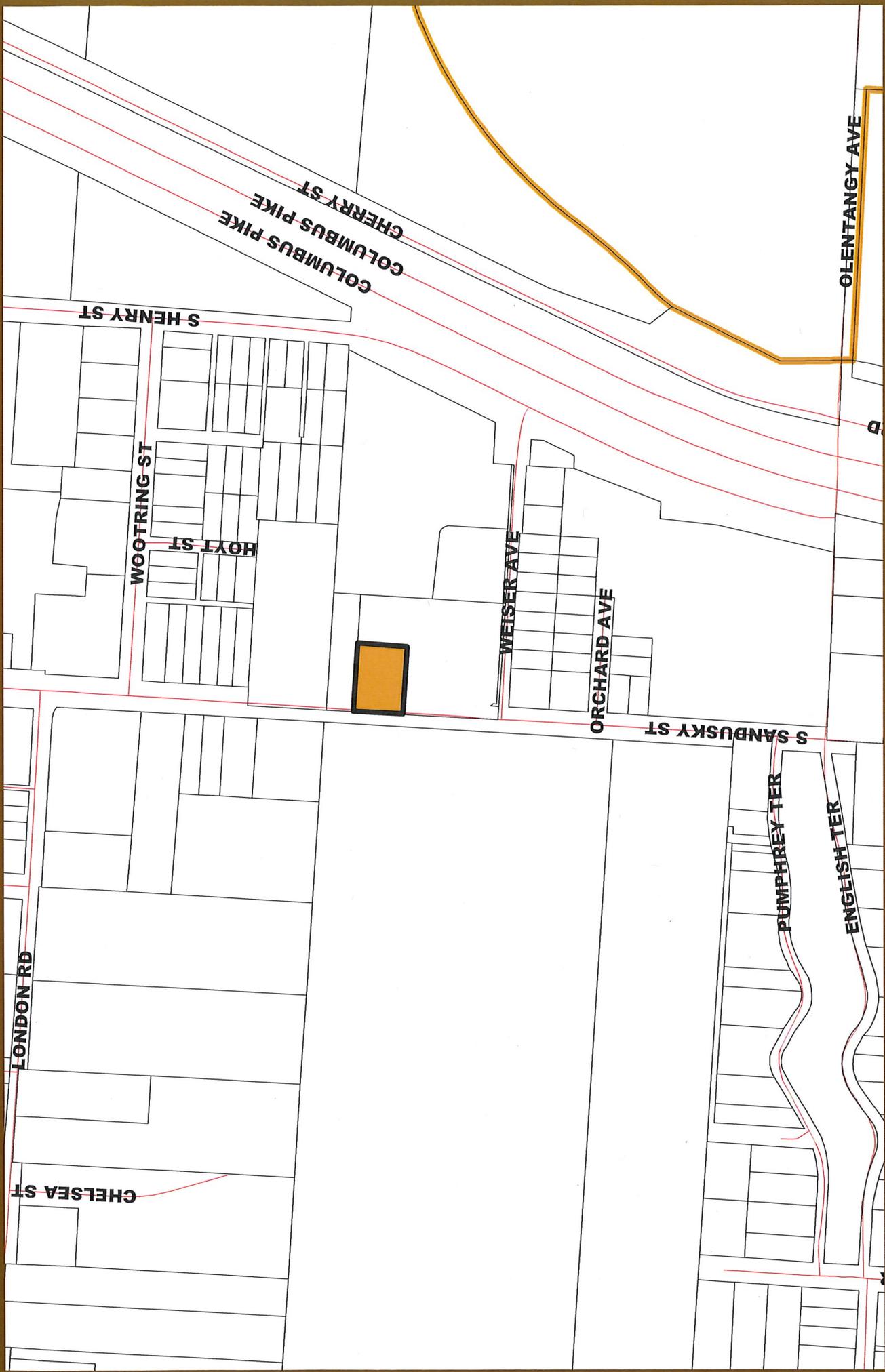


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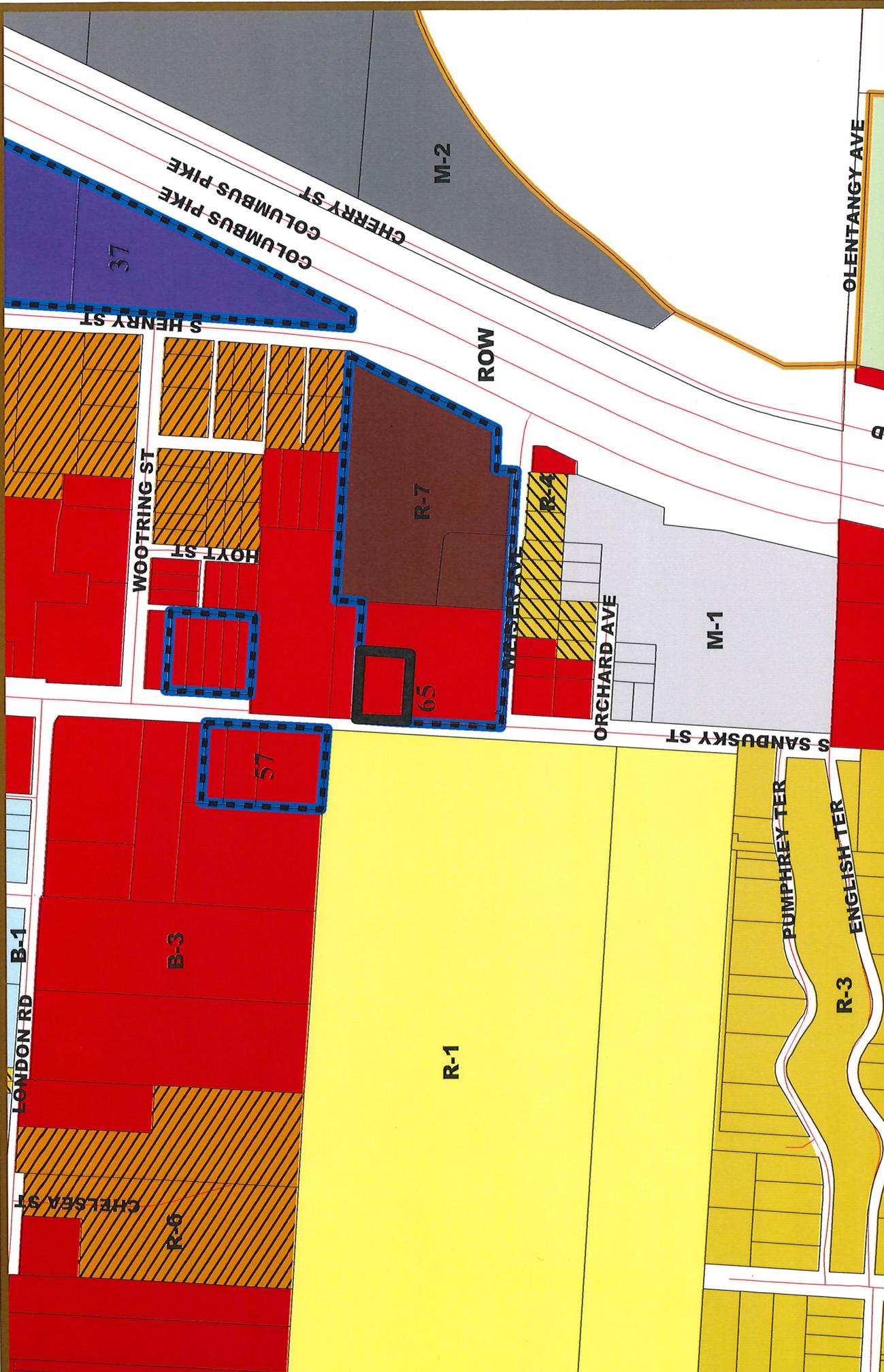
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**FILE:**  
**ORIGINAL:**    03/30/17  
**REVISED:**



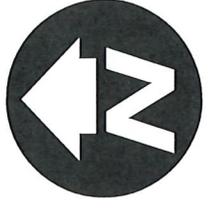
2017-0416 & 0417  
 Development Plan Exemption & Conditional Use Permit  
 Yumii Kettle Corn - 339 South Sandusky Street  
 Location Map





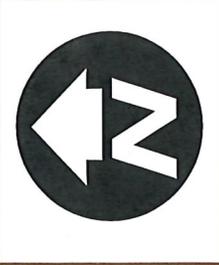
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 Development Plan Exemption & Conditional Use Permit  
 Yumii Kettle Corn - 339 South Sandusky Street  
 Zoning Map





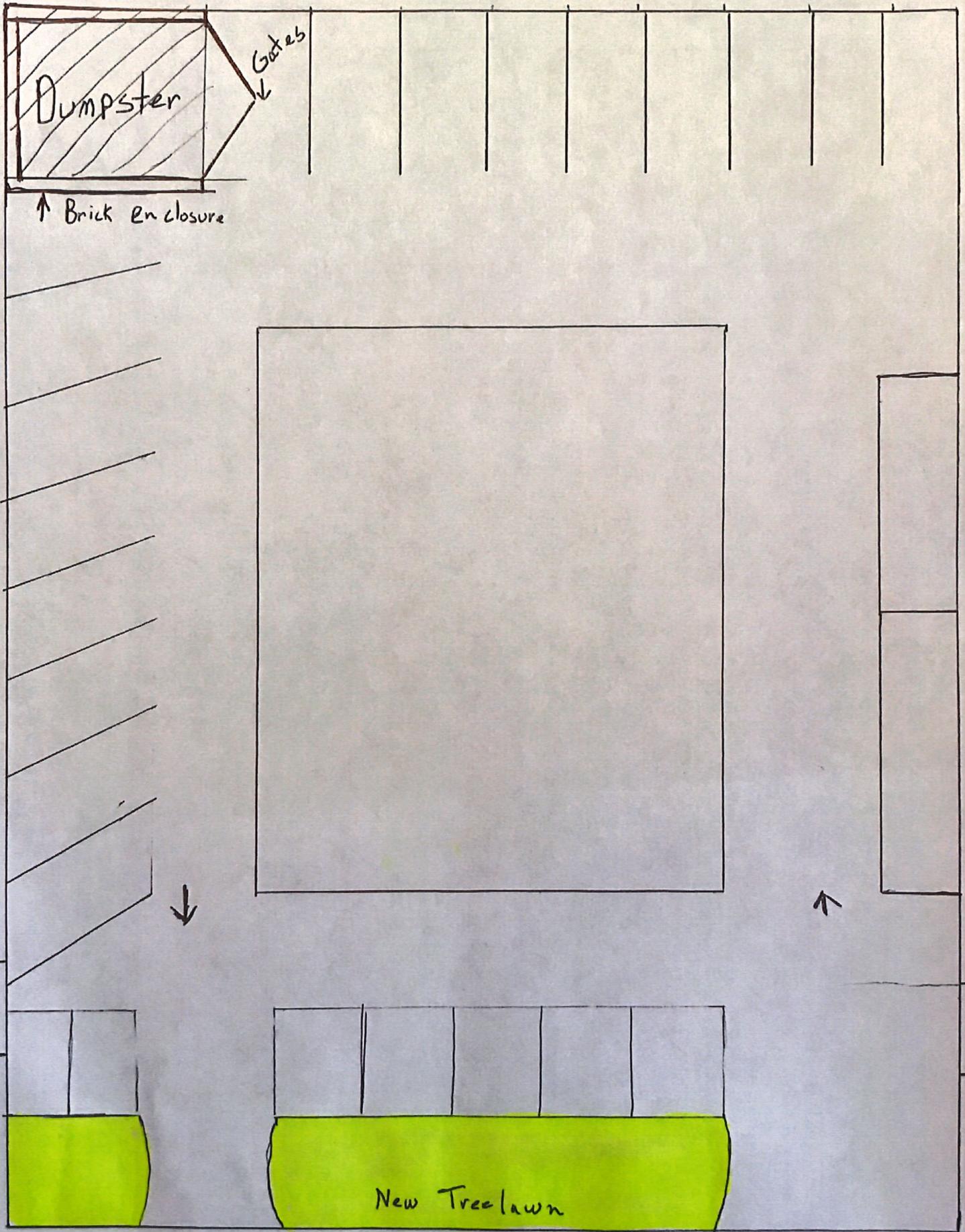
2017-0416 & 0417  
Development Plan Exemption & Conditional Use Permit  
Yumii Kettle Corn - 339 South Sandusky Street  
Aerial (2016)





339 South Sandusky Street



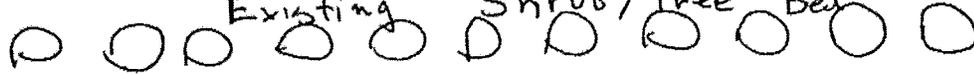


Not to Scale

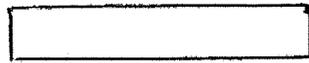
Existing

Sidewalk

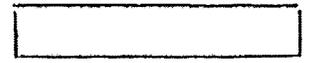
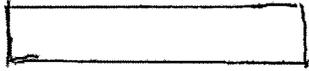
Existing Shrub/Tree Bed



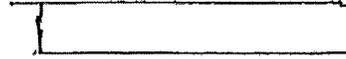
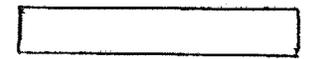
Existing Tree Line



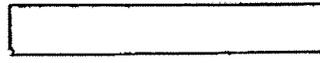
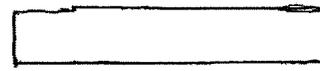
Picnic Table



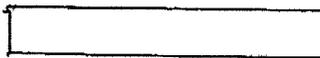
Picnic Table



Picnic Table



Picnic Table

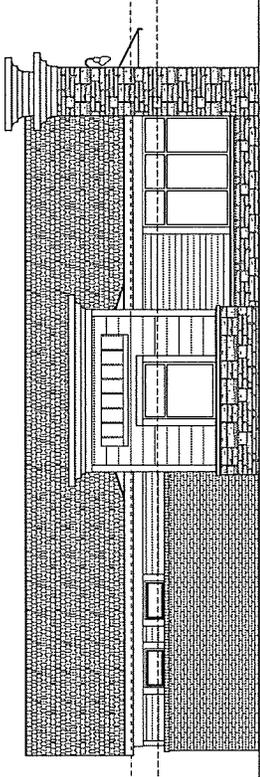


Existing grass

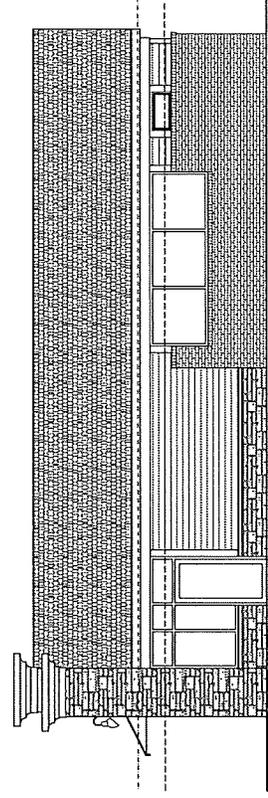
Existing Parking lot

Dumpster

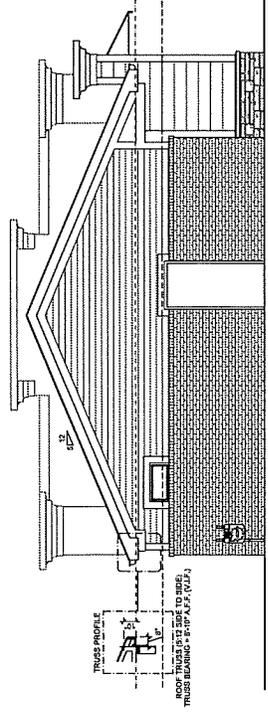
New Flower/Plant Bed



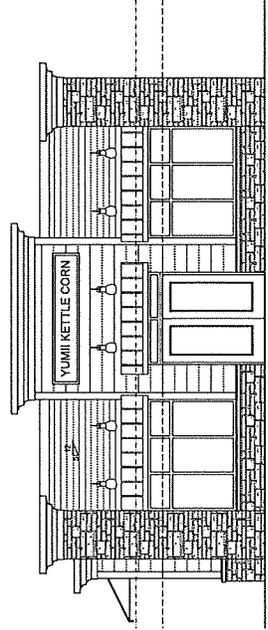
4 LEFT ELEVATION



3 RIGHT ELEVATION



2 REAR ELEVATION



1 FRONT ELEVATION

#	DATE	REVISION / CHANGE DESCRIPTION

YUMMI KETTLE CORN  
 138 S. SANDUSKY ST.  
 DELAWARE, OH 43015



SCALE: 1/8" = 1'-0"
SHEET DESCRIPTION
EXTERIOR ELEVATIONS
<b>A3-1</b>
DATE: 02/23/17
SA STUDIOS PROJECT # 2014-03



CASE NUMBER: 2017-0407  
REQUEST: Conditional Use Permit  
PROJECT: 554 West Central Avenue  
MEETING DATE: April 5, 2017

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**APPLICANT/OWNER**

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

**REQUEST**

2017-0407: A request by Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District).

**PROPERTY LOCATION & DESCRIPTION**

The subject property is located on the north side of West Central 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**

In April 2016, the Planning Commission and City Council approved a Conditional Use Permit for a temporary outdoor patio at this location for one year (the subject permit expires at the end of April 2017). Apparently the patio was successful from a business perspective and the City did not receive any formal complaints (police, fire, neighbors, etc.) pertaining to the outdoor patio. Now the applicant is proposing to make the outdoor patio permanent with some upgrades. The outdoor patio would be constructed on private property encompassing the westernmost two parking spaces in front of their tenant space of the strip center on West Central Avenue (they are essentially utilizing the same foot print as the temporary patio). The upgrades would include a wood fence with footers enclosing the patio with a pergola covering the entire patio area for upgraded aesthetics. A canvas sun shade (sand color) with globe string lights would be stretched over the pergola for protection from the weather. There have been a few cases in recent years regarding patios on private property and Staff has endeavored to maintain the same recommended 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.

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**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 permanent 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') permanent 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 an 8.6 foot high wood fence around the patio with footers per the building department requirements. A pergola would be installed over the entire outdoor patio for aesthetic and functional reasons. A canvas sun shade (sand color) with globe string lights would be stretched over the pergola for protection from the weather (see attached examples). In addition, there would be 6 foot tall 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 permanent 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 neither live music nor outdoor speakers would be permitted on the patio.

- **LANDSCAPING** - The plan proposes 6 foot high bushes located on the south side of the patio to screen it from the parking lot. The bushes would be in pots that should be watered regularly to ensure survival.
- **SIGNAGE** – No additional signage is proposed and none would be allowed on the proposed fence.
- **LIGHTING** – The applicant is proposing globe string lights on the pergola beneath the sun shade. The 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. Furthermore, the temporary outdoor patio was open for a year the City did not receive any formal complaints (police, fire, neighbors, etc.).

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**STAFF RECOMMENDATION – (2017-0407 CONDITIONAL USE PERMIT)**

Staff recommends approval of a request by Shorty's Casual Cuisine for a Conditional Use Permit to construct a permanent 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 globe string lights shall be as submitted and turned off at the same the time outdoor patio ceases to operate.
6. The lighting shall meet the minimum requirements of the zoning code and shall be approved by the Chief Building Official.
7. The canvas sun shade (sand color) shall located above the pergola as submitted
8. The proposed 6 foot high bushes shall be planted in pots and watered regularly to ensure survival.
9. The proposed outdoor patio shall require zoning and building permit approval.
10. 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:**

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*MOTION:*    \_\_\_\_\_ *1<sup>st</sup>*    \_\_\_\_\_ *2<sup>nd</sup>*    *approved*    *denied*    *tabled* \_\_\_\_\_

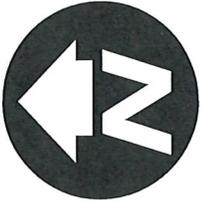
*CONDITIONS/MISCELLANEOUS:*

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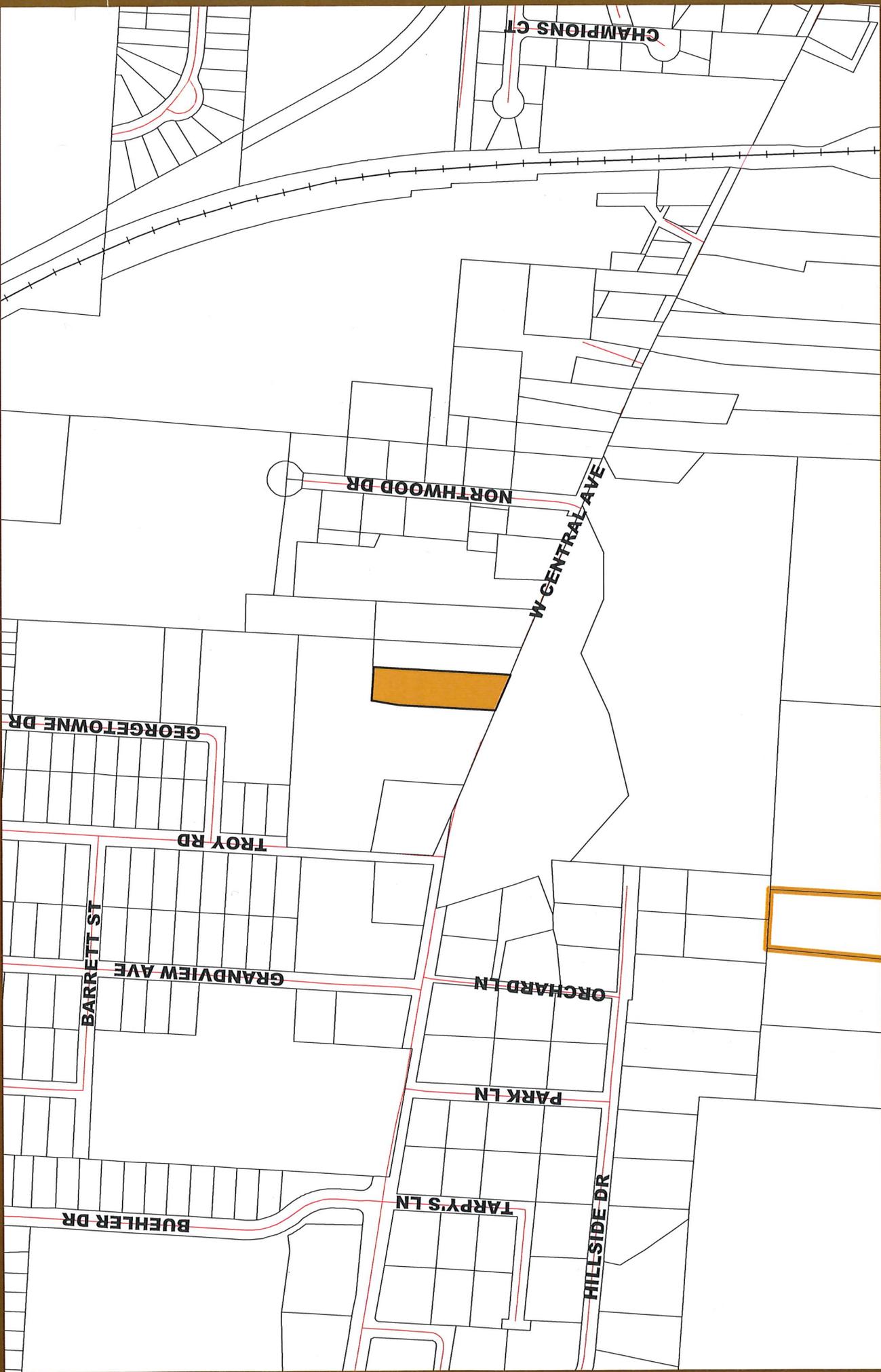
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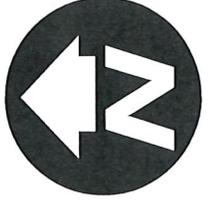
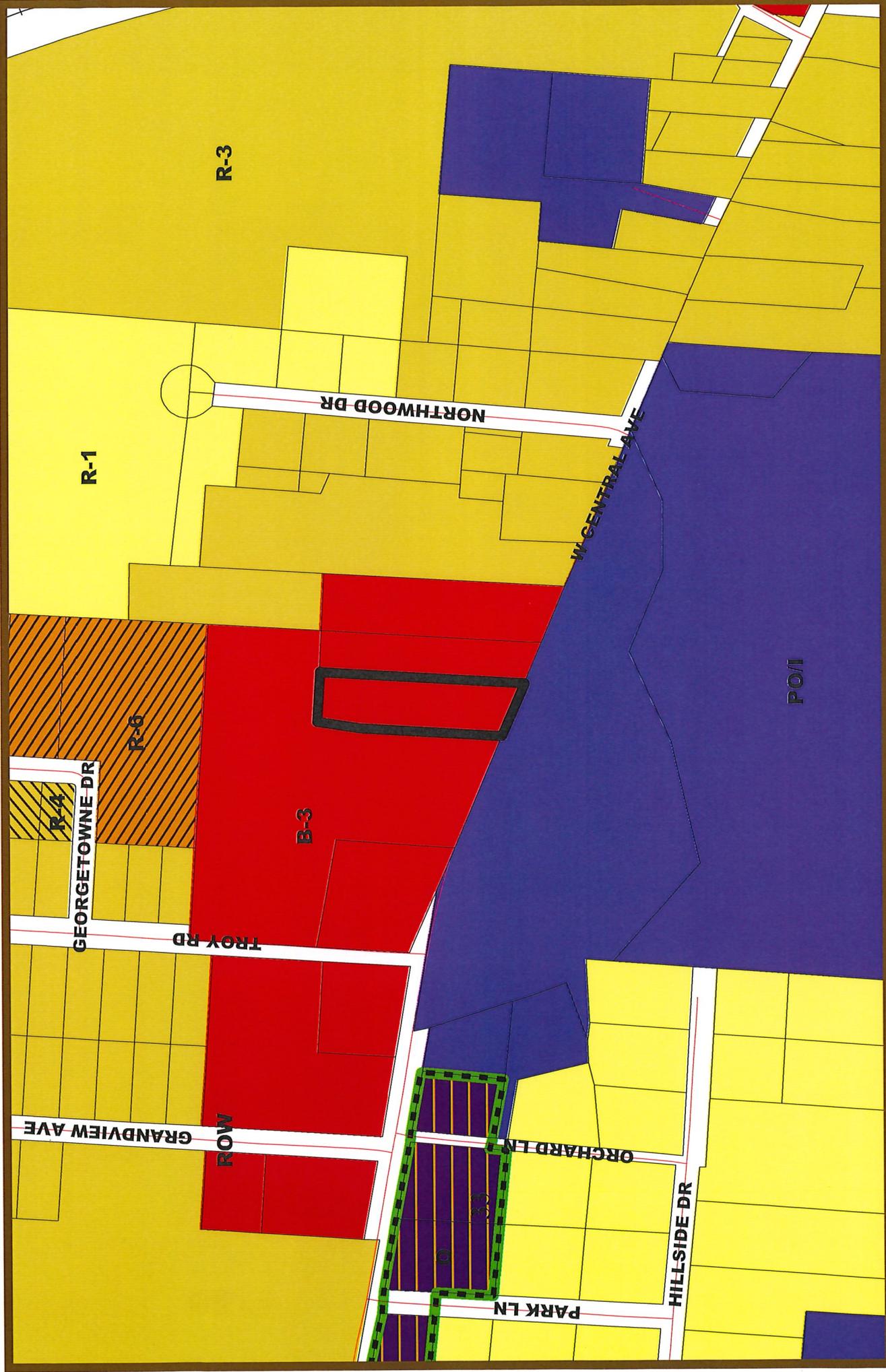
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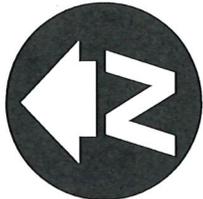
2017-0407  
Conditional Use Permit  
Shorty's Casual Cuisine - 554 West Central Avenue  
Location Map





2017-0407  
 Conditional Use Permit  
 Shorty's Casual Cuisine - 554 West Central Avenue  
 Zoning Map





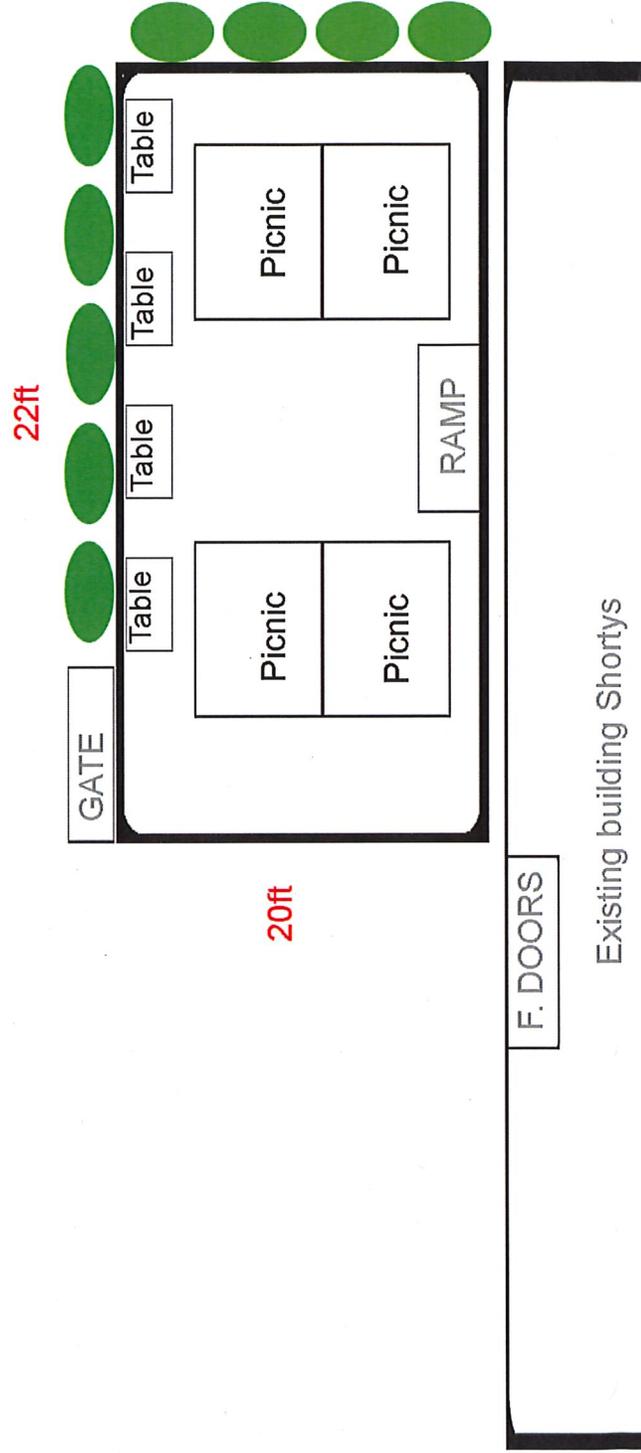
2017-0407  
 Conditional Use Permit  
 Shorty's Casual Cuisine - 554 West Central Avenue  
 Aerial (2015)

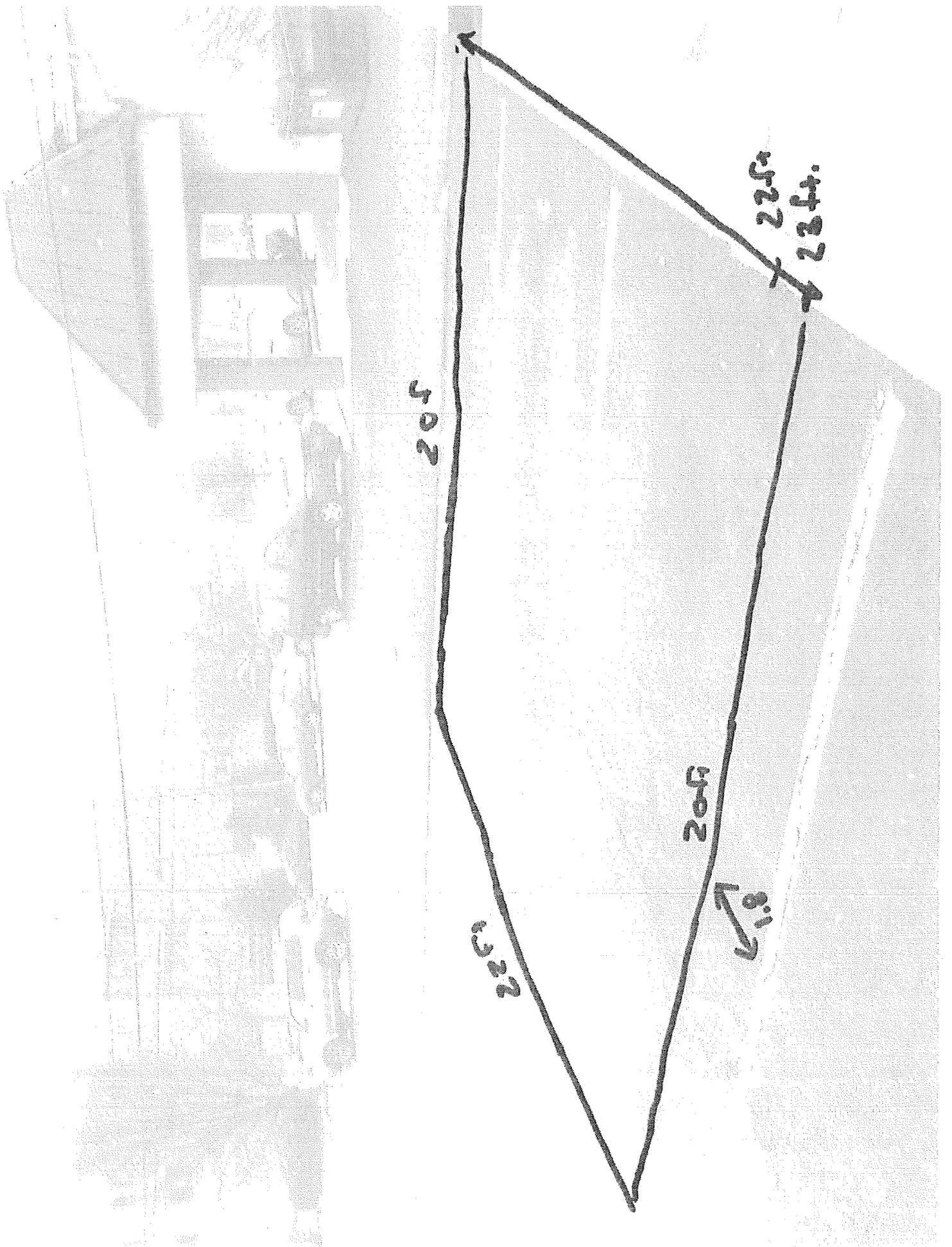


- \* The patio is 20ft by 22ft.  
(same demensions as last year)
- \* Four picnic tables 30in tall 52.5 in wide and 60in long  
(same as last year)
- \* Four restaurant tables 2.5ft tall 2.5ft by 2ft wide.  
(same as last year)
- \* Privacy bushes will be optional this year depending on  
shade of sun. 6ft tall

CHANGES\* last year structure was not permanent and was being weighed down by 100lb concrete and sand bags. This year a perminant structure is being built.

- \* Outdoor pergola with support beams cemented into the ground and up to code with all structural guidelines set by the city of Delaware.
- \* This will be free standing (not connected) to the building.
- \* Low wattage string lights will be used to illuminate the patio at night.
- \* Commercial grade canvas sun shades will make up the roof of the structure.





502

222

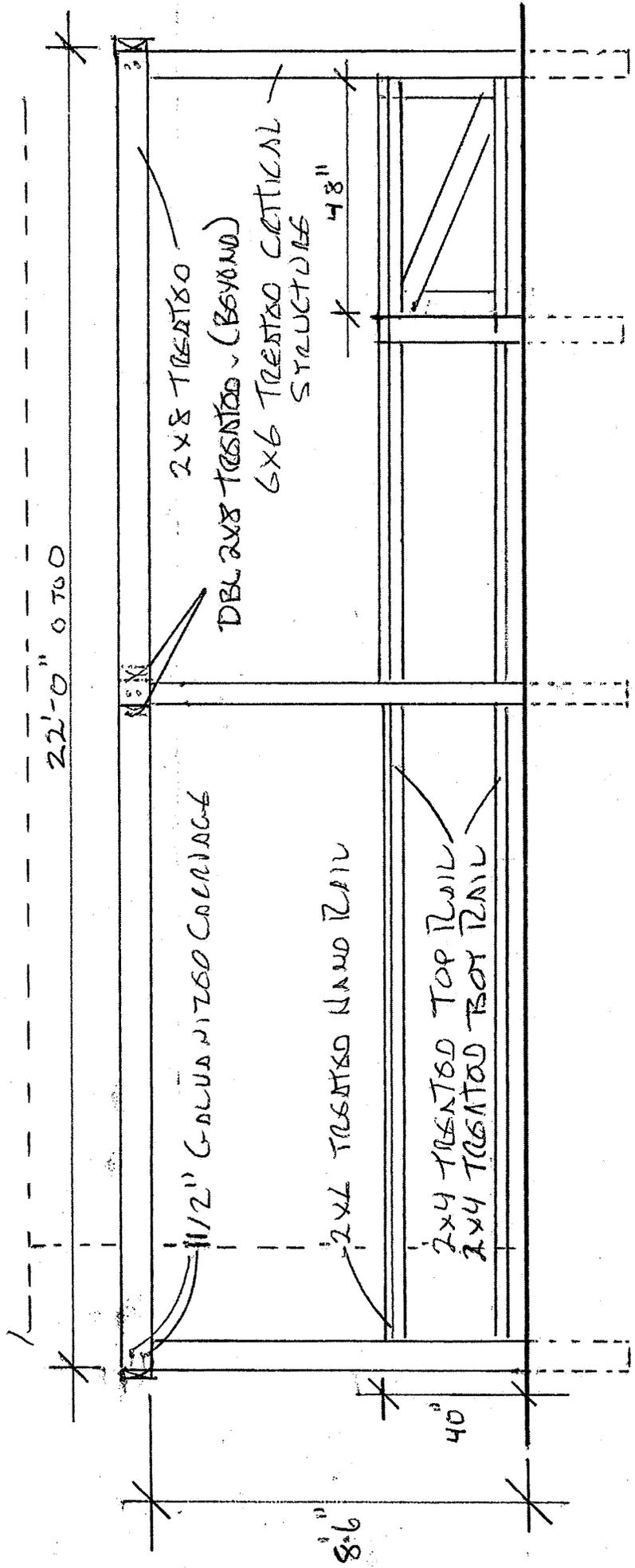
205

222

222  
23 ft.

CENTRAL AVE. VIEW  
554 WEST CENTRAL AVE

EXISTING STRUCTURE  
BEYOND



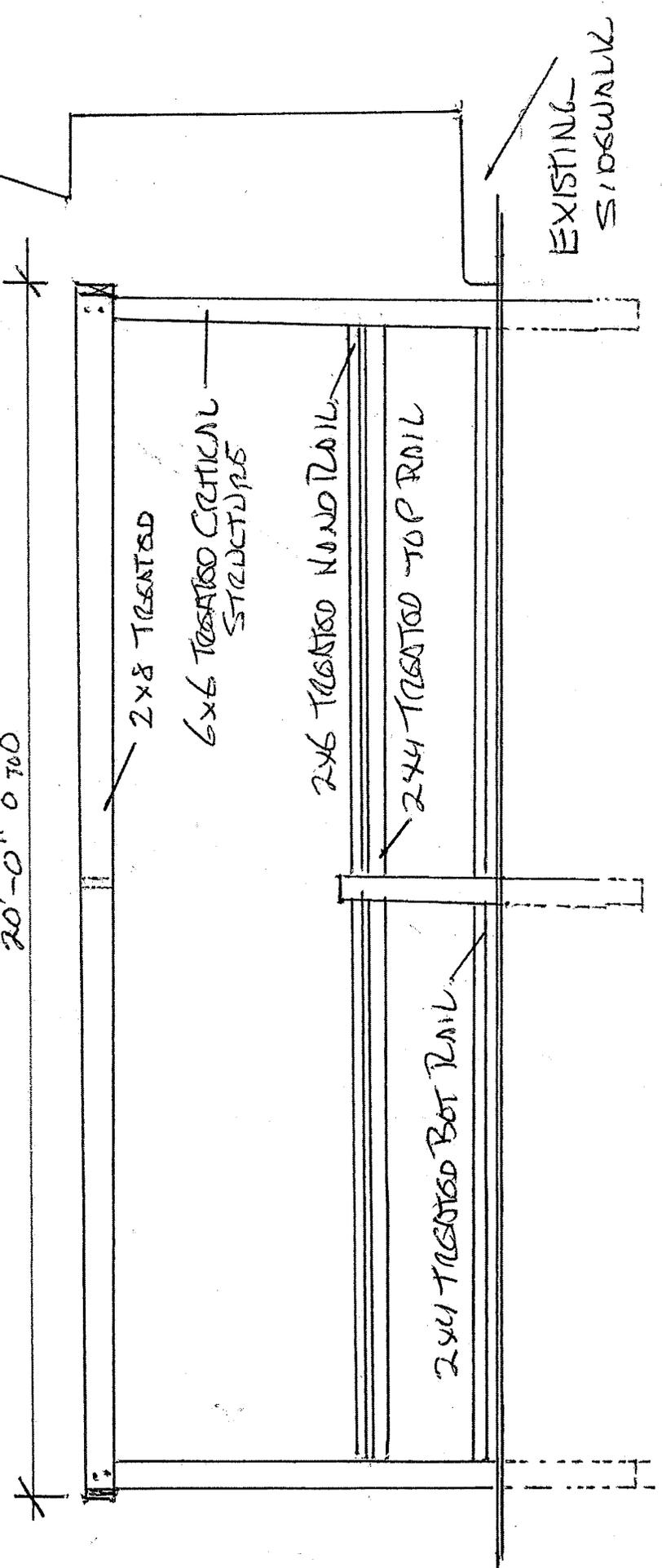


RIGHT END VIEW  
554 WEST CENTRAL AVE.

(LEFT END - TYPICAL)

EXISTING BRICK

20'-0" O.T.O.



EXISTING  
SIDEWALK

2x8 TREATED

6x6 TREATED CRITICAL  
STRUCTURES

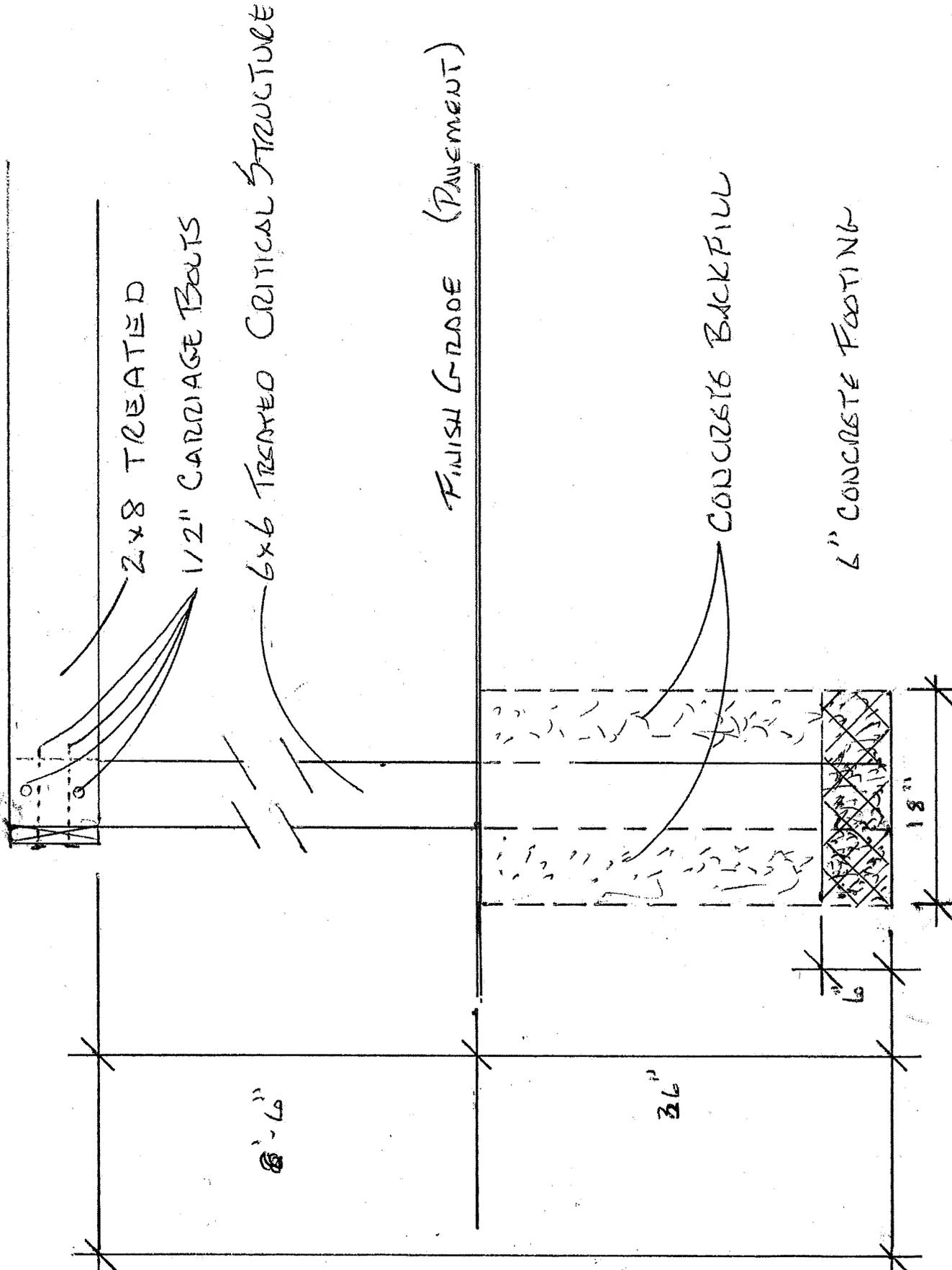
2x6 TREATED HANDRAIL

2x4 TREATED TOP RAIL

2x4 TREATED BOT RAIL

# POST DETAIL

554 W. CENTRAL



44'-0" 0100

OVERHEAD VIEW

11'-0"

11'-0"

6x6 TREATED CRITICAL STR.

2-2x8 TREATED

JOIST RAFTERS

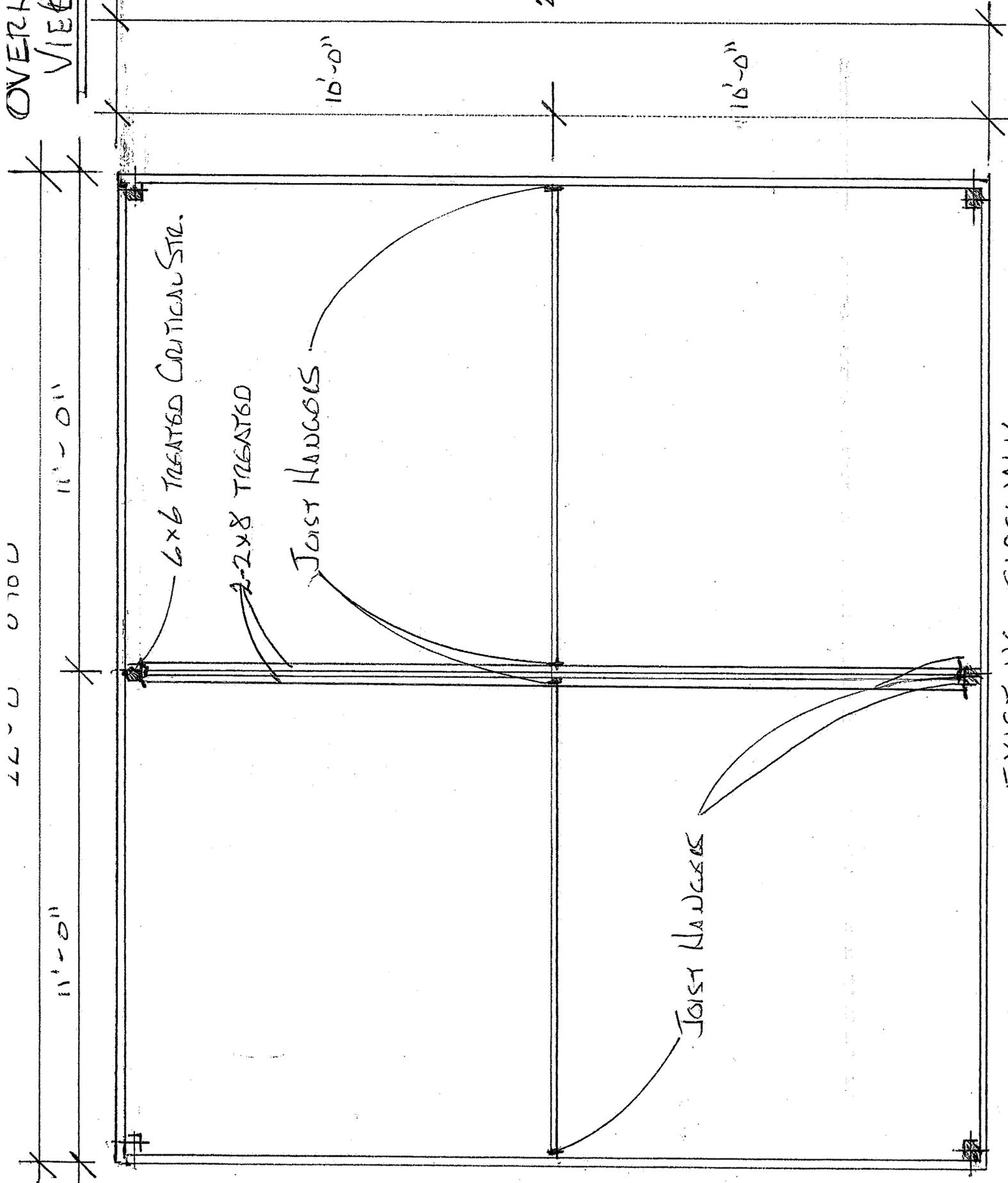
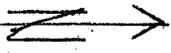
JOIST RAFTERS

16'-0"

16'-0"

26'-0"  
TO D

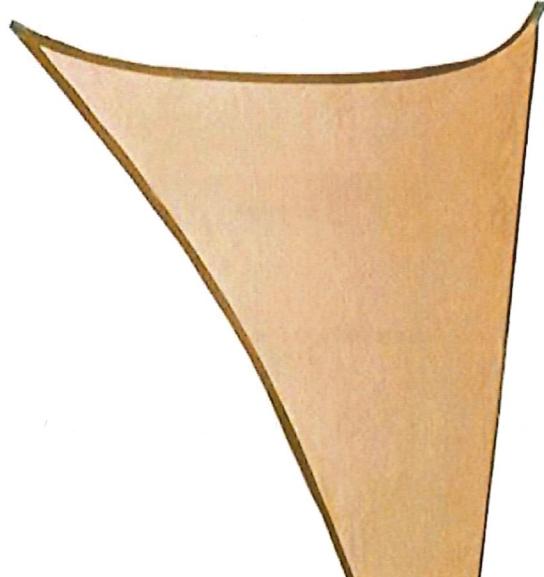
EXISTING SIDEWALK







canvas patio shade"



ancer

# Cool Friend@ Sun Shade Sail Uv Top Outdoor Canopy Patio Lawn Triangle (sand, 16.5'x16.5'x22'11")

★★★★★ 9 customer reviews

Price: \$99.00  
Sale: **\$42.99** Prime  
You Save: \$56.01 (57%)

In Stock.

Want it tomorrow, March 30? Order within 2 hrs 10 mins and choose One-Day

Shipping at checkout. Details

Sold by GEORGE OFFICIAL and Fulfilled by Amazon. Gift-wrap available.

Color: sand



Size: 16.5'x16.5'x22'11"

13' x 13' x 13' 16.5'x16.5'x22'11"

- Blocks 89-92% of UV, Easy to install
- Sun shade can be used over a patio, driveway or other outdoor area to protect against UV rays
- Made of high-quality sun screen fabric, so it blocks up to 90% of harmful UV rays
- Sail comes finished with strong stitched seam. fitted stainless steel eyelets and

Roll over image to zoom in

Share

Qty: 1



Turn on 1-Click o

Ship to:

Shorty's- Delaw

Add to List

Add to yo

Have one to sell?



Brightech

# Ambience G40 Globe String Lights, Black Wire

★★★★☆ 539 customer reviews | 50 answered questions

Price: ~~\$49.00~~

Sale: **\$19.99** Prime

You Save: **\$29.01 (59%)**

**In Stock.**

**Want it Friday, March 31?** Order within **1 hr 58 mins** and choose **Two-Day Shipping** at checkout. [Details](#)

Sold by [Brightech](#) and [Fulfilled by Amazon](#). Gift-wrap available.

Color: **Black**



- **PERFECT FOR ENTERTAINING OUTSIDE AFTER DARK:** This 26-foot length string with 25 (7 watt) clear, exposed filament G40 Globe Bulbs lights up your patio, rooftop, or garden for evening meals or celebrations.
- **CONNECT UP TO 3 STRANDS END-TO-END:** Expand the festive glow of your outdoor party by simply plugging in multiple strings together. From a candelabra (E12) socket base, the bulbs produce warm light without being glaringly bright or harsh to the eyes.

Share



Qty: 1

- Add a Protection**
- Include 3-Year for **\$3.92**
  - Include 2-Year for **\$2.69**



Turn on 1-Click order

**Ship to:**

Shorty's- Delaware

Add to List

Add to your list



Roll over image to zoom in



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



Project # \_\_\_\_\_

Case # 2017-0407

**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                        | <b>Board of Zoning Appeals</b>  |
| <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 checked="" 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 \_\_\_\_\_ Address 554 W. Central Ave Delaware OH 43015

Acreage \_\_\_\_\_ Square Footage \_\_\_\_\_ Number of Lots \_\_\_\_\_ Number of Units \_\_\_\_\_

Zoning District/Land Use \_\_\_\_\_ Proposed Zoning/Land Use \_\_\_\_\_ Parcel # \_\_\_\_\_

Applicant Name Thom Johnson Contact Person JOHN CORNAS 415-631-2518

Applicant Address 554 W. Central Ave Delaware OH 43015

Phone 740-362-5335 Fax \_\_\_\_\_ E-mail icofohio@hotmail.com *SEND RECEIPT*

Owner Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Owner Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

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.

\_\_\_\_\_  
Owner Signature  
*[Signature]*  
\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Owner Printed Name  
Thom Johnson  
\_\_\_\_\_  
Agent Printed Name

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Stamp

Notary Public

CASE NUMBERS: 2017-0408, 0410-0411

REQUEST: Multiple Requests

PROJECT: River Street Business Park

MEETING DATE: April, 2017

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**APPLICANT/OWNER**

Terrain Evolution  
720 East Broad Street, Suite 203  
Columbus, Ohio 43215

**REQUESTS**

2017-0408: A request by Tim Colatruglio for approval of a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

2017-0411: A request by Tim Colatruglio for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

2017-0410: A request by Tim Colatruglio for approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

**PROPERTY LOCATION & DESCRIPTION**

The subject thirteen parcels are located south of East Williams Street between River Street and the elevated bike path. The southern four most parcels fronting River Street are zoned B-3 (Community Business District) while the remaining nine parcels are zoned R-4 (Medium Density Residential). The properties to the north, east and south are zoned R-4 while the property to the west is zoned B-3 and PO/I (Planned Office/Institutional District) located across the river and US 23.

**BACKGROUND/PROPOSAL**

The owner is proposing to maintain the existing 2,340 square foot building which contains his company located on the southern portion of the site along River Street while adding two new commercial/office/warehouse buildings 15,500 square feet and 6,000 square feet respectively with an associated parking lot located north of the existing building for a total business park square footage of 23,840. Two curb cuts from River Street would access the proposed business park. Ultimately the three City paper alleys' that extend through the site would need to be vacated by the City if the Rezoning, Conditional Use Permit and Preliminary Development Plan are approved.

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**STAFF ANALYSIS**

- **ZONING:** As mentioned above, the zoning of the subject properties are B-3 and R-4 which would require a zone change to a PMU with specific development text to allow the proposed uses. In addition, a Conditional Use Permit (to allow the PMU), a Preliminary Development Plan, a Final Development Plan and an Alley Vacation would be required to be approved by Planning Commission and City Council to allow the proposed development. The Final Development Plan and Alley Vacation would be submitted for review if the Rezoning, Conditional Use Permit and Preliminary Development Plan are approved.
- **LAND USE:** The proposed business park with specific PMU development text limited uses would be consistent with the Comprehensive Plan of the "Downtown Core" of the plan which designates these properties for Mixed Use.
- **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 a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND TRAFFIC:** The site would be accessed by two full movement curb cuts from River Street. The engineering department would require a guard rail on the west side of River Street adjacent to the curbs cuts to help protect against any vehicles from going into the river. In addition, a sidewalk on the east side of River Street along the frontage of the development would be required to be installed per engineering requirements.
- **SITE LAYOUT:** The aforementioned two curb cuts access a 60 space parking lot which forms an interior loop with the proposed buildings constructed on the perimeter of the site. A 15,500 square foot building (which

could be divided into multi-tenant spaces) would be constructed along the northern perimeter of the site (just south of the alley) while a 6,000 square building would be constructed along the eastern portion of the site adjacent to the City bike path which is approximately 12 feet above the subject site. The existing 2,430 square foot building is located along the southern perimeter of the site. The entire site would yield 23,840 square feet of building area. The parking ratio for the site is approximately one space per 400 square feet which would require a mix of commercial, office, manufacturing and warehouse uses. For example the entire site cannot be commercial or office uses as a practical matter because their parking ratios are 200 and 300 square feet respectively which could only accommodate 12,000 square feet of commercial space and 18,000 square feet of office space respectively while manufacturing and warehousing uses are 400 and 1,000 square feet respectively which could accommodate the entire square footage of the 60 space parking lot. Therefore, staff is comfortable with the proposed developments ability to accommodate a mix of uses while providing adequate parking with a blended average parking ratio reflective of the use mix. Additionally, the base zoning code allows for up to a 30% reduction in parking spaces to be deferred as well based upon the specifics of the proposal. Staff finds these two factors compelling in recommending this shared parking allowance and what is shown on the development plan. Two dumpsters enclosed by a wood fence are proposed along the eastern portion of the parking lot. The zoning code and development text require the dumpsters to be enclosed by a wall to match the buildings with the doors painted to match. A detention basin is located along River Street between the two curb cuts.

- **BUILDING DESIGN:** The intent of the design regulations allows renovations and additions to existing structures to be constructed of similar building materials or natural materials while all new buildings regardless of use shall consist of steel siding combined with stone veneer water table or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves. Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.
- **BIKE PATHS AND PEDESTRIAN ROUTES:** There are not any proposed bike paths or pedestrian routes within this site per the City of Delaware Bikeway Plan approved in 2010 or the Bike Plan 2025 that is being currently reviewed by City Council. The engineering department would require standard sidewalks on the east side of River Street along the frontage of the site.
- **LANDSCAPING:** The applicant is proposing street, front yard, perimeter and interior parking lot landscaping for the subject site. The zoning code requires 11 street (one tree every 40 feet) and 9 (one tree every 50 feet) front yard trees based on the 420 feet of frontage on River Street. The proposed plan identifies 7 trees which is 13 trees less than the required amount per base code. However, the owner is proposing 17 new trees to provide a buffer to the residential homes to the north. Staff recommends 6 foot high evergreen trees at installation planted 20 feet on center to form a continuous buffer adjacent to the residential houses to the north. The interior parking lot landscaping and parking lot buffering appears to meet base zoning code requirements. Also, foundation landscaping would be required for each building. All the landscaping plans would need to achieve compliance at Final Development Plan submittal and approval. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.
- **TREE PRESERVATION:** A tree survey has been provided that documents the total number, type, size, and health of trees to be preserved and replaced. Tree removal and replacement shall meet requirements of Chapter 1168 along with the following replacement schedule and fee/replanting requirements:
  - i) Trees in poor condition shall not be replaced (dead, damaged or diseased).
  - ii) Trees in fair condition shall be replaced at 50%.
  - iii) Trees in good condition shall be replaced at 100%
  - iv) Ash trees shall not be replaced and must be removed from the site.

- v) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
  - vi) Based upon the submitted and verified survey, the number of caliper inches removed is 351 caliper inches. Therefore, the owner would be required to make a payment of \$35,100 (351 caliper inches removed x \$100 per caliper inch fee) prior to engineering drawing approval unless preservation areas are provided per vii.
  - vii) Credit shall be given on a caliper inch basis for any permanently protected (easement or covenant) areas of existing trees. This shall be determined through the Final Development Plan process.
- **LIGHTING PLAN:** The proposed plan does not identify parking lot lighting but would be required to provide such for Final Development Plan submittal. The engineering department requires typical street lights along River Street adjacent to the site or parking lot lighting that would extend the appropriate illumination on River Street. All lighting plans would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.
  - **MISC:** If the subject rezoning is approved and concurrent with the Final Development Plan submittal, an alley vacation would need to be approved by the Planning Commission and City Council. The initial review by the City indicates there are not any public utilities or easements within the existing alley right of way and subject right-of-way is not needed for emergency services. The owner would have to perform their own due diligence pertaining to any private utilities and/or easements within the alleys and address those issues with the impacted agency. Also, the existing improved alley on the north side appears to have been constructed outside of the right-of-way and onto the subject property. The applicant is willing to grant a temporary easement to allow this condition to continue until the alley is paved within its right-of-way. This issue shall be resolved concurrently with the Final Development Plan.
  - **CONDITIONAL USE PERMIT:** The proposed development achieves compliance with the conditional use permit requirements per the zoning code and of the approved development text.

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**STAFF RECOMMENDATION (2017-0408 – REZONING AMENDMENT)**

Staff recommends approval of a request by Tim Colatruglio for a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, with the following condition that:

1. Any new structure(s) or any change of use of any existing structure(s) or property shall require conformance to all provisions of the Development Text and any conditions of approval.

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**STAFF RECOMMENDATION (2017-0411 – CONDITIONAL USE PERMIT)**

Staff recommends approval of a request by Tim Colatruglio for a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

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**STAFF RECOMMENDATION (2017-0410 – PRELIMINARY DEVELOPMENT PLAN)**

Staff recommends approval of a request by Tim Colatruglio for a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, 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. A guard rail on the west side of River Street adjacent to the curbs cuts shall be installed per engineering requirements for safety reasons.



CASE NUMBER: 2017- 0408, 0410-0411

MEETING DATE: April 5, 2017

PAGE: Page 5 of 5

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MOTION: \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> *approved* *denied* *tabled* \_\_\_\_\_

CONDITIONS/MISCELLANEOUS:

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FILE:

ORIGINAL:

REVISED: 03/31/17

PLANNED MIXED USE DEVELOPMENT TEXT  
RIVER STREET BUSINESS PARK  
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Tim and Michelle Colatruglio are proposing to rezone their subject 2.594 acre property (including vacated right-of-way) which encompasses thirteen parcels and right-of-way that the owner would like to have the City vacate and make part of the project. The property's zoning would change from existing R-4 and B-3 to R-4 and B-3 with a Planned Mixed Use Overlay District



2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent of this development to provide a planned commercial use for both the existing and new buildings, with compatible and common site improvements, architectural design, signage and amenities. This Development Text represents the zoning requirements for this development as agreed upon between the developer and the City.

- B. Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.
- C. Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.
- D. Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any major change in the use or occupancy other than those uses specifically listed in this text.
  - (2) Major change in the approved location of land uses or land use sub-areas and building sizes of more than 10%.
  - (3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.
- E. Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
  - (2) Any minor change to the use or occupancy of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.
  - (3) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.
  - (4) Minor structural alterations that do not alter the overall design intent of the building.
- F. Preliminary & Final Development Plan**
1. The proposed site plan and building elevations require Preliminary and Final Development Plan approval by the Planning Commission and City Council.
- G. Tree Removal and Replacement.** Tree removal and replacement shall meet all requirements of Chapter 1168 along with the following replacement schedule:
- (1) Trees in poor condition shall not be replaced (dead, damaged or diseased).

- (2) Trees in fair condition shall be replaced at 50%.
- (3) Trees in good condition shall be replaced at 100%
- (4) Ash trees shall not be replaced and must be removed from the site.
- (5) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
- (6) Based upon the submitted and verified survey, the number of caliper inches removed is 351 caliper inches. Therefore, the owner would be required to make a payment of \$35,100 (351 caliper inches removed x \$100 per caliper inch fee) prior to engineering drawing approval unless preservation areas are provided per vii.
- (7) Credit shall be given on a caliper inch basis for any permanently protected (easement or covenant) areas of existing trees. This shall be determined through the Final Development Plan process.

### 3. SITE PLAN

The project is located at 45 River Street which encompasses approximately 2.6 acres (including 0.404 acres of proposed vacated right-of-way). The owner is proposing two new buildings of 15,500 and 6000 square feet as well as utilizing the existing building of about 2,300 square feet. The owner is marketing these facilities towards commercial and office uses that are defined in the text.

The buildings would utilize the proposed parking lot and drives for business as well as emergency access. Each building can be built to suit the proposed use and compartmentalized for multiple uses in each building. The owner wants to be able to be flexible with the areas needed for each use as the market and the tenants dictate.

### 4. SITE USES

A. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

- (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.
- (2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
- (3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	Uses
<b>(a) Industrial</b>	
(1) Warehouse/ indoor storage and distribution	P
(2) Research and development facility	P
(3) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(4) Automotive repair garage – no auto sales or parking.	P
<b>(b) Office Professional Services</b>	
(1) Offices – Administrative, Business and Professional	P
(2) Day Care Center – child/adult	P
(3) Medical/Dental Offices health and allied services	P
<b>(c) Recreation and Entertainment</b>	
(1) Indoor recreation and entertainment (such indoor theater, bowling alley, arcade, billiard parlor, assemble hall and party center)	P
<b>(f) Retail and Services</b>	
(1) Retail and service establishments in completely enclosed buildings	P

(5) **Prohibited Uses.**

- i) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.
- ii) **Wireless telecommunication facilities including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development area. Small cell sites, DAS, antennas, and/or amplifiers

may be permitted so long as they are completely camouflaged so as to be not visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

- iii) **Outdoor Storage:** No outdoor storage is permitted on the site which includes open dumps and mineral extraction. However, the existing outdoor storage in the rear of the existing building shall remain as documented on the Final Development Plan.
- iv) **Medical Marijuana:** No medical marijuana principal or accessory uses are permitted on the subject site.
- v) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster’s, Magic Mountain, and Chuck E. Cheese

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

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

\*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

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

**C. Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from Adjacent Alley	25 ft.
(2) Setback From River St	25 ft. Proposed, 19' Existing
(3) Rear Setback From Property Line	21 ft.

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

Minimum Parking Setbacks	
(1) Setback from River St.	20 ft., Existing as Shown
(2) Perimeter setback	20 ft

E. **Maximum Building Height.** The maximum height of any building or structure shall be 40 feet as measured from finished floor elevation to the highest point of the roof.

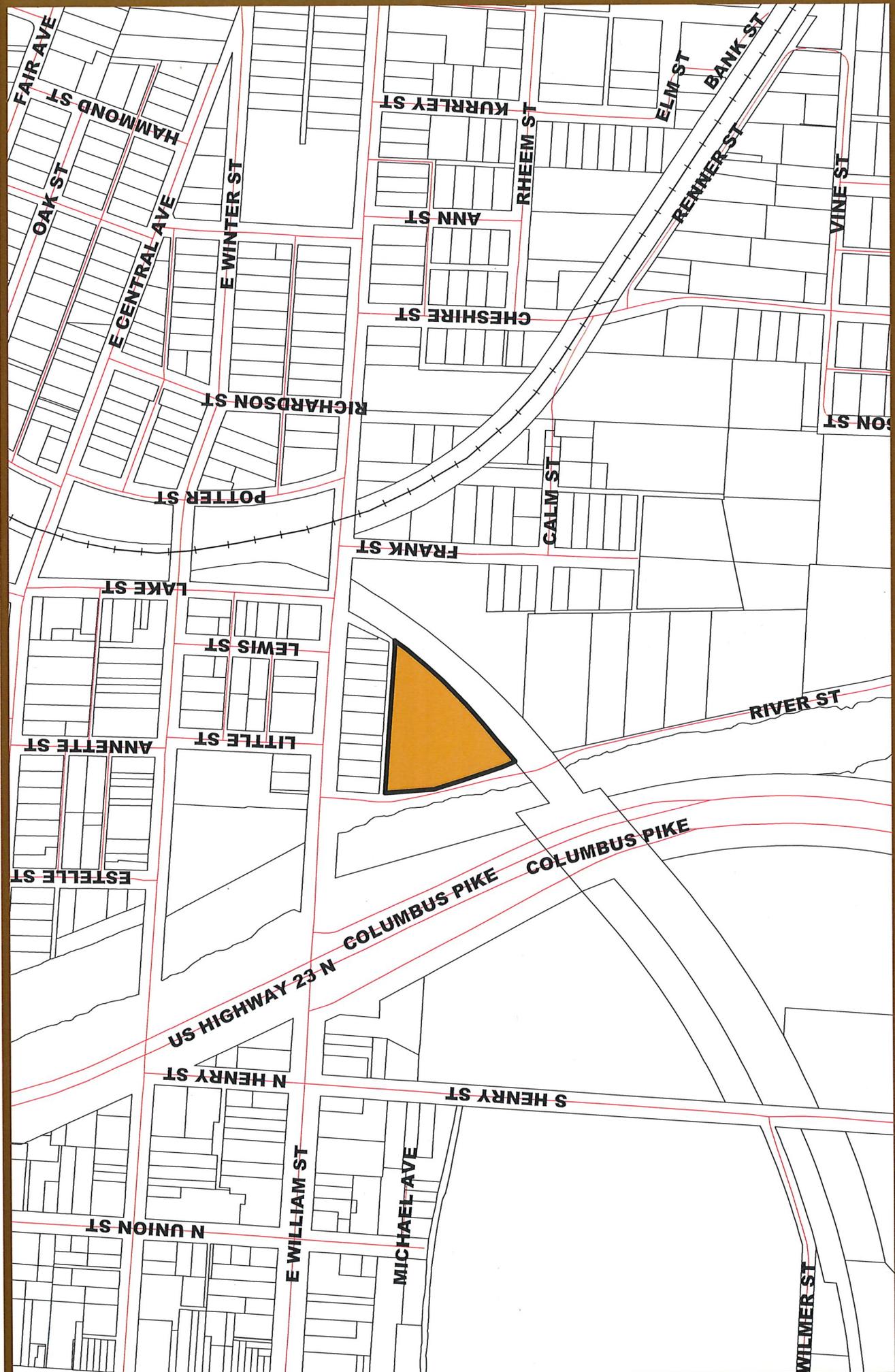
F. **Building Design.** The intent of this regulation is allow renovations and additions to existing structures to be constructed of similar building materials or natural materials while all new buildings regardless of use shall consist of steel siding combined with stone veneer water table or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process and substantially similar to the following elevations.

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

G. **Parking.** The amount of parking shall be as approved on the Final Development Plan and not inconsistent with the Preliminary Development Plan.

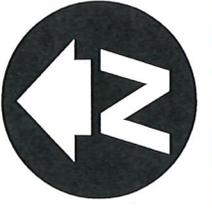
H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan. In addition, the buffering along the northern property line shall consist of six foot high evergreen trees at installation planted 20 feet on center to form a continuous buffer shall be planted adjacent to the residential houses to the north.

- I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current Zoning Code, except that there is no requirement to provide lighting beyond that required by the applicable Building Code.
- k. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165.16(c) and will be provided as part of the Final Development Plan. All signage proposed for this Planned Commercial Development will comply with Chapter 1165 of the City of Delaware Zoning Code.
- l. **Roads.** Any new or existing road(s) to be constructed and/or widened within the development shall comply with the City minimum requirements or as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase. Sidewalk shall be required per the City Engineer.
- m. **Utilities.** Any new or existing utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City Director of Utilities. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase.

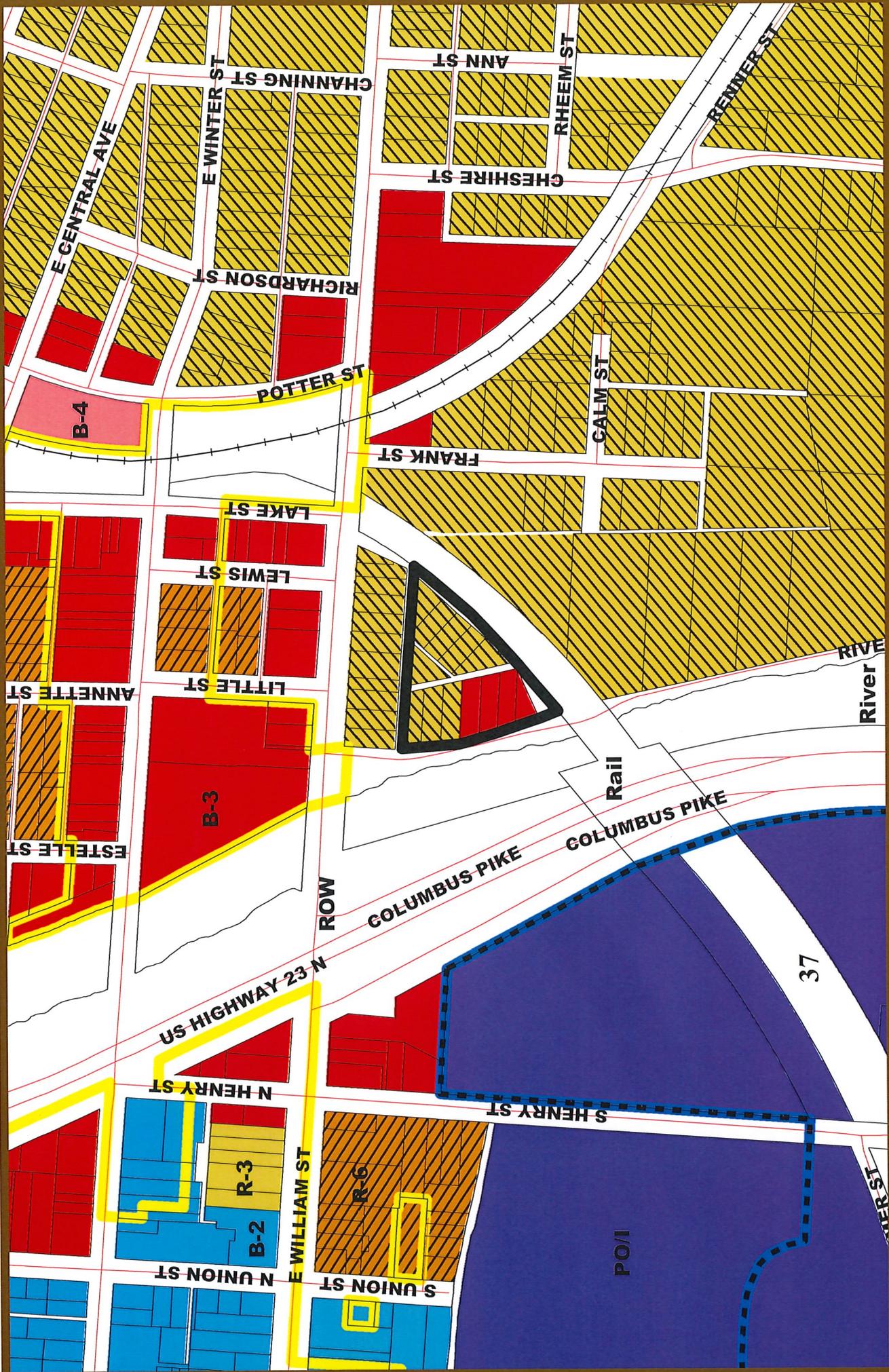


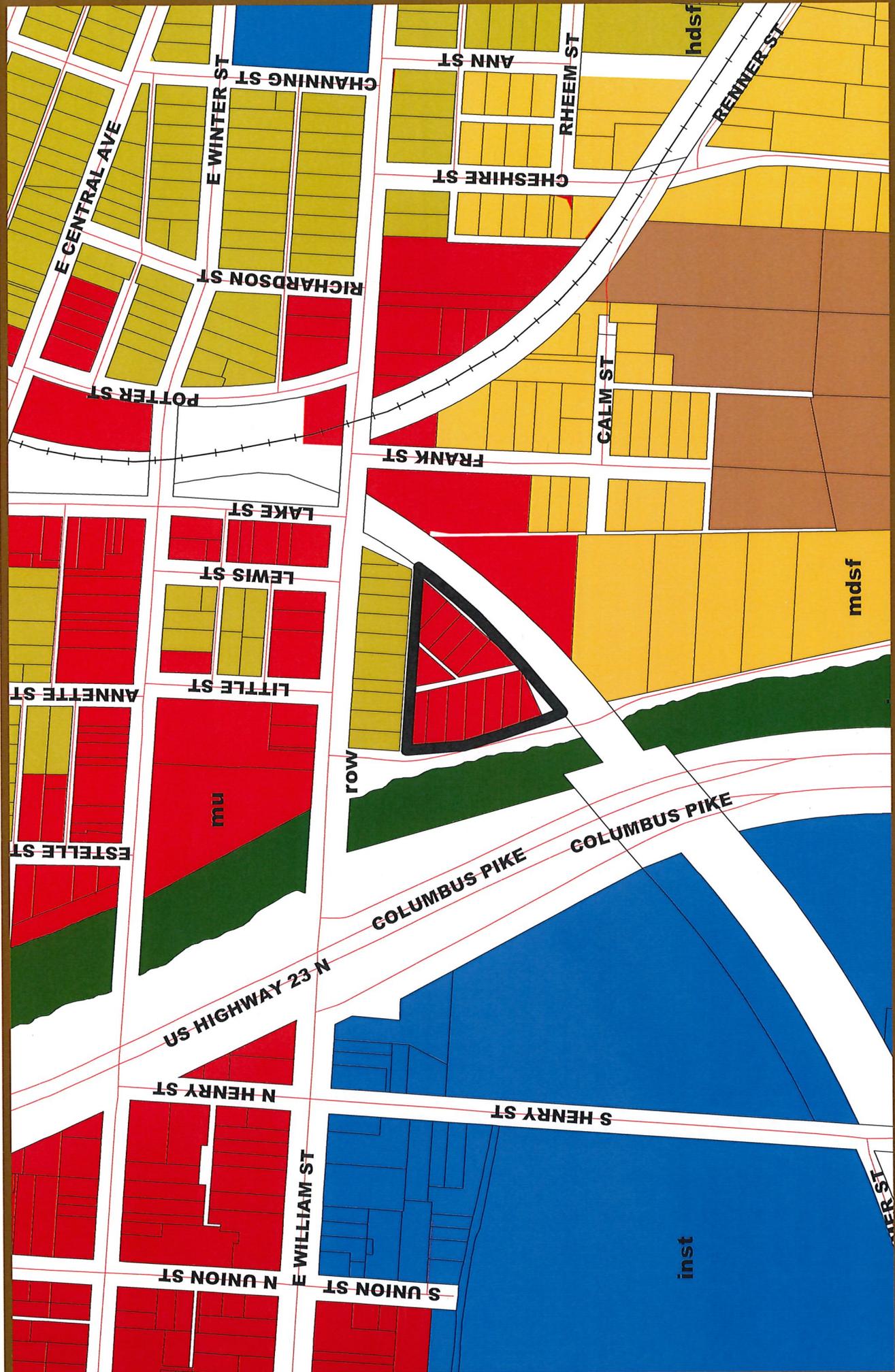
2017-0408, 0410 & 0411  
 Rezoning, Conditional Use Permit & Preliminary Development Plan  
 River Street Business Park  
 Location Map





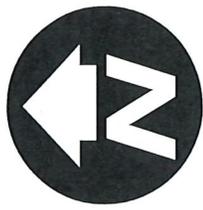
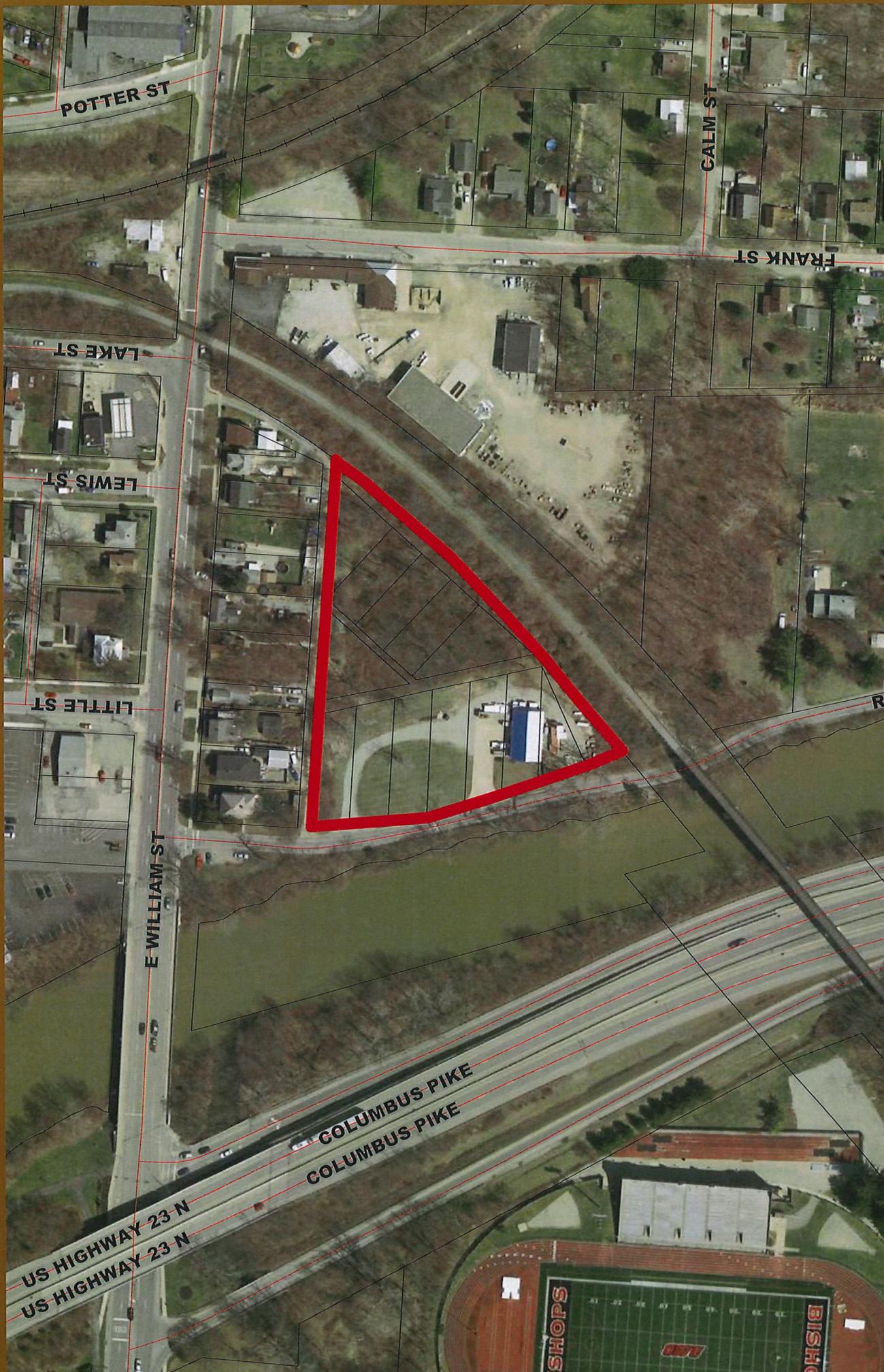
2017-0408, 0410 & 0411  
Rezoning, Conditional Use Permit & Preliminary Development Plan  
River Street Business Park  
Zoning Map





2017-0408, 0410 & 0411  
 Rezoning, Conditional Use Permit & Preliminary Development Plan  
 River Street Business Park  
 Comprehensive Land Use Plan

EST. 1808  
 CITY OF  
**DELAWARE**  
 OHIO

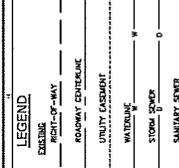


2017-0408, 0410 & 0411  
Rezoning, Conditional Use Permit & Preliminary Development Plan  
River Street Business Park  
Aerial (2015)









GRAPHIC SCALE

0 15 30 45 60 75 90 105 120 135 150

1" = 30'

1" = 60'

1" = 90'

1" = 120'

1" = 150'

CHANGE OVER SCHEME

1-1	1-2	1-3	1-4	1-5	1-6	1-7	1-8	1-9	1-10	1-11	1-12	1-13	1-14	1-15	1-16	1-17	1-18	1-19	1-20	1-21	1-22	1-23	1-24	1-25	1-26	1-27	1-28	1-29	1-30	1-31	1-32	1-33	1-34	1-35	1-36	1-37	1-38	1-39	1-40	1-41	1-42	1-43	1-44	1-45	1-46	1-47	1-48	1-49	1-50	1-51	1-52	1-53	1-54	1-55	1-56	1-57	1-58	1-59	1-60	1-61	1-62	1-63	1-64	1-65	1-66	1-67	1-68	1-69	1-70	1-71	1-72	1-73	1-74	1-75	1-76	1-77	1-78	1-79	1-80	1-81	1-82	1-83	1-84	1-85	1-86	1-87	1-88	1-89	1-90	1-91	1-92	1-93	1-94	1-95	1-96	1-97	1-98	1-99	1-100
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7000 Bluebird Drive | Suite 202 | Columbia, OH 45215  
 P: 614.265.1700 | F: 614.265.1855 | E: info@terrain-evolution.com

Viewing is between Water and Success

TerrainEvolution

RIVER STREET BUSINESS PARK

CITY OF BEAUMONT, OHIO

PRELIMINARY DEVELOPMENT PLAN

PROJECT NUMBER: 1007

DATE: FEBRUARY 2017

PROJECT: RIVER STREET BUSINESS PARK

SCALE: 1" = 30'

DATE: FEBRUARY 2017

PROJECT: RIVER STREET BUSINESS PARK

SCALE: 1" = 30'

DATE: FEBRUARY 2017

PROJECT: RIVER STREET BUSINESS PARK

SCALE: 1" = 30'

DATE: FEBRUARY 2017

PROJECT: RIVER STREET BUSINESS PARK

SCALE: 1" = 30'

DATE: FEBRUARY 2017

PROJECT: RIVER STREET BUSINESS PARK

LEGEND

- EXISTING
- RIGHT-OF-WAY
- ROADWAY CENTERLINE
- UTILITY EASEMENT
- WATERLINE
- STORM SEWER
- SANITARY SEWER
- ELECTRIC
- TELEPHONE
- GAS
- PROPOSED
- RIGHT-OF-WAY
- ROADWAY CENTERLINE
- UTILITY EASEMENT
- BUILDING SETBACK LINE
- WATERLINE
- WATER VALVE
- REDUCER
- FIRE HYDRANT
- WATER SERVICE
- STORM SEWER
- STORM SEWER MANHOLE
- STORM SEWER CATCH BASIN
- STORM SEWER CURB INLET
- SANITARY SEWER
- SANITARY MANHOLE
- SANITARY SERVICE
- ELECTRIC
- ELECTRIC BOX

LOT COVERAGE

PARKING REQUIRED:

WAREHOUSE	1/1,000 SF
WHOLESALE	1/4,000 SF
RETAIL	1/2,000 SF
PARKING PROVIDED 914'	
HAND CAP	4
TOTAL	200

PREPARED:

WAREHOUSE	67,600 SF
WHOLESALE	337,800 SF
RETAIL	172,800 SF
TOTAL	578,200 SF

SITE AREA 2,468 AC

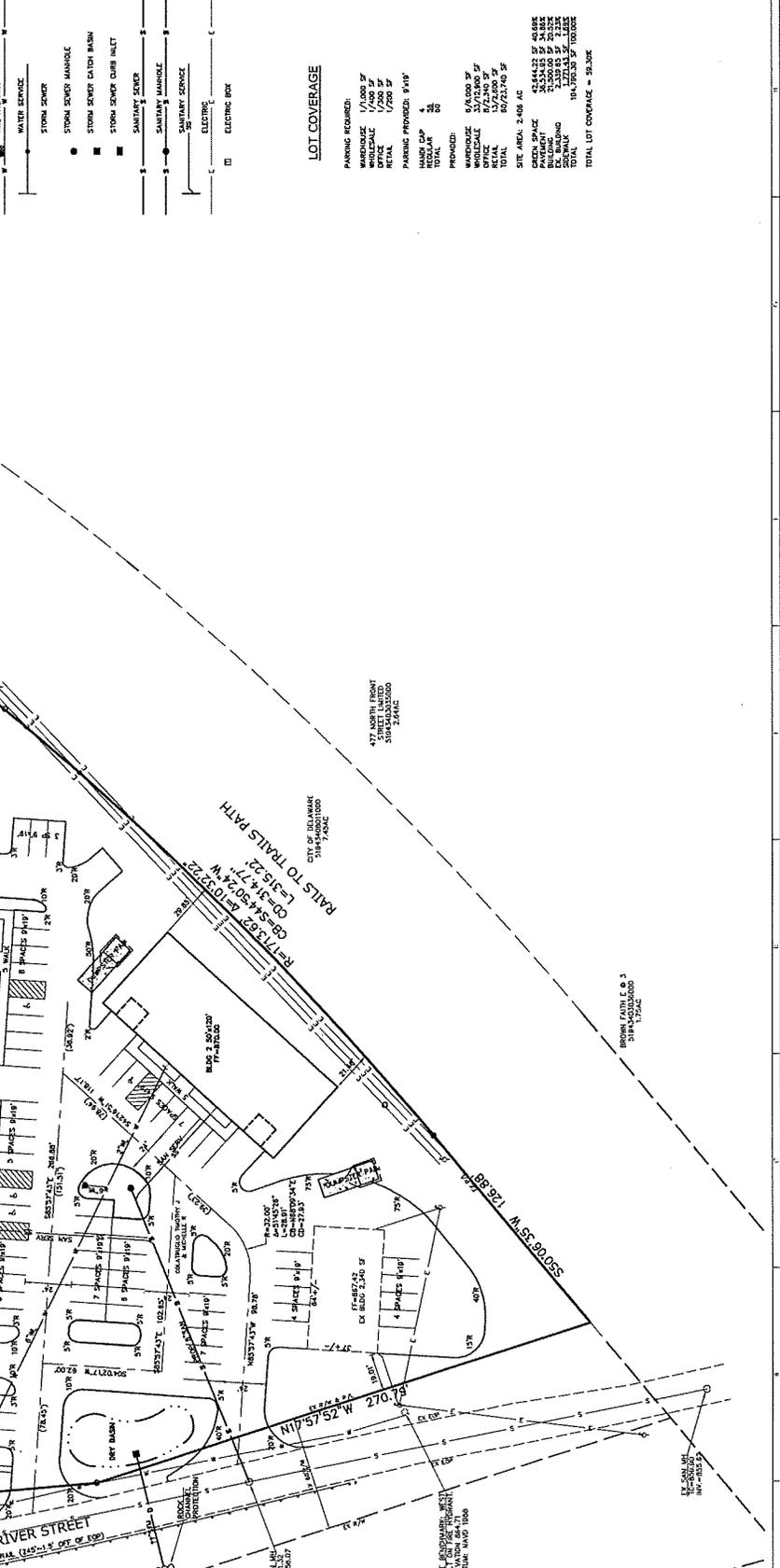
COVERAGE:

WAREHOUSE	2.7%
WHOLESALE	13.7%
RETAIL	7.0%
TOTAL	23.4%

UNDEVELOPED

WAREHOUSE	2.7%
WHOLESALE	13.7%
RETAIL	7.0%
TOTAL	23.4%

TOTAL LOT COVERAGE = 23.4%



OLENTANGY RIVER

RIVER STREET

PAVED ALLEY

RAILS TO TRAILS PATH

3/5



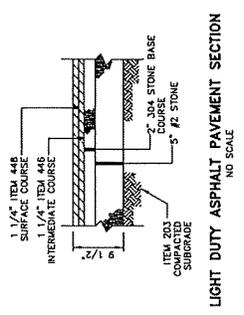
NO.	DESCRIPTION	DATE
1	CHANGE ORDER SCHEDULE	

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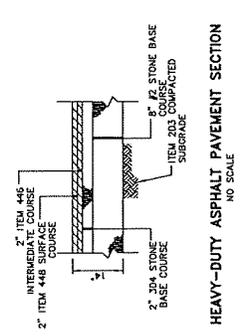
230 East Broad Street | 6th Floor | Columbus, OH 43215  
 614.228.1990 | 614.228.1265 | E: info@terrainevolution.com

CITY OF DEWARVILLE, OHIO  
 RIVER STREET BUSINESS PARK  
 DETAILS

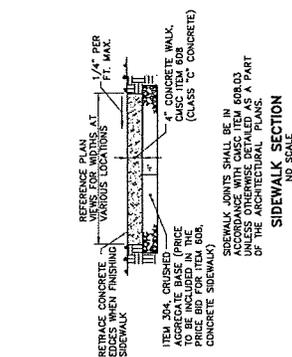
DATE	ISSUED FOR	BY
FEBRUARY, 2017	CONSTRUCTION	MMW
NOVEMBER, 2016	CONSTRUCTION	MMW
AUGUST, 2016	CONSTRUCTION	MMW
MAY, 2016	CONSTRUCTION	MMW
APRIL, 2016	CONSTRUCTION	MMW
PROJECT: 1001P		
SHEET NO. 5/5		



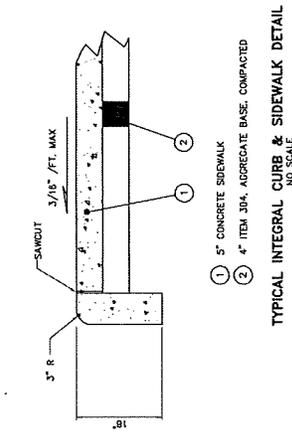
**LIGHT DUTY ASPHALT PAVEMENT SECTION**  
NO SCALE



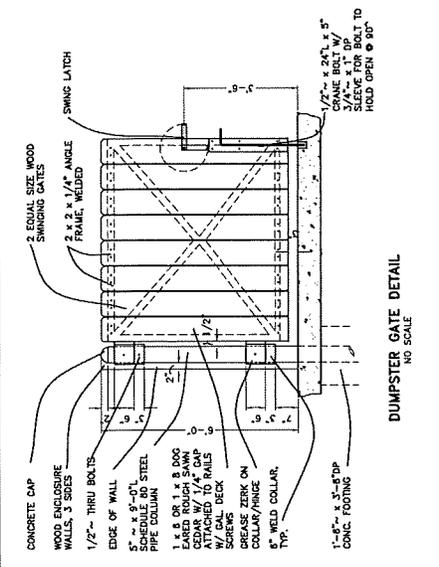
**HEAVY-DUTY ASPHALT PAVEMENT SECTION**  
NO SCALE



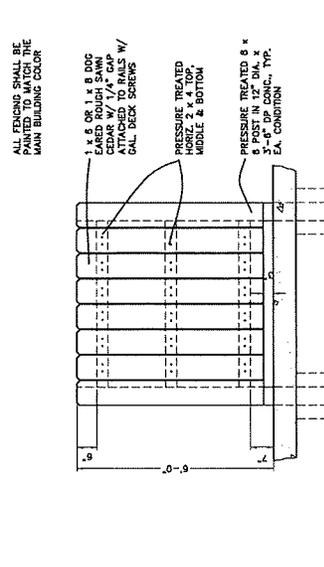
**SIDEWALK SECTION**  
NO SCALE



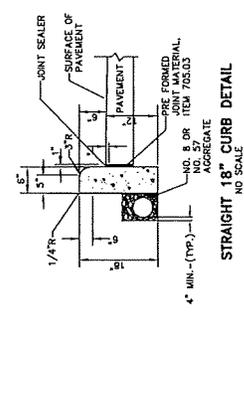
**TYPICAL INTEGRAL CURB & SIDEWALK DETAIL**  
NO SCALE



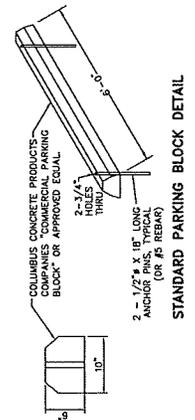
**DUMPSTER GATE DETAIL**  
NO SCALE



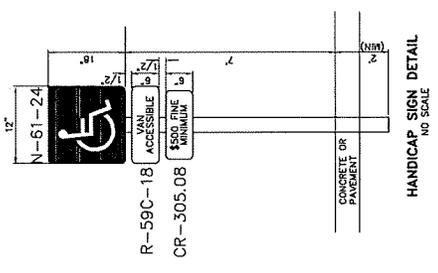
**WOOD FENCE DETAIL**  
NO SCALE



**STRAIGHT 18\"/>**



**STANDARD PARKING BLOCK DETAIL**  
NO SCALE



**HANDICAP SIGN DETAIL**  
NO SCALE

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**APPLICANT & OWNER**

Maronda Homes  
3811 Twin Creek Drive  
Columbus, OH 43204

**REQUEST**

2017-0422: A request by Maronda Homes for approval of a Final Subdivision Plat for Curtis Farms Phase 4 encompassing 7.411 acres which consists of 33 single family lots zoned R-4 (Medium Density Residential District) and located on Delaware Drive.

**PROPERTY LOCATION & DESCRIPTION**

The property is located just north of Firestone Drive along Delaware Drive between Phase 3 to the east and Schultz Elementary School to the west. The subject site is zoned R-4 (Medium Density Residential District) as are the properties to the east, west and south while the property to the north is zoned R-3 (One-Family Residential District).

**BACKGROUND**

The Rezoning Amendment and Preliminary Subdivision Plat for 120 single family lots on 31.29 acres for a gross density of 3.84 dwelling units per acre were approved by City Council in June 2003 (Ordinances 03-23 & 03-24) respectively. The Final Subdivision Plats for Phase 1 and 2 were approved in 2005 and 2009 for 28 and 30 single family lots respectively while the Final Subdivision Plat for Phase 3 was in January 2015 for 29 single family lots with houses currently being constructed in this phase. The developer is proposing to construct Phase 4 of the development which would consist of 33 single family lots on 7.411 acres which is the final phase of the development.

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**STAFF ANALYSIS**

- **LAND USE:** This development is located in an area that is predominantly residential in character. The Comprehensive Plan recommends Moderate-Density Single-Family land use (3.25-4.75 du/ac and R-3/R-4 zoning) for the site. At 3.84 dwelling units per acre, this development, as approved by the preliminary plat, falls within that residential density range.
- **ENGINEERING:** The engineering plans for Phase 3 and 4 were approved on June 18, 2015.
- **ROADS, TRAFFIC & ACCESS:** Access to Phase 3 would be via Firestone Drive extending north and then east along Delaware Drive that ultimately connects into Phase 3. The street shall be constructed per the City Engineer with sidewalks on both sides of the street. Past development approvals required roadway assessments (private) for this subdivision via ordinance 08-104 to be placed on all lots in the subdivision. This information shall be documented on the final plat when recorded.
- **LOT SIZE:** The lots range in size from 7,143 square feet (0.164 acres) to 8,450 square feet (0.194 acres) with the majority in the former size range. In addition, the minimum lot width ranges from 55-65 feet while the minimum lot depth ranges from 125-130 feet. The corner lot is oversized by approximately 30% to comply with the zoning code. In conclusion, the proposed lot dimensions/sizes are in accordance with the approved Preliminary Subdivision Plat and consistent with lots already developed within the subdivision.
- **PARKLAND AND OPEN SPACE:** There is a 0.668 acre park located in the northwestern portion of this Phase adjacent to the Schultz Elementary School property. The proposed parkland in Phase 4 shall be programmed with amenities along with a bike/pedestrian path installed to connect to the school bike path network located just northwest of the parkland in Phase 4. Staff had previously coordinated discussions between the developer and the school to assist in executing an agreement to install the bike path on school property. The park and proposed amenities on the subject property shall be maintained by the Homeowners Association but shall be dedicated for public use with an easement agreement. The developer shall supply details of the improvements to the parkland, including play structures as approved by staff prior the recording of the final plat.

- **TREE PRESERVATION:** There do not appear to be any trees removed in Phase 4 but if any are removed in in the construction, the developer would have to achieve compliance with Chapter 1168 Tree Preservation Regulations. In addition, there is a 30 foot tree preservation zone along the western portion of the subject phase adjacent to the school property.
- **DESIGN:** The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. The standards include among other items: front elevations consisting of a minimum 25 percent of natural materials (the natural materials are to include but are not limited to stone, brick, cedar, wood, stucco and stucco stone), minimum 8 inch overhangs/soffits on returns, minimum 4 inch window trim and higher end vinyl siding. However, the developer has agreed that 50% of the front elevations would be comprised of natural materials per the Preliminary Subdivision Plat approval, so this will be the standard of this subdivision.
- **LIGHTING:** The lighting plan was approved on April 23, 2015 by the Chief Building Official.
- **LANDSCAPING:** The street tree plan shall was approved on April 28, 2015 by the Shade Tree Commission.

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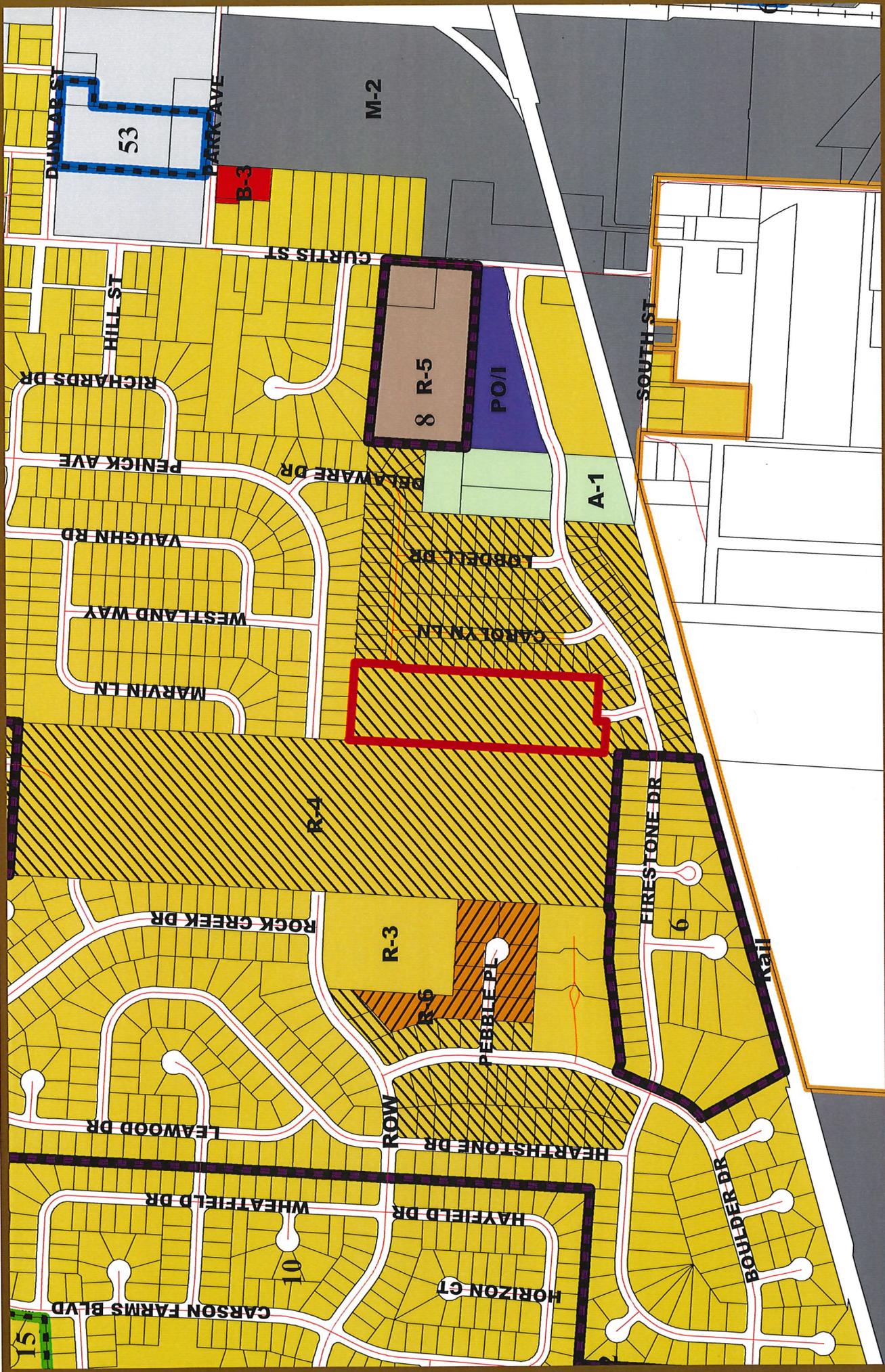
**STAFF RECOMMENDATION – FINAL SUBDIVISION PLAT (2017-0422)**

Staff recommends approval of a request by Maronda Homes for a Final Subdivision Plat for Curtis Farms Phase 4 encompassing 7.411 acres which consists of 33 single family lots zoned R-4 (Medium Density Residential District) and located on Delaware Drive, with the following conditions:

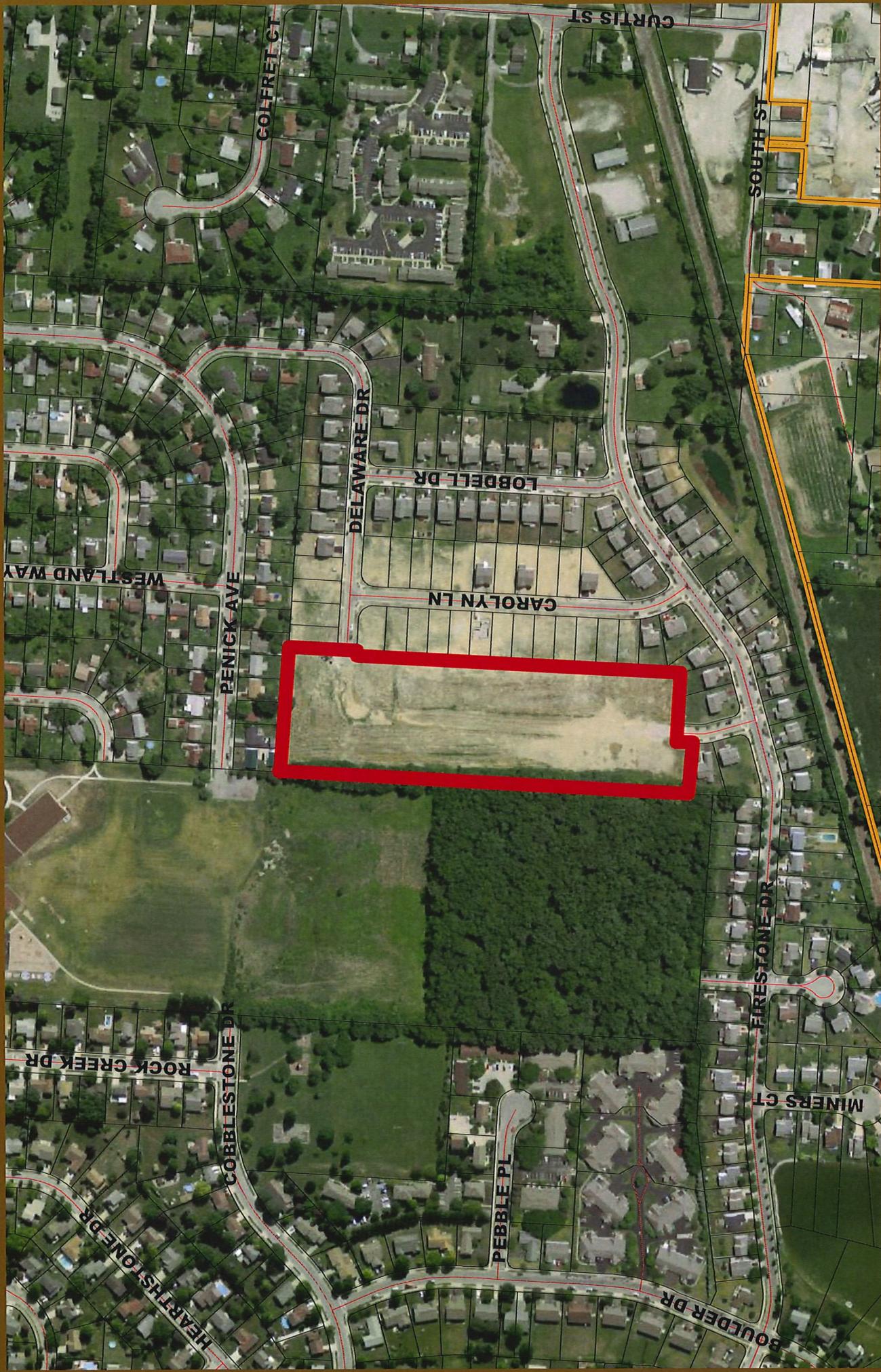
1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. All requirements of Ordinance 08-104 and required plat notes relative to special assessments shall be completed prior to recording of the Final Plat for Phase 4.
3. The houses shall be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code along with 50% of the front elevations shall be constructed of natural materials.
4. The developer shall extend a bike/pedestrian path from the subject park to the Schultz Elementary School to the west per the submitted plan.
5. The developer shall supply details of the improvements to the parkland, including play structures as approved by staff prior the recording of the final plat.
6. The park and proposed amenities shall be maintained by the Homeowners Association but shall be dedicated for public use with an easement agreement.







2017-0422  
 Final Subdivision Plat  
 Curtis Farms - Phase 4  
 Zoning Map



2017-0422  
Final Subdivision Plat  
Curtis Farms - Phase 4  
Aerial (2016)













ORDINANCE NO. 08-104

AN ORDINANCE ESTABLISHING THE ASSESSMENTS FOR THE IMPROVEMENT OF PUBLIC STREETS AND EASEMENTS BETWEEN CERTAIN TERMINI BY CONSTRUCTING AN EXTENSION OF FIRESTONE DRIVE COMMENCING FROM A POINT APPROXIMATELY 142 FEET NORTH FROM THE INTERSECTION OF THE CONRAIL RAILWAY AND CURTIS STREET AND PROCEEDING WESTERLY FOR APPROXIMATELY 1,000 LINEAR FEET TO THE EASTERN BOUNDARY OF THE PLAT FOR CURTIS FARMS BY EXCAVATING, GRADING, DRAINING, LANDSCAPING, CURBING AND PAVING, CONSTRUCTING SIDEWALKS, INSTALLING STREET SIGNS, STREET LIGHTING, TRAFFIC PAVEMENT MARKINGS, STORM AND SANITARY SEWERS AND WATER MAINS, AND PROVIDING ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, this Council has adopted Resolution No. 05-34 on, May 9, 2005 authorizing that the Improvement described in Section 1 be made, and

WHEREAS, the Improvement described in Section 1 has been made including the acquisition of property necessary for the construction of the Improvement, and

WHEREAS, the Improvement described in Section 1 including the acquisition of property necessary for the construction of the Improvement has a actual total cost of \$770,200.19, and

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

Section 1. It is determined to proceed to assess the cost of the improvement of constructing an extension of Firestone Drive commencing from a point approximately 142 feet north from the intersection of the Conrail Railway and Curtis Street and proceeding westerly for approximately 1,000 linear feet to the eastern boundary of the plat for Curtis Farms by excavating, grading, draining, landscaping, curbing and paving, constructing sidewalks, installing street signs, street lighting, traffic pavement markings, storm and sanitary sewers and water mains, and providing all necessary appurtenances thereto (collectively, the "*Improvement*").

Section 2. A total additional assessment of \$38,510.09 per year for 20 years shall be placed on the lots and vacant land of the Curtis Farms Subdivision

as follows: (1) on all platted lots in the Curtis Farms Subdivision, the amount of \$6472.27 plus interest per platted lot. This assessment shall be payable as follows: \$323.61 per year or \$161.81 per half for a period of 20 years, plus interest not to exceed 3%. The balance of the annual additional assessment after assessing the platted lots shall be assessed to the un-platted portion of the Curtis Farms Development, plus interest not to exceed 3%. The Delaware County Auditor shall collect an additional service charge of 2% or as determined by statute. The proceeds of this assessment shall be paid to Curtis Farms LLC or its successor, c/o Maronda Homes, 3811 Twin Creeks Drive, Columbus OH 43204. The assessment will be used to offset the developer's cost of acquisition and construction of Firestone Drive.

Section 3. A total additional assessment of \$11,900.00 per year for 10 years shall be placed on the lots and vacant land of the Curtis Farms Subdivision as follows: (1) on all platted lots in the Curtis Farms Subdivision, the amount of \$1000.00 plus interest per platted lot. This assessment shall be payable as follows: \$100.00 per year or \$50.00 per half for a period of 10 years, plus interest not to exceed 3%. The balance of the annual additional assessment after assessing the platted lots shall be assessed to the un-platted portion of the Curtis Farms Development, plus interest not to exceed 3%. The Delaware County Auditor shall collect an additional service charge of 2% or as determined by statute. The proceeds of this assessment shall be paid to City of Delaware Ohio, 1 South Sandusky Street, Delaware, OH 43015. This assessment will be used for traffic improvements in the vicinity of the development.

Section 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor of Delaware County, Ohio within 15 days after its passage together with an annual statement of lots to be assessed thereafter if required.

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.

PASSED: 12/22, 2008

YEAS 6 NAYS 0  
ABSTAIN 0

ATTEST: Christine Shaw  
CITY CLERK

Windell Wheeler  
MAYOR