

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

AGENDA

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

REGULAR MEETING

April 10, 2017

1. ROLL CALL
2. INVOCATION – Fr. Michael Watson, St. Mary Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on March 27, 2017, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary for the Shade Tree Commission Meeting held on February 28, 2017.
 - B. Acceptance of the Motion Summary for the Public Works/Public Utilities Meeting held on October 4, 2016.
 - C. Acceptance of the Motion Summary for the Planning Commission Meeting held March 1, 2017.
 - D. Resolution No. 17-24, a resolution amending Resolution No. 13-19 establishing the City of Delaware Sister City Advisory Board.
 - E. Resolution No. 17-25, a resolution appointing members to various boards, commissions, and/or committees, and specifying the terms of the appointment.
 - F. Establish April 24, 2017 at 7:15 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-22, an ordinance for Redhawk Property Investments Inc. for approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zones B-3 (Community Business District).

- G. Establish April 24, 2017 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-23, an ordinance for 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).
- H. Establish April 24, 2017 at 7:25 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-24, an ordinance for 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 and Ordinance No. 17-25 , an ordinance for 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.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATIONS

- A. Proclamation presentation to MADD on Recognition of PowerTalk21 Day.

9. CONSIDERATION OF NEW LIQUOR PERMITS

- A. ALDI Inc. Ohio, DBA ALDI, 973 Sunbury Road, Delaware, OH 43015. Permit Classes: C1 and C2.

10. 7:15 P.M. PUBLIC COMMENT AND THIRD READING of Resolution No. 17-20, a resolution accepting the City of Delaware's Bike Master Plan 2025.

11. THIRD READING of Ordinance No. 17-16, an ordinance approving an amendment to Chapter 1168.07 replacement of removed trees of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code.

12. CONSIDERATION of Resolution No. 17-26, a resolution establishing a Solid Waste Bulk Item Collection Pilot Program.

13. CONSIDERATON of Resolution No. 17-27, a resolution adopting a code

of conduct for appointed officials.

14. CONSIDERATION of Ordinance No. 17-22, an ordinance for Redhawk Property Investments Inc. for approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District).
15. CONSIDERATION of Ordinance No. 17-23, an ordinance for 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).
16. CONSIDERATION of Ordinance No. 17-24, an ordinance for 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.
17. CONSIDERATION of Ordinance No. 17-25, an ordinance for 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.
18. CONSIDERATION of Ordinance No. 17-26, an ordinance for Tim Colatruglio for approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing 2.594 acres located at 45 River Street.
19. CONSIDERATION of Ordinance No. 17-27, an ordinance for Maronda Homes approving a Final Subdivision Plat for Curtis Farms, Phase 4 consisting of 32 single family lots on approximately 7.411 acres zoned R-4 (Medium Density Residential District) and located on Delaware Drive.
20. CITY MANAGER'S REPORT
21. COUNCIL COMMENTS
22. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held

March 27

20 17

The scheduled 6:30 p.m. Executive Session was cancelled for the March 27, 2017 meeting. The regular meeting of Council held March 27, 2017 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Chaplain Jeff Slider, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Linda Mathews, Customer Service Liaison, Bill Ferrigno, Public Works Director/City Engineer, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held March 13, 2017, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held March 13 2017, as recorded and transcribed, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Board of Zoning Appeals Meeting held on October 12, 2016.
- B. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board Meeting held on February 21, 2017.
- C. Resolution No. 17-21, a resolution appointing members to various boards, commissions, and/or committees, and specifying the terms of the appointment.
- D. Resolution No. 17-22, a resolution authorizing the City Manager to sign an agreement regarding the Police Department to obtain in-car printers from The Ohio Department of Public Safety.

Motion: Mrs. Keller motioned to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

ITEM 8: ORDINANCE NO. 17-21 [First Reading]

AN ORDINANCE APPROVING THE RENAMING OF VETERANS DRIVE TO DIGENOVA WAY.

The Clerk read the ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 17-21, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 17-21, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 9: RESOLUTION NO. 17-15 [Third Reading]

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 27 20 17

A RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE USER FEES FOR HIDDEN VALLEY GOLF COURSE.

The Clerk read the resolution for the third time.

Motion: Mr. Hellinger motioned to adopt Resolution No. 17-15, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 10: RESOLUTION NO. 17-20 [Second Reading] A RESOLUTION ACCEPTING THE CITY OF DELAWARE'S BIKE MASTER PLAN 2025.

The Clerk read the resolution for the second time.

A time for public comment will be held on April 10, 2017 at 7:15 p.m.

ITEM 11: ORDINANCE NO. 17-10 [Third Reading] AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,015,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-10, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-10, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 17-11 [Third Reading] AN ORDINANCE AMENDING SECTIONS 913.03(A) AND 913.14 OF CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING TAP FEES AND WATER RATES AND REPEALING EXISTING SECTIONS 913(A) AND 913.14.

The Clerk read the ordinance for the third time.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-11, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 17-12 [Third Reading] AN ORDINANCE AMENDING THE REFUSE COLLECTION AND UTILITY SERVICES PORTIONS OF THE SCHEDULE OF FEES AND SERVICES CHARGES.

The Clerk read the ordinance for the third time.

Motion: Mrs. Keller motioned to adopt Ordinance No. 17-12, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 17-16 [Public Hearing and Second Reading]

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 27 20 17

AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 1168.07 REPLACEMENT OF REMOVED TREES OF CHAPTER 1168 TREE PRESERVATION REGULATIONS OF THE PLANNING AND ZONING CODE. The Clerk read the ordinance for the second time.

PUBLIC COMMENT:

Ron Sabatino
3895 Stoneridge Lane
Dublin, Ohio

Mr. Sabatino read into the record an email from the B.I.A. who was unable to attend the meeting and requested that further discussion be held on the replacement of removed trees be held at the April 10, 2017 meeting.

ITEM 15: ORDINANCE NO. 17-19 [Second Reading]

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL DEVELOPMENT PLAN FOR THE ENCLAVE 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 OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-19, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-19, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 16: ORDINANCE NO. 17-20 [Second Reading]

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL SUBDIVISION PLAT PLAN FOR THE ENCLAVE 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 OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-20, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-20, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 17: RESOLUTION NO. 17-23 [First Reading]

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN JOINT LITIGATION TO CHALLENGE THE MICRO WIRELESS FACILITY PROVISIONS OF SENATE BILL 331, PASSED BY THE OHIO GENERAL ASSEMBLY IN 2016.

The Clerk read the resolution for the first time.

Motion: Mr. Jones motioned to adopt Resolution No. 17-23, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 27 2017

ITEM 18: FINANCE DIRECTOR'S REPORT

ITEM 19: CITY MANAGER'S REPORT

Mr. Homan discussed the recommendation by the Hidden Valley Working Group for Council to consider alcohol sales at Hidden Valley Golf Course.

ITEM 20: COUNCIL COMMENTS

Mr. Rohrer provided an update on the Northwest Neighborhood Association's efforts to work with the Delaware City Schools to finance their concept of Boardman's Park.

Vice-Mayor Shafer provided information on the upcoming Public Works meeting.

ITEM 21: ADJOURNMENT

Motion: Mr. Jones moved to adjourn the meeting. The meeting adjourned at 7:52 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

SHADE TREE COMMISSION
February 28, 2017
MOTION SUMMARY

ITEM 1. Roll Call

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

Members Present: Shannon Brewster, Dave Carey, Tom Glissman, Marisa Sulek, Tom Wolber, Becki Wood-Meek, Councilmember George Hellinger, Vice-Chairwoman Susan Wright, and Chairman Paul Olen

Members Absent: Jim Buck

Staff Present: Ted Miller (Parks and Natural Resource Director), Doug Richmond (City Arborist), Linda Mathews (Customer Service Liaison), Dave Efland (Planning and Community Development Director)

Motion to excuse: Mr. Wolber moved to excuse Mr. Buck, seconded by Chairman Olen. Motion approved with a 9-0 vote.

Motion: Mr. Wolber moved to amend the agenda to include 9 D. Old Colony, Phase 2, seconded by Councilman Hellinger. Motion approved by a 9-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of January 24, 2017 as recorded and transcribed.

Motion: Vice-Chairwoman Wright moved to approve the Motion Summary for the January 24, 2017 meeting, seconded by Chairman Olen. Motion approved with a 9-0 vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. RECOMMENDATION of the Tree Bank Fund

Mr. Miller and Mr. Efland reviewed the recommendation for a Zoning Code Amendment to Chapter 1168 Tree Preservation Regulations. A discussion was held on site prep and the selection of a tree bank site.

Motion: Chairman Olen moved to recommend the Tree Bank Fund language, seconded by Mr. Carey. Motion approved by a 9-0 vote.

ITEM 5. DISCUSSION of Community Outreach Programs

A. Arbor Day

A discussion was held on 2016 Arbor Day activities. Mr. Richmond informed the Commission that the YMCA will be an appropriate location for the tree planting. The Commission recommends the tree planting coincide with the Healthy Kids Day activities. Vice-Chairwoman Wright plans to send out an email to sign up for activities. Mr. Richmond to notify the Commission of the selection of the tree to plant.

B. City Council Annual Report

A discussion was held on presented the Annual Report at the April 24, 2017 City Council Meeting. Mr. Wolber plans to prepare a draft for the Commission to review and edit.

C. First Friday

A discussion was held on activities for the May 5, 2017 First Friday Main Street Delaware event, and passing out tree saplings and information during the event.

D. Healthy Kids Day

Ms. Mathews informed the Commission that she will register the Shade Tree Commission for the Healthy Kids Day events.

E. NOW Festival

Vice-Chairwoman Wright requested that discussion of Community Outreach Programs remain on the agenda for March 28, 2017.

ITEM 6. ARBORIST REPORT

Mr. Richmond provided information on the upcoming Tree City USA luncheon that will be held April 19, 2017. Mr. Richmond requested information on who is able to attend the meeting as soon as possible.

Mr. Richmond reviewed the Arborist Report and the removal of two trees related to decay of the base and carpenter ants. Mr. Richmond updated the Commission on tree pruning status and the tree back log.

ITEM 7. STAFF COMMENTS

ITEM 8. MEMBER COMMENTS

Chairman Olen discussed the documentary, Trees in Trouble, and his efforts to find a suitable venue. A discussion was held on reaching out the Ohio Wesleyan University as a possible venue in the fall.

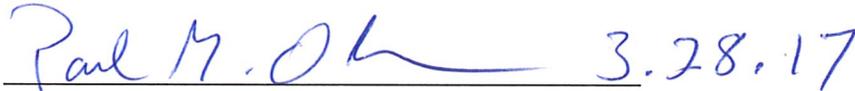
ITEM 9. PLAN REVIEWS

Motion: Chairman Olen motioned to amend the agenda to include Item 9 E. Estates at Braumiller, Section 6, seconded by Mr. Wolber. Motion approved by a 7-0

- A. Enclaves at Adalee- Approved with recommended changes
- B. Communities at Glenross, Section 11- Approved with species changes
- C. Stratford Church Office Building – Informational
- D. Old Colony, Phase 2- Approved with Arborist changes.
- E. The Estates at Braumiller, Section 6 – Approved with species quantities changes.

ITEM 10. ADJOURNMENT

Motion: Councilman Hellinger moved to adjourn the meeting, seconded by Mr. Glissman. The Shade Tree Commission meeting adjourned at 8:15 p.m.

 3.28.17

Chairman Olen



Clerk

PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE
MOTION SUMMARY
October 4, 2016

ITEM 1. Roll Call

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

Members Present: Vice-Chairwoman Lisa Keller and Chairman Kent Shafer

Members Absent: Mayor Carolyn Kay Riggle

City Staff Present: Brad Stanton, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Linda Mathews, Customer Service Liaison

Motion to Excuse: Vice-Chairwoman Keller moved to excuse Mayor Riggle, seconded by Chairman Shafer. Motion approved by a 2-0 vote.

ITEM 2. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held July 5, 2016 as recorded and transcribed.

Motion: Vice-Chairwoman Keller moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held July 5, 2016, seconded by Chairman Shafer. Motion approved by a 2-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public comment.

ITEM 4. UPDATE on Public Utilities Projects and Activities

Mr. Stanton provided information regarding normal meter usage for the AMI compared to a report where an alert would be issued for unusual water consumption.

Mr. Stanton provided an update for the waste water plant. An update was provided regarding the Education Center.

Vice-Chairwoman Keller requested information regarding the water contamination levels at the new water plant. Mr. Stanton discussed quarterly samples and current results below detectable levels.

ITEM 5. UPDATE on Public Works Projects and Activities

Mr. Ferrigno discussed the traffic flow improvements with Meeker Drive.

Mr. Ferrigno discussed the expectation that U.S. 23 and Pennsylvania Avenue will be fully functional in the next week.

Information provided on the E. William Street project for signal and landscape design.

ITEM 6. PRESENTATION of 2016 Pavement Condition Report

Mr. Ferrigno provided a report regarding the overall condition of streets within the City of Delaware. Mr. Ferrigno discussed pavement rating throughout the four city wards.

ITEM 7. REVIEW of 2016 Transportation Plan

Mr. Ferrigno discussed the projects to be added to the 2016 Transportation Plan, and discussed proposed intersection improvements, planned road improvements, and proposed network connections.

Mr. Ferrigno reviewed the Thoroughfare and Transportation Plan from 2001 to 2016, as well completed projects.

ITEM 8. STAFF COMMENTS

Mr. Ferrigno provided information regarding sidewalk regulations and the tools used to measure each sidewalk for compliance.

A discussion was held on potential impact to changing the ½ inch hazard discrepancies. Mr. Ferrigno discussed research gathered from other communities regarding their tripping hazard standards, and recommends that staff update their research to determine if there were changes.

Mr. Ferrigno discussed the need to create a policy regarding the Rapid Flashing Beacon and Speed Back Signs. The Public Works Committee members recommended that the Parking and Safety Committee also be involved in the policy.

A discussion was held on the need to prioritize road projects if the upcoming Levy is approved by voters. Chairman Shafer recommended that staff follow the current approved plans and that potential changes be brought before the Public Works/Public Utilities Committee. Mr. Ferrigno recommended that future agendas have an update on projects.

ITEM 9. MEMBER COMMENTS

ITEM 10. ADJOURNMENT

Motion: Vice-Chairwoman Keller moved to adjourn the Public Works/Public Utilities Committee meeting. The meeting adjourned at 7:45 p.m.



Kent Shafer, Chairman



Elaine McCloskey, Clerk

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

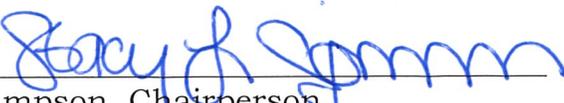
Mr. Efland welcomed Councilmember Hellinger to the Planning Commission.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

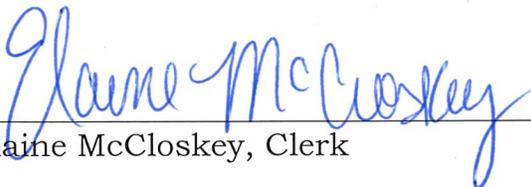
ITEM 6. NEXT REGULAR MEETING: April 5, 2017

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.



Stacy Simpson, Chairperson



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM D DATE: 04/10/2017
ORDINANCE NO: RESOLUTION NO: 17-24
READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AMENDING RESOLUTION NO. 13-19 ESTABLISHING THE CITY OF DELAWARE SISTER CITY ADVISORY BOARD.

BACKGROUND:

This resolution amends the composition of the sister city advisory board, removing two appointed representatives from specific entities and one council representative, while increasing the citizen participation. As a result of these changes, the committee retains an odd number of members but shrinks by two members overall.

REASON WHY LEGISLATION IS NEEDED:

The Delaware County Convention and Visitors Bureau and the Chamber of Commerce are in agreement with this change to facilitate consistent participation.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

PRESENTER(S):

Mayor Carolyn Kay Riggle
R. Thomas Homan, City Manager

RECOMMENDATION:

ATTACHMENT(S)

RESOLUTION NO. 17-24

A RESOLUTION AMENDING RESOLUTION NO. 13-19
ESTABLISHING THE CITY OF DELAWARE SISTER
CITY ADVISORY BOARD.

WHEREAS, the City of Delaware has established several Sister City relationships through the years; the first in 1963 with Goulborn, New South Wales, Australia, as a part of the "People-to-People Program" established by President Dwight D. Eisenhower, and then with Omuntninsk, Russia, and Baumholder, Germany; and

WHEREAS, City Council believes strengthening and maintaining Sister City relationships and exploring new partnerships is valuable and necessary to the on-going economic and cultural growth of the City of Delaware; and

WHEREAS, the City of Delaware continues to benefit from the continued international exchange of information facilitated through the creation of a Sister City Advisory Board established in Resolution 13-19.

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

SECTION 1. That that the composition of the Advisory Board shall be amended as follows:

~~2~~ **1** Representatives from City Council

~~3~~ **4** Representatives from the public

1 Representative from Delaware City School District

1 Representative from Ohio Wesleyan University

~~1~~ Representative from the Chamber of Commerce

~~1~~ Representative from the Delaware County Convention and Visitors Bureau

Ex-officio Members:

City Manager

Assistant City Manager

Community Affairs Coordinator

SECTION 2. That the four (4) members from the public and the one (1) City Council Representative shall be appointed by the Mayor with confirmation of the City Council from a list of citizen candidates. The Delaware City School District and Ohio Wesleyan University will recommend a representative which will be confirmed by the Mayor and City Council.

SECTION 3. This resolution shall be effective immediately upon its passage.

PASSED: _____, 2017

YEAS____ NAYS____
ABSTAIN _____

ATTEST: _____

CITY CLERK

MAYOR

RESOLUTION NO. 13-19

A RESOLUTION AMENDING RESOLUTION NO. 13-13
ESTABLISHING THE CITY OF DELAWARE SISTER
CITY ADVISORY BOARD.

WHEREAS, the City of Delaware has established several Sister City relationships through the years; the first in 1963 with Goulborn, New South Wales, Australia, as a part of the "People-to-People Program" established by President Dwight D. Eisenhower, and then with Omuntinsk, Russia, and Baumholder, Germany; and

WHEREAS, City Council believes strengthening and maintaining Sister City relationships and exploring new partnerships is valuable and necessary to the on-going economic and cultural growth of the City of Delaware; and

WHEREAS, the City of Delaware will benefit from the continued international exchange of information facilitated through the creation of a Sister City Advisory Board.

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

SECTION 1. That City Council hereby establishes the Sister City Advisory Board.

SECTION 2. That the Advisory Board has the following responsibilities:

1. Plan and maintain productive Sister City relationships.
2. Make recommendations to City Council on Sister City programs and exchanges and promote relationships that will tend to improve international understanding and friendship between governments and their citizens.
3. Make recommendations to City Council on Sister City organized events that could raise revenue for future Sister City activities.

SECTION 3. That the composition of the Advisory Board shall be as follows:

- 2 Representatives from City Council
- 3 Representatives from the public
- 1 Representative from Delaware City School District
- 1 Representative from Ohio Wesleyan University
- 1 Representative from the Chamber of Commerce
- 1 Representative from the Delaware County Convention and Visitors Bureau

Ex-officio Members:
City Manager
Assistant City Manager
Community Affairs Coordinator

SECTION 4. That the three (3) members from the public and the two (2) City Council Representative shall be appointed by the Mayor with confirmation of the City Council from a list of citizen candidates. The Delaware City School District, Ohio Wesleyan University, Chamber of Commerce, and the Delaware County Convention Bureau will recommend a representative which will be confirmed by the Mayor and City Council.

SECTION 5. The term of office of each member shall be for three (3) years (not including City Council representatives). The terms of the initial appointment shall be staggered; staggered such that not more than three (3) terms shall expire in any calendar year. The initial terms of Members shall be assigned by City Staff as follows: three (3) Members for terms ending January 1, 2014, three (2) Members for terms ending January 1, 2015, and three (2) Members for terms ending January 1, 2016.

SECTION 6. That the Advisory Board shall meet quarterly or as needed in conformance with the Sunshine Laws.

SECTION 7. That this resolution shall take effect and be in full force immediately upon its passage.

PASSED: 8/12, 2013

YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Christine Pau
CITY CLERK

[Signature]
MAYOR

778 Canal Street
Delaware, OH 43015
March 20, 2017

To Members of Delaware City Council,

My name is Mike Rush and this is my letter of interest in the vacated position on the Delaware Parks and Recreation committee.

I was born and raised here in Delaware and my wife and three sons are proud Delaware residents as well. I can remember playing youth baseball during the summer months and also taking advantage of Hidden Valley Golf Course as a youngster and still do. I have, also as an adult, coached Little League baseball, assisted on Optimist football teams, and played several years on adult league softball teams. I have seen the impact Parks and Rec. has had in the growing city of Delaware in recent years; having the YMCA, new soccer fields, New additions to Jack Florance Pool at Mingo and Blue Limestone just to name a few. As the city of Delaware continues to grow, the impact of the city's Parks and Rec. on its residents must grow as well; I am hoping that I can be of significant help to the department's service to this fine community.

Sincerely,

Mike Rush

(740)-816-2840

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | | |
|---|-----------------------------------|----------------------------|--|--|
| 01007781010 <small>PERMIT NUMBER</small> | | NEW <small>TYPE</small> | ALDI INC OHIO DBA ALDI 973 SUNBURY RD DELAWARE OH 43015 | |
| ISSUE DATE | | | | |
| 03 01 2017 <small>FILING DATE</small> | | | | |
| C1 C2 <small>PERMIT CLASSES</small> | | | | |
| 21 <small>TAX DISTRICT</small> | 022 <small>RECEIPT NO.</small> | B | B50899 | |

FROM 03/23/2017

| | | | | |
|----------------|-------------|------|--|--|
| PERMIT NUMBER | | TYPE | | |
| ISSUE DATE | | | | |
| FILING DATE | | | | |
| PERMIT CLASSES | | | | |
| TAX DISTRICT | RECEIPT NO. | | | |



MAILED 03/23/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/24/2017

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 0100778-1010

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF DELAWARE CITY COUNCIL
1 SOUTH SANDUSKY ST
DELAWARE OHIO 43015

PERMIT NUMBER (CORPORATION) 0100778
 ALDI INC OHIO
 SPRINGFIELD DIVISION
 PO BOX 2997
 SPRINGFIELD OH 45501

F.T.I. NUMBER 36-3521661
 STATUS (ACTIVE OR INACTIVE) ACTIVE
 SHARES OUTSTANDING 1000.00
 ACTIVE DATE 03/10/04
 INACTIVE DATE
 EXCEPTION CODE TEXT - LARGE CORPORATION
 STOCK TRANSFER CODE TEXT AND DATE

| | | | | |
|---------------------------|---------|----------|----------|-----------|
| DANIEL GAVIN | .00 | 03/19/04 | INACTIVE | |
| TERRY PFORTMILLER | .00 | | ACTIVE | SECR-TREA |
| THOMAS DEWEE | .00 | 03/19/04 | INACTIVE | |
| ALDI INC | 1000.00 | | ACTIVE | |
| CHARLES YOUNGSTROM | .00 | | ACTIVE | PRESIDENT |
| FRANCIS FRIEER | .00 | 01/13/10 | INACTIVE | |



Delaware Police Department Liquor Permit Report

| | | | |
|--|--|---|-----------------------------------|
| DPD Report Number L-17-02 | | Investigating Officer Det. T. Donoghue #47 | |
| Applicant (Primary Shareholder) ALDI Inc | | Company Name (LLC) ALDI Inc Ohio-Springfield Division | |
| Common Name ALDI | | Address 973 Sunbury Rd. Delaware, Ohio 43015 | |
| Applicant Phone Number | | Applicant E-Mail Address: | |
| <input checked="" type="checkbox"/> Existing Business <input type="checkbox"/> New Business (Supplement Attached) | Type of Business Grocery Store | Notification Type: | Date of Report 4/4/2017 |
| Permit Type <input checked="" type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input checked="" type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input type="checkbox"/> Other | | | |

Location Information

| | |
|--|---|
| Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> . |
| Police Calls for Service in past 12 months: (13) | Number of Police Reports in past 12 months: (5) |
| Calls for Service excluding calls not related to the business in past 12 months: (13) | Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No |
| Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Site compliance checked by Dept. of Commerce <input type="checkbox"/> Yes <input type="checkbox"/> No | Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Applicant Information

| | |
|--|--|
| Records Checked <input type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database | |
| Applicant has an active warrant <input type="checkbox"/> Yes <input type="checkbox"/> No | Record located for Liquor Law Violation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Criminal History Checked by Dept. of Commerce <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Problem History with DPD <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No | Contact made with Applicant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Determination on Objection

| |
|---|
| <input checked="" type="checkbox"/> The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business. |
|---|

| |
|---|
| <input type="checkbox"/> The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code. <input type="checkbox"/> Site does not conform to local building, safety and health codes (excluding zoning). <input type="checkbox"/> Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served. <input type="checkbox"/> Physical location causes a public nuisance. <input type="checkbox"/> Site has been officially classified as a nuisance according to State Law. <input type="checkbox"/> Conviction of a crime by the applicant that relates to operating a liquor establishment. <input type="checkbox"/> Past improper operation of a location with a liquor permit. <input type="checkbox"/> Misrepresentation of material fact on the application. <input type="checkbox"/> Addiction of the applicant to alcohol or narcotics. <input type="checkbox"/> Formal objection by specific types of other locations to which the site is in certain proximity. <input type="checkbox"/> Conviction of the applicant of food stamp or WIC fraud. (Supplement Attached) |
|---|



Delaware Police Department Liquor Permit Report

Supplement

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection
- Other : Investigative Narrative

Liquor Permit Report Narrative

DPD #L-17-02

Aldi Inc. 973 Sunbury Rd.

Delaware, Ohio 43015

Det. T. Donoghue #47

On 3/1/2017 Aldi Inc. of Batavia Illinois filed a liquor permit application with the State of Ohio Division of liquor Control. Aldi is a grocery store chain with the Ohio divisions being based out of Springfield, Ohio. The permit type sought was a C1/C2, beer carry out and wine/mixed drinks carry out. The local Delaware Aldi store is located at 973 Sunbury Rd., east of the SR 521 intersection. This store has been in business at that location since 2011 (earliest DPD involvement). The Delaware County Auditor's site shows Aldi acquired the property in 2009. This section of roadway has seen increasing development as a retail corridor, with the Glenwood Commons shopping plaza directly across the road from Aldi. This Aldi location has direct entrance/exits off of Sunbury Rd. as well as access by way of Biltmore Dr. which runs from SR 521 north of the Sunbury Rd intersection. Retail neighbors to Aldi are a Tire Discounters shop and a local car dealership's "overflow" storage lot.

There are no churches, libraries, or schools within 500 feet of Aldi. I pulled the past twelve months history of CAD or dispatched calls involving the Aldi location. Most were associated with alarm drops or theft reports for the location. There were thirteen (13) such "calls for service," only five (5) of which resulted in any police report. All of the police reports listed in the Delaware Police database were for retail theft by public "customers." There are no known alcohol violations reported/found. Based on the location of Aldi I find no reason to determine the store is any drain on police resources any more than other businesses in the area. Actually, close by retail establishments not primarily involved with grocery sales have more calls for service.

As Aldi is a corporation, the permit application lists the five "top officers" of the corporation. The corporation owns 100% of its shares so there are no shareholders to list. Three individuals occupy four of the five officer positions. None are listed in the Delaware police database for any reason (they are based out of the corporate offices in Illinois). I spoke to a representative of Ohio Liquor Control and learned that agency has completed a background check on persons of the corporation. I have no information that any site compliance of the local Aldi was/was not conducted. I stopped into the store on 4/4/2017 and spoke to the manager on duty. I was shown the liquor permit displayed on the wall in the employee back room. That permit is number 0100778-0845 and the actual paper copy displayed showed as expired 2/1/2016. A check with the Division of Liquor Control indicates this permit is active/current. The local store for unknown reasons just does not have the current license up. I viewed the location where the beer/wine is on shelves for sale. At the end of the first aisle after entering the store, the beer/wine is located along the back wall the width of two aisles. Aldi carries non-traditional brands as compared to other retail establishments. This is generally in line with the company's cost saving and brand contracting with food providers business style as seen throughout the store. The store does have retractable ribbon that indicates "no alcohol sold on Sunday" which I have seen properly displayed in the past (Sundays). I have also witnessed employees returning alcohol products to the shelves on Sundays when customers attempt to purchase such at the registers. There is a surveillance camera situated directly above the beer/wine shelves. The normal operating hours of the store are until 9pm weekdays, 8pm Saturdays, and 7pm Sundays.



**Delaware Police Department
Liquor Permit Report**

At this time I find no reason to object to the liquor permit request of Aldi Inc. (Ohio) at the Delaware location.

Det J. Ryherd *47 4/4/2017
Investigating Officer Signature Date

Det. Sgt. Kevin J. [Signature] 4-5-17
Supervisor Signature Date



FACT SHEET

AGENDA ITEM NO: 10

DATE: 04/10/2017

ORDINANCE NO:

RESOLUTION NO: 17-20

READING: THIRD

PUBLIC HEARING: NO
April 10, 2017 at 7:15 p.m.
Public Comment

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resource Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING THE CITY OF DELAWARE'S BIKE MASTER PLAN 2025.

BACKGROUND:

The City of Delaware entered into a contract in June of 2015 with Stantec Consulting Services to perform an update of the bike plan for the City. The plan and recommendations were presented to the Parks and Recreation Board on October 18, 2016.

REASON WHY LEGISLATION IS NEEDED:

The adoption of the Bike Plan 2025 outlines and ranks the proposed projects to be implemented.

COMMITTEE RECOMMENDATION:

The action is being taken as a result of the Parks and Recreation Board recommendation at the February 21, 2017 meeting. The Planning Commission recommended approval at the March 01, 2017 meeting.

FISCAL IMPACT(S):

The fiscal impacts are on an annual basis and will be partially offset by impact fees and grants.

POLICY CHANGES:

Various

PRESENTER(S):

Ted Miller, Parks and Natural Resource Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Bike Plan 2025

Priority Trail Projects- east

Priority Trail Projects-west

Priority Trail Projects-south



DRAFT



BIKE PLAN 2025

September 2016



Prepared for:
City of Delaware, Ohio
1 S. Sandusky Street
Delaware, Ohio 43015



Authored by:
Stantec Consulting Services
1500 Lake Shore Drive, Ste. 100
Columbus, Ohio 43204

1. Executive Summary

This document, Delaware’s third bike network plan, has a 10 year planning horizon. The planning process included an assessment of existing conditions, a public engagement and visioning process, and recommendations to implement the vision.

This vision is that, by 2025, “Delaware [will be] a bike-friendly city, with a complete bike network which allows bicyclists of varying age, skill, and ability to safely travel across the city and beyond.”

Existing Conditions

In communities across the country, bicycling for recreation, and increasingly for transportation, is desired. In Delaware, existing and prospective residents value the ability to bike across the city and to local destinations.

Most neighborhood streets in the City of Delaware are fairly bikeable for a range of users; however, many of these mostly residential areas are not connected to each other or area destinations. Barriers such as railroads, busy roadways, and disconnected and non-adjacent development impact connectivity.

The City and developers have made significant strides to construct multi-use paths to improve connectivity; however, the system is largely disconnected. More investment is needed to close gaps, improve crossing safety, and address some difficult and expensive corridors. At the same time, the City’s existing paths are aging, and the budget to maintain its 15 miles of city-maintained paths is insufficient.

Residents seem to value the path network, particularly for recreation; however, there are few if any events to encourage biking or a local bike culture sought by millennials and others.

Public Engagement

Those who participated in this planning process said they want a safe network which allows trips across the city and to community amenities. While the existing network is mostly comprised of multi-use path, there is support for on-road bike facilities. Further, there is support for large, system expansion projects; however, most say the system has gaps and safety problems which also need to be addressed.

Recommendations

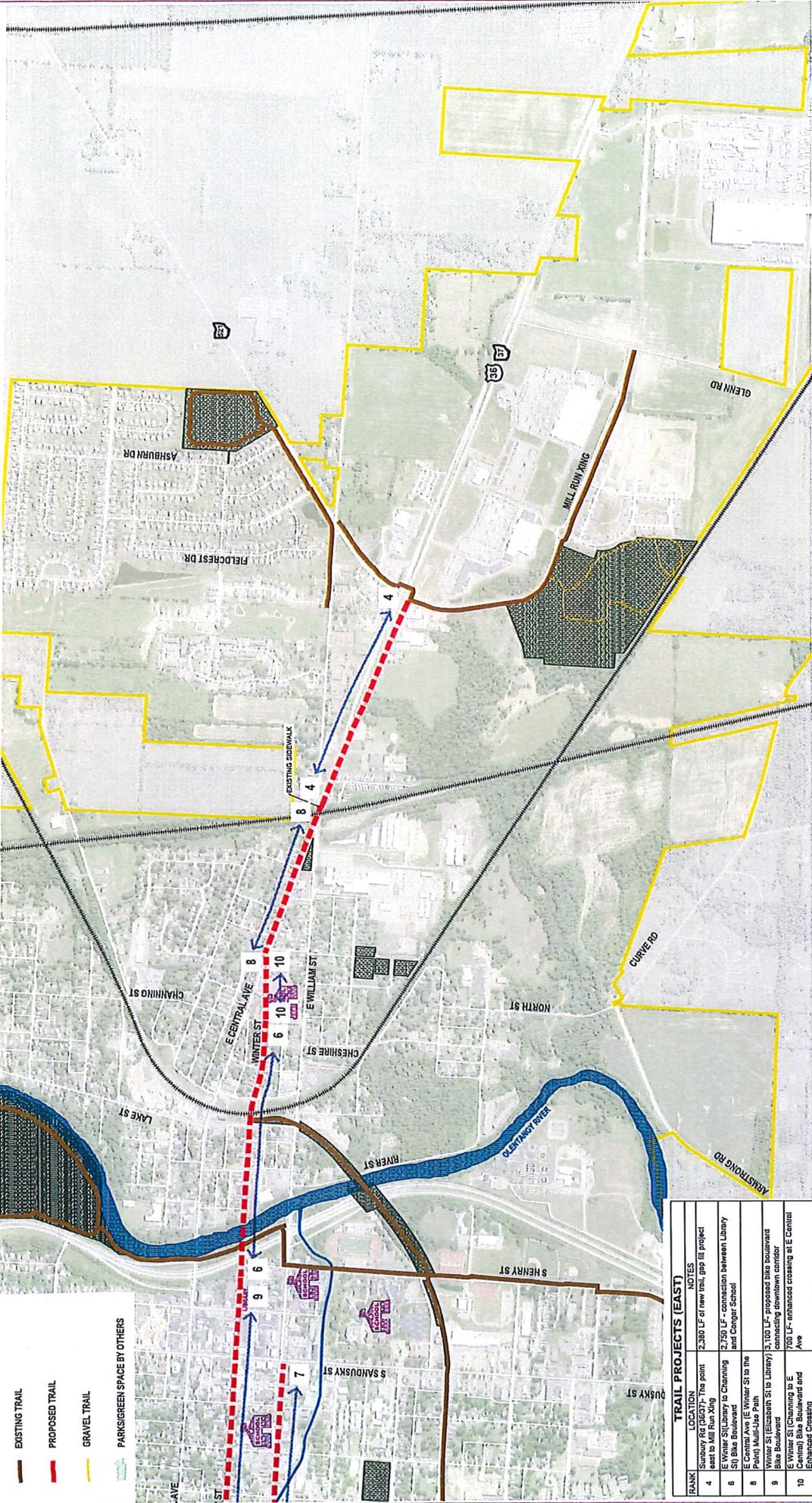
This plan outlines over \$14 million in projects to be implemented over the next 10 years. Projects to be implemented in the short and medium term are generally safety and gap-closing projects, or about \$4 million. These also include miles of on-road facilities such as bike boulevards, defining neighborhood streets as bikeways, and also road diet projects where wide or under-utilized travel lanes may be repurposed as bike lanes, a center turn lane, and/or on-street parking.

The remaining projects focus on better connections across the City such as along Delaware Run, the Springfield Branch rail spur, and along US-23, to be implemented as grants and roadway improvements allow.

Beyond infrastructure, the plan outlines program and policy changes to improve biking in the City of Delaware.

TRAIL PLAN 2016
PRIORITY TRAIL PROJECTS-EAST

- LEGEND
- MUNICIPALITY BOUNDARY
- RIVER/STREAM
- CITY OF DELAWARE PARKS
- EXISTING TRAIL
- PROPOSED TRAIL
- GRAVEL TRAIL
- PARKS/GREEN SPACE BY OTHERS



| TRAIL PROJECTS (EAST) | |
|-----------------------|---|
| RANK | LOCATION |
| 4 | Sunbury Rd (3607') - The point east to Mill Run Xing |
| 6 | E Winter St (Library to Channing St) Blake Boulevard |
| 8 | E Central Ave (E Winter St to the River) |
| 9 | Winter St (Channing St to Library) Blake Boulevard |
| 10 | E Winter St (Channing to E Central) Blake Boulevard and Enhanced Crossing |

| NOTES | |
|---|--|
| 2,360 LF of new mill, gip fill project | |
| 2,750 LF - connection between Library and Conger School | |
| 3,100 LF - proposed bike boulevard connecting downtown corridor | |
| 700 LF - enhanced crossing at E Central Ave | |

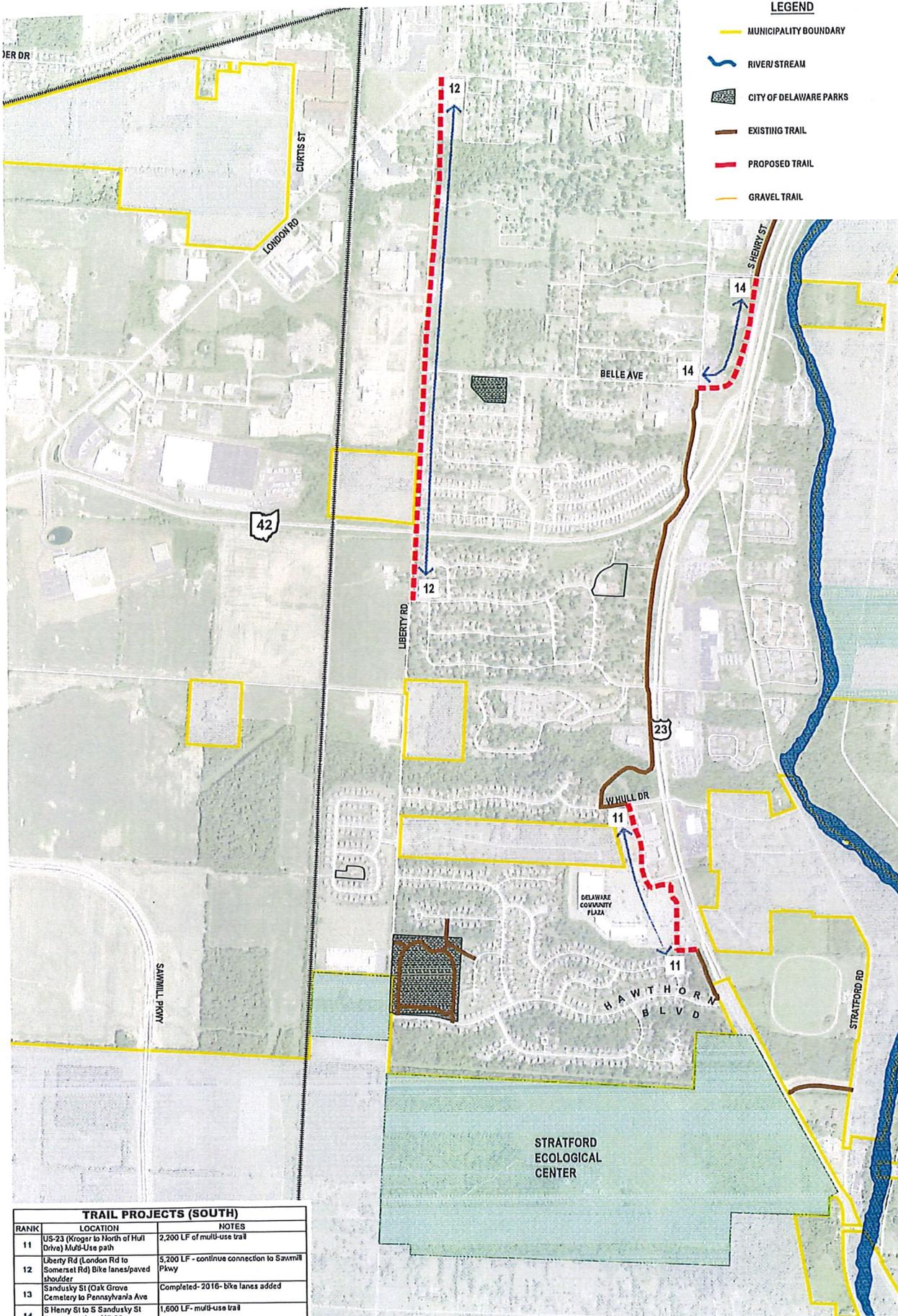
TRAIL PLAN 2016

PRIORITY TRAIL PROJECTS- SOUTH



LEGEND

-  MUNICIPALITY BOUNDARY
-  RIVER/STREAM
-  CITY OF DELAWARE PARKS
-  EXISTING TRAIL
-  PROPOSED TRAIL
-  GRAVEL TRAIL



| TRAIL PROJECTS (SOUTH) | | |
|------------------------|---|--|
| RANK | LOCATION | NOTES |
| 11 | US-23 (Kroger to North of Hull Drive) Multi-Use path | 2,200 LF of multi-use trail |
| 12 | Liberty Rd (London Rd to Somerset Rd) Bike lanes/paved shoulder | 5,200 LF - continue connection to Sawmill Pkwy |
| 13 | Sandusky St (Oak Grove Cemetery to Pennsylvania Ave) | Completed-2016- bike lanes added |
| 14 | S Henry St to S Sandusky St Connector along US 23 | 1,600 LF- multi-use trail |



FACT SHEET

AGENDA ITEM NO: 11

DATE: 04/10/2017

ORDINANCE NO: 17-16

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES
March 27, 2017 at 7:15 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 1168.07 REPLACEMENT OF REMOVED TREES OF CHAPTER 1168 TREE PRESERVATION REGULATIONS OF THE PLANNING AND ZONING CODE.

BACKGROUND:

The purpose of the amendments to Chapter 1168 is to clearly identify the tree banking options for replacement trees and how any funds acquired via the payment in lieu of planting regulations can be spent. The updated code clarifies for applicants (developers), staff and the public the processes outlined in current code as well as the current and past administrative practice of the City in this regard. The intent of replacement and removed trees overall is to maintain an equivalent tree canopy Citywide before and after removal and/or construction. Overall then, the new code sections simply codify the current and past practices of the city while making this section much clearer.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130.04 amendments initiated by the Planning Commission must be appointed by City Council.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 7-0 on March 1, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached



PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2017-0014

REQUEST: Zoning Code Amendment

PROJECT: Replacement of Trees

MEETING DATES: February 28, 2017 – Shade Tree Commission
March 1, 2017 – Planning Commission

APPLICANT/OWNER

City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

REQUEST

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.

PROPERTY LOCATION & DESCRIPTION

These amendments to the Planning & Zoning Code more specifically document the tree placement options in Chapter 1168 of the Tree Preservation Regulations in the City of Delaware.

BACKGROUND

The purpose of the amendments to Chapter 1168 is to clearly identify the tree banking options for replacement trees and how any funds acquired via the payment in lieu of planting regulations can be spent. The updated code clarifies for applicants (developers), staff and the public the processes outlined in current code as well as the current and past administrative practice of the city in this regard. The intent of replacement and removed trees overall is to maintain an equivalent tree canopy Citywide before and after removal and/or construction. Overall then, the new code sections simply codify the current and past practices of the city while making this section much clearer.

STAFF ANALYSIS

- Section 1168.07 Replacement of Removed Trees
 - Inserted and documented more specific tree replacement options including tree bank site options and tree bank fund options.
 - *The proposed revisions clarify the applicants (developers) options and documents past practices pertaining to tree replacement options.*

Staff believes the above revisions to the Tree Preservation Regulations are clearer and more user friendly while documenting and reinforcing past practices pertaining to tree replacement options.

UPDATE:

Shade Tree Commission discussed the draft code at its meeting on January 24, 2017. There were several comments regarding general administration items, financial items, as well as the proposed draft code itself. As a reminder of the general development process, developments of various kinds generally start at the Staff or Planning Commission level. These move through the required regulatory process many of which end with a City Council action(s). Often, but not always, proposals are reviewed by Shade Tree Commission as a part of the overall process. This is not a step by step (or linear) process necessarily. This facilitates applications and decision making but accounts for required steps prior to final approval of a built project. Therefore, Shade Tree Commission may see cases proceed to either Planning Commission or City Council prior to being set before the Shade Tree Commission. Occasionally, Shade Tree may even review a proposal prior to the review of Planning Commission or City Council. The regulatory scope of review for Shade Tree Commission, also discussed in past years, is to review and approve street tree plantings. Additionally, Shade Tree Commission is asked to provide review and informal comment upon private landscaping. Often these comments, though informal, result in substantive changes from applicants and they are much appreciated by Staff and applicants alike.

A comment was made indicating that no more than 75% of the Tree Bank fund should be used in any year and that this should be codified within the Zoning Code. While a valid point to discuss, this comment should be reviewed in the context of the annual budget process and is ultimately a decision to be made by City Council. As a result, this is not an item that can be captured within the Zoning Code provision being reviewed at this time.

Staff would recommend that the Commission make an informal request of Staff to communicate this item to City Council for consideration or the Commission can take a formal motion forward. Staff would recommend the informal approach first and that this is included within the annual budget process for consideration.

A comment was made regarding providing updates (up to twice per year) on the tree bank fund, its levels, and expenditures. Again, while a valid request, this is not an item that can be captured within the Zoning Code provision being reviewed at this time. This item could be addressed by Parks and Natural Resources Staff administratively and there may be times when the Commission desires more or less frequent updates.

A comment was made regarding utilizing the Tree Bank Fund for promotional or educational purposes. While promotional and educational activities are certainly excellent opportunities to inform the public regarding street trees, the Tree Bank Fund, as given in this section of the Zoning Code, is specifically related to the replanting of trees that were removed from a site (in caliper inches). As such, there has to be a reasonable connection between the regulation and the use of the funds. In this case, that is specifically utilizing the funds to replant trees. Promotional and educational items do not replant trees, obviously, and therefore this is not an item that can be captured within the Zoning Code provision being reviewed at this time. Staff would suggest that the Commission communicate its desire for these types of materials to be developed, budgeted for, and distributed to the community to City Council. This could be simply directing Staff to make such a request or taking a formal motion forward on the matter. Staff would recommend the informal approach first and again consideration within the annual budget process.

Staff continues to recommend the proposed changes to the Zoning Code as submitted.

STAFF RECOMMENDATION

Staff recommends approval of amendment to Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code pertaining to replacement of trees.

COMMISSION NOTES:

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

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL:
REVISED: 1/10/2016

Chapter 1168
Tree Preservation Regulations

| | | | |
|---------|---|---------|---|
| 1168.01 | Purpose. | 1168.07 | Replacement of removed trees. |
| 1168.02 | Applicability. | 1168.08 | Exemptions. |
| 1168.03 | Definitions.] | 1168.09 | Planting and maintenance requirements. |
| 1168.04 | Required preservation of major trees and woodlands. | 1168.10 | Coordination with required landscaping. |
| 1168.05 | Tree preservation plan. | 1168.11 | Flexibility. |
| 1168.06 | Removal of major trees and woodlands. | | |

SECTION 1168.01 PURPOSE.

These regulations are established in order to recognize the vital importance of tree growth in the ecological system, while allowing for reasonable development of lands in the City of Delaware and achieve, among others, the following purposes:

- (a) To ensure the preservation of existing trees and natural wooded areas and encourage replacement of damaged or removed trees so that City residents may benefit from a healthy urban forest. The benefits derived from tree preservation and replacement include:
- (1) Energy conservation;
 - (2) Improved air quality;
 - (3) Reduced noise pollution and light glare;
 - (4) Enhanced habitat for birds and other desirable wildlife;
 - (5) Improved control of soil erosion and moderation of water runoff;
 - (6) Enhanced visual and aesthetic qualities; and
 - (7) Increased property value.
- (b) To promote the preservation and replacement of existing trees and wooded areas in such a manner that the benefits listed in (a) above are realized.
- (c) To promote the preservation, replacement and/or augmentation of trees that might otherwise be damaged or removed in the course of land development and building construction.

SECTION 1168.02 APPLICABILITY.

- (a) This chapter shall apply to trees that have a minimum six (6)-inch diameter at breast height (DBH), also known as major trees, on all public and private properties, in all zoning districts, unless exempted below.
- (1) This chapter shall not apply to single-family residential lots of less than two (2) acres that existed prior to the date this provision takes effect.
- (b) No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Director of Planning and Community Development or designee, unless specifically exempted by the provisions of this Chapter. (ORD 02-55 Passed May 13, 2002)
- (1) Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this Chapter.
 - (2) Clearing of Land Prior to Annexation. Trees removed from any parcel of land within one year prior to its annexation to the City of Delaware shall be subject to a tree replacement plan as if the parcel had been a part of the city when the tree removal occurred. (ORD 02-55 Passed May 13, 2002)
 - (3) New Development or Construction. No building permit or certificate of zoning compliance shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development

plan review process that the proposed development is in conformance with the provisions of this chapter.

- (4) Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.
- (c) The fee for a tree clearance permit shall be \$150. Collected fees shall be placed in the Tree Bank Fund. The Director of Planning and Community Development may waive the fee requirement for permits involving 10 trees or less. (ORD 02-104 Passed August 12, 2002)

SECTION 1168.03 DEFINITIONS. [TRANSFERRED TO CHAPTER 1121 DEFINITIONS.]
(ORD 04-92 Passed 6-14-04)

SECTION 1168.04 REQUIRED PRESERVATION AND REPLACEMENT OF MAJOR TREES. (ORD 02-55 Passed May 13, 2002)

In all zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein.

- (a) Each major tree removed during the course of the development of a lot shall be replaced by the owner of the lot with trees that have a total caliper equal to, or greater than, the total caliper of the removed major tree. In no case shall any replacement tree have a Diameter at Breast Height that is less than 1.75 inches. (ORD 04-92 Passed 6-14-04)
- (b) The Director of Grounds and Facilities (or designee) shall approve the caliper, species, and health of all proposed replacement trees.
- (c) Failure to replace a major tree within two (2) years of the approval of the application referred to in subsection (a) shall be a misdemeanor for each separate failure to replace a tree.

SECTION 1168.05 TREE REPLACEMENT PLAN.

A tree replacement plan prepared in consultation with the Director of Grounds and Facilities shall be required as part of the applications for a tree removal permit and a certificate of zoning compliance. (ORD 02-55 Passed May 13, 2002)

- (a) The tree preservation plan shall be drawn to an appropriate scale and include, at a minimum, the following information:
- (1) The location, common name, and size (DBH) of all existing major trees. The City may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates, the City may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.
 - (2) Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.
 - (3) Identification of all major trees that will be removed from the site as permitted by Section 1168.06.
 - (4) The location, common name, and size of all replacement trees to be planted on the site as required by Section 1168.07.
- (b) If all required replacement trees cannot be accommodated on site, the plan shall indicate where and how the applicant will replace the balance of the required trees as required by Section 1168.07.

SECTION 1168.06 REMOVAL OF MAJOR TREES.

- (a) The Director of Planning and Community Development (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning certificate, development plan, variance or conditional use permit; such application is approved; and one of the following applies: (ORD 02-55 Passed May 13, 2002)
- (1) The tree is located within a proposed public right-of way.

- (2) The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.
- (3) The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in a planned residential development, multi-family development, or planned multi-family development.
- (4) The tree is damaged or diseased.
- (5) The tree is an undesirable species in its present location.

Approval to remove a major tree does not remove the property owner's responsibility to replace the removed major tree. (ORD 04-92 Passed 6-14-04)

(b) Removal. A tree shall be deemed removed if one or more of the following occurs:

- (1) Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.
- (2) The natural grade is changed above or below the root system or around the trunk.
- (3) Damage is inflicted on the tree that would permit fungus or pest infection.
- (4) The tree is excessively pruned or thinned.
- (5) Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.

1168.07. - Replacement of removed trees.

A developer or property owner shall replace all trees removed pursuant to [Chapter 1168](#) as follows, with the most desirable replacement option being listed first. A combination of replacement options (a)(1) through (3) below is acceptable if all replacement trees cannot be accommodated on site as determined by the City. The intent of replacement of removed trees overall is to maintain an equivalent tree canopy citywide before and after removal/construction. (Ord. 02-55. Passed May 13, 2002)

(a) Replacement options.

- (1) On-Site Replacement. A minimum of fifty percent (50%) of the required replacement trees shall be replanted in another location on the site from which the original trees were removed to maintain the remaining natural distribution of tree cover in the City.
- (2) Tree Bank Site Option. Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the remaining balance of required replacement trees shall be planted on a designated Tree Bank site provided that the City, in its sole discretion, determines there is an acceptable site to accommodate this option. The Tree Bank site refers to areas (typically public land, parks, etc.) that are receiver sites for tree plantings. A publicly held site is preferred, but the City may designate a private Tree Bank site where the tree replanting area will be permanently preserved via covenant or easement. Planting shall be carried out directly by the developer/landowner with direction and inspection of the City Arborist.
- (3) Tree Bank Fund Option. If neither On-Site Replacement, (a)(1) above, or a Tree Bank site, (a)(2) above, options cannot accommodate the required replacement trees, a payment in lieu of replanting may be utilized. At no time shall the fee be less than \$100 per caliper inch of

required replacement. The replacement fee for each tree shall be allocated to the Tree Bank Fund according to the schedule of fees established by Council. **Tree Bank Funds shall be used only for the planting and installation of trees on public property at any location within the City, including in the right of way as determined by the City in its sole discretion. Planting and installation may include purchase, transportation, mulching, watering, and labor associated with the replacement tree(s) for up to one year from the date of planting. An Applicant who chooses this Replacement Option shall have no right of decision in the location, type, or method of installation or maintenance of trees, as the payment is a voluntary payment in lieu of planting the required caliper inches of trees on or off site as given in replacement Options (a)(1) and (a)(2) above.**

- (4) Size of Replacement Trees. Each replacement tree shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six (6) feet.

(Ord. 04-92. Passed 6-14-04)

SECTION 1168.08 EXEMPTIONS FROM REPLACEMENT.

The Director of Planning and Community Development may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of Section 1168.07.

- (a) The tree is dead, damaged, or diseased.
- (b) The tree is an undesirable species in its present location, as determined by the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
- (c) The tree poses potential danger to life or property.

SECTION 1168.09 PLANTING AND MAINTENANCE REQUIREMENTS.

- (a) All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
- (b) Replacement trees that may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line.
- (c) Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting shall comply with Section 1149.06 to ensure the unobstructed visibility of motorists and pedestrians.
- (d) The developer shall be required to maintain all replacement trees for two (2) years after the trees are planted and to replace any tree that dies within such two-year guarantee period, according to the following:
 - (1) Upon completion of the tree planting, the landscape contractor shall contact the Director of Grounds and Facilities to initiate the guarantee period. (ORD 02-55 Passed May 13, 2002)
 - (2) The guarantee period shall begin after the approval of the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
 - (3) A final inspection shall be made at the end of the two-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.

- A. The developer shall notify the Department of Grounds and Facilities within five (5) business days of the end of the guarantee period to schedule the final inspection.
 - B. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.
 - C. If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two-year guarantee period shall begin anew for each replacement tree.
- (e) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to Section 1168.06 or exempted pursuant to Section 1168.08 and the regulations of this Chapter.
 - (f) Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to Section 1168.06 or exempted pursuant to Section 1168.08 and the regulations of this Chapter.
 - (g) Failure to replace major trees as required by this Section within one (1) year of the approval of the application referred to in Section 1168.02 shall be a misdemeanor for each separate failure to replace a tree.

SECTION 1168.10 COORDINATION WITH REQUIRED LANDSCAPING.

- (a) The tree preservation requirements of this Chapter shall be in addition to the landscaping and screening requirements of Chapter 1166. (ORD 02-55 Passed May 13, 2002)
- (b) The required tree preservation plan shall be coordinated with all landscaping required by Chapter 1166 to achieve a cohesive landscape treatment for the entire site. (ORD 02-55 Passed May 13, 2002)

SECTION 1168.11 FLEXIBILITY.

The standards and criteria in this Chapter establish the City's objectives and the level of tree preservation expected. However, in applying these standards, the Planning Commission, Shade Tree Commission, and City Council may: (ORD 02-55 Passed May 13, 2002)

- (a) Exercise discretion and flexibility with respect to the placement and arrangement of required elements to assure that the objectives of this chapter and the proposed development are best satisfied.



FACT SHEET

AGENDA ITEM NO: 12

DATE: 04/10/2017

ORDINANCE NO:

RESOLUTION NO: 17-26

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, Director of Public Works/City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ESTABLISHING A SOLID WASTE BULK ITEM COLLECTION PILOT PROGRAM.

BACKGROUND:

Following a comprehensive review of the Solid Waste Collection Programs offered by the City of Delaware, a proposal to establish a six month pilot program for bulk item collection, an industry standard, was endorsed by the Public Works/Public Utilities Committee at the meeting held on April 4, 2017. A three month evaluation report of the status of the program will be presented to the Public Works/Public Utilities Committee to gauge the program's success and the cost effectiveness of the program at that point in time.

REASON WHY LEGISLATION IS NEEDED:

To provide an alternative to city residents for the disposal of items that are not able to be placed in city issued tipcarts and provide a program that is considered an industry standard.

COMMITTEE RECOMMENDATION:

The Public Works/Public Utilities endorsed the establishment of the six month pilot program at their April 4, 2017, meeting.

FISCAL IMPACT(S):

The fiscal impact will be determined as the program progresses with three month and six evaluations presented to compare the cost of the service versus the fees collected from the participants for the service.

POLICY CHANGES:

N/A

PRESENTER(S):

William L. Ferrigno, Director of Public Works/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S):

Bulk Item Collection Pilot Program Proposal from 2017 Solid Waste Management Program Update

RESOLUTION NO. 17-26

A RESOLUTION ESTABLISHING A SOLID WASTE BULK
ITEM COLLECTION PILOT PROGRAM.

WHEREAS, bulk item collection programs are an established industry standard; and

WHEREAS, the citizens of Delaware request bulk item collection routinely and would benefit if such a program was available; and

WHEREAS, the Public Works/Public Utilities Committee has endorsed the establishment of a Bulk Item Collection Pilot Program for a period of six months as outlined in the attached exhibit; and

WHEREAS, a three month evaluation report will be presented to the Public Works/Public Utilities Committee to gauge the program's success to date; and

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

SECTION 1. A Bulk Item Collection Pilot Program will be established for a period of six months, with bulk collection pick-ups to be conducted on the second Tuesday of each month beginning on May 9, 2017.

SECTION 2. A three month evaluation will be presented to the Public Works/Public Utilities Committee to gauge the program's success at the mid-way point.

That this resolution shall take effect and be in force immediately after its passage.

PASSED: _____, 2017

ACCEPT___ REJECT___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

2017 Solid Waste Management Program Update

Bulk Item Collection Pilot Program

This program is intended to provide a convenient and affordable means for city residents to periodically dispose of large bulky items that do not fit within weekly collection tipcart containers, and who are unable to transport the items to the Delaware County Solid Waste Transfer Station. The program is not intended to be used for the removal of an entire household of furniture/appliances generated from i.e. property evictions and abandonments or otherwise generated from fire, flood or other event.

Cost per resident

- \$25.00 for up to first three (3) bulk items per stop.
- Additional items are \$10.00 each. Maximum six (6) total items per stop.
- Exact change or check required. No credit card payments will be accepted.
- Fees must be pre-paid at 440 E. William St. weekdays between 8 a.m. and 4:00 p.m.

Collection Date/Time:

- Collection of bulk items will be scheduled to occur on the second Tuesday of each month.
- Items must be placed at the end of driveway or within the adjacent tree lawn area by 7AM on the scheduled day of collection.

Permitted items to include: Items that will be collected through the Bulk item Collection Program include:

- Appliances (non-refrigerant) including water heaters, washer, dryers, stoves, dishwashers, microwave oven, and flat panel TV's.
- Appliances (containing refrigerant) including refrigerators, freezers, dehumidifiers, air conditioners. Note that collection of appliances containing refrigerant require completion by applicant of a "Verification of Refrigerant Disposal Form" at the time of application.
- Household furniture, including lawn and patio furniture sets
- Carpeting/padding (must be cut up and rolled into bundles not to exceed 4 feet in length and 16 inches in diameter. Bundles must be tied with rope or tape heavy enough to support the weight of the bundle.
- Mattresses/box springs (MUST be wrapped in heavy plastic & securely taped). Unwrapped mattresses/box springs will not be taken.
- Bathtubs/toilets/sinks/doors
- Exercise equipment (treadmills, exercise bikes, etc.)
- Glass must be removed from bulk items, placed in a box, taped shut and marked glass
- Basketball poles (remove backboard from pole). The pole should be cut into 4 foot sections and all weight removed from base.

Excluded Items: Items that will NOT be collected through the Bulk item Collection Program include:

- Construction materials, Concrete/Asphalt/Dirt/Stone of any type
- Auto parts; Tires of any type/Batteries
- Hazardous waste/Oil/Paint/Flammable or explosive materials
- Yard Waste/Brush/Rocks/Dirt/Railroad Ties/Logs
- Bagged Trash/Trash Cans/Cardboard
- Pianos, Spas, Hot Tubs, Pool Tables, etc.
- Computer monitors, Fluorescent Bulbs

For additional information or questions please contact the Public Works Department at 740-203-1810



FACT SHEET

AGENDA ITEM NO: 13

DATE: 04/10/2017

ORDINANCE NO:

RESOLUTION NO: 17-27

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ADOPTING A CODE OF CONDUCT FOR APPOINTED OFFICIALS.

BACKGROUND:

Council has long had an ethics policy that applies to Council, staff, and members of city Boards and Commissions. At a prior meeting, Council asked staff to draft a conduct policy for appointed officials that would cover things beyond ethics. The attached draft was adapted from samples collected from other cities.

REASON WHY LEGISLATION IS NEEDED:

This policy is purely optional.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

This policy adds a layer of guidance regarding how appointed officials will conduct themselves and interact with colleagues. In the event there is a potential violation of the policy, this document establishes a conduct committee to examine the situation and make recommendations to Council.

PRESENTER(S):

Mayor Carolyn Kay Riggle
Darren Shulman, City Attorney

RECOMMENDATION:

ATTACHMENT(S)

Code of Conduct for Appointed Officials
Resolution No. 12-29

City of Delaware

**Code of Conduct
For
Appointed Officials**



Adopted _____, 2017 by Resolution No. 2017-____

A. Policy Purpose

The Delaware City Council adopts this Code Conduct to assure that all appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of City government. This Policy is intended to be used in conjunction with the Delaware Ethics Policy, adopted on July 9, 2012 (Resolution No. 12-29).

A. General Conduct Guidelines

Therefore, members of the City's Boards, Committees and Commissions (Members) shall conduct themselves in accordance with the following standards:

1. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
2. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
3. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
4. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
5. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for Members, City employees, and for citizens and businesses dealing with the City.
6. **Practice civility and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
7. **Avoid personal comments that could offend other members or members of the public.**

B. Improper Conduct

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy.

Prior to removing a Board, Committee, or Commission member for improper conduct under these

guidelines, City Council shall convene a Member Conduct Committee comprised of a citizen member of the Planning Commission, Airport Commission, Historic Preservation Commission, and Board of Zoning Appeals. The City Attorney will chair the meeting, but shall not have a vote.

The Member Conduct Committee will review the conduct alleged to be in violation of this policy and make a recommendation to City Council. The member charged with inappropriate conduct will have the opportunity to attend the meeting, bring legal counsel, and provide a statement and/or present evidence and witness testimony in his/her favor.

The City Council may adopt, amend, or reject the recommendation of the Committee by a majority vote at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

RESOLUTION NO. 12-29

A RESOLUTION ADOPTING A COUNCIL RELATIONS
POLICY AND CODE OF ETHICS FOR THE DELAWARE
CITY COUNCIL.

WHEREAS, in Resolution No. 99-92, the Delaware City Council adopted a Council Relations Policy and Code of Ethics; and

WHEREAS, The Delaware City Council desires to adopt a revised Code of Ethics governing its conduct and the conduct of city employees and members of city boards and commissions,

NOW THEREFORE, Be It Resolved by the Council of the City of Delaware, Ohio that:

SECTION 1. There is hereby adopted the City of Delaware Ethics Policy which is attached hereto and incorporated herein.

SECTION 2. The City of Delaware Ethics Policy replaces the Council Relations Policy and Code of Ethics passed by Council in 1999.

SECTION 3. That this resolution shall be in full force and effect immediately after its passage.

PASSED: 7/9, 2012

YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

[Signature]
MAYOR

City of Delaware Ethics Policy

Policy Statement

It is policy of the City of Delaware to carry out its mission in accordance with the strictest ethical guidelines and to ensure that City Council members, Boards and Commissions members, and city employees (collectively, "city officials") conduct themselves in a manner that fosters public confidence in the integrity of the city and its processes.

General Standards of Ethical Conduct

City officials must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. In addition, City Council members must abide by Delaware Charter Section 52.

City officials must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No city official shall:

- Solicit or accept anything of value from anyone doing business with the city;
- Solicit or accept employment from anyone doing business with the city, unless the board member, commission member, or employee completely withdraws from city activity regarding the party offering employment, and the city manager approves the withdrawal. In order for a City Council member to withdraw, the member must notify the remaining City Council members in writing;
- Use his or her public position to obtain anything of value for the official, a family member, or anyone with whom the official or employee has a business or employment relationship. This includes, but is not limited to obtaining a job (see definition of "Anything of value" provided below);
- Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City, unless the official qualifies for the exception, and files the statement, described in R.C. 102.04(D);
- Hold or benefit from a contract with, authorized by, or approved by, the City, (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where *all* criteria under R.C. 2921.42 are met);
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of an city contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)) ;
- During public service, and for one year after leaving public service, represent any person, in any fashion, before *any* public agency, with respect to a matter in which the official or employee personally participated while serving with the city;

- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the name “City of Delaware,” or the City’s logo in a manner that suggests impropriety, favoritism, or bias by the City or the official or employee. This includes, but is not limited to using use of title, “City of Delaware” or the logo to obtain outside consulting work;

For purposes of this policy:

- “Anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal, which is greater than \$75 a year. This amount is cumulative, so each gift given throughout the year is added to the total, which must fall under the \$75 annual limit
- “Anyone doing business with the City” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before City.

Financial Disclosure

Every City Council member required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. An official or employee elected, appointed, or employed to a filing position after February 15 must file a statement within ninety days of appointment or employment.

Ethics Education

A copy of the Ethics laws are provided to each City Council member when he or she begins the performance of official duties. Receipt of these laws are acknowledged as required in R.C. 102.09(D).

Between the election and the third meeting of the new City Council, the entire council will receive ethics training. If a member misses the training, it is the member’s responsibility to schedule a make up session. Within 4 months of the swearing in of City Council, Council will attend public records and open meetings training.

Assistance

The City Attorney and Ethics Commission are available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The City Attorney is available to answer questions involving this policy. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: www.ethics.ohio.gov.

Conducting City Council Meetings

The City adopts Robert’s Rules of Order as a tool to use as necessary to run City Council Meetings.

Meeting Attendance

Every effort will be made to schedule vacations outside of city council meetings. If a member cannot make it to a meeting, agenda items will not be moved to accommodate the absence.

Penalties

Failure of any City Official or city employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes could result in civil or criminal sanctions under the law. City Council

members who violate Section 52 of the Charter are subject to removal under Section 12 of the Charter. In addition, a violation by a city employee will result in discipline, which could include termination.

Changes

This policy may be changed only by majority vote of the City Council.

Effective date:



FACT SHEET

AGENDA ITEM NO: 14

DATE: 04/10/17

ORDINANCE NO: 17-22

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 24, 2017 at 7:15 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR REDHAWK PROPERTY INVESTMENTS INC. FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR SEATING AREA FOR YUMII KETTLE CORN AT 339 SOUTH SANDUSKY STREET ON 0.52 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-22

AN ORDINANCE FOR REDHAWK PROPERTY INVESTMENTS INC. FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR SEATING AREA FOR YUMII KETTLE CORN AT 339 SOUTH SANDUSKY STREET ON 0.52 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District) (2017-0417); and

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

SECTION 1. That the Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District), is hereby confirmed, approved, and accepted with the following condition 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 patio shall cease to operate at 10:30 p.m. everyday.
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.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

CASE NUMBERS: 2017-0416 & 0417

REQUEST: Multiple Cases

PROJECT: Yumii Kettle Corn

MEETING DATE: April 5, 2017

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.

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.

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.

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.

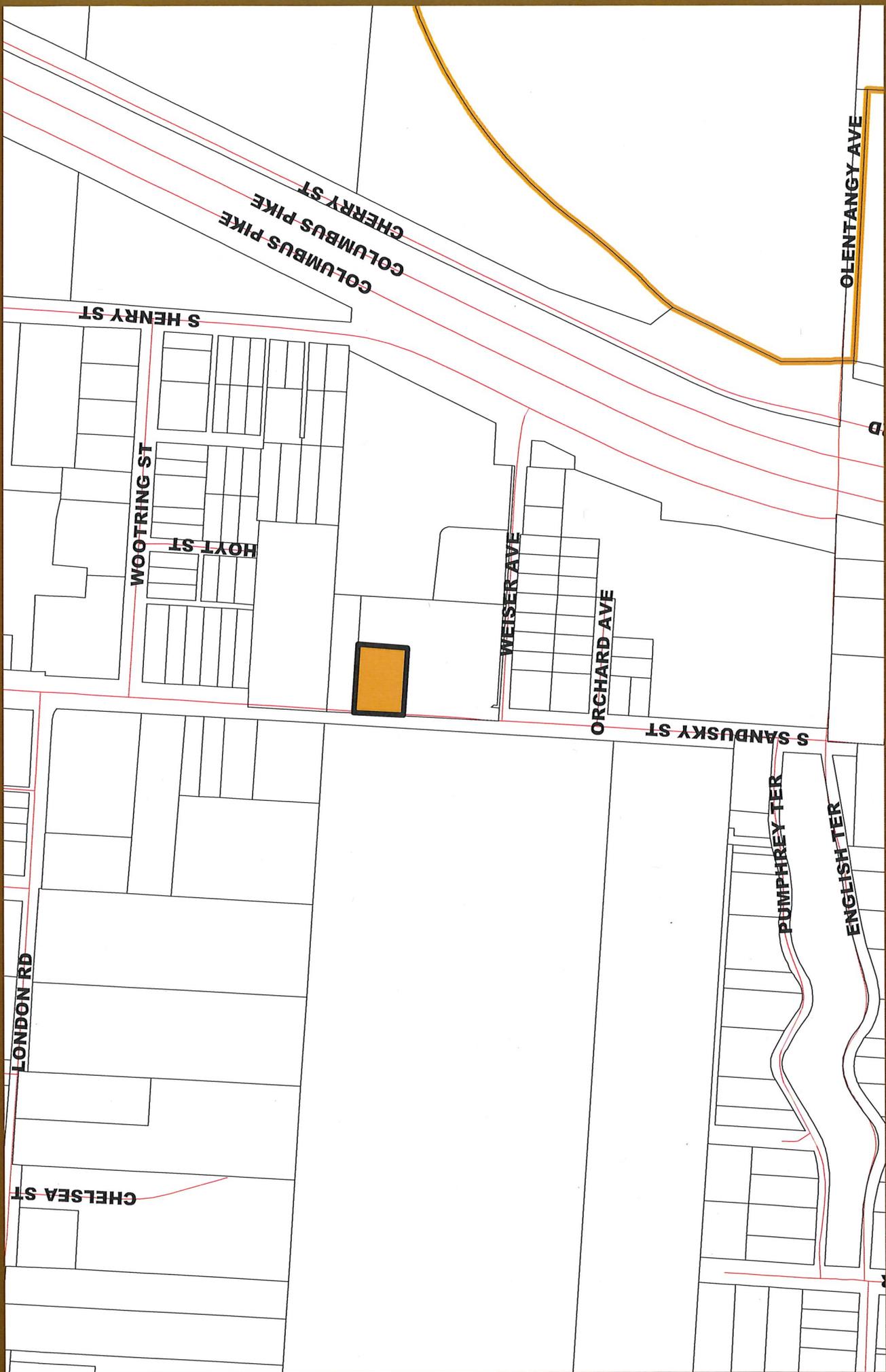
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
5. Will 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:

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

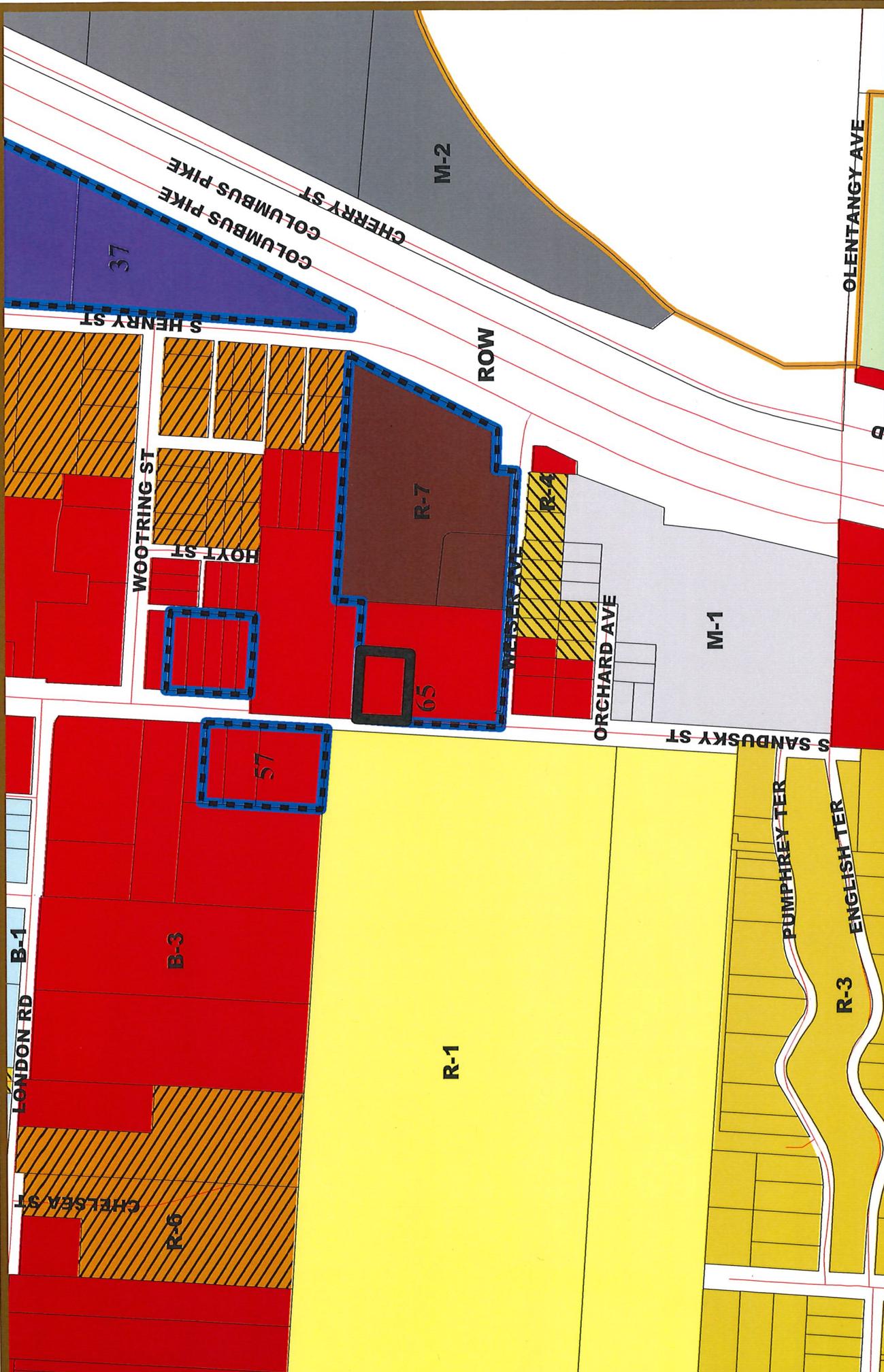
CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 03/30/17
REVISED:



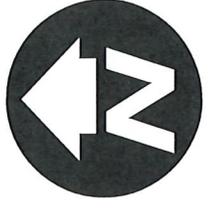
2017-0416 & 0417
 Development Plan Exemption & Conditional Use Permit
 Yumii Kettle Corn - 339 South Sandusky Street
 Location Map





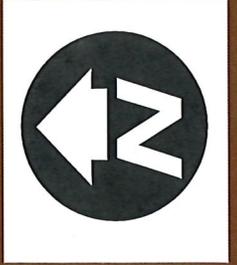
2017-0416 & 0417
 Development Plan Exemption & Conditional Use Permit
 Yumii Kettle Corn - 339 South Sandusky Street
 Zoning Map



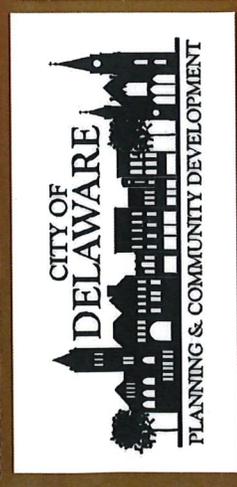


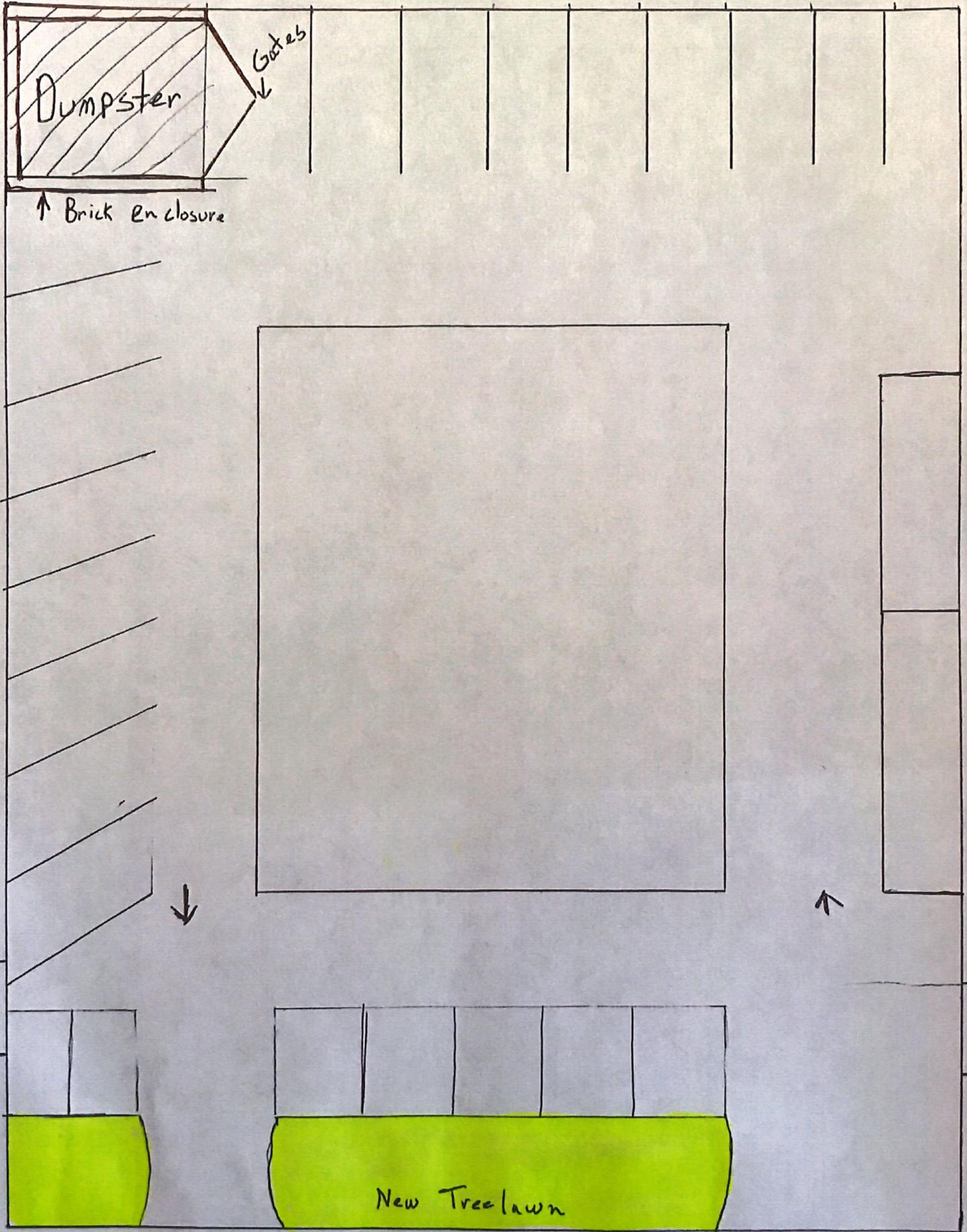
2017-0416 & 0417
Development Plan Exemption & Conditional Use Permit
Yumii Kettle Corn - 339 South Sandusky Street
Aerial (2016)





339 South Sandusky Street





Not to Scale

Existing

Sidewalk

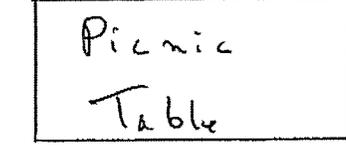
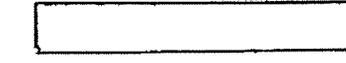
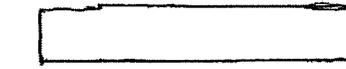
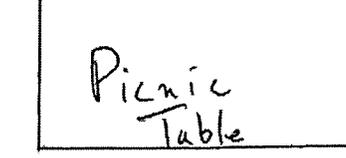
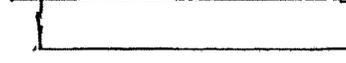
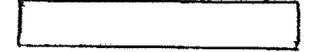
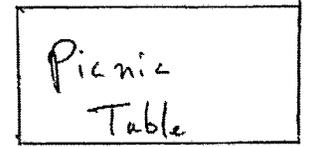
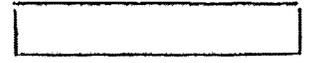
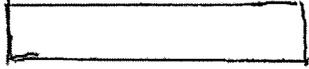
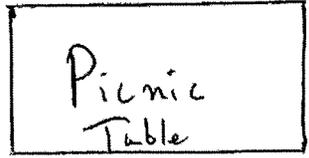
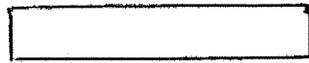
Existing

Shrub/Tree

Bed



Existing Tree Line



Existing grass

Existing Parking lot

Dumpster

New Flower/Plant Bed





FACT SHEET

AGENDA ITEM NO: 15

DATE: 04/10/2017

ORDINANCE NO: 17-23

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 24, 2017 at 7:20 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR 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).

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-23

AN ORDINANCE FOR 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).

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Conditional Use Permit for Shorty's Casual Cuisine to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District) (2017-0407); and

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

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

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2017

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

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

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.

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.).

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

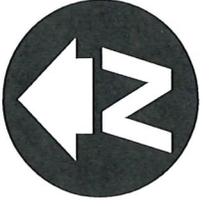
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
2. Will not be detrimental to property values in 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:

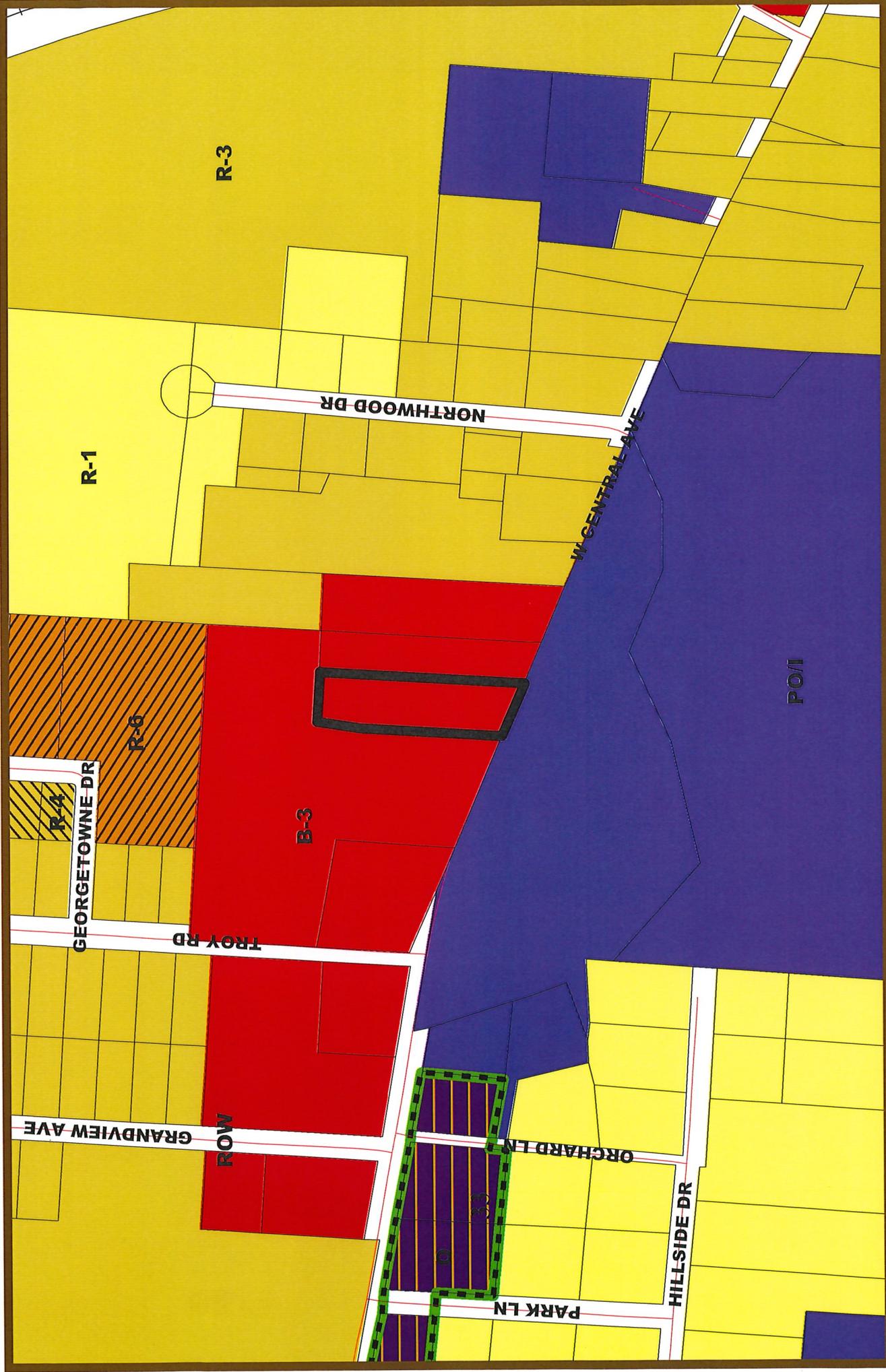
MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:



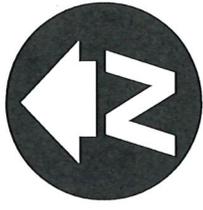
2017-0407
Conditional Use Permit
Shorty's Casual Cuisine - 554 West Central Avenue
Location Map





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





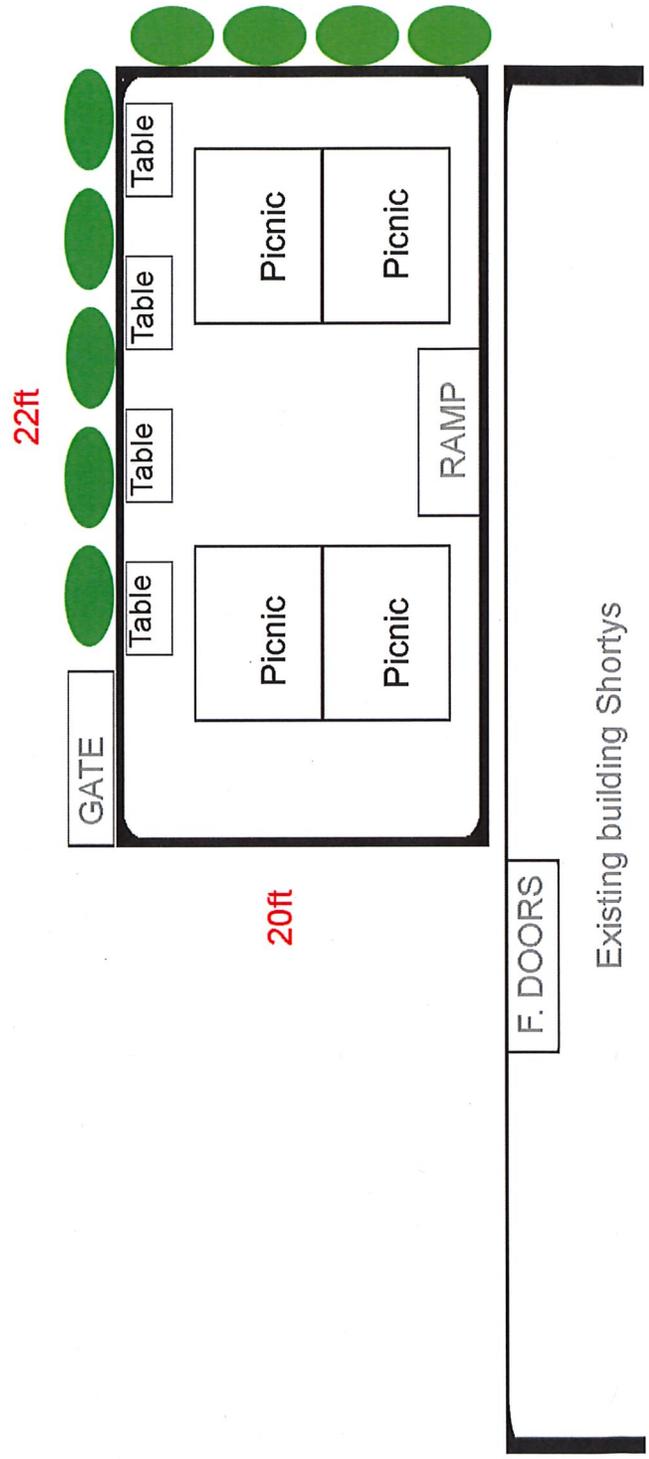
2017-0407
 Conditional Use Permit
 Shorty's Casual Cuisine - 554 West Central Avenue
 Aerial (2015)

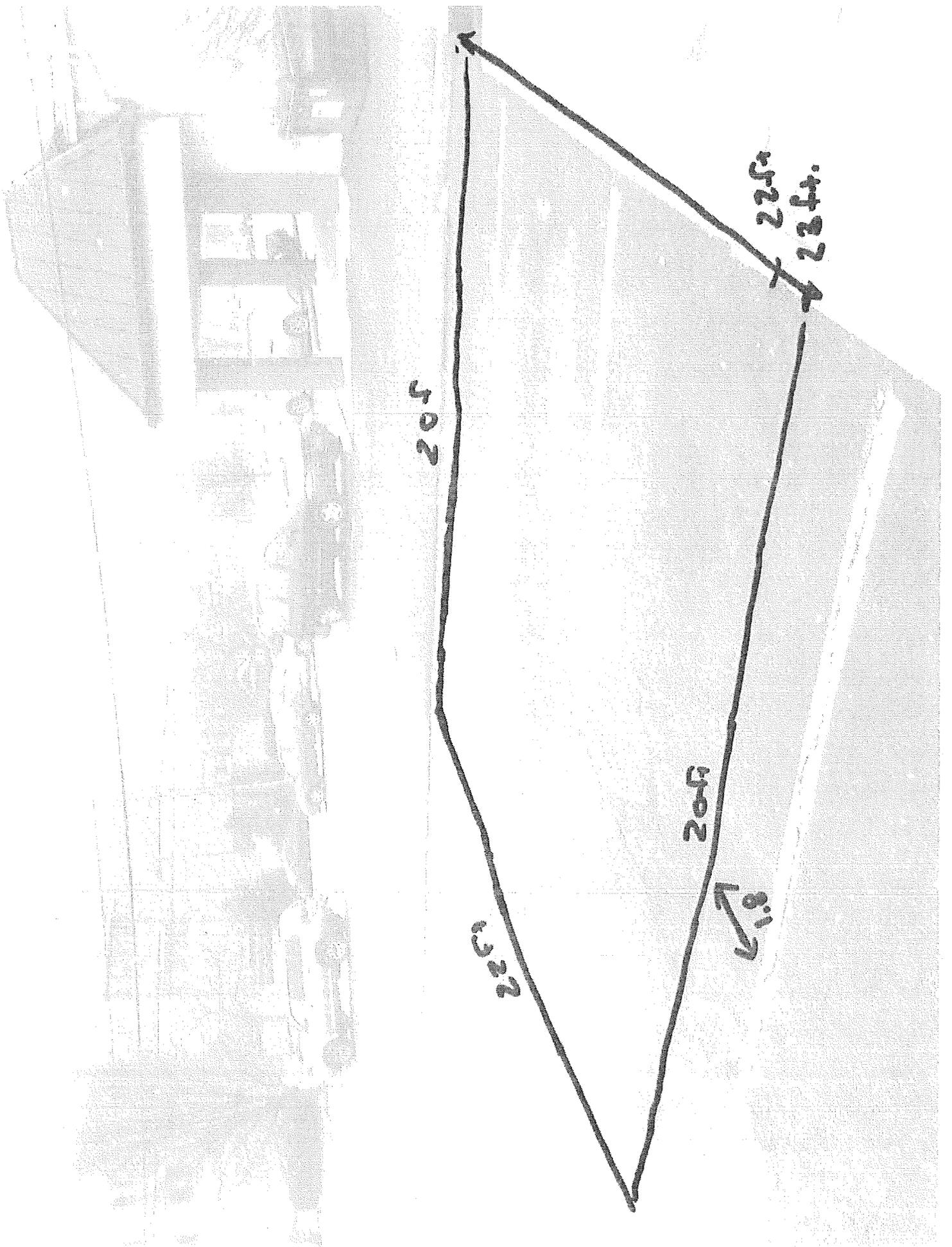


- * The patio is 20ft by 22ft.
(same demensions as last year)
- * Four picnic tables 30in tall 52.5 in wide and 60in long
(same as last year)
- * Four restaurant tables 2.5ft tall 2.5ft by 2ft wide.
(same as last year)
- * Privacy bushes will be optional this year depending on
shade of sun. 6ft tall

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

20ft

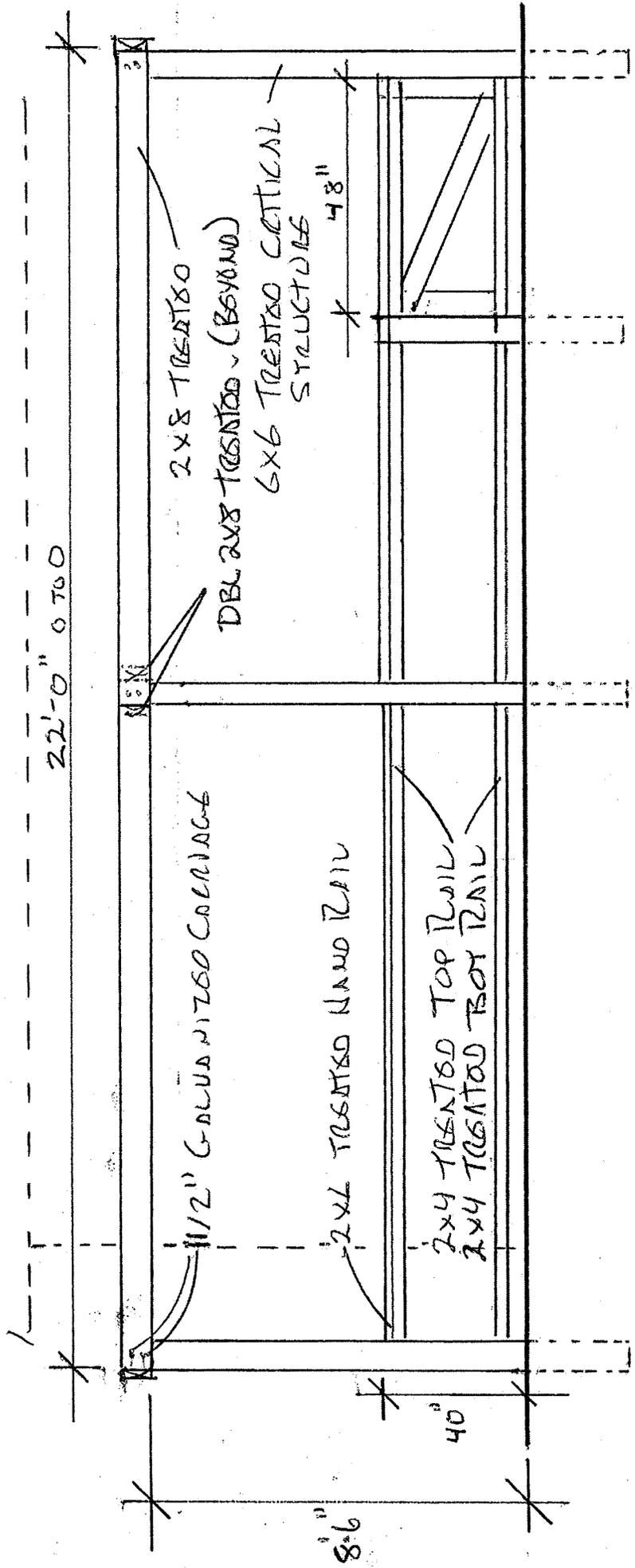
1.8

22ft

23ft.

CENTRAL AVE. VIEW
554 WEST CENTRAL AVE

EXISTING STRUCTURE
BEYOND



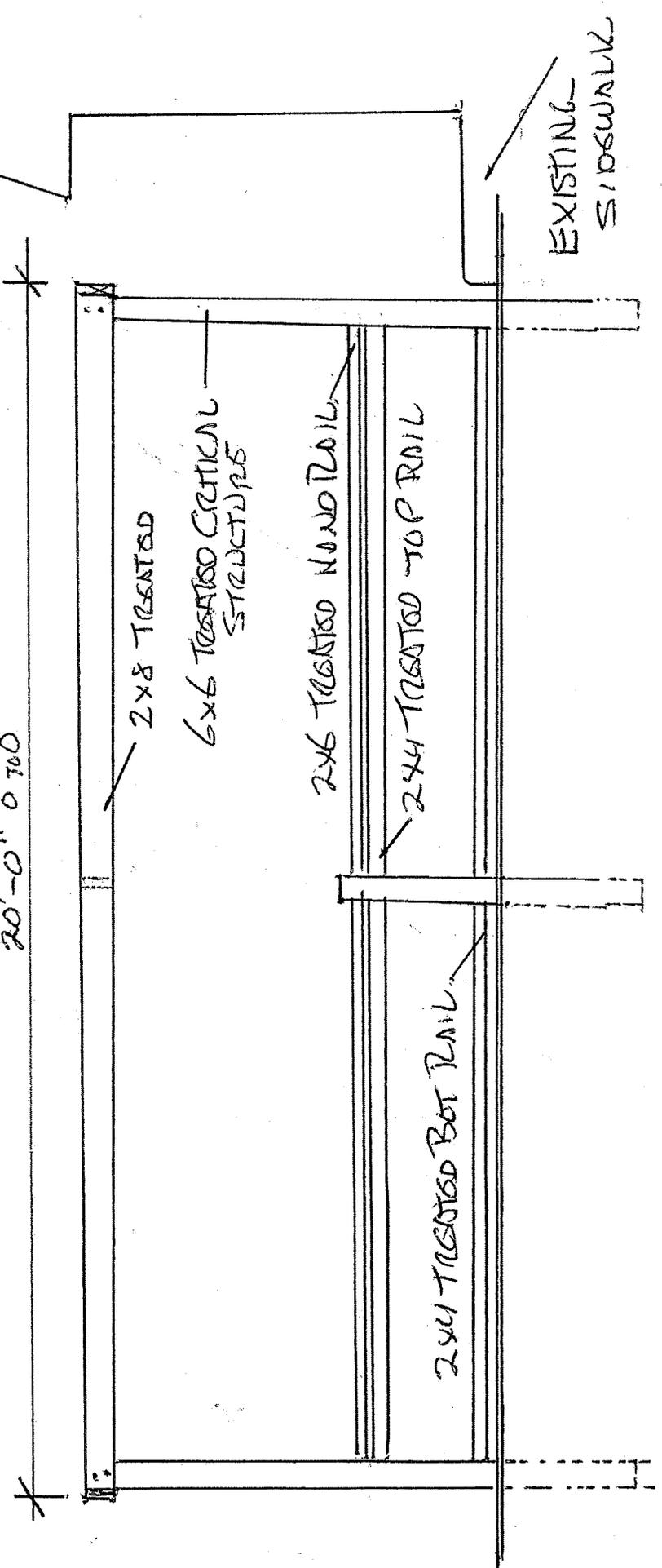


RIGHT END VIEW
554 WEST CENTRAL AVE.

(LEFT END - TYPICAL)

EXISTING BRICK

20'-0" O.T.O.



EXISTING
SIDEWALK

2x8 TREATED

6x6 TREATED CRITICAL
STRUCTURES

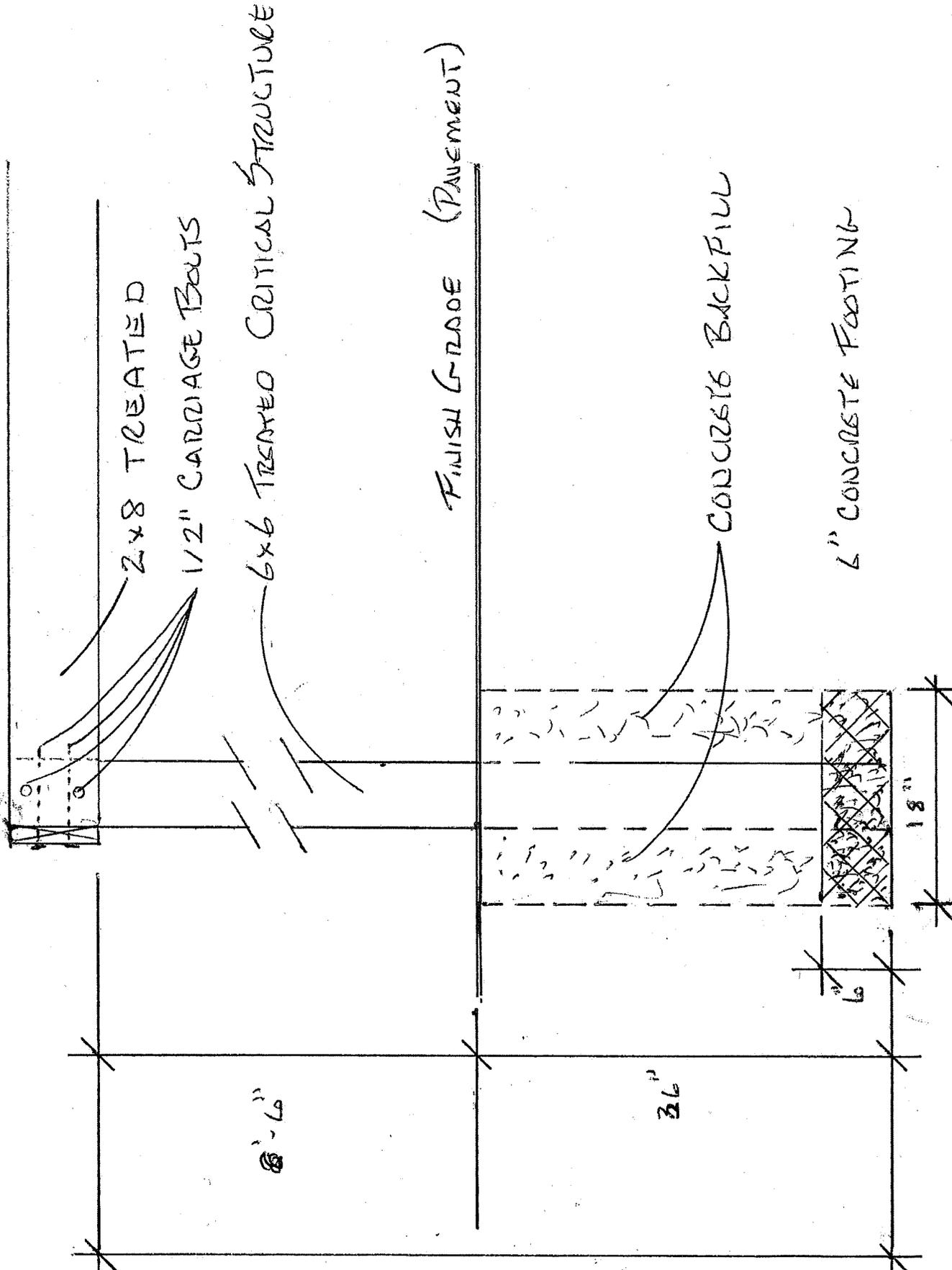
2x6 TREATED HANDRAIL

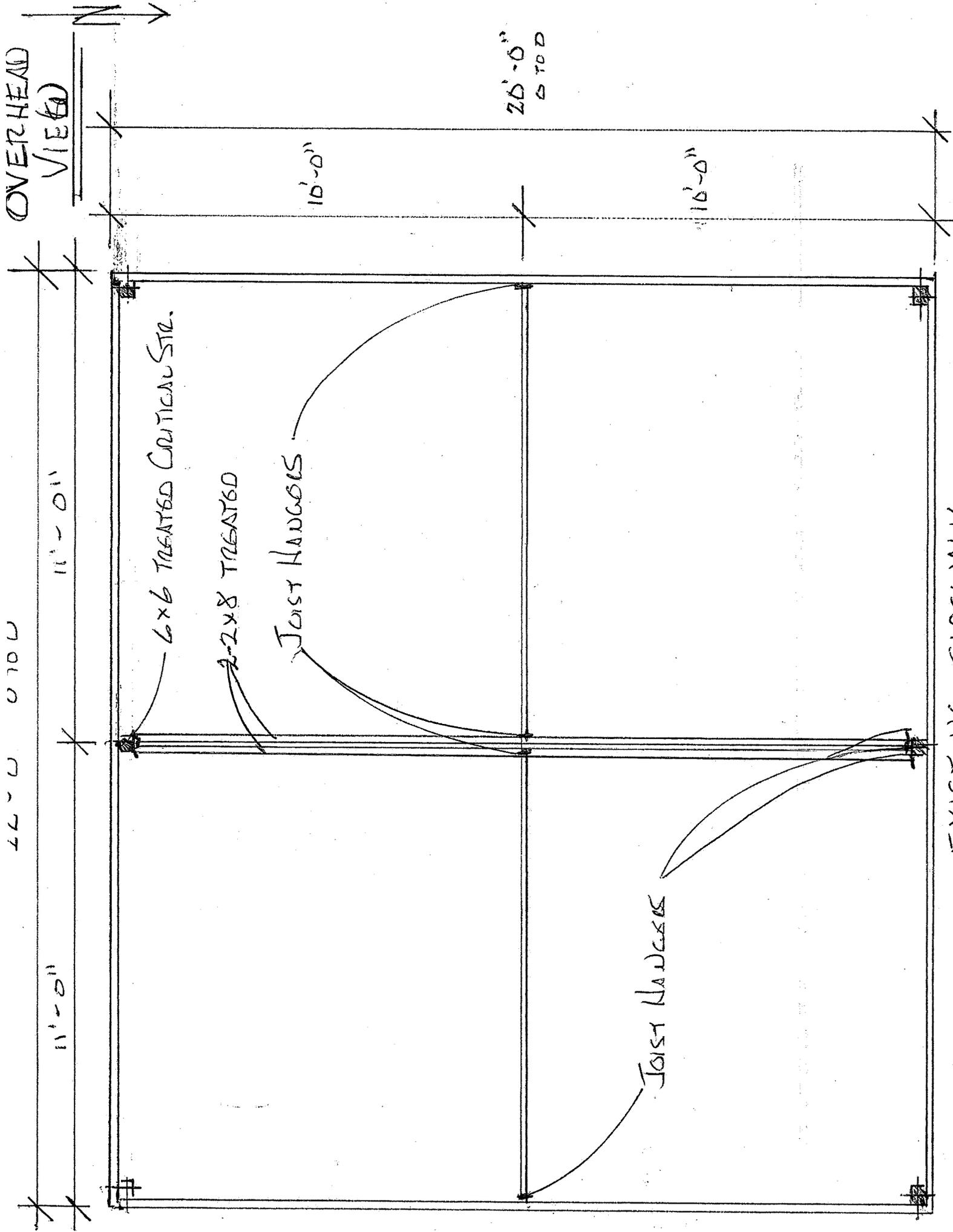
2x4 TREATED TOP RAIL

2x4 TREATED BOT RAIL

POST DETAIL

554 W. CENTRAL





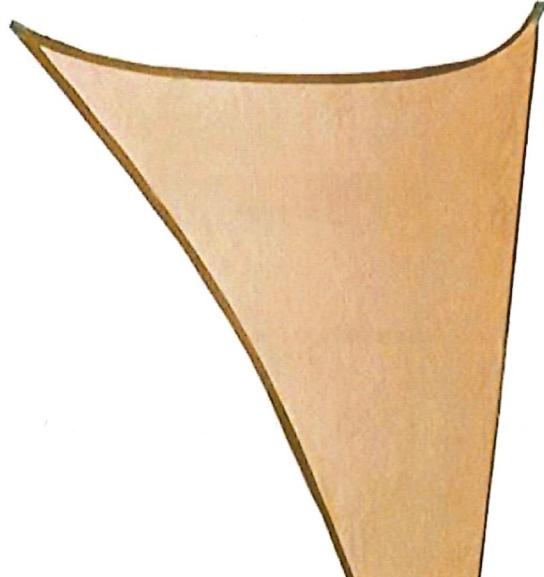
EXISTING SIDEWALK

44-0 0700





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



FACT SHEET

AGENDA ITEM NO: 16

DATE: 04/10/2017

ORDINANCE NO: 17-24

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 24, 2017 at 7:25 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR 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.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-24

AN ORDINANCE FOR 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.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Rezoning Amendment for Tim Colatruglio 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 (2017-0408); and

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

SECTION 1. That the Rezoning Amendment for Tim Colatruglio 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, is hereby confirmed, approved, and accepted 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.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR

CASE NUMBERS: 2017-0408, 0410-0411

REQUEST: Multiple Requests

PROJECT: River Street Business Park

MEETING DATE: April, 2017

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.

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.

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.

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.

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

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

CONDITIONS/MISCELLANEOUS:

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 |
|---|------|
| (a) Industrial | |
| (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) Office Professional Services | |
| (1) Offices – Administrative, Business and Professional | P |
| (2) Day Care Center – child/adult | P |
| (3) Medical/Dental Offices health and allied services | P |
| (c) Recreation and Entertainment | |
| (1) Indoor recreation and entertainment (such indoor theater, bowling alley, arcade, billiard parlor, assemble hall and party center) | P |
| (f) Retail and Services | |
| (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.

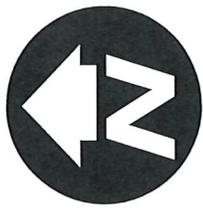
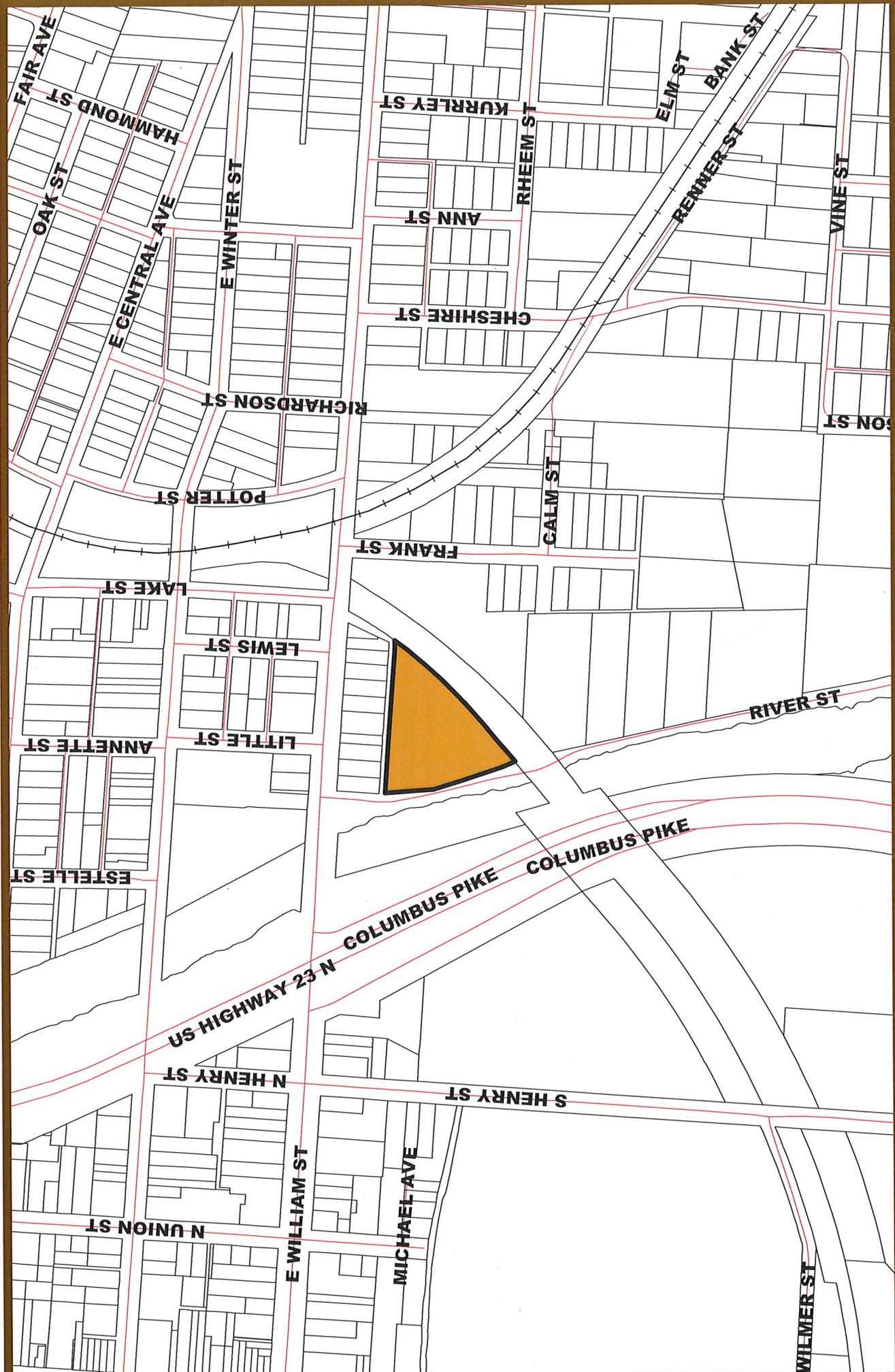
H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan. In addition, the buffering along the northern property line shall consist of six foot high evergreen trees at 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.

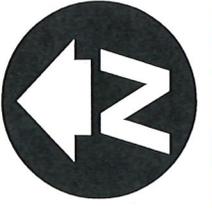
- l. **Roads.** Any new or existing road(s) to be constructed and/or widened within the development shall comply with the City minimum requirements or as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the 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.

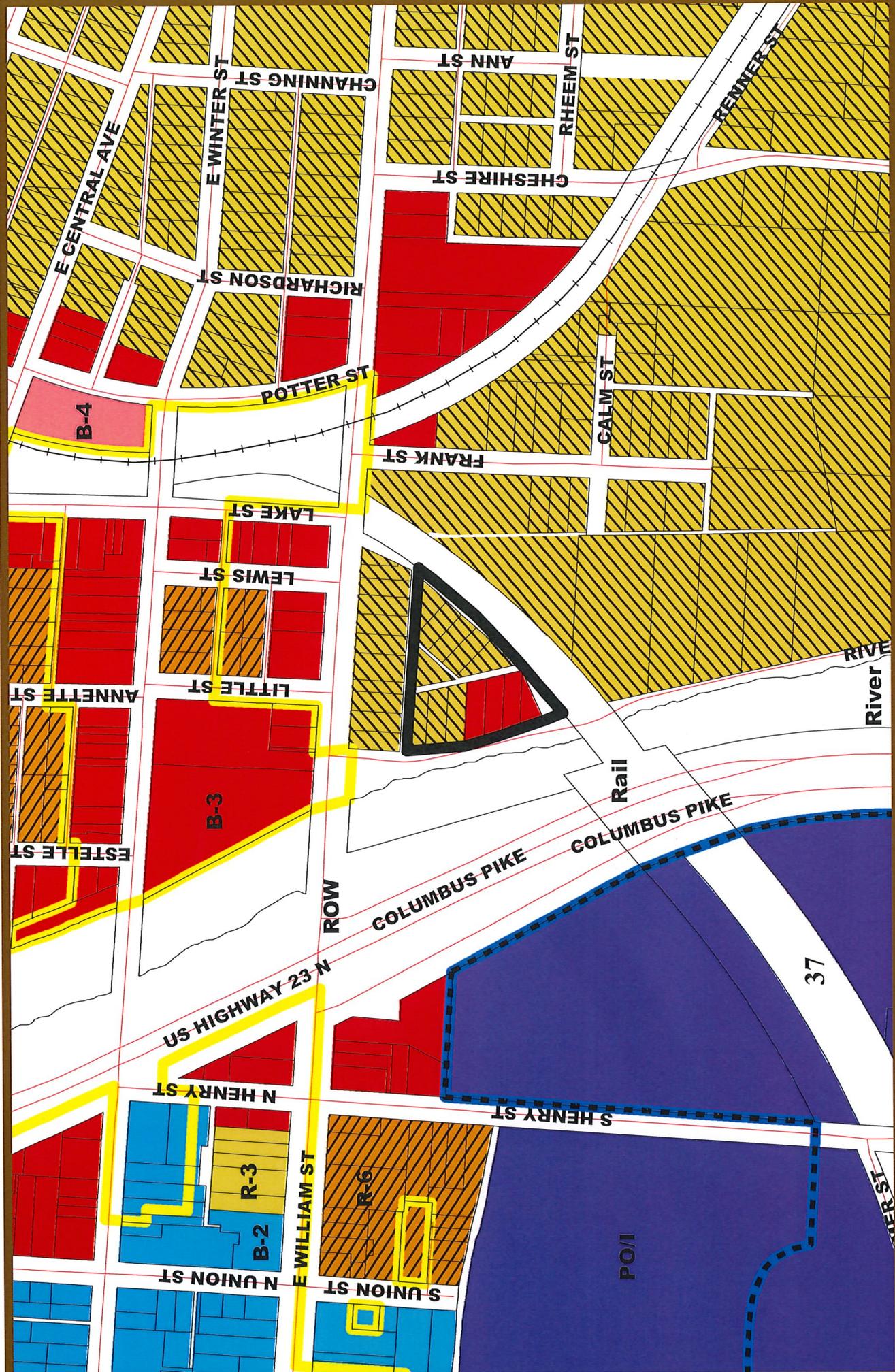


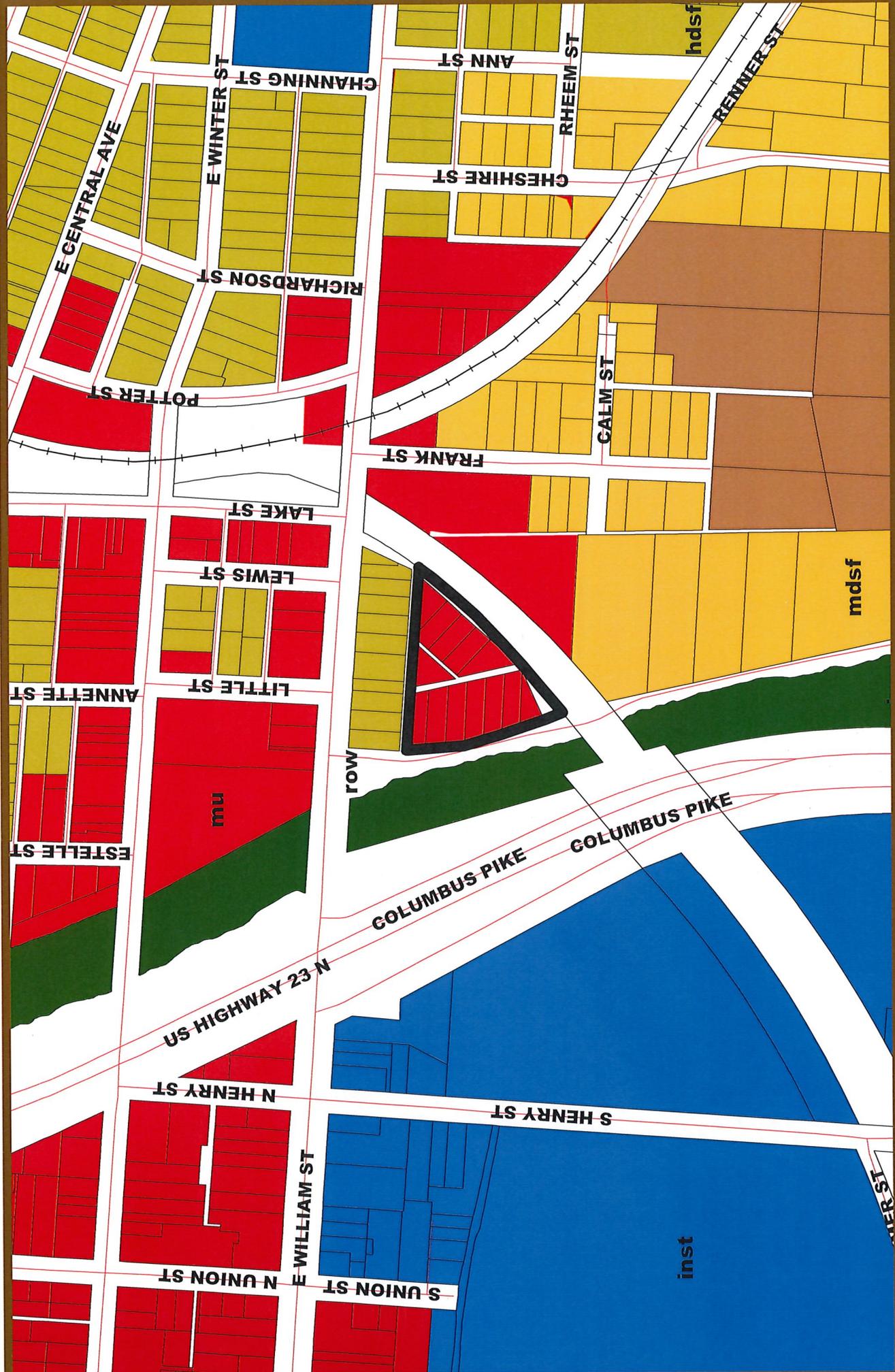
2017-0408, 0410 & 0411
 Rezoning, Conditional Use Permit & Preliminary Development Plan
 River Street Business Park
 Location Map





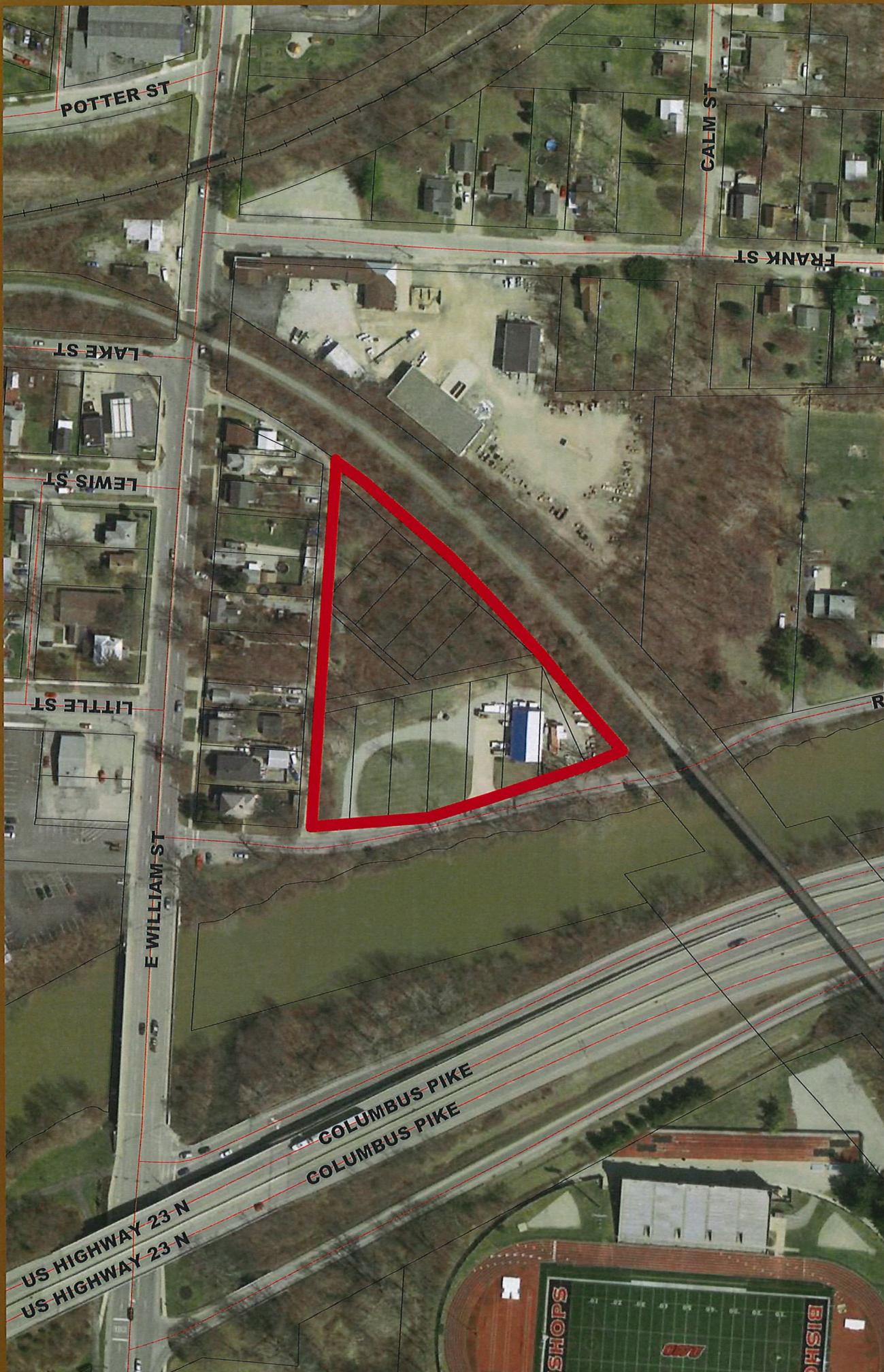
2017-0408, 0410 & 0411
Rezoning, Conditional Use Permit & Preliminary Development Plan
River Street Business Park
Zoning Map





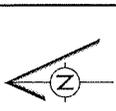
2017-0408, 0410 & 0411
 Rezoning, Conditional Use Permit & Preliminary Development Plan
 River Street Business Park
 Comprehensive Land Use Plan





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





GRAPHIC SCALE
 0 15 30 45
 FEET
 1 inch = 30 ft.

| NO. | DATE | DESCRIPTION |
|-----|----------|---------------------|
| 1 | 11/27/21 | CHANGE ORDER SCHEME |

TerrainEvolution
 Your Evolving Partnership Vision and Success
 725 Broad Street | 2nd Floor | Columbus, OH 43215
 P: 614.224.1200 | F: 614.224.1255 | E: info@terrain-evolution.com

CITY OF COLUMBUS, OHIO
RIVER STREET BUSINESS PARK
 EXISTING COMMON PLAN

| | | |
|----------------------|---------------------|------------------|
| DATE: FEBRUARY, 2022 | SCALE: AS SHOWN | PROJECT NO: 17/5 |
| DRAWN BY: [Name] | CHECKED BY: [Name] | DATE: [Date] |
| DESIGNED BY: [Name] | APPROVED BY: [Name] | DATE: [Date] |

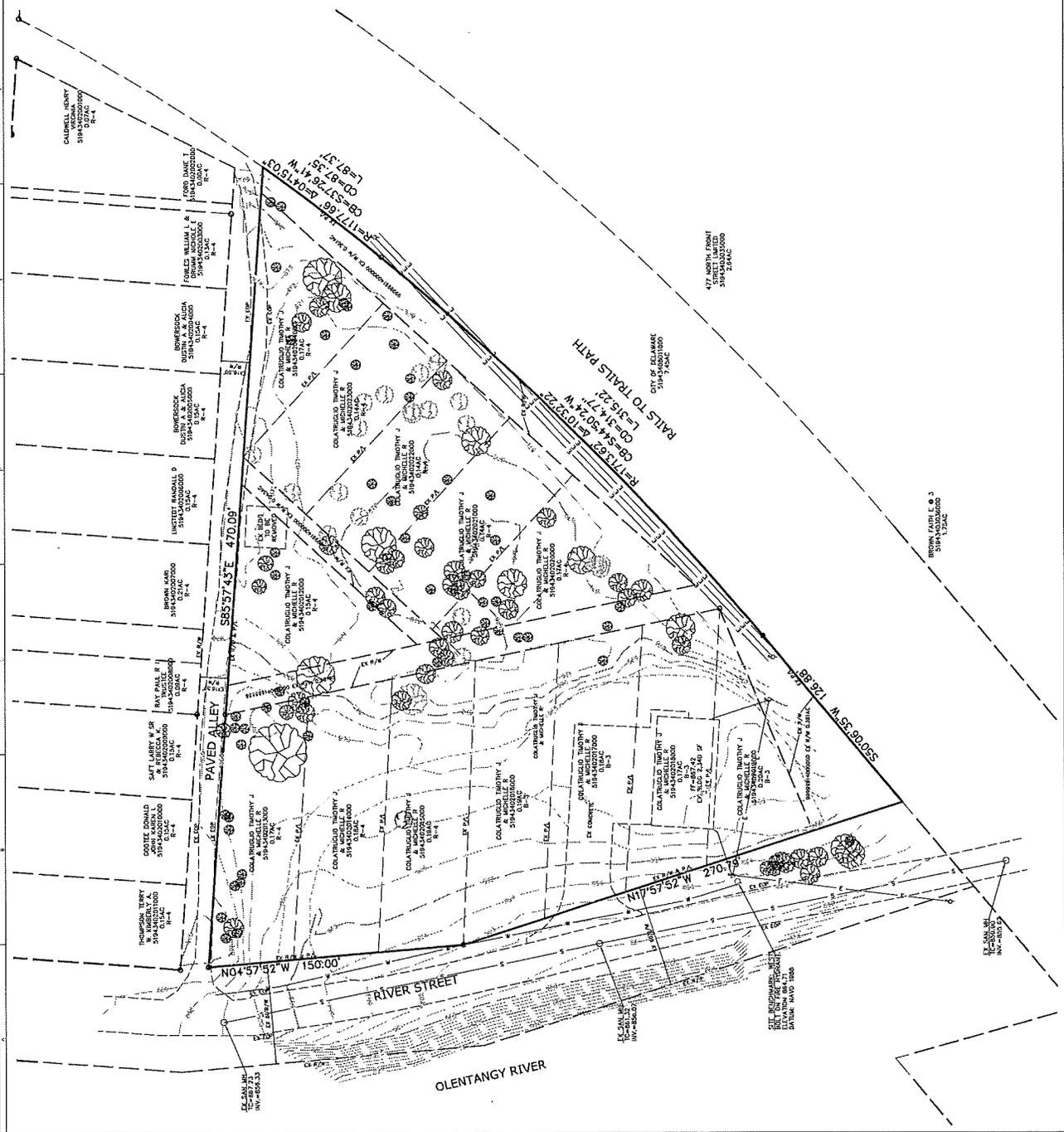
EXISTING RIGHT OF WAY:
 0.043 AC
 0.281 AC
 0.167 AC TOTAL

EXISTING PARCELS PER AUDITOR'S WEB SITE:

| | |
|----------------|--------|
| 51943402012000 | 0.15AC |
| 51943402014000 | 0.17AC |
| 51943402014000 | 0.19AC |
| 51943402015000 | 0.19AC |
| 51943402016000 | 0.19AC |
| 51943402017000 | 0.17AC |
| 51943402018000 | 0.17AC |
| 51943402019000 | 0.20AC |
| 51943402020000 | 0.17AC |
| 51943402021000 | 0.14AC |
| 51943402022000 | 0.14AC |
| 51943402023000 | 0.14AC |
| 51943402024000 | 0.17AC |
| TOTAL | 2.19AC |

EXISTING RIGHT OF WAY & PARCELS:
 0.404 AC
 2.590 AC
 2.994 AC TOTAL

PER SURVEY AC:
 2.406 AC TOTAL



OLENTANGY RIVER

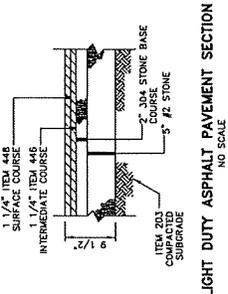
| | | |
|-----|-----------------------|------|
| NO. | DESCRIPTION | DATE |
| 1 | CHANGE ORDER SCHEDULE | |

TerrainEvolution
Your Evolving Partner in Vision and Success

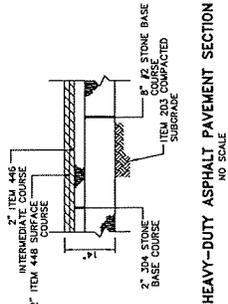
230 East Broad Street | 6th Floor | Columbus, OH 43215
 614.228.1990 | E: info@terrainevolution.com | B: info@terrainevolution.com

CITY OF DEWARVILLE, OHIO
 RIVER STREET BUSINESS PARK
 DETAILS

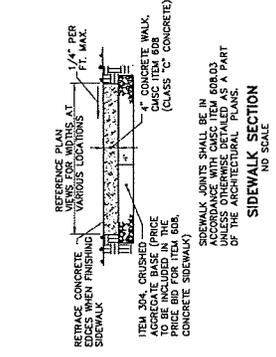
| | | |
|----------------|----------------------------|------------------|
| DATE | ISSUED FOR | BY |
| FEBRUARY, 2017 | ISSUED FOR | ISSUED BY |
| PROJECT NO. | PROJECT NAME | PROJECT LOCATION |
| 5/15 | RIVER STREET BUSINESS PARK | DEWARVILLE, OHIO |



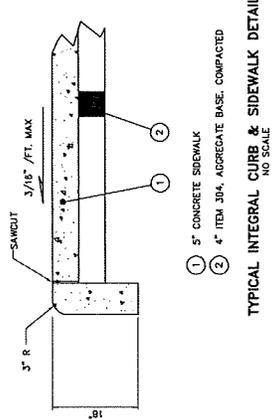
LIGHT DUTY ASPHALT PAVEMENT SECTION
NO SCALE



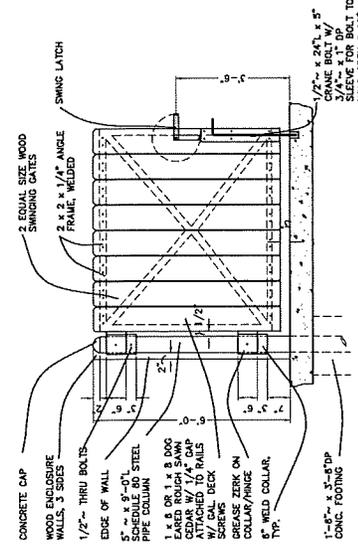
HEAVY-DUTY ASPHALT PAVEMENT SECTION
NO SCALE



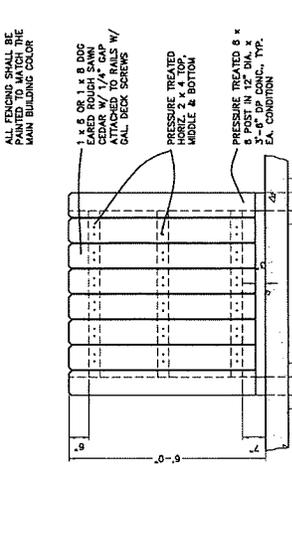
SIDEWALK SECTION
NO SCALE



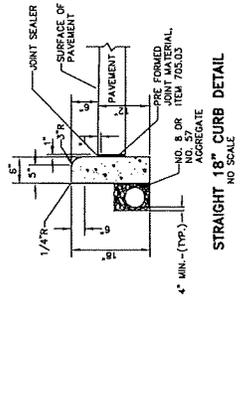
TYPICAL INTEGRAL CURB & SIDEWALK DETAIL
NO SCALE



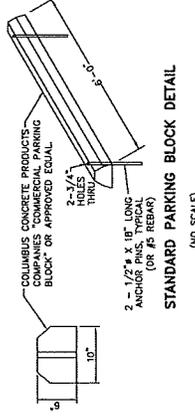
DUMPSTER GATE DETAIL
NO SCALE



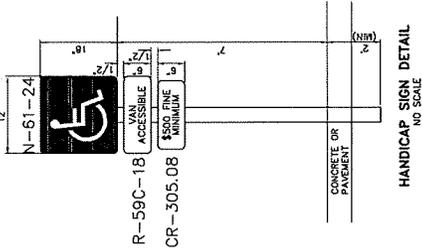
WOOD FENCE DETAIL
NO SCALE



STRAIGHT 18\"/>NO SCALE



STANDARD PARKING BLOCK DETAIL
NO SCALE



HANDICAP SIGN DETAIL
NO SCALE



FACT SHEET

AGENDA ITEM NO: 17

DATE: 04/10/17

ORDINANCE NO: 17-25

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
April 24, 2017 at 7:25 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR 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.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-25

AN ORDINANCE FOR 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.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended 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 (2017-0411); and

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

SECTION 1. That the 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, is hereby confirmed, approved, and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 18

DATE: 04/10/17

ORDINANCE NO: 17-26

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR 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.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1129 Procedures of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-26

AN ORDINANCE FOR 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.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street (2017-0410); and

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

SECTION 1. That the Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. A guard rail on the west side of River Street adjacent to the curbs cuts shall be installed per engineering requirements for safety reasons.
A sidewalk on the east side of River Street along the frontage of the development shall be installed per engineering requirements.
3. The existing building and the new buildings shall achieve compliance with the design standards of the approved development text. Building elevations shall be submitted prior to Final Development Plan approval.
4. The appropriate amount of street and front yard trees per the zoning code shall be installed along River Street or elsewhere on the site as determined through the Final Development Plan process.
5. 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.
6. Foundation landscaping shall be required for each building.

7. The owner shall be required to replant, permanently preserve treed area and/or pay a tree replacement fee preliminary calculated of \$35,100 per the submitted tree survey to achieve compliance with Chapter 1168 Tree Preservation Regulations along with the approved development text.
8. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
9. 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
10. A lighting plan shall be reviewed and approved by the Chief Building Official.
11. The thirteen parcels shall be consolidated after the Alley Vacation and Final Development Plan approval but prior to the occupancy permit of the first new building.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
 ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
 ABSTAIN ___

ATTEST: _____
 CITY CLERK

 MAYOR



FACT SHEET

AGENDA ITEM NO: 19

DATE: 04/10/2017

ORDINANCE NO: 17-27

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR MARONDA HOMES APPROVING A FINAL SUBDIVISION PLAT FOR CURTIS FARMS PHASE 4 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 7.411 ACRES ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON DELAWARE DRIVE.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-27

AN ORDINANCE FOR MARONDA HOMES APPROVING A FINAL SUBDIVISION PLAT FOR CURTIS FARMS PHASE 4 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 7.411 ACRES ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON DELAWARE DRIVE.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Final Subdivision Plat for Maronda Homes for Curtis Farms Phase 4 consisting of 32 single family lots on approximately 7.411 acres zoned R-4 (Medium Density Residential District) and located on Delaware Drive (PC 2017-0422); and

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

SECTION 1. That the Final Subdivision Plat for Maronda Homes for Curtis Farms Phase 4 consisting of 32 single family lots on approximately 7.411 acres zoned R-4 (Medium Density Residential District) and located on Delaware Drive, is hereby confirmed, approved, and accepted 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. 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.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2017

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

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.

STAFF ANALYSIS

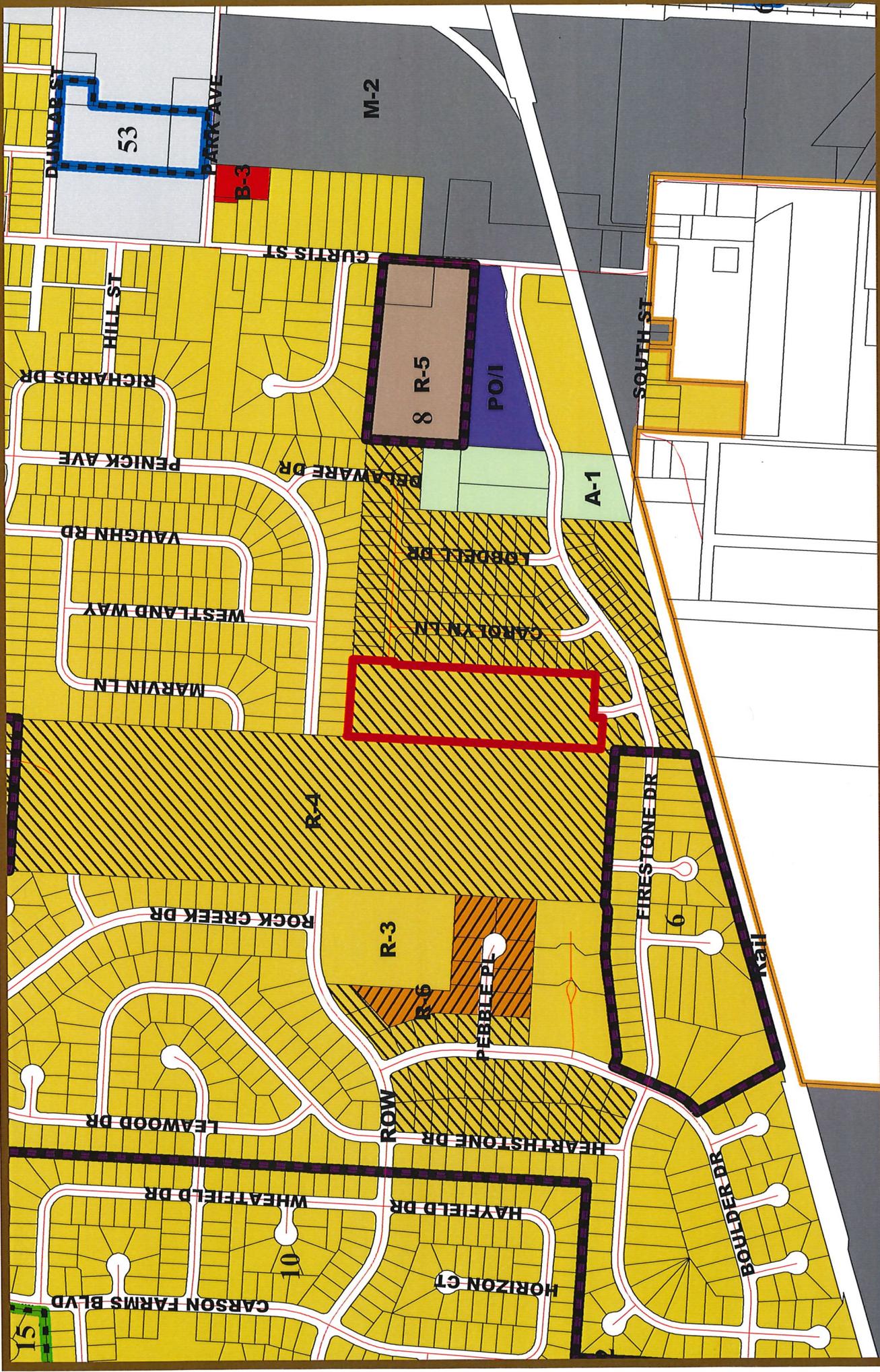
- **LAND USE:** This development is located in an area that is predominantly residential in character. The Comprehensive Plan recommends Moderate-Density Single-Family land use (3.25-4.75 du/ac and R-3/R-4 zoning) for the site. At 3.84 dwelling units per acre, this development, as approved by the preliminary 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.

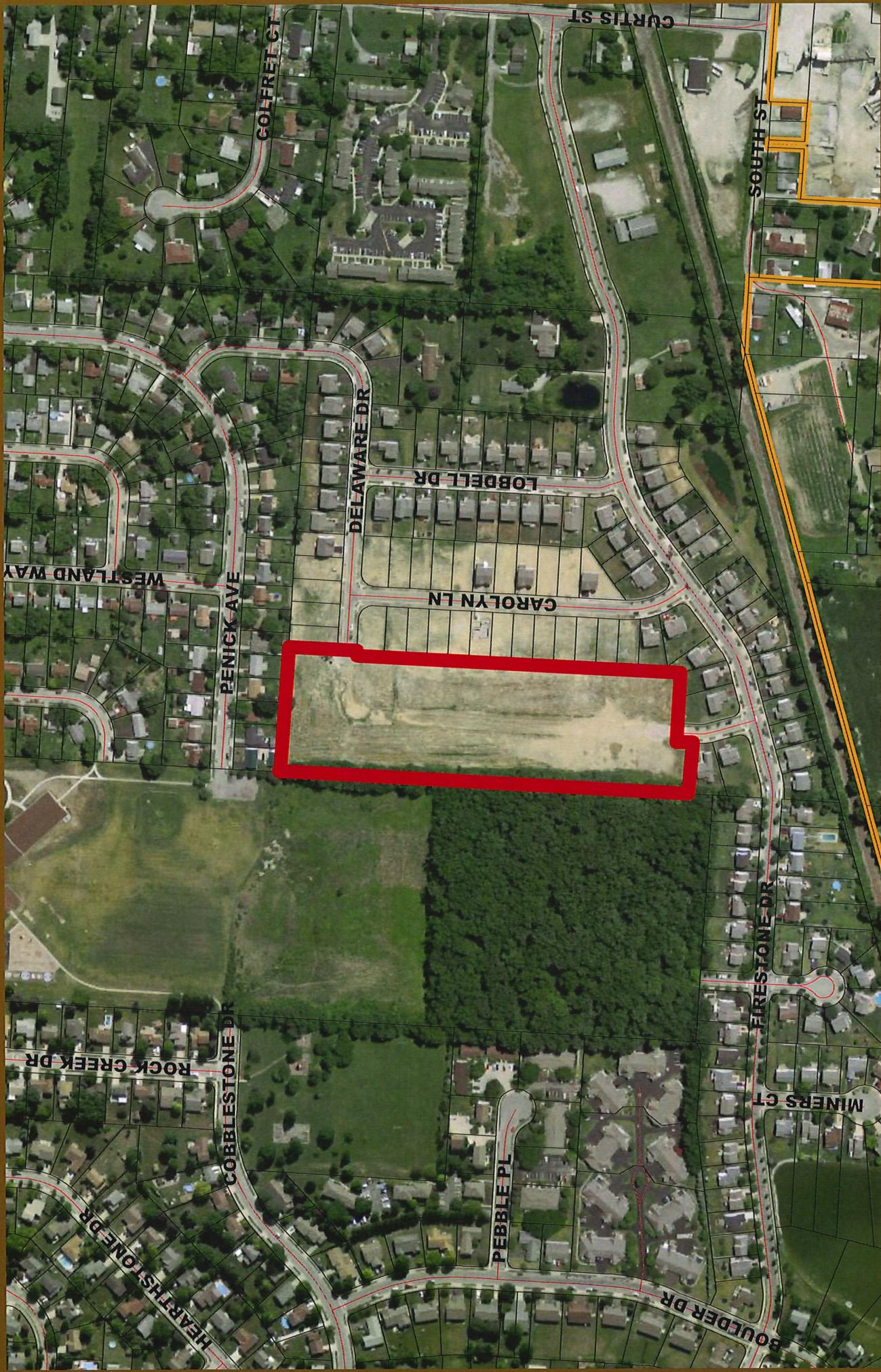
STAFF RECOMMENDATION – FINAL SUBDIVISION PLAT (2017-0422)

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.



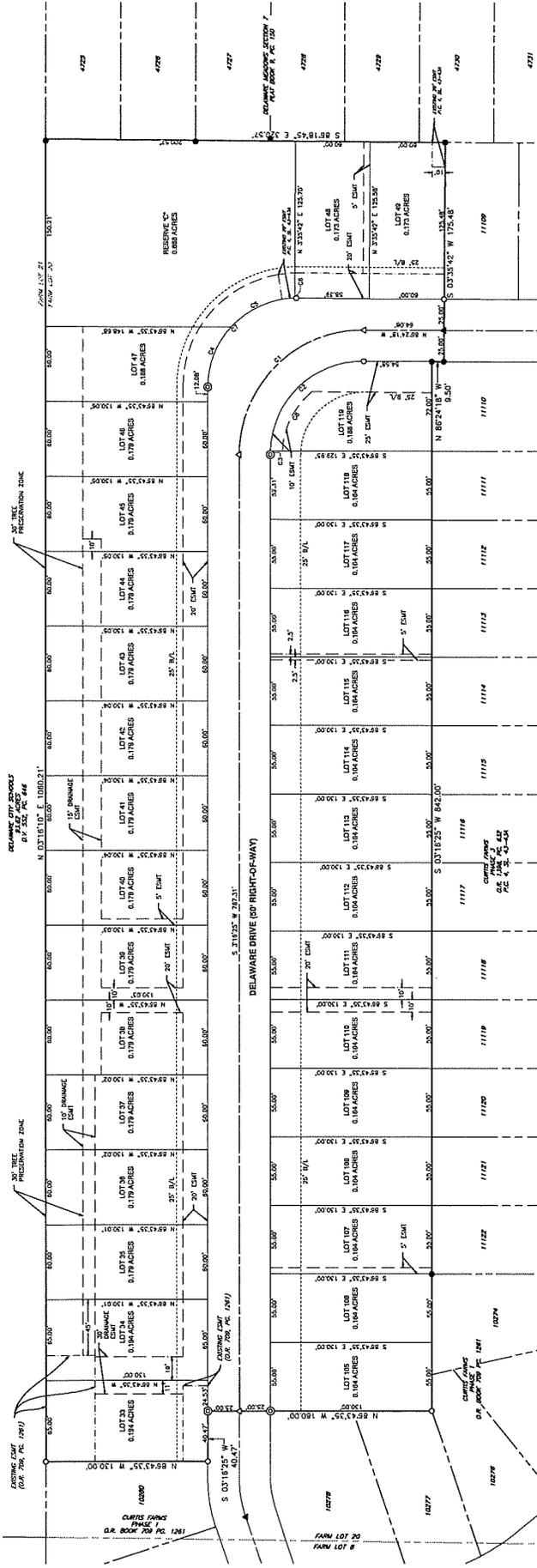
2017-0422
 Final Subdivision Plat
 Curtis Farms - Phase 4
 Zoning Map



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

CURTIS FARMS PHASE 4

STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,
 FARM LOT 20, CURTIS FARMS PHASE 4
 UNITED STATES MILITARY LANDS



CURTIS FARMS PHASE 4

| CURVE # | RADIUS | DELTA | LENGTH | CHL | CHB |
|---------|--------|-----------|---------|--------|--------------|
| C1 | 100.00 | 80.71917° | 133.841 | 143.87 | S 4879.94' W |
| C2 | 75.00 | 80.71917° | 133.841 | 104.93 | S 4879.94' W |
| C3 | 75.00 | 80.71917° | 133.841 | 104.93 | S 4879.94' W |
| C4 | 71.00 | 47.2724° | 52.80 | 51.41 | S 2479.37' W |
| C5 | 71.00 | 47.2724° | 52.80 | 51.41 | S 2479.37' W |
| C6 | 71.00 | 118.10° | 1.81 | 1.81 | M 8793.24' W |
| C7 | 71.00 | 80.71917° | 111.87 | 108.89 | S 4879.94' W |
| C8 | 85.00 | 49.1358° | 54.72 | 55.12 | S 2945.90' W |

LEGEND

- 1/2" ROUND
- 1/2" X 1/2"
- ⊙ PERMANENT MARKER SET
- △ MAG NAIL SET

NOTES:

SPECIAL ACCESSIBLE (SAB) SHALL BE MAINTAINED FOR 20 YEARS FROM THE DATE OF RECORDING OF THIS PLAN. THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

THE PRESERVATION AREA, AS SHOWN, IS SUBJECT TO THE CURTIS FARMS PHASE 4 DEVELOPMENT PLAN AND SHALL BE MAINTAINED AS SUCH. THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

OTHERWISE, NO TREES OR VEGETATION MAY BE REMOVED FROM THE ZONE, AND THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

NOTE 2:

THE BOUNDARY BETWEEN PARCELS AS SHOWN AND AS RECORDED IN THE DELAWARE COUNTY RECORDS IS SUBJECT TO THE CURTIS FARMS PHASE 4 DEVELOPMENT PLAN AND SHALL BE MAINTAINED AS SUCH. THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

NOTE 3:

THE BOUNDARY BETWEEN PARCELS AS SHOWN AND AS RECORDED IN THE DELAWARE COUNTY RECORDS IS SUBJECT TO THE CURTIS FARMS PHASE 4 DEVELOPMENT PLAN AND SHALL BE MAINTAINED AS SUCH. THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

NOTE 4:

THE BOUNDARY BETWEEN PARCELS AS SHOWN AND AS RECORDED IN THE DELAWARE COUNTY RECORDS IS SUBJECT TO THE CURTIS FARMS PHASE 4 DEVELOPMENT PLAN AND SHALL BE MAINTAINED AS SUCH. THE CITY OF DELAWARE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THIS PLAN AND RECORDS AT THE RECORDING OFFICE OF DELAWARE COUNTY, OHIO.

Civil & Environmental

Environmental Inc.

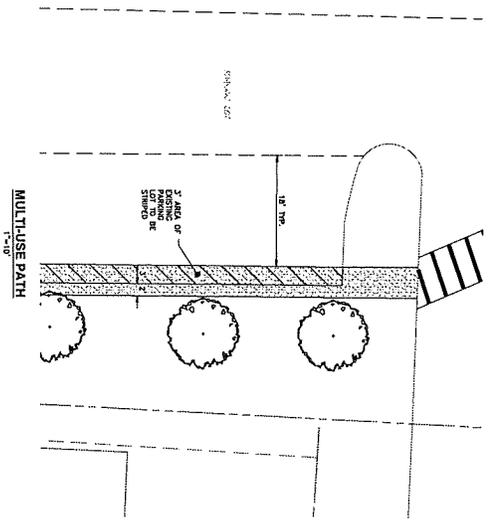
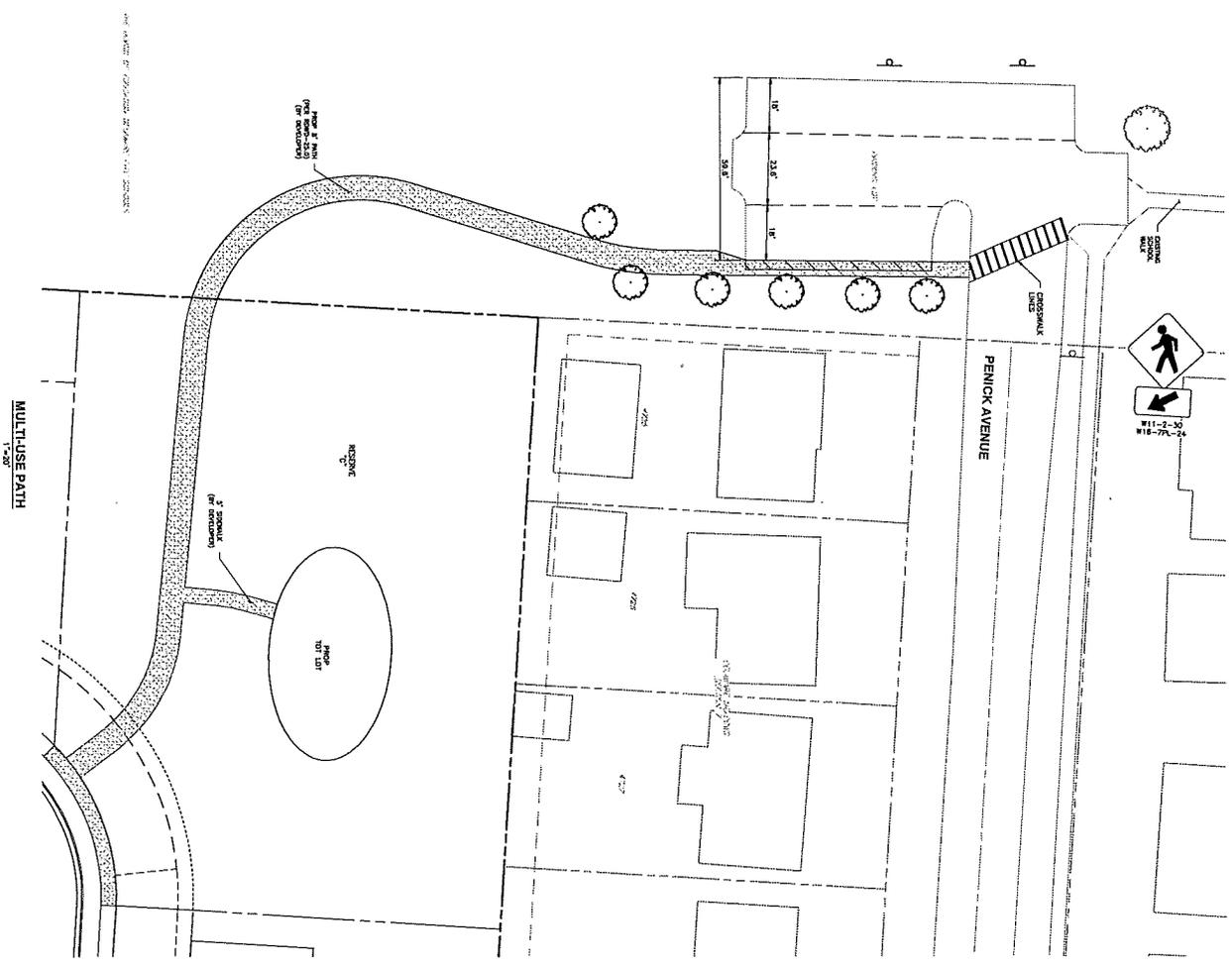
2200 W. DELAWARE AVENUE, SUITE 100, DELAWARE, OHIO 43015
 PH: 614.560.8553 • 800.548.8888 • FAX: 614.560.8888
 WWW.CEEINC.COM

MARONDA HOMES, INC.
CURTIS FARMS PHASE 4
CITY OF DELAWARE

DATE: 03/15/2024
 DRAWN BY: MARCH 15/2024
 CHECKED BY: MARCH 15/2024
 SCALE: 1" = 50'

CURTIS FARMS PHASE 4
 SHEET 2 OF 2

PLAT



**PLAN & PROFILE
DELAWARE DRIVE**

DATE: APRIL 2015 DRAWN BY: CJA
 DWS SCALE: AS NOTED CHECKED BY: CJS
 PROJECT NO: 142-746
 APPROVED BY: CCL

**CURTIS FARMS
PHASES 3 & 4
CITY OF DELAWARE, OHIO**

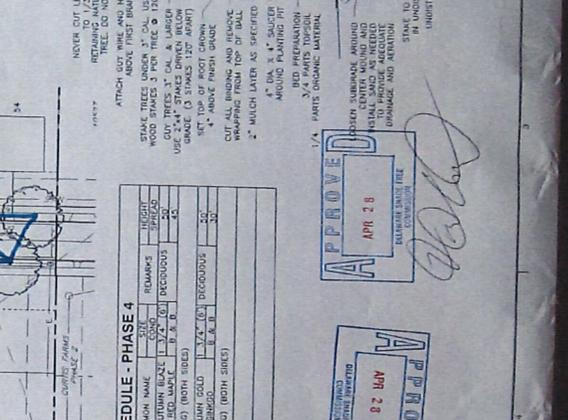
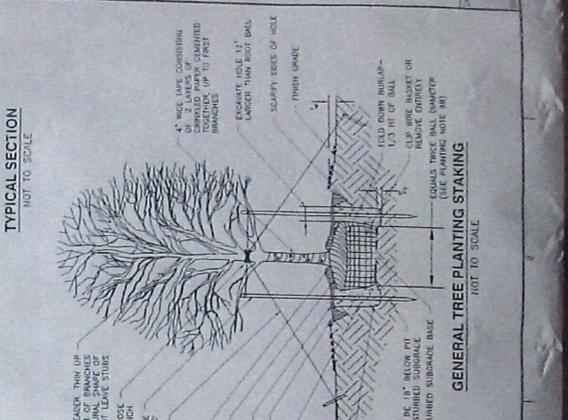
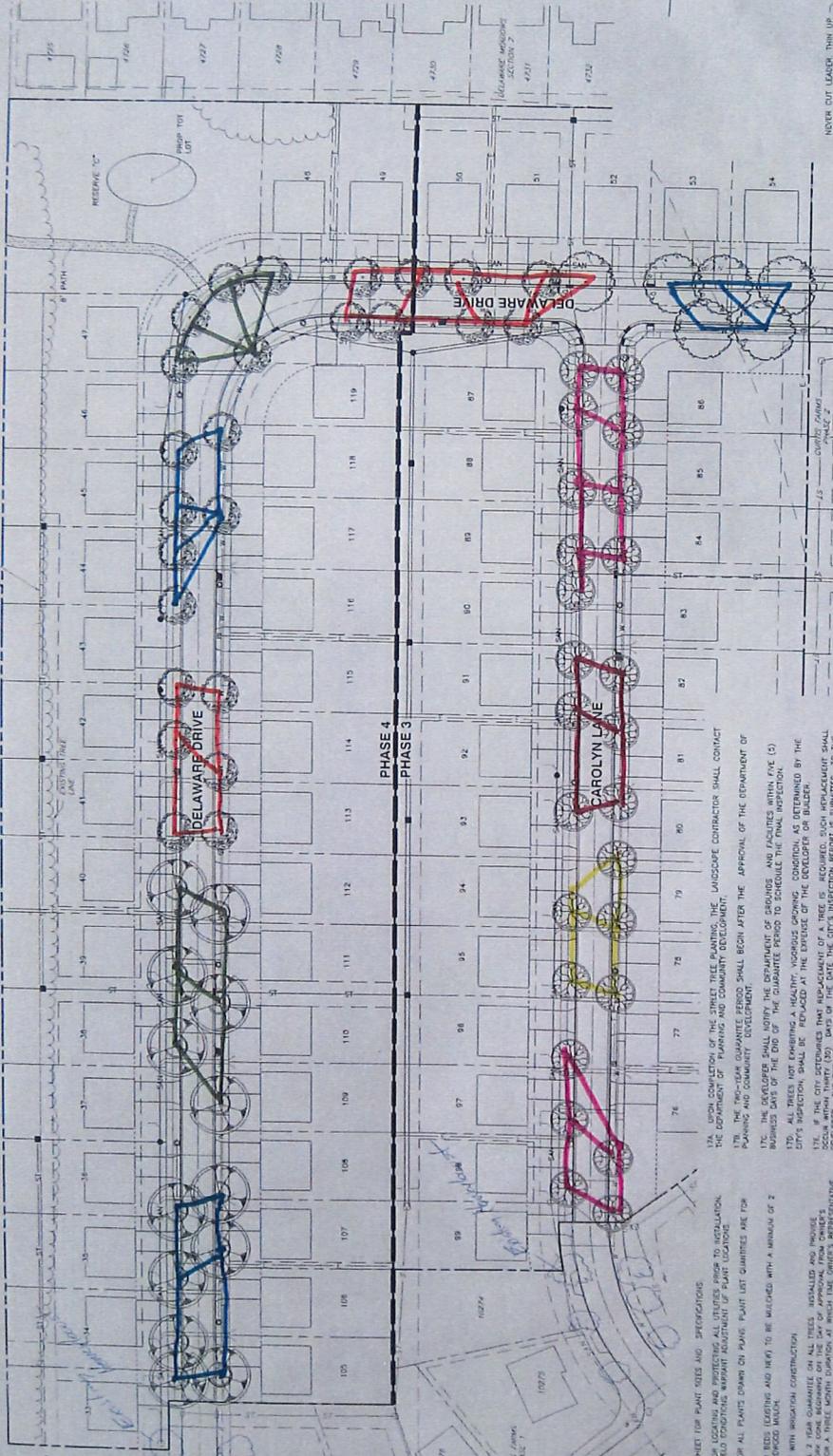
CEC
Civil & Environmental Consultants, Inc.
 250 Old Wilson Bridge Road • Suite 250 • Worthington, OH 43085
 614-540-6633 • 688-598-6808
 www.cecinc.com

| REVISION RECORD | | |
|-----------------|------|-------------|
| NO. | DATE | DESCRIPTION |
| | | |
| | | |
| | | |
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| | | |
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| | | |

6601



- 1. Hb. Red Linden 18 1.75"
 - 2. Hb. Red Linden 11 1.75"
 - 3. Imperial Hawthorn 15 1.75"
 - 4. Hb. Red Linden 14 1.75"
 - 5. Small Oak 5 1.75"
 - 6. Black Tupelo 6 1.75"
- 69 Trees



PLANTING SCHEDULE - PHASE 4

| LEGEND | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | REMARKS |
|----------|-----|-----|----------------|--------------|----------------------|---|
| (Symbol) | B | 13 | AUTUMN BLAZE | AUTUMN BLAZE | 1 1/2' (6) DECIDUOUS | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | G | 20 | VINHO REDDA | AUTUMN GOLD | 1 1/2' (6) DECIDUOUS | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | | | | | | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | | | | | | MULCH 12 CT |

PLANTING SCHEDULE - PHASE 3

| LEGEND | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | REMARKS |
|----------|-----|-----|--------------------|-------------|----------------------|---|
| (Symbol) | A | 6 | DIQUONIA ACUTICOMA | DIQUONIA | 1 1/2' (6) DECIDUOUS | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | P | 25 | FRAXINUS | FRAXINUS | 1 1/2' (6) DECIDUOUS | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | G | 5 | QUERCUS | QUERCUS | 1 1/2' (6) DECIDUOUS | ALONG DELAWARE DRIVE (SOUTHWEST CORNER) |
| (Symbol) | | | | | | MULCH 12 CT |

PLANTING NOTES

1. ALL TREES SHALL BE PLANTED IN THE FIELD WITHIN 14 DAYS OF THE DATE OF APPROVAL.
2. ALL TREES SHALL BE PLANTED IN THE FIELD WITHIN 14 DAYS OF THE DATE OF APPROVAL.
3. ALL TREES SHALL BE PLANTED IN THE FIELD WITHIN 14 DAYS OF THE DATE OF APPROVAL.
4. ALL TREES SHALL BE PLANTED IN THE FIELD WITHIN 14 DAYS OF THE DATE OF APPROVAL.
5. ALL TREES SHALL BE PLANTED IN THE FIELD WITHIN 14 DAYS OF THE DATE OF APPROVAL.

18. THE DEVELOPER SHALL NOTIFY THE DEPARTMENT OF REVENUE AND RESOURCES WITHIN FIVE (5) BUSINESS DAYS OF THE DATE OF THE GUARANTEE PERIOD TO SCHEDULE THE FINAL INSPECTION.

19. ALL TREES NOT EXHIBITING A HEALTHY, VIGOROUS GROWING CONDITION, AS DETERMINED BY THE CITY INSPECTOR, SHALL BE REPLACED AT THE EXPENSE OF THE DEVELOPER OR BUILDER.

20. THE CITY DETERMINES THAT REPLACEMENT OF A TREE IS REQUIRED. SUCH REPLACEMENT SHALL BE COMPLETED WITHIN 14 DAYS OF THE DATE OF THE CITY'S WRITING.

21. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

22. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

23. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

24. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

25. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

26. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

27. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

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30. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

31. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

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36. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

37. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

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40. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

41. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

42. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

43. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

44. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

45. THE DEVELOPER SHALL MAINTAIN THE GUARANTEE PERIOD FOR EACH REPLACEMENT TREE.

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

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: April 10, 2017

1. **Calendar**

See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**

See Attached

3. **Bi-Weekly Meetings**

March 21

- * Strand Board Meeting
- * Meeting with Tom Price and Barry McGraw with Soybean Association

March 22

- * 2017 IronMan Organizational Meeting
- * Pickaway to Delaware YMCA Meeting

March 27

- * Rotary Meeting
- * City Council Meeting

March 29

- * St. Mary's Open House and Tour

March 30

- * Meeting with Marty Saperstein

April 3

- * Rotary

April 4

- * Dedication of Ohio Living Sarah Moore The Rehab Suites
- * Public Works/Public Utilities Committee Meeting

April

| <i>Sun</i> | <i>Mon</i> | <i>Tue</i> | <i>Wed</i> | <i>Thu</i> | <i>Fri</i> | <i>Sat</i> |
|------------|--------------------------|---|-----------------------------------|--|------------|------------|
| | | | | | | 1 |
| 2 | 3 | 4 Public Works Public Utilities 6pm | 5 Planning 7pm | 6 | 7 | 8 |
| 9 | 10 Council 7pm | 11 Finance 4:30pm Sister City 6pm | 12 BZA 7pm cancelled | 13 | 14 | 15 |
| 16 | 17 | 18 Parks & Rec 7pm | 19 | 20 Airport Commission 7pm | 21 | 22 |
| 23 | 24 Council 7pm | 25 Shade Tree 7pm | 26 HPC 7pm | 27 | 28 | 29 |
| 30 | | | | | | |

2017

CONTRACT APPROVAL – April 10, 2017

| VENDOR | EXPLANATION OF AGREEMENT | 2017 AMOUNT | DEPARTMENT |
|----------------------------------|--|--------------------|-------------------|
| Tischler Bise | Comprehensive Study Update of City's Impact Fees | \$47,650.00 | City Manager |
| Pomeroy & Associates, Ltd. | Jegs Boulevard Extension-Preliminary Alignment | \$10,000-budgeted | Public Works |
| Renergy, Inc | Sludge Disposal | N/A | Public Utilities |
| Delaware City Board of Education | Agreement for EMS- 2017 Hayes High School Graduation | \$116.20/hr | Fire |
| Squire, Patton, Boggs, LLP | Bond Attorney Services | \$10,250.00 | Finance |
| Wide Open West | Temporary Easement for fiber optic lines | N/A | Public Works |
| Focus 3 | Focus 3 leadership training to police dept | \$11,560.00 | Police |