

**CITY OF DELAWARE
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
7:00 P.M. MEETING**

AGENDA

7:00 PM

MARCH 10, 2025

**MEETINGS WILL BE STREAMED LIVE AT CITY HALL UNDER "EVENTS" AT
www.delawareohio.net**

1. ROLL CALL

6:30 PM EXECUTIVE SESSION: pursuant to Section 121.22 (G)(3) pending or imminent court action.

2. INVOCATION by Valerie Bridegman, Methodist Theological School in Ohio Dean

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MOTION SUMMARY

- a. Approval of the Motion Summary from the City Council meeting held on February 24, 2025, as recorded and transcribed.
- b. Approval of the Motion Summary from the Joint School Board and City Council meeting held on March 3, 2025, as recorded and transcribed.

5. CONSENT AGENDA

- a. Acceptance of the Motion Summary of the Parking and Safety Committee meeting held on August 27, 2024, as recorded and transcribed.
- b. Acceptance of the Motion Summary from the Records Commission meeting held on August 29, 2025, as recorded and transcribed.
- c. Acceptance of the Motion Summary from the Civil Service meeting held on February 5, 2025, as recorded and transcribed.
- d. Acceptance of the Motion Summary from the Planning Commission meeting held on February 5, 2024, as recorded and transcribed.
- e. Resolution No. 25 -14, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT winter salt purchase contract.
- f. Establish **March 24, 2025 at 7:30 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-17, an ordinance approving a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of

Sunbury Road and Kilbourne Road as shown in Exhibit “A”.

- g. Establish **March 24, 2025 at 7:35 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-18, an ordinance approving a request by PVL Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, as shown in Exhibit “A”.
- h. Establish **March 24, 2025 at 7:40 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-19, an ordinance approving a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.
- i. Establish **March 24, 2025 at 7:45 p.m.** as the date and time for the public hearing and first reading of Resolution No. 25-15, a resolution to approve a request by M/I Homes of Central Ohio, LLC, for approval of a Development Plan for Northwood Sub-Area B Sections 1 (53 lots), 4 (32 lots), and 5 (21 lots) on 25.385 acres of property zoned A-1 PMU (Agricultural District with a Planned Mixed-Use Overlay) and located on the west side of the future Byxbe Parkway Extension within the Northwood Subdivision, as shown in Exhibit “A”.

6. **SPECIAL EMPLOYEE RECOGNITION: by Paul J. Brake**

7. **SPECIAL EMPLOYEE RECOGNITION: MICHAEL RALSTON, PUBLIC WORKS**

8. **PRESENTATION: HAYES NASA TEAM**

9. **LETTERS, PETITIONS, AND PUBLIC COMMENTS**

ATTEND AN OPEN MEETING: Open meetings are held in City Hall Council Chambers. Sign in forms to speak are available at the door. Name and address are required for public comment. Comments are limited to 3 minutes.

EMAIL, LETTER, PETITION: Emails, letters, and petitions received to the Council Clerk by 10 a.m. the date of the meeting will be presented to members and submitted into the record. These items will not be read aloud during the meeting but will be available on the website following the meeting at the end of the next business day. Name and address are required. Send to councilclerk@delawareohio.net. PLEASE NOTE SUBMISSION TIME.

10. **CONSIDERATION OF A PETITION FILED AT THE PARKING AND SAFETY COMMITTEE MEETING ON FEBRUARY 25, 2025.**

Petition filed by Andres Bell at the Parking and Safety Committee meeting held on February 25, 2025.

11. **CONSIDERATION OF LIQUOR PERMIT TRANSFER**

Consideration of a liquor license transfer from Invest in Holmes, LLC (DBA Las Miches Marisqueras) to Poblanos Family, LLC (DBA Las Miches Marisqueras) located at 77 Lake Street, 1st Floor & Patio Only, Delaware, Ohio 43015.

12. **COMMITTEE REPORTS**

13. **7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-10**

Ordinance No. 25-10, an ordinance amending Section 509.10 of the codified ordinances of the City of Delaware regarding noise.

14. **7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-11**

Ordinance No. 25-11, an ordinance amending Chapter 929 of the codified ordinances regarding refuse collection.

15. **THIRD READING OF ORDINANCE NO. 25-05 (AS AMENDED)**

Ordinance No. 25-05, an ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42. **(AS AMENDED)**

16. **THIRD READING OF ORDINANCE NO. 25-06**

Ordinance No. 25-06, an ordinance approving a request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551 acres located along Sawmill Parkway.

17. **THIRD READING OF ORDINANCE NO. 25-07**

Ordinance No. 25-07, an ordinance approving a request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road.

18. **THIRD READING OF ORDINANCE NO. 25-08**

Ordinance No. 25-08, an ordinance approving a request by Delaware Health Realty LLC, agent for the owner, to rezone 14.81 acres of land from M-1 (Light Manufacturing District) to C-PUD (Commercial Planned Unit Development) and located on the southwest corner of Glenn Road and Mill Run Crossing, further described as parcels 518-300-01-104-000 and 418-220-01-008-000.

19. **CONSIDERATION OF ORDINANCE NO. 25-16**

Ordinance No. 25-16, an ordinance supplementing the 2025 appropriation ordinance and declaring an emergency.

20. **CONSIDERATION OF ORDINANCE NO. 25-17**

Ordinance No. 25-17, an ordinance approving a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road as shown in Exhibit "A".

21. **CONSIDERATION OF ORDINANCE NO. 25-18**

Ordinance No. 25-18, an ordinance approving a request by PVL I Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, as shown in Exhibit “A”.

22. CONSIDERATION OF ORDINANCE NO. 25-19

Ordinance No. 25-19, an ordinance approving a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.

23. CONSIDERATION OF RESOLUTION NO. 25-12

Resolution No. 25-12, a resolution authorizing the installation of an all-way stop condition at the intersection of Park Avenue and South Franklin Street.

24. CONSIDERATION OF RESOLUTION NO. 25-13

Resolution No. 25-13, a resolution authorizing the City Manager or his designee to execute a LEADS information exchange agreement with the Genoa Township Police Department.

25. CITY MANAGER'S REPORT

26. COUNCIL COMMENTS

27. ADJOURNMENT



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **APPROVAL OF MOTION SUMMARY**

SUBJECT: Approval of the Motion Summary from the City Council meeting held on February 24, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
[City Council Motion Summary 02 24 2025.docx](#)

ITEM 1. ROLL CALL

Roll Call was taken at 6:31 p.m. with the following City Council members present Linsey Griffith, First Ward; Adam Haynes, Second Ward; Kevin Rider, Fourth Ward, Catlin Frazier, At-Large; Vice-Mayor Kent Shafer, and Mayor Carolyn Riggle.

Motion: Councilwoman Frazier motioned to excuse Councilman Hoffman, seconded by Vice-Mayor Shafer. Motion was approved with a 6-0-0 vote.

Motion: Vice-Mayor Shafer motioned to go into executive session, pursuant to Ohio Revised Code Section 121.22 (G)(3) pending or imminent court action, seconded by Councilwoman Frazier. Motion was approved with a 6-0-0 vote.

*Councilman Hoffman arrived at 6:34 p.m.

Staff Present: Anna Kelsey, Planning and Zoning Administrator; Adam Moore, Police Chief; Susie Daily, Chief Information Officer (downstairs); Alycia Ballone, Director of Budget, Management & Procurement; Jonathan Owen; City Engineer; Rob Alger, Finance Director; Bill Ferrigno, Public Works Director; Nic Langford, Economic Development Director; Natalia Harris, City Attorney; and Andrew Beare, Assistant City Manager

Mayor Riggle called the meeting back to order at 7:00 p.m.

ITEM 2. INVOCATION by Scott Tiede, Senior Pastor, Delaware Bible Church

ITEM 3. PLEDGE OF ALLEGIANCE

ITEM 4. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary from the regular meeting of City Council held on February 10, 2025, as recorded and transcribed.

Motion: Councilwoman Frazier motioned to approve the motion summary from February 10, 2025, seconded by Councilman Rider. Motion was approved with a 5-0-2 vote.

Motion: Councilwoman Griffith motioned to move item #6 (Letters, Petitions, and Public Comments) to item #5 and renumber the agenda, accordingly, seconded by Councilman Haynes. Motion was approved with a 5-2-0 vote.

ITEM 5. LETTERS, PETITIONS, AND PUBLIC COMMENTS

Delaware City Council

February 24

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Scott McVicker
1935 Ashburn Drive
Delaware, Ohio

Mr. McVicker shared his thoughts on Ordinance No. 24-100 and what the repeal may mean to the growth of the City.

Kyle Henry
2260 Red Barn Street
Delaware, Ohio

Mr. Henry shared his suggestions for ways to raise money for road repair.

Michael Bailly
430 Pagoda Loop
Delaware, Ohio

Mr. Bailly is one of the Directors of the HOA for Willowbrook Development. Mr. Bailly has received numerous comments against the development proposed by Ordinance No. 25-05. Mr. Bailly stated there were various noise disturbances when they neighborhood was built that people were made aware of when purchasing their homes. The new proposed amphitheater and racetrack would be additional noise that was not planned for.

Ben Kaster
242 Harmony Drive
Delaware, Ohio

Mr. Kaster spoke in favor of Ordinance No. 25-05. Mr. Kaster stated the employment a boost in the area and how teenagers could benefit by having a racetrack to drive on instead of neighborhood streets. Mr. Kaster shared his endorsement of having a educational component to encourage students to learn mechanics.

Angela Ottman
Bunty Station Road
Delaware, Ohio

Ms. Ottman shared her thoughts on Ordinance No. 25-05. Ms. Ottman questioned whether the project fits the vision of the Sawmill Parkway extension. Ms. Ottman felt the traffic pressure would be too much for the nearby two-lane roads. Ms. Ottman felt the application was too vague.

Bart Johnson, Concord Township Trustee Chairman
8142 Concord Road
Delaware, Ohio

Mr. Johnson read Resolution 25-0244-2 that the Concord Township Trustees approved in Special Meeting on February 24, 2025. The resolution included reasons for the objection of the City of Delaware's Ordinance 25-05. Mr. Johnson shared that several residents have reached out to the Trustees with concerns about the project but felt they did not have a say in the project because they live outside the city limits.

Shannon Summers
4246 Maynard Road
Delaware, Ohio

Ms. Summers shared reasons she and her family are not in favor of Ordinance No. 25-05, which included that her girls ride horses on Maynard Road and in the common areas. Ms. Summers is concerned about spooking the horses, the noise creating a disruption to the peace in the area, and pollution in the area.

Ron DeLozier
2979 South Section Line Road
Delaware, Ohio

Mr. DeLozier's property line runs the length of the proposed project. When the property was purchased, the noise from the quarry was anticipated but it also has set operational hours. The lack of information about what is going to be developed is confusing. Adding more cars to the area is not a good thing. The idea of having a Polaris Amphitheatre in the backyard is not wanted.

Jamie Ottery
4095 Maynard Road
Delaware, Ohio

Ms. Ottery is very concerned about the Daniel Hinkley project and what it could do to the neighborhood: possibly decreasing the value of homes. Ms. Ottery stated this may be a good revenue source for Delaware, but it would not be a good thing for the neighbors.

Doug Dafler
3945 Bunty Station Road
Delaware, Ohio

Mr. Dafler wanted to share his thoughts on Ordinance No. 25-05. Mr. Dafler stated he did not want this in his area due to the cost of membership to the motorsport track and the noise that is created. Mr. Dafler stated there is quite a bit of water runoff that could run through his yard from that track.

Mark Huffnagle
240 Valley Run Place
Powell, Ohio

Mr. Huffnagle spoke in favor of Ordinance No. 25-05. Mr. Huffnagle stated that he had heard that part of the project may be a couple of ice rinks for hockey. If that is the case, then there would be a lot of interest in the use of that rink.

Matt Reichardt
2322 Buttermilk Road
Delaware, Ohio

Mr. Reichardt spoke in favor of Ordinance No. 25-05. Mr. Reichardt is a hockey coach and shared that there is a shortage of 'ice sheets' in the area since the Blue Jackets came to town.

Sean Curry
3516 US 42 South
Delaware, Ohio

Mr. Curry stated that the uncertainty about what the project contained in Ordinance No. 25-05 is a source of concern. Mr. Curry felt US42 could be the perfect roadway to continue the racetrack speeds after they are finished on the actual track. Mr. Curry stated the website for RMC, which seems to be a complete idea. Mr. Curry felt the prices were too high for just anyone to use the facility.

ITEM 8. 7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-05 (AS AMENDED)

Ordinance No. 25-05, an ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42. (AS AMENDED)

The clerk read Ordinance No. 25-05 for a second time.

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the conceptual plan. The site is being asked to be rezoned to help with the overall layout of things like stormwater drainage and water retention. Details about specific sub-area will come from the Development Plan. Recommendations include a traffic impact study for the full development, full access to Sawmill Parkway being limited to curb cuts already there and other

conditions listed in the Ordinance. Staff does recommend approval the rezoning application.

Applicants:

Ed Gingher
5997 Round Tower Lane
Dublin, Ohio

Mr. Gingher, President of the Columbus Blue Jacket Youth Hockey League stated a vision started two years ago to build a facility in this area. This facility will be a total of three sheets of ice, two indoor and one outdoor with a pavilion over it. That outdoor rink can then be used in the warmer months that be used for graduations, farmer markets, outdoor concert to name a few idea.

Bruce Daniels
1329 E. Fifth Street
Columbus, Ohio

Mr. Daniels wanted to clarify some of the misconception out in public. Mr. Daniels stated that he started Honda Marysville in 2005. Mr. Daniels stated this 'racetrack' would not be a drag strip or the Daytona 500 type of track. This would be a driving park. Impact 60 was started in 2010 that started involvement with local schools to help guide interested students to get an advanced education in driving. Scholarships will be given out to those who cannot afford to attend. Maridel is a combination of the Marysville and Delaware names. There will also be other types of classes offered at the facility like cooking, financial literacy, a trade school and music classes.

The public hearing opened at 7:56 p.m.

Scott McVicker
1935 Ashburn Drive
Delaware, Ohio

Mr. McVicker stated he felt a bit surprised to see the project in this area. McVicker shared his thoughts on the rezoning and what he thought would be a better fit for the City of Delaware.

Shannon Summers
4246 Maynard Road
Delaware, Ohio

Ms. Summers stated she thought that a lot of money can make for a great presentation and when used with buzzwords sounds good. What wasn't discussed what the concerns of the residents. Ms. Summers feels the concerns are being ignored.

February 24

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Angela Ottman
Bunty Station Road
Delaware, Ohio

Ms. Ottman stated the presentation sounds good, but the investors are looking for their bottom line not the concerns of the neighborhood.

Michael Bailly
430 Pagoda Loop
Delaware, Ohio

Mr. Bailly does not object to the idea of an ice rink or a school because both are quiet and indoors. The concern is the racetrack and the noise that will be associated with it. If there was an outdoor concert how will that effect the lights so close to the airport?

Ron DeLozier
2979 South Section Line Road
Delaware, Ohio

Mr. DeLozier thanked everyone who emphasized the proximity of the property to residents. The noise pollution will be incredible. One of the main reasons for buying the property is the ability to build onto the backyard, which would be touching the subject property.

Sean Curry
3516 US 42 South
Delaware, Ohio

Mr. Curry was frustrated with the lack of knowledge before this presentation. Mr. Curry would like Buckeye Valley to be included in the school outreach, as it wasn't mentioned during the presentation.

Bart Johnson, Concord Township Trustee Chairman
8142 Concord Road
Delaware, Ohio

Mr. Johnson questioned if this was the best and highest use of this property. Mr. Johnson shared his thoughts on what types of commercial projects that could be placed there.

Kyle Henry
2260 Red Barn Street
Delaware, Ohio

Mr. Henry thought the presentation was good but no mention of the concerns on the northwest side of the city.

Donald Jolliff
4680 Maynard Road
Delaware, Ohio

Mr. Jolliff stated he heard a lot of pros and cons about this issue. Mr. Jolliff asked if anyone has talked to the local schools who may be interested in partnering with this company.

The public hearing was closed at 8:13 p.m.

Anna Kelsey went through some of the questions that were brought up during the public hearing. Ms. Kelsey wanted to remind everyone that the topic of the public hearing was not specific uses but rezoning. For that reason, the Planning Department has not discussed specific uses. This is a recent change in the zoning code in how things are brought to City Council.

Ms. Kelsey went over specific answers to questions which included traffic impact study, noise concerns, buffering, change of zoning itself, and zoning doesn't build the building. Ms. Kelsey pointed out that this project is not the Resolute Motor Sports development that came to City Council a few years ago. While the website does still exist and functions, that project is no longer occurring.

Councilman Hoffman reviewed what was discussed at the Planning Commission meeting held on February 5, 2025.

Andy Brush
503 South High Street, Suite 200
Columbus, Ohio

Brian Reynolds
2164 City Gate Drive
Columbus, Ohio

Mr. Brush addressed the concerns about sound. The details of the development plan will be forthcoming with the sound ordinance boundaries in place. There will be mounding, vegetation, and intentional building placement to negate light pollution.

Mr. Reynolds stated they are working with the engineering staff to consider the surrounding area, not just the subject property.

Mr. Brush clarified the driving school would be a 501(3)(c), which a nonprofit status. Mr. Brush stated that all the local schools would be included in the outreach. Mr. Brush stated there was an economic impact study that was given to staff. The impact would be significant.

Councilwoman Frazier wanted to clarify that the Resolute Motor Sports is not the project that is currently in process of being development. Mr. Brush stated it was not the same project.

Councilman Haynes stated there have several emails regarding this ordinance. Councilman Haynes asked questions which included the use of the definition of entertainment use in regards to noise, and what is the penalty for not obeying the noise ordinance (would the fee be worth paying for the benefit?), how to mitigate the noise in the area, and what happens if the plans fall through after the rezoning occurs? Councilman Haynes thanked everyone for being engaged with this ordinance. Attorney Harris answered the questioned regarding what the penalty would be for violations of the noise ordinance.

Ms. Kelsey explained why the zoning code was changed to the new code. A couple of years ago, the development plan would be approved along with the zoning amendment and tying the land use to the that specific development.

Mr. Rider thanked the applicants for addressing the concerns regarding the noise and lighting. Mr. Rider stated he would be tracking those two concerns. Mr. Brush stated the design was not complete yet due to the rezoning being considered. Mr. Reynolds stated they would be working with an acoustic engineer to ensure everything could be done to mitigate the sound coming from the arena. Mr. Rider expressed his concerns with traffic and parking.

Councilman Hoffman asked what the timeline may be for coming to the Planning Commission with a development plan. Mr. Reynolds stated they were already working with engineering and may be able to submit in the April or May timeframe.

Ms. Kelsey stated that a PUD would allow for a shared parking agreement with the other entities within the project zone.

Councilwoman Frazier asked if there were any plans to engage with the community. Mr. Brush responded there were plans for engagement. Their first step is to create a website with the current project outline. An effort get the Resolute Motor Sports website down to lessen any confusion in the public have not been successful.

Ordinance No. 25-05 will go to a third reading.

ITEM 9. 7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-06

Ordinance No. 25-06, an ordinance approving a request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551 acres located along Sawmill Parkway.

The clerk read Ordinance No. 25-06 for a second time.

Anna Kelsey, Planning and Zoning Administration, gave a brief presentation of the conceptual plan. Ms. Kelsey pointed out that some of the areas should be showing multi-use lines, but the current mapping system does not all those lines cross over parcel lines.

Applicant:
Mike Medvedkov
3401 Enterprise Pkwy
Beechwood, Ohio

Mr. Medvedkov thanked the council and the planning staff for working with Addison. Mr. Medvedkov stated this project is within the Olentangy School District.

The public hearing opened at 8:55 p.m.

There was no public participation.

The public hearing was closed at 8:55 p.m.

Councilman Rider shared his thoughts on the economic growth that this project would stunt. Ms. Kelsey stated that the Planning Department views this as one parcel, even though it is bisected by Sawmill Parkway. Ms. Kelsey stated that a conversation with Olentangy Schools did indicate that a school would be built nearby. Councilman Rider asked if they would consider only developing on the eastside only. Mr. Medvedkov stated that the transitional nature from residential to the school made the most sense.

Councilman Hoffman restated that the lines on the map doesn't truly represent the Southwest Focus area map as the lines are not really stopping at parcel lines.

Ms. Kelsey stated the railroad track that is nearby, already creating a separation, it was important that this side of the city was creating more of a separation.

Councilwoman asked whether the housing would be workforce or affordable housing and whether the development would be seeking a TIF. Mr. Medvedkov responded a TIF would not be sought because

there is already one in place. The proposed housing would be at market rate.

Ordinance No. 25-06 will go to a third reading.

ITEM 10. 7:25 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-07

Ordinance No. 25-07, an ordinance approving a request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road.

The clerk read Ordinance No. 25-07 for a second time.

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the conceptual plan. Staff do recommend approval.

Applicant:
Steve Fox
550 Polaris Parkway
Westerville, Ohio

Mr. Fox stated he had no additional information to provide. Mr. Fox stated this would be similar Kroger to the new Jerome Marketplace.

The public hearing opened at 9:12 p.m.

Scott McVicker
1935 Ashburn Drive
Delaware, Ohio

Mr. McVicker questioned the zoning is changing when it seems to favor the developers. Mr. McVicker questioned whether this is the best use of the land. Mr. McVicker wanted clarification about the land to be rezoned, whether it really does cross over 36/37. Ms. Kelsey clarified that the rezoning would only apply to the land on the northeast side of Mill Run Crossing.

The public hearing was closed at 9:15 p.m.

Councilman Hoffman stated the PUD rezoning was in an effort to have the project be completed without conditional uses and variances.

Ordinance No. 25-07 will go to a third reading.

ITEM 11. 7:30 PM PUBLIC HEARING AND SECOND READING
OF ORDINANCE NO. 25-08

Ordinance No. 25-08, an ordinance approving a request by Delaware Health Realty LLC, agent for the owner, to rezone 14.81 acres of land from M-1 (Light Manufacturing District) to C-PUD (Commercial Planned Unit Development) and located on the southwest corner of Glenn Road and Mill Run Crossing, further described as parcels 518-300-01-104-000 and 418-220-01-008-000.

The clerk read Ordinance No. 25-08 for a second time.

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the conceptual plan. Staff do recommend approval.

The public hearing opened at 9:20 p.m.

Colin Campbell
834 Brittany Drive
Delaware, Ohio

Mr. Campbell asked what would be done with the traffic on Glenn Road and prioritize the road conditions. Mr. Campbell was excited to see the development on the east side.

Scott McVicker
1935 Ashburn Drive
Delaware, Ohio

Mr. McVicker stated the zoning was changing from light manufacturing to commercial and thought that it was taking away of a tax base for the City.

Ben Kaster
242 Harmony Drive
Delaware, Ohio

Mr. Kaster agreed with Mr. Campbell on the maintenance of Glenn Road. Mr. Kaster thought the location of this potential long-term residential care facility was good for residents to feel more independent because they could walk to the restaurants and stores nearby.

The public hearing closed at 9:25 p.m.

Ms. Kelsey stated the maintenance of Glenn Road has been discussed with the applicants and they are to submit a peak hour traffic count.

Ms. Kelsey addressed the comment regarding the best use. An applicant came forward with a concept plan that fits the Comprehensive Plan for the area and is an appropriate use of the land. Sidewalks would be installed along the project site.

Ordinance No. 25-08 will go to a third reading.

ITEM 12. FIFTH READING OF ORDINANCE NO. 24-100 (AS AMENDED)

Ordinance No. 24-100, an ordinance repealing Section 192.081 of the Delaware Codified Ordinances. (AS AMENDED)

The clerk read Ordinance No. 24-100 for a fifth time.

Alycia Ballone, Director of Budget, Management & Procurement, stated there was information before them that was requested from Councilman Haynes.

Vice-Mayor Shafer stated it was helpful to see the numbers that are in the red to figure out how to pay for these improvements. Comparing Delaware to other nearby cities is not the same due to the amount of the percentage that goes into the general fund. Capital improvements cannot be ignored, and the city does not have many options. It would not be fiscally responsible to do nothing at this point.

Councilman Rider stated his thoughts on the disproportional taxation of certain people. There has to be another way to find a reasonable solution.

Councilwoman Frazier stated the EMS soft billing would be a band-aid measure to help with the deficit. Councilwoman Frazier still feels a restructured fire levy and a restructured policy levy would appeal better to voters.

Vice-Mayor Shafer stated he has heard from those speaking at the meeting that voters would not pass any tax increases.

Councilman Haynes stated he has been very challenged about this topic. Councilman Haynes shared his thoughts on the repeal which included, but not limited to, Delaware's challenges of also being the County seat, capital improvement costs are skyrocketing, the tax repeal could be reverse, the problem of not having enough funds to fix our roads and buildings is not going away for this sitting Council or future Council members.

Councilman Hoffman stated that we seem to be living in a time that people are not wanting to invest in government capital.

Councilwoman Griffith agreed with Councilman Haynes in the amount of time spent on thinking about this ordinance. Councilwoman shared her thoughts on the ordinance which include, but not limited to, many residents have stated that this would create hardship for them, there is a backlog of 20 years' worth of street repairs, how the residents need to have a buy in to the process, how frustrating it has been to hear of other projects that would diversify the tax base (which the residents have requested a diversity) be questioned and opposed, if another levy is being sought there has to be more information and clear information about the levy.

Mayor Riggle understands that people do not want this income tax repeal to be approved. If another levy is put out, there must be more residents that take time to understand what the levy is asking and read what is being put out by the City.

Motion: Vice-Mayor Shafer motioned to approve the amendment for Ordinance No. 24-100, seconded by Councilman Hoffman. Motion was approved with a 7-0-0 vote.

Motion: Vice-Mayor Shafer motioned to approve Ordinance No. 24-100, seconded by Councilman Hoffman. Motion failed with a 3-4-0 vote.

ITEM 13. THIRD READING OF ORDINANCE NO. 25-04

Ordinance No. 25-04, an ordinance approving an application filed by Donovan Apartments LLC, for approval of an amendment to the zoning and development text for Donovan Farms planned mixed-use overlay on 76.97 acres on property zoned R-4 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on 1723 South Section Line Road and west of South Houk Road.

The clerk read Ordinance No. 25-04 for a third time.

Ms. Kelsey had no further comments.

Motion: Councilwoman Frazier motioned to approve Ordinance No. 25-04, seconded by Vice-Mayor Shafer. Motion was approved with a 5-1-1 vote.

ITEM 14. CONSIDERATION OF ORDINANCE NO. 25-10

Ordinance No. 25-10, an ordinance amending Section 509.10 of the codified ordinances of the City of Delaware regarding noise.

The clerk read Ordinance No. 25-10 for the first time.

Bill Ferrigno, Public Works Director, stated that this is the first reading and reminded the Mayor that the consent agenda would need to be approved to set the public hearing date and time.

Public hearing will be held on March 10, 2025 at 7:15 p.m.

ITEM 15. CONSIDERATION OF ORDINANCE NO. 25-11

Ordinance No. 25-11, an ordinance amending Chapter 929 of the codified ordinances regarding refuse collection.

The clerk read Ordinance No. 25-11 for the first time.

Bill Ferrigno, Public Works Director, stated that this is the first reading and a public presentation will be held at the next meeting.

Public hearing will be held on March 10, 2025 at 7:20 p.m.

ITEM 16. CONSIDERATION OF ORDINANCE NO. 25-12

Ordinance No. 25-12, an ordinance authorizing the City of Delaware to purchase items or permitted services from the joint purchasing program of any national or state association of political subdivisions, from a list of pre-qualified competitively bid programs, or from any other governmental agency's competitively bid contract in order to achieve the best pricing for the items and permitted services, and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City, and to provide for the usual daily operation of a department or an office of the City, and as such will be in full force and effect immediately upon its passage.

The clerk read Ordinance No. 25-12 for the first time.

Alycia Ballone, Director of Budget, Management & Procurement, stated this would be a general agreement with vetted agencies for joint purchasing to speed up the purchase timeline.

Bill Ferrigno, Public Works Director, wanted to clarify that the City is not bypassing the bid process but joining other agencies who have already gone through the bid process.

Motion: Vice-Chair Shafer motioned to suspend the rules of three readings for Ordinance No. 25-12, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

Motion: Vice-Chair Shafer motioned to approve the emergency clause for Ordinance No. 25-12, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

Motion: Vice-Chair Shafer motioned to approve Ordinance No. 25-12, seconded by Councilman Hoffman. Motion was approved with a 7-0-0 vote.

ITEM 17. CONSIDERATION OF ORDINANCE NO. 25-13

Ordinance No. 25-13, an ordinance authorizing the City of Delaware to request authorization to participate in contracts of the Ohio Department of Transportation, designating the City Manager as the City of Delaware's agent, and authorizing the City Manager to bind the City to the Ohio Department of Transportation's contract terms and conditions and to assume responsibility for placing orders and vendor payments, and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the city, and to provide for the usual daily operation of a department or an office of the city, and as such will be in full force and effect immediately upon its passage.

The clerk read Ordinance No. 25-13 for the first time.

Bill Ferrigno, Public Works Director, stated this is like the other purchase program but specifically with ODOT.

Motion: Vice-Chair Shafer motioned to suspend the rules of three readings for Ordinance No. 25-13, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

Motion: Vice-Chair Shafer motioned to approve the emergency clause for Ordinance No. 25-13, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

Motion: Vice-Chair Shafer motioned to approve Ordinance No. 25-13, seconded by Councilman Hoffman. Motion was approved with a 7-0-0 vote.

ITEM 18. CONSIDERATION OF ORDINANCE NO. 25-14

Ordinance No. 25-14, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$2,000,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the City's public roadway system by constructing Byxbe Road between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances

thereto, and declaring an emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason to provide for the usual daily operation of a department or an office of the City: specifically that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely coordinate the sale of the Notes with other securities of the City and to facilitate the timely execution of one or more contracts relating to the Improvement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

The clerk read Ordinance No. 25-14 for the first time.

Rob Alger, Finance Director, stated this would allow the city to pay for our portion of Byxbe Road and purchase right-of-way.

Motion: Vice-Mayor Shafer motioned to suspend the rule of three readings for Ordinance No. 25-14, seconded by Councilman Hoffman. Motion was approved with a 5-2-0 vote.

Motion: Vice-Mayor Shafer motioned to approve the emergency clause for Ordinance No. 25-14, seconded by Councilman Hoffman. Motion was approved with a 5-2-0 vote.

Motion: Vice-Mayor Shafer motioned to approve Ordinance No. 25-14, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

ITEM 19. CONSIDERATION OF RESOLUTION NO. 25-15

Ordinance No. 25-15, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$15,500,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the municipal fire safety facilities by constructing, renovating, remodeling, furnishing and equipping a fire station, and otherwise improving the site therefor, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto, and declaring an emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason to provide for the usual daily operation of a department or an office of the City: specifically that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely coordinate the sale of the Notes with other securities of the City and to facilitate the timely execution of one or more contracts relating to the Improvement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

The clerk read Ordinance No. 25-15 for the first time.

Bill Ferrigno, Public Works Director, stated this for the renovation of the building to be Fire Station 305.

Motion: Vice-Mayor Shafer motioned to suspend the rule of three readings for Ordinance No. 25-15, seconded by Councilman Hoffman. Motion was approved with a 5-2-0 vote.

Motion: Vice-Mayor Shafer motioned to approve the emergency clause for Ordinance No. 25-15, seconded by Councilman Hoffman. Motion was approved with a 5-2-0 vote.

Motion: Vice-Mayor Shafer motioned to approve Ordinance No. 25-15, seconded by Councilman Hoffman. Motion was approved with a 6-1-0 vote.

ITEM 6. CONSENT AGENDA

a. Resolution No. 25-11, a resolution appointing members to various boards, commissions, and/or committees, and specifying the term of the appointments.

b. Establish March 10, 2025 at 7:15 p.m. as the date and time for public hearing and second reading of Ordinance No. 25-10, an ordinance amending Section 509.10 of the codified ordinances of the City of Delaware regarding noise.

c. Establish March 10, 2025 at 7:20 p.m. as the date and time for the public hearing and second reading of Ordinance No. 25-11, an ordinance amending Chapter 929 of the codified ordinances regarding refuse collection.

Motion: Vice-Mayor Shafer motioned to approve the consent agenda, seconded by Councilwoman Frazier. Motion was approved with a 7-0-0 vote.

ITEM 7. COMMITTEE REPORTS

Councilman Rider reported Parking and Safety Committee and HPC will meet this week.

Councilman Hoffman reported that the Planning Commission met and the cases were before council tonight.

Vice-Mayor Shafer reported that the Parking and Safety Committee will meet tomorrow night at 6:00 p.m.

Councilwoman Frazier reported she will be at the Parking and Safety Committee tomorrow night.

Councilman Haynes reported the Civil Service Commission will meet on March 5, 2025.

Councilwoman Griffith had no reports.

Mayor Riggle had no reports.

ITEM 20. FINANCE DIRECTOR'S REPORT

a. 2025 Impact Fee Report

Mr. Alger, Finance Director, reported on the impact fees that were collect and spent.

b. January 2025 Finance Report

Mr. Alger, Finance Director, reported income tax revenues were down for the month. Some of the issue is timing with the types of revenues collected.

ITEM 21. ASSISTANT CITY MANAGER'S REPORT

Andrew Beare wanted to thank public works, public utilities, police and fire employees for their work during the cold and snowy weather. The State of the City will be on March 20, 2025 at the Strand Theatre.

ITEM 22. COUNCIL COMMENTS

Councilman Rider had no further comments.

Councilman Hoffman had no further comments.

Vice-Mayor Shafer had no further comments.

Councilwoman Frazier wanted to thank staff for another successful Black History Month celebration; stated she would not be at the March 10, 2025 Council meeting; to make sure and encouraged the public to check their information sources for projects; reach out the city.

Councilman Haynes thanked Kyle Henry and Ben Kaster for their participation in tonight' s meeting. Councilman Haynes wanted to acknowledge Nic Langford, Economic Development, for his effort to get businesses into the City. Councilman Haynes thanked Police

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Chief Adam Moore and City Attorney Natalia Harris for coming to his AP government class to speak on their roles at the city.

Councilwoman Griffith had no reports.

Mayor Riggle apologized for missing the last meeting due to illness; thanked Councilwoman Frazier for being the MC at the Black History celebration month; commented on Bill Ferrigno's radio appearance during which he discussed the cost of removing snow from the city streets.

ITEM 23. ADJOURNMENT

Vice-Mayor Shafer motioned to adjourn the meeting at 10:20 p.m.

The meeting was adjourned at 10:20 p.m.

Mayor Riggle

Sarah Dinovo, Council Clerk



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CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **APPROVAL OF MOTION SUMMARY**

SUBJECT: Approval of the Motion Summary from the Joint School Board and City Council meeting held on March 3, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

[Joint School Board_City Council Motion Summary 03 03 2025.docx](#)

The joint meeting between Delaware City Council and the Delaware City School Board meeting held on March 3, 2025, was called to order at 7:00 p.m. and held at the Willis Educational Center. The following members of Council were present: Linsey Griffith, First Ward; Adam Haynes, Second Ward; Cory Hoffman, Third Ward (arrived at 7:00 p.m. after roll call); Kevin Rider, Fourth Ward; Catlin Frazier, At-Large; Vice-Mayor Shafer; and Mayor Riggle.

Delaware City staff present: Natalia Harris, City Attorney; Sandra Pereira, Community Development and Planning Director; Anna Kelsey, Planning and Zoning Administrator; Nic Langford, Economic Development Director; Sarah Dinovo, City Clerk; Andy Beare, Assistant City Manager; Paul J. Brake, City Manager.

Delaware City School Board Members Present: President, Melissa Harris; Vice-President Ted Backus; Janelle Gasaway, Michael Wiener, and Student Board Member, Greta Walraven.

Delaware City School representatives: Heidi Kegley, Superintendent and Jill Corwin, Treasurer.

ITEM 2. CITY OF DELAWARE UPDATE

a. Development Update

Sandra Pereira, Community Development and Planning Director and Anna Kelsey, Planning and Zoning Administrator, gave the following update:

2024 Highlights:

- 232 new single-family dwellings with occupancy
- 111 single-family dwelling under construction (as of 2/26/2025)
- 263 new multi-family/condo units with occupancy
- 658 multi-family/condo units under construction (as of 2/26/2025)

On the horizon for 2025:

- Several residential developments in the pre-development stage.
- The market is currently supporting more townhome/condo/multi-family developments.
- Exciting new commercial developments and industrial site expansions in the pipeline.

Southeast Focus Area Plan:

- 3,000-acre study area.

- Opportunity for the City of Delaware to prepare for future annexations in the southeast and have a plan for managed growth.
- Major focus on needs for institutional facilities (school fields, etc.), regional infrastructure (future Glenn Parkway extension), amenities (regional park), housing.
- The plan will go before the Planning Commission on March 5th and City Council on March 10th for approval. Once approved, staff anticipates several applications for rezoning amendments on recently annexed land for a variety of residential uses.

ITEM 3. DELAWARE CITY SCHOOL DISTRICT UPDATE

Heidi Kegley, DCS Superintendent, gave the following updates:

- The district has achieved several awards including:
 - Hayes High School being named one of the best high schools by U.S. News and World Reports for 2023
 - State Report Card rating of 4.5 (exceeds state standards)
 - Being named a Purple Star School for supporting military families
 - Most recently, members of the NASA app development team were notified that they had become a finalist in the international competition.
- The district received a State of Ohio CTE Grant for \$1,026,817 which jumpstarted the career pathways program. This grant provided equipment, materials and professional development for the creation of 3 Career Exploration Labs at Dempsey Middle School and Hayes High School. The labs include Advanced Manufacturing (Engineering, Manufacturing, Robotics), Teacher Academy (K-12 classroom teachers, PK-12 instructional paraprofessionals), and Health Sciences (Nursing/STNA, Exercise Sciences).
- There are several community partnerships including Ohio Wesleyan University, Columbus State Community College, PPG, City of Delaware, Delaware Chamber and AEP to name a few.

Jill Corwin, DCS Treasurer, gave the following updates:

- Moody's Investor Services upgraded credit rating to Aa2
- Auditor of State Award with Distinction
- Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for its Annual Comprehensive Financial Report for the Fiscal Year Ended June 20, 2023.
- The state's inability to fully implement the fair school funding formula cost the district more than \$5 million dollars last fiscal year.

- DCS is heavily reliant on local taxes as the primary source of school funding, with over 63% of our funding coming from residents of our District.

A discussion about how the fair funding formula is supposed to be helping schools and how the short fall affects the district. The last costs updates were done in 2022.

Heidi Kegley, DCS Superintendent, gave the following facility updates:

- Current enrollment is 5,690
- Projected enrollment in 2034 is 6,426
- There are several elementary schools that are full
- District facilities are aging, and renovations/modernization are needed in many areas of the schools
- Academic and collaboration spaces are needed
- Athletic facilities/performing art spaces need improvements and expanded to accommodate current programming
- The district had to defer many maintenance projects and replacement of buses/curriculum items due to lack of available funds
- There will most likely be a permanent improvement levy for the schools placed on the November ballot

A discussion including but not limited to the following topics occurred: about the cost/benefit analysis for residential building going forward, how having a comprehensive plan helps steer development, if the schools would redistrict to balance out classrooms, education for residents about annexations and school districts, how the lack of housing availability drive up prices, how many families are combining households because of mortgage/rent rates, how to make development financing look different, affordable housing, how the city looks for projects to develop, and if the school and city could partner in lobbying for each other's levy.

Councilwoman Griffith left at 8:45 p.m.

ITEM 4. OTHER DISCUSSION

ITEM 5. ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting at 8:48 p.m.

The meeting was adjourned at 8:48 p.m.

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Mayor Riggle

Sarah Dinovo, Council Clerk



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CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Acceptance of the Motion Summary of the Parking and Safety Committee meeting held on August 27, 2024, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

[August 27, 2024 Parking and Safety Motion Summary.pdf](#)

**PARKING AND SAFETY COMMITTEE
MOTION SUMMARY
AUGUST 27, 2024**

ITEM 1. ROLL CALL

Chairman Shafer called the Parking and Safety Meeting to begin at 6:00 p.m.

Members Present: Councilman Kevin Rider and Chairman Kent Shafer

Motion: Mr. Rider motioned to excuse Ms. Frazier, seconded by Vice-Mayor Shafer.

Staff Present: Adam Moore, Police Chief; Bill Ferrigno, Public Works Director/City Engineer; Tim Pyle, Fire Chief, and City Manager Paul Brake.

ITEM 2. APPROVAL OF THE MOTION SUMMARY

Approval of the Motion Summary of the Parking and Safety Committee meeting held February 27, 2024, as recorded and transcribed.

Motion: Mr. Rider motioned to approve the Motion Summary of the Parking and Safety Committee meeting held February 27, 2024, seconded by Vice-Mayor Shafer.

ITEM 3. PUBLIC COMMENT

Tricia Ward
876 Broadview Chase Drive
Delaware, Ohio

Ms. Ward expressed that there have been issues with Broadview Chase Drive even when Park Vista Drive was not fully constructed; drivers would move the cones at the end of Broadview Chase Drive to access Park Vista Drive. Since the road has been constructed (Broadview and Park Vista) there have been incidences of speeding, mailboxes being run over, and people running stop signs.

Janet Chittock
870 Broadview Chase Drive
Delaware, Ohio

Ms. Chittock stated he is a long-term resident of Delaware. Ms. Chittock stated she thought Broadview Chase Drive was worse than the traffic she experienced living in Los Angeles. There are construction traffic using Broadview Chase Drive. Many cars do not use the stop signs, cars and school buses speed

through the neighborhood. Ms. Chittock suggested several improvements for Broadview Chase Drive.

Chad Richardson
230 Cambridge Road
Delaware, Ohio

Mr. Richardson stated he is a long-term resident of Delaware. Mr. Richardson would like to see Merrick Blvd. connected sooner than later. There are many construction trucks using the residential streets. There are too many little kids on these streets to have this type of traffic and number of cars to not try to direct traffic elsewhere.

Christine Bertolo
233 Cambridge Road
Delaware, Ohio

Ms. Bertolo stated when she first moved onto Cambridge Road, it was quiet. In the past two years it has become a nightmare. Ms. Bertolo stated she can no longer back out of her driveway without having someone already tailgating her. Drivers do not stop at Merrick Blvd. Electric scooters are also an issue because of how fast they move and how quiet they are when being used.

Tim Ponstingle
882 Broadview Chase Drive
Delaware, Ohio

Mr. Ponstingle stated he couldn't add anymore to the statements already made but likes an idea that Ms. Chittock suggested (putting in a cul-de-sac on Broadview Chase Drive). Mr. Ponstingle stated he would like to get what he paid for.

Roxanne Richardson
230 Cambridge Road
Delaware, Ohio

Ms. Richardson echoed the statements made by her neighbors. Ms. Richardson stated that she had a very close call with a car while running in the neighborhood. Ms. Richardson went to process at the cross walk at the stop sign, the car did not stop, only looking to the left when turning right from the stop sign and seemingly not noticing her in the crosswalk. Ms. Richardson was able to put her hand on the car and make herself known. Ms. Richardson stated Merrick Blvd. should have been built to be used as the artery to move traffic off of Troy Road. Ms. Richardson stated that Tom Homan promised that Merrick Blvd. would be built; there should have been a caveat to the new apartments being built that Merrick would be finished first. There could be

short-term mitigations in place to at least slow down traffic or use three-way stop signs.

Meiry Arauso
491 Park Vista Drive
Delaware, Ohio

Ms. Ruzo stated she can see from her home how fast people travel through the neighborhood. There is a playground near her home which is on a curve, so the line of sight is now clear if moving too fast.

Mark Sferrella
226 Cambridge Road
Delaware, Ohio

Mr. Sferrella stated he has walked the portion of Merrick Blvd. that is finished and saw that most of the one-story builds are nearing completion. No one wants to see an accident of any sort on the street they live on.

Andres Bell
887 Broadview Chase Drive
Delaware, Ohio

Ms. Bell echoed the sentiments of her neighbors. Ms. Bell gave a petition to the City Council clerk with signatures from residents on Broadview Chase Drive, Cambridge Road, Parkview Vista Drive and Seatrain Drive to 'request that the City of Delaware, Ohio, implement effective traffic calming measures to reduce excessive vehicle speeds and unsafe traffic volumes. These measures are essential to protect the safety of our children, cyclists, motorists, and all residents'. Ms. Bell isn't sure that once Merrick Blvd. is finished, patterns will change.

Chad Richardson
230 Cambridge Road
Delaware, Ohio

Mr. Richardson stated he and his wife are looking to move because of the unsafe traffic conditions in the neighborhood.

Vice-Mayor Shafer thanked everyone for their comments and asked the City Engineer, Bill Ferrigno if he had any responses to the concerns.

Mr. Ferrigno stated he use to live in that neighborhood, so he is familiar with it and sympathize with the changes that are occurring. Merrick Blvd. is in the process of being designed. Merrick Blvd. has been in the plans to be built for 20 years and without a passing levy, this had to be put on the back burner.

Typically, homes are built before roads through the neighborhood are completed. The plan is to bid out that project by the end of 2025 or early 2026, finishing in a year from the start. The developer is contributing part of the cost, as well TIF dollars designated to infrastructure. Merrick Blvd. will eventually extend to US23. The speed feedback signs have been put back up on Park Vista. Stop signs are not necessarily effective. Staff will continue to look for short-term ways to help traffic.

Roxanne Richardson (230 Cambridge Road) stated that she full heartedly disagrees with the statement made by Mr. Ferrigno that neighborhoods are built before streets are completed. Ms. Richardson asked for a timeline of the short-term mitigations and why there was a stop sign added at Ablemarle Circle and Cambridge Road if stops signs are not effective ways to slow down traffic? Mr. Ferrigno rephrased his response to arterial roadways, saying they are not constructed from one end to the other while a neighborhood is being built; they are instead built in phases. Mr. Ferrigno stated the short-term mitigation discussions will start very soon. Mr. Ferrigno restated the Merrick Blvd. timeline.

Vice-Mayor Shafer stated the concerns are heard and weighed seriously. Unfortunately, no answers can be provided this evening.

Police Chief, Adam Moore, stated there are unique factors to this neighborhood but not unique to the city. Officers do enforce traffic violations when they are seen. Chief Moore wanted to share that officers do respond to over 1200 accidents a year. As a young officer, Chief Moore spent time patrolling on Hull Drive and over the many years since the road was constructed, volume has been an issue on that road. What has been noticed over the number of traffic studies is that a police presence does not deter volume.

Vice-Mayor Shafer asked Councilman Rider, who is an expert in the field of traffic and accidents to weigh in with his thoughts. Mr. Rider shared some ideas he had that might or might not be short-term fixes as having no parking signs so many feet from the playground on Park Vista Drive to keep the line of sight open around the curve and to close off (stump) the opening of Cambridge Road at Merrick Blvd.

Vice-Mayor Shafer agrees that rolling stops through a stop sign needs to be ticket. Sometimes seeing someone else getting a ticket is enough of a deterrent for others. The construction traffic needs to be addressed immediately.

Mr. Rider asked what kind of enforcement can be made for the construction traffic. Chief Moore stated the signs for construction traffic needs to be more than advisory signs. The sticking point comes in when there is a sign posted for no thru trucks, which is meant for construction trucks in this instance but can be read as any trucks so deliveries are not made (furniture/appliance trucks).

Christine Bortolo (233 Cambridge Road) agreed with a stump idea but suggested a stop sign coming from the south at Seatrain Drive and Cambridge Road.

Janet Chittock (870 Broadview Chase Drive) wanted to describe the strips that she suggested using on the roadway. The strips are removable to allow for the snowplow trucks to do their job. It may be enough of a deterrent for people to change their driving habits if not the route they take.

Andres Bell (887 Broadview Chase Drive) stated she has read the traffic calming guide for the city. Ms. Bell would like the solutions in the guide to be used. Ms. Bell wanted someone to speak to the calming guide. Mr. Rider stated the calming guide are more planning and design and not already existing streets.

ITEM 4. DISCUSSION AND RECOMMENDATION

- a. Discussion of Alternative Transportation (bikes, scooters, e-bikes, etc.) and the use of streets, sidewalks, and multi-use paths.

Chief Moore stated he learned a new term for these types of vehicles: micro transit from the new City Manager. There have been several questions and complaints in the last several months regarding these types of vehicles. The city code is behind in this matter. Essentially a deep dive into this topic will need to happen due to the complexity of the types of vehicles, the types and locations of the pathways (multi-use paths, sidewalks, bike paths that may be on public right-of-way or may be on private parcels).

Chief Moore would like to have a discussion with the Committee about this topic. The discussion included but not limited to bicycles on the sidewalk, motorized bicycles, and slow-moving vehicles (side-by-sides, go carts). Chief Moore stated education is the best form of a deterrent.

City Engineer Ferrigno echoed Chief Moore's observations about education and parents watching their children on small bicycles, electric cars, electric scooters. Unfortunately, it is not just young children but teenagers and young adults who are not educated about the rules of the road/sidewalk.

- b. Discussion/Update on Police Department's Flock Public Safety Camera Project

Chief Moore gave a brief presentation of the Public Safety Camera Program. These cameras read the license plate numbers, gives the make, model and color of the car, time stamps when the vehicle has passed by, gives the type of plate posted (standard vs. temporary), and notes any type of damage or alternations to the vehicle. That information becomes a searchable database.

The information can be used to match descriptions of vehicles with an Amber or Silver Alert or an active warrant. There will be a transparency policy when this system goes into effect. The policy would state what the Flock Safety technology would and would not be used for. After the discussion tonight, and after an agreeable committee, the goal is to bring a contract to City Council to get this implemented.

ITEM 5. STAFF COMMENTS

Staff had no other comments.

ITEM 6. COMMITTEE COMMENTS

Committee members had no other comments.

ITEM 7. ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting at 7:35 p.m. .

The Parking and Safety Committee Meeting adjourned at 7:35 p.m.



Kent Shafer, Chairman



Sarah Dinovo, Clerk



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Acceptance of the Motion Summary from the Records Commission meeting held on August 29, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
[20240829 Record Commission Motion Summary.pdf](#)

**RECORDS COMMISSION
MOTION SUMMARY
AUGUST 29, 2024**

ITEM 1. Roll Call

Commissioner Harris called the meeting to order at 1:00 p.m.

Members Present: Rob Alger, Finance Director; Natalia Harris, City Attorney; Commissioner, Leslie Joiner, and Paul Brake, City Manager

Staff Present: Jessica Feller, Administrative Services Department Director

ITEM 2. ELECTION OF VICE-CHAIRPERSON

Commissioner Harris nominated Commissioner Joiner to serve as Vice-Chairperson.

Motion: Commissioner Harris motioned to elect Commissioner Joiner to serve as Vice-Chairperson, seconded by Commissioner Alger. A voice vote was called. All voted Aye.

ITEM 3. APPROVAL OF MOTION SUMMARY

- A. Approval of the Motion Summary for the Records Commission meeting held on December 27, 2023, as recorded and transcribed.

Motion: Commissioner Harris motioned to approve the Motion Summary of the Records Commission meeting from December 27, 2023, seconded by Commissioner Alger. A voice vote was called. All voted Aye.

ITEM 4. REVIEW AND DISCUSSION

- a. Review of the proposed changes to the current schedule of retention and disposition for the Finance Department.

Commissioner Harris explained the procedure for going over the proposed changes.

Commissioner Alger, Finance Director, stated the changes are due to the using a new system for reporting, therefore making the strikethroughs on the current schedule antiquated. The items that will be removed will have strikethroughs as well as the ones to be renamed (new names stated). Brand new retention schedules will have a beginning number of 24 number and will be in all bold and all caps. This is the same throughout all the proposed Finance retention schedules.

Motion: Commissioner Harris moved to approve the proposed changes to the Finance Department retention schedule, seconded by Vice-Chair Joiner. A voice was called. All voted Aye.

- b. Review of the proposed changes to the current schedule of retention and disposition for the Finance Department-Income Tax Division.

Commissioner Alger, Finance Director stated the new items will have a schedule number starting with 24 and will be in all bold and all caps. Any of the deletions will have a strikethrough thru it due to the implementation of scanning the items.

Motion: Commissioner Harris moved to approve the proposed changes to the Finance Department-Income Tax Division retention schedule, seconded by Vice-Chair Joiner. A voice was called. All voted Aye.

- c. Review of the proposed changes to the current schedule of retention and disposition for the Finance Department-Finance & Utility Billing Divisions.

Commissioner Alger, Finance Director, stated the new items will have a schedule number starting with 24 and will be in all bold and all caps. Any of the deletions will have a strikethrough thru it due to the implementation of scanning the items.

Commissioner Harris asked what the difference for the retention of checks and credit card receipts. Commissioner Alger stated the hard copies of checks are kept for ninety days to answers any questions from the bank and the maker of the check. There is an electronic version that is kept.

Motion: Commissioner Harris moved to approve the proposed changes to the Finance Department-Income Finance & Utility Billing Divisions retention schedule, seconded by Vice-Chair Joiner. A voice was called. All voted Aye.

- d. Review of the proposed changes to the current schedule of retention and disposition for the Department of Administrative Services.

Ms. Feller, Administrative Services Department Director, went over each change with the Department of Administrative Services.

Motion: Commissioner Harris moved to approve the proposed changes to the Department of Administrative Services retention schedule, seconded by Vice-Chair Joiner. A voice was called. All voted Aye.

ITEM 5. MEMBER COMMENTS

Commissioner Alger commented that he will be better prepared next year.

Commissioner Harris congratulated Commissioner Joiner on her appointment as Vice-Chair.

Commissioner Joiner thanked everyone for the nomination.

ITEM 6. NEXT MEETING DATE: To be established

Commissioner Brake asked about the requirements for a meeting. Commissioner Harris responded by ORC this commission needs to meet every six months, but if an item of business is brought forward and a meeting is needed before that time one can be scheduled.

ITEM 7. ADJOURNMENT

Motion: Commissioner Harris moved to adjourn the Records Commission meeting, seconded by Vice-Chair Joiner. The Records Commission meeting adjourned at 1:14 p.m.



Chair



Clerk



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Acceptance of the Motion Summary from the Civil Service meeting held on February 5, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

[20250205 Motion Summary.pdf](#)

**CIVIL SERVICE COMMISSION
MOTION SUMMARY
FEBRUARY 5, 2025**

ITEM 1. ROLL CALL

Chairman Rybka called the meeting to order at 3:30 p.m. in the Hook & Ladder Conference Room

Members Present: Chairman John Rybka, Vice-Chair Mary Jane Santos and Mark Hurley

Staff Present: Councilman Adam Haynes; Chief Adam Moore, Delaware Police Department; Chief Tim Pyle, Delaware City Fire Department; Whitney Faust, Human Resources Specialist; and City Attorney Natalia Harris

ITEM 2. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary from the regular Civil Service Commission meeting held on January 8, 2025, as recorded and transcribed.

Motion: Vice-Chair Santos motioned to accept and approve the Motion Summary from the January 8, 2025 meeting, seconded by Chairman Rybka. Motion was approved by a 2-0-1 vote.

ITEM 3. PUBLIC COMMENT

There was no public participation.

ITEM 4. DISCUSSION AND RECOMMENDATION

a. February 2025 Police Certified List

Chairman Rybka gave a brief description of the changes to the list. Chief Moore concurred with Chairman Rybka's synopsis. Chief Moore recommended approval of this list. Chief Moore stated there will be 55 of the allotted 60 employees on the payroll by the end of this month. The process in place is working well.

A quick discussion of recruitment in other areas occurred. Chief Moore stated a strong recruitment tool the City of Delaware has is a high level of community support.

Motion: Commissioner Hurley motioned to accept and approve the February 2025 Police Certified List as presented, seconded by Vice-Chair Santos. Motion was approved with a 3-0-0 vote.

ITEM 5. STAFF COMMENTS

Staff no further comments.

ITEM 6. COMMISSIONER COMMENTS

Chairman Rybka asked Chief Moore about the outcome of the levy failure about his budget. Chief Moore replied that there is still an ordinance before City Council that is related to the failure of the levy so final decisions have not been made.

ITEM 7. ADJOURNMENT

Motion: Chairman Rybka motioned to adjourn the Civil Service Commission meeting at 3:39 P.M.

The meeting was adjourned at 3:39 P.M.



John M. Rybka, Chairman



Sarah Dinovo, Clerk



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Motion Summary

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Acceptance of the Motion Summary from the Planning Commission meeting held on February 5, 2024, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

[20250205 Motion Summary.pdf](#)

**PLANNING COMMISSION
MOTION SUMMARY
FEBRUARY 5, 2025**

ITEM 1. Roll Call

Vice-Chair Hoffman called the meeting to order at 6:30 p.m.

Members Present: Cory Hoffman (arrived at 6:48 p.m.), Dean Prall, Dustin Nanna, Paul Stelzer, George Stroud and Stacy Simpson

Members Absent: Josh Cross

Staff Present: Jonathan White, Development Planner; Anna Kelsey, Planning and Zoning Administrator; David Gentile, Development Planner; Carrie Fortman, Project Engineer; Nic Langford, Economic Development Director; Sandra Pereira, Planning & Community Development Director and Andrew Beare, Assistant City Manager

Motion: Commissioner Stelzer motioned to excuse Commissioner Cross, seconded by Commissioner Nanna. Motion was approved with a 5-0-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of the Planning Commission meeting held on January 15, 2025, as recorded and transcribed.

Motion: Commissioner Nanna motioned to approve the Motion Summary of the Planning Commission meeting held on January 15, 2025, seconded by Commissioner Stelzer. Motion was approved with a 5-0-0 vote.

ITEM 3. REGULAR BUSINESS

A. ZONING AMENDMENTS

1. PUD 25-1: A request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42, further described as parcels 419-230-01-031-000, 419-230-01-030-000, 419-230-01-030-001, 419-230-01-028-000, 419-230-01-026-000, 419-230-01-025-000, 419-230-01-024-000, and 419-230-01-022-000.

a. Staff Presentation

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the rezoning application, what zoning amendments approve, the conceptual plan and the recommended conditions of the application. Staff recommends approval with all conditions.

Commissioner Prall shared his concerns with the types of uses allowed in the rezoning area.

b. Applicant Presentation

Brian Reynolds
2164 City Gate Drive
Columbus, Ohio

Mr. Reynolds stated he did not have any additional information for the Commission.

Commissioner Nanna shared some of the information that was put out on the internet for a specific use. Mr. Reynolds stated he looked forward to having those kinds of conversations with staff once more information for each of the subareas was available. Mr. Reynolds stated he would more than likely be back with each subarea separately.

Commissioner Prall asked if residential housing in this area was allowed. Ms. Kelsey stated that is was not allowable.

c. Public Hearing

The public hearing was opened at 6:45 p.m.

Angela Ottman
Bunty Station Road
Delaware, Ohio

Ms. Ottman shared the letter of intent stated it would be a motor sports park and feels the noise would be too much for her nearby farm and may be cause for hearing loss.

Ron DeLozier
2979 S. Section Line Road
Delaware, Ohio

Mr. DeLozier wanted to know what the setbacks on subsection F would be because that abuts his property. Mr. DeLozier also have livestock and feels the noise would be too much if allowed until 11:00 p.m. Mr. DeLozier stated the notification letter that was mailed out had incorrect information on it

(from the date of the meeting to the time that email public comments were allowed to be taken).

Trent Ottery
4095 Maynard Road
Delaware, Ohio

Mr. Ottery stated he lives in a neighborhood that has horses and is concerned about the noise from the racetrack. Mr. Ottery does not feel this is the best use of this property. Mr. Ottery also felt the membership fees were too high for those who live in the area and would be utilized by others living outside Delaware.

Chris Bradley
2039 Pittsburg Drive
Delaware, Ohio

Mr. Bradley stated he is the development business. Mr. Bradley thought the rezoning was premature because of a lack of information and transparency about a development plan.

The public hearing closed at 6:55 p.m.

d. Commission Discussion

Commission Nanna thanked those who spoke during the public hearing. Mr. Nanna restated that the zoning code had changed and that was the reason a fully developed plan was not presented at the meeting. Mr. Nanna encouraged everyone to stay engaged in the process.

Emails received from:
Sara Curry
Todd Nichols
John Farrell
Ron and Camille DeLozier
Amy Biondi-Huffman

Vice-Chair Hoffman apologized for his tardiness to the meeting.

A discussion occurred regarding why the new zoning code allows for better rezoning types, if the proposed uses fits the innovative business campus, why the applicant submitted the rezoning the way it is being presented, and what a motor sports way (if that ends up what subarea F would end up being) may entail.

Ms. Kelsey stated the different ways the public could be notified about public hearing and/or find out information about specific planning projects that are currently happening. Ms. Kelsey addressed some of the concerns raised during the public hearing.

Questions were asked about the noise and how that could be managed. Ms. Kelsey provided what items would be double checked in keeping with the City's sound ordinance.

A conversation about the map and the different types shown occurred. Sandra Pereira stated the subareas do not start and stop at parcel lines as indicated on the map. A feature is being worked out to allow the subareas to be reflected accurately.

e. Commission Action

Motion: Vice-Chair Hoffman motioned to approve PUD 25-1 with all staff conditions, seconded by Commissioner Stroud. Motion was approved with a 5-1-0 vote.

Ms. Kelsey reviewed the next steps for final rezoning approval.

2. PUD 25-2: A request by Addison Properties for approval of a rezoning amendment from A-1 (Agricultural), located in the Southwest Overlay, to R-PUD (Residential Planned Unit Development) on 141.551 acres on the east and west side of Sawmill Parkway, further described as parcels 419-240-01-049-000, 419-240-01-047-000, 419-240-01-048,000, and 419-240-01-050-000.

1. Staff Presentation

Jon White, Development Planner, gave a brief presentation of the rezoning application, the conceptual plan and the recommended conditions of the application. Staff recommends approval with all conditions.

A discussion occurred about the type of use for this project, the layout and density of the proposed project.

2. Applicant Presentation

Mike Medvedkov
3401 Enterprise Pkwy
Beechwood, Ohio

Mr. Medvedkov pointed out that the land use was based off adjacent property, which is owned by the Olentangy Local School District. The

adjacent property may become a future school site so the housing would be a good fit.

A discussion about the appropriate school district associated with the proposed project and adjacent property.

3. Public Hearing

The public hearing was opened at 7:41 p.m.

There was no participation.

The public hearing was closed at 7:41 p.m.

Ms. Pereira wanted to point out that this case is only one parcel, although it is split by Sawmill Parkway.

4. Commission Discussion

The commission and applicant discussed the school districts lines.

5. Commission Action

Motion: Commissioner Nanna motioned for approval of PUD 25-2 with all staff conditions and recommendations, seconded by Commissioner Prall. Motion was approved with a 6-0-0 vote.

3. PUD 25-3: A request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road, further described as parcel number 518-300-011-05-000.

a. Staff Presentation

David Gentile, Development Planner, gave a brief presentation of the rezoning application, the conceptual plan and the recommended conditions of the application. Staff recommends approval with all conditions.

b. Applicant Presentation

Steve Fox
550 Polaris Parkway
Westerville, Ohio

Mr. Fox had no further comments.

c. Public Hearing

The public hearing was opened at 7:59 p.m.

There was no public participation.

The public hearing was closed at 7:59 p.m.

d. Commission Discussion

There was no further discussion.

e. Commission Action

Motion: Commissioner Nanna motioned to approve PUD 25-3 with all staff conditions and recommendations, seconded by Commissioner Prall. Motion was approved with a 6-0-0 vote.

4. PUD 25-4: A request by Delaware Health Realty, LLC for approval of a rezoning amendment from B-3 (Community Business District) and M-1 (Light Manufacturing District) to C-PUD (Commercial Planned Unit Development) on 14.81 acres on the southwest corner of Mill Run Crossing and Glenn Road, further described as parcel 518-300-01-104-000 and part of parcel 418-220-01-008-000.

a. Staff Presentation

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the rezoning application, the conceptual plan and the recommended conditions of the application. Staff recommends approval with all conditions.

A conversation about the condition of Glenn Road and when/if improvements would be made.

b. Applicant Presentation

Scott Bickley
450 Grant Street
Akron, Ohio

Mr. Bickley thanked the staff for their help.

c. Public Hearing

The public hearing was opened at 8:09 p.m.

Gerald Glenn
3549 SR 521
Delaware, Ohio

Mr. Glenn expressed his concern with the drainage field tile in the parcel being disturbed or destroyed.

The public hearing was closed at 8:13 p.m.

d. Commission Discussion

There was no further discussion.

e. Commission Action

Motion: Commissioner Nanna motioned for approval of PUD 25-4 with all staff conditions and recommendations, seconded by Commissioner Prall. Motion was approved with a 5-0-1 vote.

PLATS

1. S 25-1: A request by RaceTrac, Inc. for approval of a final plat for the purpose of dedicating new public right-of-way and a drainage easement on 2.966 acres of property zoned B-3 (Community Business District) on parcels 518-300-01-118-000 and 518-300-01-118-001 located directly north of Davidson Lane.

a. Staff Presentation

David Gentile gave a brief presentation on the proposed plat. Staff recommends approval.

b. Commission Discussion

Members of the commission commented on the length of which this project has moved. Carrie Fortman, Project Engineer, mentioned there was a lot of coordination and input with township, county and ODOT officials.

c. Commission Action

Motion: Commissioner Nanna motioned to approve S 25-1 with the conditions presented at the Planning Commission meeting on February 5, 2025, seconded by Commission Stelzer. Motion was approved with a 6-0-0 vote.

2. S 25-2: A request by the City of Delaware for approval of a final plat for Boulder Park for the purpose of creating a new lot on 31.688-acres of property zoned R-3 PRD (One-Family Residential District with a Planned Residential District) and located on parcel 519-330-02-033-004.

a. Staff Presentation

Jon White gave a brief presentation on the proposed plat. Staff recommends approval.

b. Commission Discussion

There was no further discussion.

c. Commission Action

Motion: Commissioner Prall motioned to approve S 25-2 with all staff conditions, seconded by Commissioner Nanna. Motion was approved with a 5-0-0 vote.

Vice-Chair Hoffman recused himself.

ITEM 4. PLANNING DIRECTOR'S REPORT

Ms. Pereira stated the final Open House for the Southeast Focus Plan will be held at Olentangy Berlin Middle School from 6-7:30 on February 13, 2025. That plan should be before the Planning Commission at the March meeting.

Included with the packet was a link with the first final draft of the zoning code. That will be before commission in April. Missing from the draft is the sign code update, which the consultant is still working on. Anna did include a sign code audit for your review.

Ms. Pereira introduced Nic Langford, Economic Development Director.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Commissioner Nanna wanted to clarify where the link was located for the proposed zoning updates.

Commissioner Stroud thanked staff for their work.

Commissioner Prall reminded everyone that he will not be at the next meeting but has reviewed the zoning code update.

Commissioner Stelzer is looking forward to future conversations about the first case that was heard tonight.

Vice-Chair Hoffman shared his thoughts on the new zoning code. Mr. Hoffman thanked staff for doing their jobs so well and wanted them to know they are appreciated. Mr. Stroud echoed his appreciation for staff.

Chairman Simpson echoed his appreciation for public employees.

ITEM 6. NEXT MEETING: March 5, 2025

ITEM 7. ADJOURNMENT

Motion: Chairman Simpson moved for the Planning Commission meeting to adjourn at 8:37 p.m.

The meeting was adjourned at 8:37 p.m.



Chairperson



Sarah Dinovo, Council Clerk



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Bill Ferrigno, Public Works

ITEM TYPE: Resolutions

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Resolution No. 25 -14, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT winter salt purchase contract.

SUGGESTED ACTION:

ATTACHMENTS:

[Fact Sheet Res ODOT Salt Contract 25-26.docx](#)

[Resolution 25-14 ODOT Salt Contract 2025-26.doc](#)



FACT SHEET

AGENDA ITEM NO: consent item 'e'

DATE: 03/10/2025

ORDINANCE NO:

RESOLUTION NO: 25-14

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT.

BACKGROUND:

The City must participate in a cooperative purchasing agreement to obtain road salt for winter snow and ice management operations within the city. Participation in ODOT's winter salt contract guarantees an adequate supply of highway road salt. Salt is available through the program from September 1, 2025, through April 30, 2026, and at a competitive price through ODOT's public bid process. Participation provides access to up to 2,000 tons of road salt.

REASON WHY LEGISLATION IS NEEDED:

Resolution and signed agreement required by ODOT to participate in the program

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

Anticipate a supplemental appropriation will be required to cover the final cost of purchasing road salt in combination with approved funding for 2025.

POLICY CHANGES:

This is the tenth year the City has participated in ODOT's winter salt program.

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

RESOLUTION NO. 25 -14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT

WHEREAS, the City of Delaware is responsible for operating and maintaining public highways within the corporate limits of the City; and

WHEREAS, the Ohio Department of Transportation invites all local governments and political subdivisions to partner with ODOT for the cooperative purchase of road salt through Winter Contract; and

WHEREAS, being a member of the State Cooperative Purchasing Program, the City of Delaware is eligible to participate in the ODOT program; and

WHEREAS, participation in the cooperative bidding and purchasing with ODOT will most likely ensure the best possible price and a reliable source of availability for road salt for the 2025-2026 winter seasons.

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

SECTION 1. That the City Manager is hereby granted authority to participate in the Ohio Department of Transportation Winter contracts for road salt and sign agreements as required.

SECTION 2. That the City Manager is hereby authorized to agree to and be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3. That the City Manager is hereby authorized to agree to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Delaware participates, for items it receives pursuant to the contract.

SECTION 4. That the City of Delaware agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Delaware agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Delaware may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Establish **March 24, 2025 at 7:30 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-17, an ordinance approving a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road as shown in Exhibit "A".

SUGGESTED ACTION:

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Establish **March 24, 2025 at 7:35 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-18, an ordinance approving a request by PVL I Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, as shown in Exhibit “A”.

SUGGESTED ACTION:

ATTACHMENTS:



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CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Establish **March 24, 2025 at 7:40 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-19, an ordinance approving a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.

SUGGESTED ACTION:

ATTACHMENTS:



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CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Resolutions

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: Establish **March 24, 2025 at 7:45 p.m.** as the date and time for the public hearing and first reading of Resolution No. 25-15, a resolution to approve a request by M/I Homes of Central Ohio, LLC, for approval of a Development Plan for Northwood Sub-Area B Sections 1 (53 lots), 4 (32 lots), and 5 (21 lots) on 25.385 acres of property zoned A-1 PMU (Agricultural District with a Planned Mixed-Use Overlay) and located on the west side of the future Byxbe Parkway Extension within the Northwood Subdivision, as shown in Exhibit "A".

SUGGESTED ACTION:

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sarah Dinovo, City Clerk

ITEM TYPE: Petition Received

AGENDA SECTION: **CONSIDERATION OF A PETITION FILED AT THE
PARKING AND SAFETY COMMITTEE MEETING ON
FEBRUARY 25, 2025.**

SUBJECT: Petition filed by Andres Bell at the Parking and Safety Committee meeting held on February 25, 2025.

SUGGESTED ACTION:

ATTACHMENTS:

[Westfield Hills petition_02 25 2025.pdf](#)

Monday, February 24, 2025

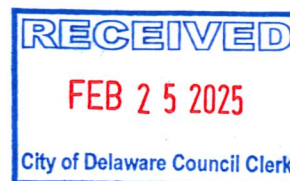
Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Andrea Petit
Date 02/24/2025
Address 215 Cambridge Rd., Delaware, OH 43015
Phone Number (330) 703-0129
Email Address andrea1petit1@gmail.com

Comments

We live one house away from the intersection of Cambridge Rd. and Broadview Chase, and regularly see drivers 'cut the corner' turning onto Broadview Chase for driving too fast. An all-way stop would prompt drivers to stop from each direction and potentially prevent accidents and/or a fatality. Our kids, in addition to everyone else who walks the neighborhood, need to feel safe and be able to cross at intersections without feeling like we're taking our lives into our own hands just to cross the street. Because there are long straight-aways on Cambridge Rd, having raised crosswalks would result in drivers having to slow down. Otherwise, I witness drivers flying down Cambridge Rd. in both directions and cutting corners turning onto Broadview Chase. It's horrible feeling unsafe to cross at sidewalk intersections and we should feel confident that our neighborhood kids will come home the same way they left their house.



Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Patrick Petit
Date	02/24/2025
Address	215 Cambridge Rd., Delaware, OH 43015
Phone Number	(330) 703-0129
Email Address	patrick1petit1@gmail.com

Comments

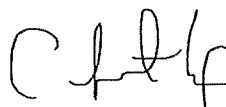
I live very close to the intersection of Cambridge Rd. and Broadview Chase. An all-way stop at this intersection would not only slow drivers down, it has the potential to save lives and property. In addition, raised crosswalks at all intersections along Cambridge Rd. has tremendous potential toward saving lives through increased driver awareness and with greater focus on safe driving habits.

Saturday, February 22, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Chet Cox
Date 02/22/2025
Address 221 Cambridge Road
Phone Number (614) 205-1900
Email Address cac324@aol.com
Signature



Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Josh Howey
Date 02/24/2025
Address 224 Cambridge Rd.
Phone Number (740) 972-9983
Email Address jwhowey731@gmail.com

Comments

The incredible increase in traffic volume imposed on Cambridge, Broadview Chase, and Park Vista is a direct result of the city's poor planning, and is nothing short of negligence. The 'traffic study' conducted by the city was far too limited and didn't capture the true conditions the city has inflicted on our once mostly safe neighborhood. The flagrant speed and disregard for public safety by so many motorists daily is appalling. By not completing the Merrick extension to Troy, and the fact the city is placing a premium on convenience over public safety is absolutely abhorrent and is nothing short of dereliction of duty.

Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Stephanie Howey
Date	02/23/2025
Address	224 Cambridge Rd
Phone Number	(614) 353-0565
Email Address	stephanienq12@yahoo.com

Saturday, February 22, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Mark Sferrella
Date 02/22/2025
Address 226 Cambridge Rd
Phone Number (843) 319-4420
Email Address mark@sferrella.com
Signature



Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Chad Richardson
Date	02/23/2025
Address	230 Cambridge Rd
Phone Number	(740) 272-7579
Email Address	cnrrichardson@msn.com

Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Roxanne Richardson
Date	02/23/2025
Address	230 Cambridge Road
Phone Number	(740) 272-7603
Email Address	rrichardson9200@yahoo.com

Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Christine Bertolo
Address 233 Cambridge Rd
Phone Number (614) 282-4189
Email Address christine.bertolo@gmail.com

Signature
*Christine
Bertolo*

Comments

All of us having been waiting patiently for a long time for the city to act. We want and need those stop signs up immediately. There continues to be very high traffic volume on Cambridge Rd between Park Vista and Merrick . . . and cars continue to speed!!! The other day as I was opening my garage door to leave my home, two cars came speeding down Cambridge behind one another!! And, they were NOT going 25! If I could guess their speed, I would say 35 mph or faster. The first vehicle was an older red Chevy SUV, and the one speeding behind it was a small burgundy color car. They were going so fast, I couldn't get plate numbers . . . but I will get them the next time, even if I have to get into my car and follow them, and call the police as I go! If there had been kids playing outside and decided to run into the road at that time, they would have been dead!! WE WANT SOMETHING DONE NOW!!!!

Saturday, February 22, 2025

Petition for Stop Signs and Crosswalks

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Full Name Ruth Goodell

Date 02/13/2025

Address 244 cambridge rd

Phone Number (440) 655-4331

Email Address mrskma51@gmail.com

Signature



Sunday, February 9, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Andres Bell
Date 02/09/2025
Address 887 Broadview Chase Dr
Phone Number (614) 570-8386
Email Address ambell@pm.me
Signature



Comments

This is our second petition for traffic safety measures in Westfield Hills.



Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

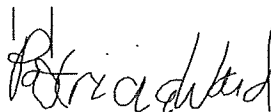
Full Name	Janett Chittock
Date	02/24/2025
Address	870 Broadview Chase Dr
Phone Number	(740) 803-3707
Email Address	miriam.chittock7@gmail.com

Saturday, February 22, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Patricia Ward
Date 02/22/2025
Address 876 Broadview Chase Drive
Phone Number (614) 512-4925
Email Address msdish10@gmail.com
Signature



Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

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Full Name	William Hayes
Date	02/24/2025
Address	881 Broadview Chase Dr
Phone Number	(704) 661-4096
Email Address	goodwillhiking@hotmail.com

Saturday, February 22, 2025

Petition for Stop Signs and Crosswalks

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Full Name Ryan Bell
Date 02/22/2025
Address 887 Broadview Chase Drive
Phone Number (937) 418-3232
Email Address rjbell20@gmail.com
Signature



Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

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Full Name Johnathan Pearson
Date 02/23/2025
Address 893 Broadview Chase Dr
Phone Number (614) 625-6285
Email Address johpea421@gmail.com

10

Sunday, February 23, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name Rebecca Stevens

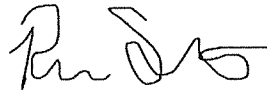
Date 02/23/2025

Address 359 Seatrain Dr. Delaware, OH 43015

Phone Number (740) 816-5584

Email Address rebeccastevens03@gmail.com

Signature



Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Tyler Stevens
Date	02/24/2025
Address	359 Seatrain Drive
Phone Number	(614) 581-8142
Email Address	tstevens50@gmail.com

Monday, February 24, 2025

Petition for Stop Signs and Crosswalks

Westfield Hills residents ask the City of Delaware to install an all-way stop condition at the intersection of Cambridge and Broadview Chase. Additionally, we ask for enhanced, raised crosswalks at all intersections on Cambridge Rd where our children are at bus stops. A combination of high traffic volume, increased pedestrian activity, restricted visibility, unsafe speeds for road design, and insufficient ability getting in and out of our driveways is significantly dangerous for pedestrians, pets, cyclists, motorists, and especially children.

Full Name	Pieter Till
Date	02/24/2025
Address	384 Seatrain Dr
Phone Number	(614) 302-5555
Email Address	ptill22@yahoo.com



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Adam Moore, Police

ITEM TYPE: Liquor Permit

AGENDA SECTION: **CONSIDERATION OF LIQUOR PERMIT TRANSFER**

SUBJECT: Consideration of a liquor license transfer from Invest in Holmes, LLC (DBA Las Miches Marisqueras) to Poblano Family, LLC (DBA Las Miches Marisqueras) located at 77 Lake Street, 1st Floor & Patio Only, Delaware, Ohio 43015.

SUGGESTED ACTION:

ATTACHMENTS:

[TRFO to Poblano Family LLC.pdf](#)

[Liquor L-25-01 Poblano's LLC.PDF](#)

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6608 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)644-2360 FAX(614)644-3166

TO

7008819		TRFO	POBLANOS FAMILY LLC DBA LAS MICHE MARISQUERAS 1ST FL & PATIO ONLY. 77 LAKE ST DELAWARE OH 43015
PERMIT NUMBER		TYPE	
02	01	2024	
ISSUE DATE			
01	21	2025	
FILING DATE			
D2	D2X	D3	
PERMIT CLASSES			
21	022	B	F32828
TAX DISTRICT		RECEIPT NO.	

RECEIVED
 FEB 12 2025
 City of Delaware Council Clerk

FROM 02/04/2025

4151565			INVEST IN HOLMES LLC DBA LAS MICHE MARISQUERAS 1ST FL & PATIO ONLY 77 LAKE ST 1ST FL DELAWARE OHIO 43015
PERMIT NUMBER		TYPE	
02	01	2024	
ISSUE DATE			
01	21	2025	
FILING DATE			
D2	D2X	D3	
PERMIT CLASSES			
21	022		
TAX DISTRICT		RECEIPT NO.	



MAILED 02/10/2025
~~02/04/2025~~ *ct*

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/10/2025
~~03/07/2025~~ *ct*

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 TRFO 7008819

(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
 Clerk of City Council
 Township Fiscal Officer

(Date)

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



Delaware Police Department Liquor Permit Report

DPD Report Number <p style="text-align: center;">L-25-01</p>		Investigating Officer <p style="text-align: center;">Det. Sgt. Mike Bolen #16</p>	
Applicant (Primary Shareholder) <p style="text-align: center;">Dafne Flores</p>		Company Name: Poblanos Family LLC DBA: Las Miches Marisqueras	
Common Name <p style="text-align: center;">Las Miches Marisqueras</p>		Address <p style="text-align: center;">77 Lake Street</p>	
Applicant Phone Number <p style="text-align: center;">614-313-9250</p>		Applicant E-Mail Address: <p style="text-align: center;">ddflores183@gmail.com</p>	
<input checked="" type="checkbox"/> Existing Business	Type of Business <p style="text-align: center;">Restaurant</p>	Notification Type: <p style="text-align: center;">TRFO</p>	Date of Report <p style="text-align: center;">3/7/25</p>
<input type="checkbox"/> New Business <small>(Supplement Attached)</small>			
Permit Type			
<input type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input checked="" type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input checked="" 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 checked="" type="checkbox"/> Other D3 Spiritous liquor for on premises consumption only until 1:00am			

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: 19	Number of Police Reports in past 12 months: 2
Calls for Service calls not related to the business in past 12 months: 14	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 checked="" 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 checked="" 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. <ul style="list-style-type: none"> <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. <small>(Supplement Attached)</small>



Delaware Police Department
Liquor Permit Report

Supplement

Supplement Type

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

Dafne Flores, the 100% managing member of Poblano Family LLC, has applied for the transfer of liquor permit #7008819 from the previous owner/operator of Las Miches Marisqueras, at 77 Lake St. Liquor permit #7008819 includes a D2, D2x, and D3 liquor permits. Poblano Family LLC was established on 12/23/24 with a certificate from the Ohio Secretary of State.

I spoke with Dafne about her liquor permit application. I learned that she became the new owner/operator of Las Miches Marisqueras on 1/15/25. I also learned and verified that Dafne owns/operates another restaurant, Terra Mezcal at 2171 E. Dublin-Granville Rd., Columbus, OH. Dafne said she began that location as a juice shop in 2015 and has transitioned the business to a restaurant carrying the same liquor permits as Las Miches Marisqueras. I checked with Liquor Control and found Dafne has no history of liquor violations. I also checked available databases and found no criminal or traffic records for Dafne.

When asked about Las Miches Marisqueras, Dafne explained all will remain the same at the restaurant other than slight changes in recipes and the menu.

I find no legislative basis to request a hearing to object to the issuance of this liquor permit.

[Signature]
Investigating Officer Signature Date

[Signature] 3/5/25
Supervisor Signature Date



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Bill Ferrigno, Public Works

ITEM TYPE: Resolutions

AGENDA SECTION: **7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-10**

SUBJECT: Ordinance No. 25-10, an ordinance amending Section 509.10 of the codified ordinances of the City of Delaware regarding noise.

SUGGESTED ACTION:

ATTACHMENTS:

[Fact Sheet ORD 25-10.docx](#)

[Ord. No. 25-10 - Amending Noise Ordinance Adding Public Services Exception.docx](#)

[Copy of Public Works Equipment Decibel Level Testing Records.pdf](#)



FACT SHEET

AGENDA ITEM NO: 13

DATE: 2/24/2025

ORDINANCE NO: 25-10

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES (3/10/25
at 7:15 p.m.)

PRESENTER: William L Ferrigno, P.E. Public Works Director

TO: Mayor and Members of City Council

FROM: Paul J Brake, City Manager

VIA: William L Ferrigno, P.E., Public Works Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 509.10 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE REGARDING NOISE.

BACKGROUND:

Recent changes to the city's noise ordinances were adopted to establish limits to the level of sound emanating from properties throughout the city. Maximum limits expressed in DBA were established for various land use areas and times of day. It was recently determined that sound levels generated from several public service operations including snow removal, street sweeping, and refuse collection exceed the allowable maximum limits established in the noise ordinance. Though the intention of the ordinance was not to restrict the city's ability to perform necessary services, the noise ordinance as approved, presents a conflict. To remedy, an additional exemption is proposed that permits the continued provision of typical and necessary city services.

REASON WHY LEGISLATION IS NEEDED:

The approval of the proposed exemption is appropriate to allow for the continued, uninterrupted provision of necessary city services at all times of the day.

COMMITTEE RECOMMENDATION:

The Public Works Committee considered the proposal at the February 4, 2025 meeting and recommended to exempt the performance of necessary city services from the requirements of the noise ordinance.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

RECOMMENDATION:

Approval following Public Hearing

ATTACHMENT(S)

Ordinance No. 25-10
Testing Results of Public Works Vehicles

ORDINANCE NO. 25-10

AN ORDINANCE AMENDING SECTION 509.10 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE REGARDING NOISE.

WHEREAS, this Council deems it appropriate to amend Section 509.10 to accommodate the provision of public services to the citizens of Delaware and to ensure the integrity of the infrastructure of the City of Delaware.

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

SECTION 1. That Section 509.10 of the Codified Ordinances be amended as follows:

509.10. Noise ordinance.

(a) Prohibited Noise.

(1) No person shall create, or cause the creation of, any unreasonably loud noise in such a manner as to disturb the peace and quiet, comfort, or repose of a person of ordinary sensibilities, or emanate noise exceeding the sound level limitations set forth in Section 509.10(a)(2).

(2) A. The following sound level limitations regarding zoning districts and times of day shall serve as prima facie evidence of a violation of Section 509.10(a)(1) when measured from the receiving property:

Use Classification	Time of Day	Continuous Sound Level Limitations	Maximum Sound Level Limitations
Residential	7:00 A.M. to 10:00 P.M. 10:00 P.M. to 7:00 A.M.	55 dB(A) 45 dB(A)	65 dB(A) 55 dB(A)
Business	7:00 A.M. to 10:00 P.M. 10:00 P.M. to 7:00 A.M.	65 dB(A) 60 dB(A)	75 dB(A) 70 dB(A)

Industrial	7:00 A.M. to 10:00 P.M. 10:00 P.M. to 7:00 A.M.	70 dB(A) 65 dB(A)	80 dB(A) 75 dB(A)
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B. Low-frequency noise shall not exceed the following continuous sound level limitations based on the octave band center frequency and corresponding A-weighted overall limit for the applicable zoning classification during the designated time of day.

Overall level	63 Hz	125 Hz	250 Hz	500 Hz	1k Hz	2k Hz	4k Hz	8k Hz
70 dB(A)	91 dB	86 dB	81 dB	76 dB	72 dB	68 dB	64 dB	60 dB
65 dB(A)	86 dB	81 dB	76 dB	71 dB	67 dB	63 dB	59 dB	55 dB
60 dB(A)	81 dB	76 dB	71 dB	66 dB	62 dB	58 dB	54 dB	50 dB
55 dB(A)	76 dB	71 dB	66 dB	61 dB	57 dB	53 dB	49 dB	45 dB
45 dB(A)	68 dB	62 dB	56 dB	51 dB	47 dB	43 dB	39 dB	35 dB

C. The sound level limitation is exceeded when a sound meter reading taken over a minimum of a five-minute period produces an average reading that is higher than the continuous sound level limitation permitted in a given use classification and time of day as set forth in Section (a)(2)(A), exceeds the maximum sound level limitation permitted in a given zoning classification at any time during the five-minute meter reading period as set forth in section (a)(2)(A), or exceeds the limitations set forth in Section (A)(2)(B).

(b) Definitions. For the purposes of this section, the following terms and phrases shall have the following definitions:

"ANSI" means the American National Standards Institute or its successor bodies.

"dBA" is the unit of measurement used by an A-weighted sound level meter.

"dBC" is the unit of measurement used by a C-weighted sound level meter used for low-frequency noise measurements or for louder sound sources.

"Decibel" means a unit for measuring the intensity of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a Police Officer.

"Octave" means the interval between two sounds having a frequency ratio of two.

"Octave band" means a segment of the frequency spectrum separated by an octave.

"Octave band level" means the integrated sound pressure level of those side-wave components in a specified octave band.

"Person" means any public or private corporation, individual, association, or any other entity.

"Receiving property" means the location where the unreasonably loud noise is occurring due to noise being generated at a source location and includes any point on the property that is above ground level, including the property line and the point that is nearest to the source location.

"Sound level meter" means an instrument used to measure noise and sound levels in a specified manner that is calibrated in decibels and includes a microphone, an amplifier, an output meter, and frequency-weighting networks. The meter must satisfy the applicable standards for a type 1 or type 2 sound level meter as defined in ANSI S1.4 - 1983 or the most recent version.

"Sound level limitation" means the volume at which a prima facie violation of this section has occurred and shall be determined based on the use classification of the receiving property.

"Source location" means the location of the source generating excess noise at the receiving property.

"Unreasonably loud noise" means any noise that exceeds the maximum decibel level for the time of day and zoning district, of the receiving property or any noise that emanates in such a volume and/or duration to cause annoyance or offense to a person of reasonable and ordinary sensibilities.

"Warning device" means any device which signals an unsafe or potentially dangerous situation, including devices such as, but not limited to, fire alarms and emergency weather alert devices.

(c) Overnight Building Permits. A person shall not erect, excavate, demolish, alter or repair any building within or adjacent to a residential area of the City between the hours of 10:00 p.m. and 7:00 a.m. daily, unless they have obtained a permit from the chief building official. Such permits shall only be granted in the case of an urgent necessity that is in the interest of public health and safety, and shall be issued for a period not longer than three days while the emergency continues, and such permit may be renewed for subsequent periods of not more than three days while the emergency continues.

(1) Upon an application being made, if the chief building official determines that the public health and safety will not be negatively impacted by the erection, excavation, demolition, alteration or repair of any building between the hours of 10:00 p.m. and 7:00 a.m., and if (s)he determines that loss or inconvenience would result to any party in interest, (s)he may issue a permit for such work to be done between such hours.

(d) Exemptions. This section does not apply to the following:

(1) The emission of any loud noises for the purpose of alerting persons to the existence of an emergency, or the emission of any loud noises during the performance of emergency work, including the noises emitted from any emergency vehicles.

(2) The emission of any loud noises resulting from the proper use or testing of a warning device.

(3) The emission of any loud noises resulting from the emergency repair of utilities.

(4) Programs, activities, events, sporting events, and other entertainment that is being conducted pursuant to a permit authorized by the City of Delaware, such as but not limited to, a special use permit, except to the extent that an issued special use permit includes a condition that the permit holder must comply with reasonable requests of police personnel to lower the noise, and police personnel make such a reasonable request.

(5) Programs, activities, events, sporting events, and other entertainment authorized by the City of Delaware, any public or private school within the City of Delaware, or any college or university within the City of Delaware.

(6) ACTIVITIES ASSOCIATED WITH PROVIDING CITY PUBLIC SERVICES AND CONSTRUCTING, MAINTAINING, AND REPAIRING CITY INFRASTRUCTURE.

(e) Penalty. Except as otherwise provided in subsection (e)(1) of this section, whoever violates this section is guilty of a minor misdemeanor.

(1) Enhancements. If within one year of the offense an offender has previously been convicted of one or more violations of this section, then whoever violates this section is guilty of an unclassified misdemeanor, which carries a fine of up to one thousand dollars (\$1,000.00).

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

VOTE ON RULE SUSPENSION: _____ YEAS___ NAYS___
ABSTAIN _____

PASSED: _____, 2025 YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____ _____
CITY CLERK MAYOR

Public Works Equipment Decibel Level Testing

FM#	TRUCK#	1st Test	2nd Test	3rd Test	4th Test	5th Test	Average
1094	REAR LOAD	77.3	78.3	78.2	78	78.8	78.12
962	AUTOMATED LODAL	75.4	75.9	76.1	75.6	76	75.8
1003	LODAL	75.4	75.9	76.1	75.6	76	75.8
1124	CCC LABRIE	72.5	71.5	71.2	71.6	71.5	71.66
621	LODAL	75.4	75.9	76.1	75.6	76	75.8
870	REAR LOAD	77.3	78.3	78.2	78	78.8	78.12
1031	LABRIE	78.5	77.8	79.1	76.5	77.9	77.96
850	LODAL	85.1	86.6	85.3	86.5	85.8	85.86
681	LODAL	75.4	75.9	76.1	75.6	76	75.8
682	LODAL	75.4	75.9	76.1	75.6	76	75.8
1002	LODAL	75.4	75.9	76.1	75.6	76	75.8
933	REAR LOAD	77.3	78.3	78.2	78	78.8	78.12
1133	CCC LABRIE	72.5	71.5	71.2	71.6	71.5	71.66
1030	1030 LABRIE	78.5	77.8	79.1	76.5	77.9	77.96
1130	1130 LABRIE	78.5	77.8	79.1	76.5	77.9	77.96
1172	1172 REAR LOAD	76.7	76	76.9	77	76.1	76.54
	Street Sweeper	82.9	84.8	92	86.9	91.7	87.66
1068	Tandem Plow Truck	84.3	79.4	83.5	86	78.3	82.3
517	Single Axle Plow Truck	83.2	83.7	84.5	86.7	86.8	84.98

***Decibel readings were taken at 25ft away from each truck.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Bill Ferrigno, Public Works

ITEM TYPE: Ordinances

AGENDA SECTION: **7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-11**

SUBJECT: Ordinance No. 25-11, an ordinance amending Chapter 929 of the codified ordinances regarding refuse collection.

SUGGESTED ACTION:

ATTACHMENTS:

[Fact Sheet Refuse 929.docx](#)

[Ordinance 25-11 - Amending Refuse Collection Times - NSH 021720205.doc](#)



FACT SHEET

AGENDA ITEM NO: 14

DATE: 2/24/2025

ORDINANCE NO: 25-11

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES (3/10/25
at 7:20 p.m.)

PRESENTER: William L Ferrigno, P.E., Public Works Director

TO: Mayor and Members of City Council

FROM: Paul J Brake, City Manager

VIA: William L Ferrigno, P.E., Public Works Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING CHAPTER 929 OF THE CODIFIED ORDINANCES REGARDING REFUSE COLLECTION

BACKGROUND:

Collection activities performed during peak hour traffic periods become increasingly inefficient, lead to traffic delays and congestion, and pose a higher safety risk for refuse collection workers. By requiring customers to have refuse receptacles in place by 5 a.m. on assigned collection days allows for collection activity to commence in advance of peak hour morning traffic. The current ordinance language requires refuse customers to have their respective receptacles in place by 7a.m. on their respective collection day.

REASON WHY LEGISLATION IS NEEDED:

Because certain rules for collection customers are contained within the approved ordinances, the ordinance must be adjusted.

COMMITTEE RECOMMENDATION:

This issue was discussed at the February 4th Public Works Committee meeting. The Committee passed a motion (3-0-0) approving the recommendation for adjusting the hours by which residents must have containers set by the curbside on respective collection days to allow for an earlier collection schedule to commence by staff.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

Allows for the start of refuse collection activity in advance of peak traffic on major city arterial routes, specifically the heavy peak morning traffic hours.

RECOMMENDATION:

Approval following public hearing

ATTACHMENT(S)

Ordinance No. 25-11

ORDINANCE NO. 25-11

AN ORDINANCE AMENDING CHAPTER 929 OF THE
CODIFIED ORDINANCES REGARDING REFUSE
COLLECTION.

WHEREAS, the Administration has conducted a review of the regulations and policies established in the Delaware Codified Ordinances for the collection and disposal of solid waste; and

WHEREAS, the review has resulted in the determination Section 929.06 of Chapter 929 of the Codified Ordinances should be amended to improve current collection practices and procedures.

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

SECTION 1. SECTION 1. That Section 929.06 of the Codified Ordinances be amended as follows:

929.06. - Deposit of refuse in proper containers/length of storage/location of containers.

- (a) All refuse being disposed of must be contained within appropriate collection containers whether being serviced by the City or licensed private hauler.
- (b) All refuse, recycling and yard waste must be placed at the curb no later than 7:00 a.m. on the day of collection, and in unobstructed locations so as to be ~~readily~~ READILY serviceable by semiautomated equipment.
- (c) No refuse or recycling container may be placed within the public right-of-way for more than 24-hours preceding or following the servicing of that container by the City or private refuse hauler.
- (d) Refuse containers must be stored in locations as determined appropriate by applicable zoning regulations, HOA provisions, or property deed restrictions.

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: _____, 2025 YEAS___ NAYS___
ABSTAIN _____

ATTEST: _____
CITY CLERK MAYOR _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Anna Kelsey, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **THIRD READING OF ORDINANCE NO. 25-05 (AS AMENDED)**

SUBJECT: Ordinance No. 25-05, an ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42. **(AS AMENDED)**

SUGGESTED ACTION:

ATTACHMENTS:

- 1 [PUD 25-1 Maridel C-PUD Fact Sheet - AMENDED.docx](#)
- 2 [PUD 25-1 Maridel C-PUD - staff report.docx](#)
- 3 [PUD 25-1 Maridel C-PUD Ordinance - AMENDED.docx](#)
- 4 [PUD 25-1 - Maridel combined exhibits.pdf](#)
- 5 [C-PUD 25-1 Maridel Rezoning - PC resolution.pdf](#)



FACT SHEET

AGENDA ITEM NO: 15

DATE: 3/10/25

ORDINANCE NO: 25-05

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES (held on
2/24/25)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An Ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42 AS AMENDED.

BACKGROUND:

See attached staff report and attachments.

2/24/25: The amendment changes condition 7a. to read "All pavement and buildings shall be setback at least 40-feet from the Right-of-Way along US 42 and at least 30-feet from the Right-of-Way along Sawmill Parkway. All pavement shall be setback at least 30-feet from the Right-of-Way along US 42 and 20-feet from the Right-of-Way along Sawmill Parkway."

3/10/25: The table of permitted uses shall be revised to make "Outdoor Recreation and Amusement" and "Drive-In Theater" conditionally-permitted uses in the same sub-areas as previously permitted.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-1 on February 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

PLANNING COMMISSION STAFF REPORT

CASE ID: PUD 25-1 Maridel
APPLICANT: Daniels Hinkley Housing, LLC
5940 Whittingham Drive
Dublin, OH 43015



REQUEST

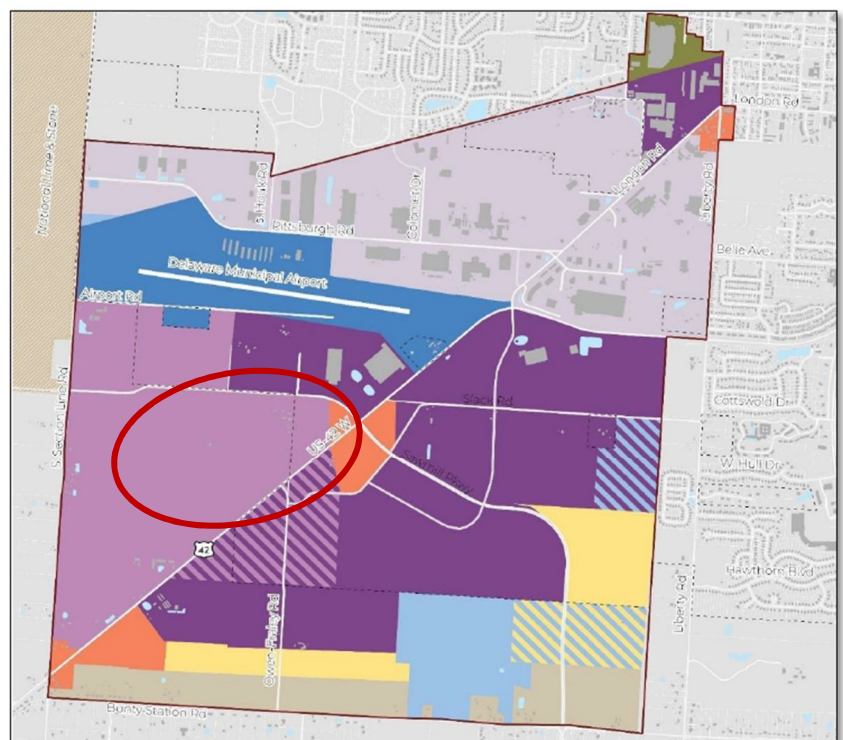
A request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from M-1 (Light Manufacturing) and A-1 (Agricultural), located within the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42.

BACKGROUND/CASE HISTORY

This subject site is comprised of eight parcels located south of Sawmill Parkway and Northwest of US 42. The eastern 28.785-acre parcel was annexed into the City in 1976. The western seven parcels were annexed into the City in late 2024. The applicant is interested in a mixed-use, master development over the full 257.97-acre site, with specific interest in entertainment and service uses.

EXISTING CONDITIONS/CURRENT ZONING

The subject 257.97-acre site has been used as farmland. There are several existing homes and outbuildings on the site. There are some minimal stands of trees (particularly surrounding the existing homes and outbuildings) and a high-tension power line which bisects the site. All parcels are located in the Southwest Overlay, with designations of SWA-1 (Corridor Commercial) on the eastern edge and SWA-3 (Innovative Business Campus) on the remainder of the site. Surrounding properties are also within the Southwest Overlay.



- SWA-1: Corridor Commercial
- SWA-2: Traditional Industrial Campus
- SWA-3: Innovative Business Campus
- SWA-4: Multi-use Innovation
- SWA-5: Airport
- SWA-6: Suburban Mixed Residential
- SWA-7: Suburban Mixed use
- SWA-8: Suburban Residential
- SWA-9: Government Campus

STAFF ANALYSIS

Proposed Zoning: C-PUD (Commercial Planned Unit Development)

Staff is recommending a variety of commercial and institutional uses in this PUD including automotive sales and rental, indoor and outdoor entertainment, administrative offices, parks, and schools. These proposed uses are generally pulled from the permitted uses in the SWA-1 and SWA-3 sub-districts of the Southwest Focus Area, with minor adjustments to remove uses staff did not feel were appropriate or compatible in specific locations within the

development or in the proposed development as a whole. These incompatible uses include gasoline stations, manufacturing facilities, and warehouses, among others.

Comprehensive Plan:

The subject site has been used as agricultural land. This site is located within the Southwest Focus Area, mostly with the designation of SWA-3 (Innovative Business Campus). A portion of the site is designated as SWA-1 (Corridor Commercial). This proposed Zoning Map Amendment meets several of the goals and actions of the Southwest Plan, including:

- Action A.2: *Support flexible, innovation-oriented, high-value activities and uses in new business campus areas.*
- Action B.2: *Provide infrastructure for multimodal access and ease of mobility for pedestrians and cyclists.*
- Action C.1: *Develop commercial nodes with a mix of retail and services, including at US-42/Sawmill Parkway and US-24 near Bunty Station Road.*
- Action D.1: *Enhance gateway and commercial frontage to make it attractive and inviting.*
- Action F.4: *Explore a regional stormwater approach.*

Additionally, this proposal meets several of the goals and actions of Delaware Together, including:

- Objective A.1: *Encourage a greater mix of land uses in selected locations.*
- Objective A.8: *Improve design quality and align the design of major corridors.*
- Action A.10.1: *Require coordinated development on larger parcels.*
- Action A.14.1: *Implement the Bicycle and Pedestrian Master Plan 2027.*
- Action B.8.1: *Implement strategies to diversify the economic base.*
- Action B.8.8: *Create Activity Districts, gateways, and physical improvements.*
- Action B.8.10: *Integrate new uses at key locations.*

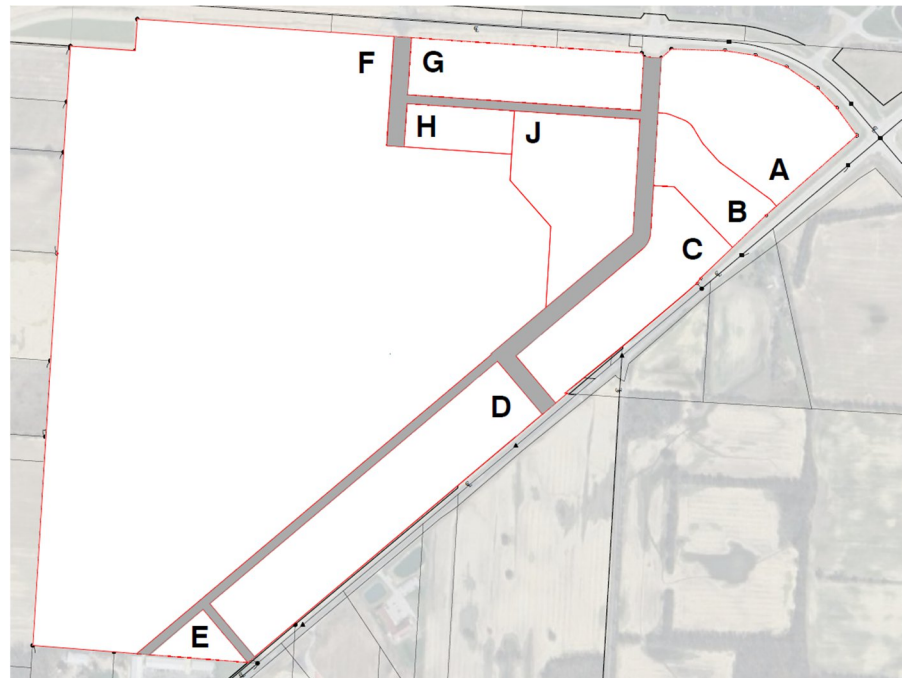
Overall, this Zoning Map Amendment request aligns with the Southwest Focus Area Plan, Delaware Together, and other City policies and goals.

Concept Plan:

At the zoning stage, there are no set plans for the layout or design of the site, only a general layout of proposed access points, internal access drives, and sub-areas, generally.

Access and Right-of-Way

The applicant is proposing two full-access points from Sawmill Parkway at the locations of the existing curb cuts. They will be permitted a maximum of one full-access intersection along US-42 subject to the approval of the City Engineer upon review and acceptance of the required Traffic Impact Study (TIS). The internal backage roads shown on the concept plan will be privately owned and maintained. The applicant will be required to dedicate any Right-of-Way deemed necessary. The final design and location of all access points will be reviewed and approved by the City Engineer.



Setbacks and Buffers

Staff is proposing site setbacks of 40-feet from US-42, 30-feet from Sawmill Parkway, and 50-feet from the western and southern boundaries of Sub-Area F. Landscaping, mounding, and other buffer details will be determined at the Development Plan stage once uses are finalized for each sub-area.

Procedures:

The applicant will be required to plat the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits. Each sub-area (or portion of a sub-area) will require development plan approval.

RECOMMENDATION

Staff and Planning Commission recommend approval of this request with the conditions outlined in the attached resolution.

NOTES

ORDINANCE NO. 25-05

AN ORDINANCE APPROVING A REQUEST BY DANIELS HINKLEY HOUSING, LLC FOR APPROVAL OF A REZONING AMENDMENT FROM A-1 (AGRICULTURAL) AND M-1 (LIGHT MANUFACTURING), LOCATED IN THE SOUTHWEST OVERLAY, TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 257.97 ACRES ON THE SOUTHWEST CORNER OF SAWMILL ROAD AND US-42. AS AMENDED

WHEREAS, the Planning Commission at its meeting on February 5, 2025 recommended approval of a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42 (PC Case PUD 25-1)

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

SECTION 1. A request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated “Received 01/07/25” illustrates the general layout of the development within this Planned Unit Development.
2. Principal uses permitted in this Commercial Planned Unit Development shall be:

	Sub-Area A	Sub-Areas B, E	Sub-Areas C, D, G, H	Sub-Area F	Sub-Area J
Commercial Uses					
Automotive Sales and rental			P		
Brewery, distillery, winery, cidery (micro)			P		
Drive-in theater	P C	P C	P C	P C	
Hotel/motel			P		

Indoor recreation and entertainment	P			P	P
Motor vehicle storage				P	
Office, administrative					P
Outdoor recreation and amusement	P C			P C	P C
Parking lot or deck (as principal use)		P			
Restaurant			P		
Retail			P		
Institutional Uses					
Park, public or private				P	P
Place of religious assembly			C		
School, public or private					P
School, trade, business, and arts					P

3. ACCESS AND RIGHT OF WAY

- a. A Traffic Impact Study is required for the entire development, inclusive of all subareas. Access to US 42, including but not limited to location, if full or partial movement, and/or signalization) is to be determined by the City. Applicant shall be responsible for the design and construction of all required improvements as determined by the City Engineer.
- b. All internal roadways shall be private and be owned and maintained by an association of owners or a master association for the Maridel development.
- c. Full access to Sawmill Parkway shall be limited to the existing full-access curb cuts adjacent to the property.
- d. A maximum of one full-access intersection along US 42 will be permitted if in conformance with City access management guidelines. The location and design of these access points shall be subject to the approval of the City Engineer.

- e. All out parcels in Sub-Areas C, D, G, and H, shall require cross access between adjacent lots.
- f. Right-of-Way along Sawmill Parkway and US 42 shall be dedicated to the City as required by the City Engineer.
- g. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the Development Plan stage.

4. STORMWATER

- a. Preliminary stormwater submission is required and is to be master planned for the entire development, inclusive of all subareas. Coordination of design and construction of final stormwater improvements shall be required by this applicant with any additional sub-area applicant.
- b. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.
- c. Retention pond barriers shall be required around stormwater basins as required by the City Engineer.
- d. Retention ponds and open space shall be maintained by an association of owners or developer in perpetuity.

5. LANDSCAPING AND TREE PRESERVATION

- a. Tree Canopy Management Plans shall be required for each development at the Development Plan stage.
- b. Street trees shall be installed outside the Right-of-Way along the Sawmill Parkway and US 42 frontages. These trees shall be maintained by the developer or master association of owners in perpetuity.
- c. Landscape plans shall be required at the Development Plan stage.

6. PEDESTRIAN ACCESS

- a. A minimum 10-foot-wide multi-use path shall be installed along the US 42 and Sawmill Parkway frontages.
- b. Minimum five-foot wide sidewalks shall be required on both sides of all private streets and connecting to each out lot.

7. SETBACKS

- a. All ~~pavement and~~ buildings shall be setback at least 40-feet from the Right-of-Way along US 42 and at least 30-feet from the Right-of-Way along Sawmill Parkway. All pavement shall be setback at least 30-

feet from the Right-of-Way along US 42 and 20-feet from the Right-of-Way along Sawmill Parkway.

b. Setbacks along the western boundary and southern boundary of sub-area F shall be at least 50-feet. Landscaping and mounding details shall be finalized at the Development Plan stage.

8. A plat showing all dedicated Right-of-Way, private access drive, all access, drainage, stormwater, utility, and other easements is required prior to the issuance of any building permits.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 257.97 acres of land as further depicted in Exhibit A from A-1, Agricultural and M-1, Light Manufacturing), to C-PUD, Commercial Planned Until Development.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON AMENDMENT: YEAS ___ NAYS ___ ABSTAIN ___

PASSED: _____, 2025 YEAS ___ NAYS ___ ABSTAIN ___

ATTEST: _____
CITY CLERK MAYOR



January 8, 2025

Anna Kelsey
Planning & Zoning Administrator, City of Delaware, OH
1 South Sandusky St.
Delaware, OH 43015

RE: Maridel Development - Letter of Intent

Dear Anna,

It is the intent of Daniels Hinkley Housing, LLC to develop the existing +/- 255 acres of farm land as a Retail/Commercial development known collectively as Maridel.

Proposed uses for the overall development include: Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office, Motor Sports Park + Condo Community, Event + Sports Arena, Institutional, Community Events, Sports Complex, Park and Shared Parking.

Property Ownership:


Daniels Hinkley Housing, LLC

5940 Whittingham Drive

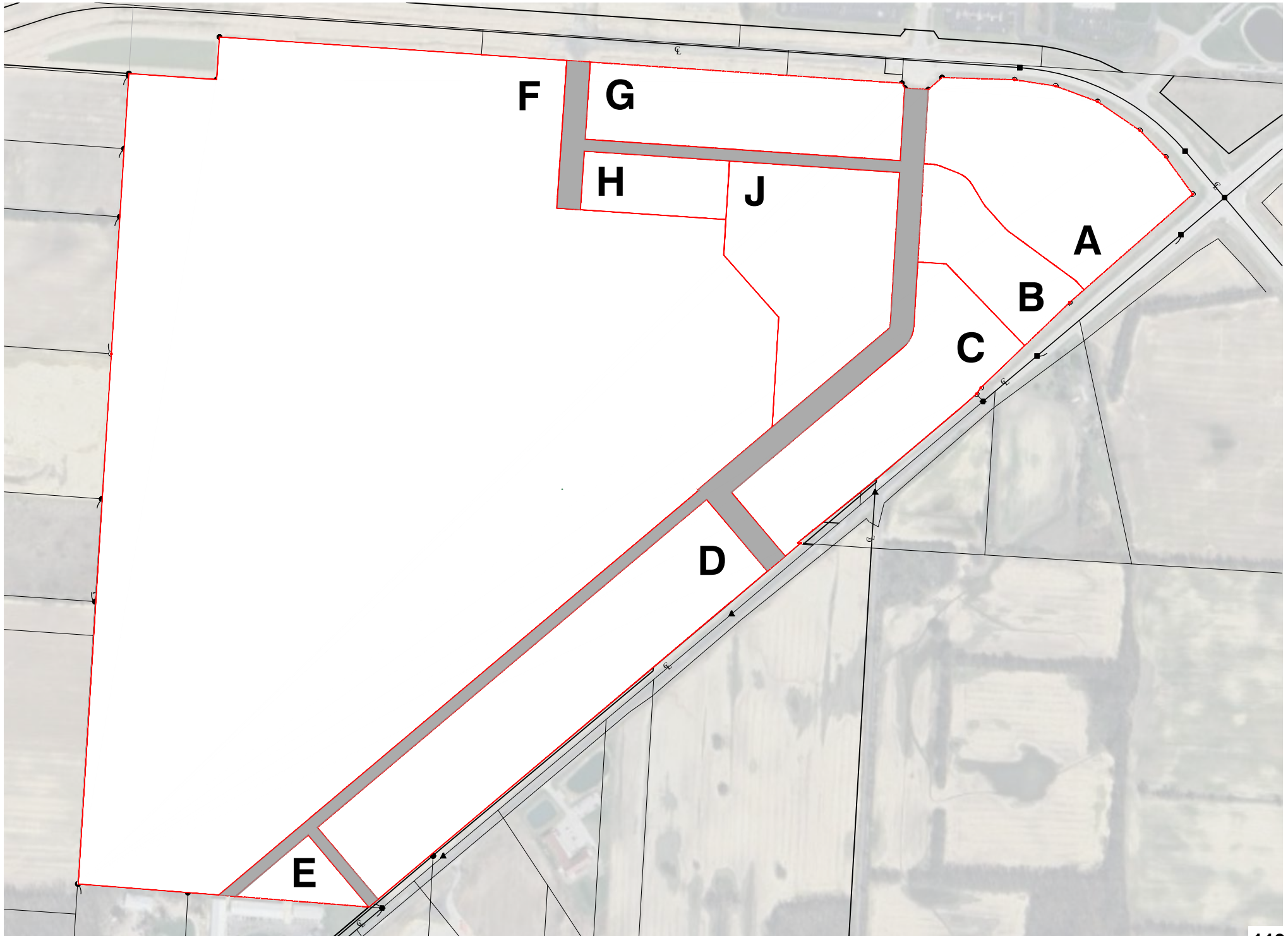
Dublin, OH 43017

Bruce Daniels, Managing Member

Sincerely,



Bruce Daniels



Proposed Uses

- A** Event + Sports Arena
- B** Shared Parking + Stormwater Retention
- C** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- D** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- E** Shared Parking + Stormwater Retention
- F** Motor Sports Park + Condo Community
- G** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- H** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- J** Institutional - School of Drive, Community Events, Sports Complex, Office, Park

EXHIBIT A.1

ALTA/NSPS LAND TITLE SURVEY

FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19 UNITED STATES MILITARY DISTRICT

CITY AND TOWNSHIP OF DELAWARE, TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT NO. 22-08-02 ATA:

Tract 1 (40.20 parent parcel)

EXHIBIT A

Situated in the County of Delaware in the State of Ohio and in the Township of Delaware and bounded and described as follows:

Being the northwest part of Lot no. 24 in Section 2, Township 4, Range 19, U.S.M. Lands, described as follows:

Beginning at a stone at the northwest corner of said Lot no 24, and the northeast corner of Lot no. 25;

thence south 87 Deg 17' east along the north line of said Lot no 24, 115-65/111 poles to the center of the Ballpoint County Road (U.S. Route No. 42) passing over a post and stone at the west edge at 113-17/100 poles;

thence south 48-1/2 Deg. West along the center of said road 160-8/10 poles to the west line of Lot No. 24;

thence north 2-1/2 Deg. East along the west line of said Lot no. 24, 112 poles to the place of beginning, passing over a post and stone at the north side of said road at 2 poles and 12 links, containing 40.20 acres, more or less.

Excepting therefrom the following 8.749 acre tract and the 2.666 acre tracts.

Tract 1 First Exception: 8.749 Acres

PARCEL 85-WD DEL-CR 609-9.57
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Delaware, City of Delaware and being located in Farm Lot Numbered 924, Section 92, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 210. The herein described parcels lies on the left side of existing US HWY 42 as shown in Plat Book 4, Page 249, and the left and right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. Being part of lands conveyed to "DELAWARE, SAWMILL FARMS, LLC" (hereafter referred to as Grantor) as described in Official Record 1152, Page 1760 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pipe Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 24, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 93.814 acre tract as described in Official Record 714, Page 2805 and the Southeast corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling III Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14.4 feet right of the existing centerline of said Sawmill Parkway Extension at station 715+97.07 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE with the North line of Farm Lot 24 and the South line of Farm Lot 9, and the South line of Sawmill 42 Land Group's land, also with the South line of lands conveyed to JES Delaware Ohio, LLC as described in Official Record 828, Page 92408 and the Grantor's North line, S 85 deg. 59 min. 57 sec. E for a distance of 567.00 feet to an Iron Pin Set at 202.39 feet right of the existing centerline of Sawmill Parkway Extension at station 711+07.46;

THENCE through the Grantor's lands the following five (5) courses:

1. S 40 deg. 18 min. 41 sec. W for a distance of 92.68 feet to an Iron Pin Set at 109.92 feet right of the existing centerline of Sawmill Parkway Extension at station 711+12.80;

9. S 49 deg. 18 min. 40 sec. E for a distance of 124.11 feet to an Iron Pin Set, being 107.39 feet right of the existing centerline of Sawmill Parkway Extension at station 710+00.70;

8. S49 deg. 87 min. 47 sec. E for a distance of 54.82 feet to an Iron Pin Set at 110.95 feet right of the existing centerline of Sawmill Parkway Extension at station 709+51.832

4. S 47 deg. 37 min. 02 sec. E for a distance of 213.35 feet to an Iron Pin Set at 135.14 feet right of the existing centerline of Sawmill Parkway Extension at station 707+47.81, also at 130.65 feet left of the existing centerline of US HWY 42 at station 86+78.19;

5. N 53 deg. 50 min. 28 sec. E for a distance of 486.59 feet to an Iron Pin Set at the North line of Farm Lot 24 and the South line Farm Lot 9, also being the Grantor's North line, and the South line of JES Delaware Ohio, LLC at 96.29 feet left of the existing centerline of US HWY 42 at station 91+63.57;

THENCE with the North line of Farm Lot 24, the south line of Farm Lot 9 and the Grantor's North line, and the South line of JES Delaware Ohio, LLC, S 85 deg. 59 min. 57 sec. E for a distance of 188.09 feet to the centerline intersection of US HWY 42 and Slack Road (R-146), also being the Northeast corner of the Grantor's lands, located on the existing centerline of US HWY 42 at station 92+62.55;

THENCE with the existing centerline of US HWY 42 and with the Grantor's East line, S 49 deg. 47 min. 29 sec. W for a distance of 962.55 feet to the existing centerline of US HWY 42 at station 83+00.00;

THENCE continuing with the existing centerline of US HWY 42 and Grantor's East line, S 49 deg. 5 min. 29 sec. W for a distance of 1100.00 feet to a Mag Nail Set on the existing centerline of US HWY 42 at station 72+00.00;

THENCE through the Grantor's lands the following thirteen (13) courses:

1) N 40 deg. 07 min. 31 sec. W for a distance of 42.50 feet to an Iron Pin Set at 42.50 feet left of the existing centerline of US HWY 42 at station 72+00.00;

92) N 35 deg. 19 min. 15 sec. E for a distance of 32.60 feet to an Iron Pin Set at 50.69 feet left of the existing centerline of US HWY 42 at station 72+31.56;

3) N 46 deg. 09 min. 32 sec. E for a distance of 521.91 feet to an Iron Pin Set at 84.52 feet left of the existing centerline of US HWY 42 at station 77+592.36;

4) N 48 deg. 40 min 11 sec. E for a distance of 697.05 feet to an Iron Pin Set at 98.96 feet left of the existing centerline of US HWY 42 at station 84+49.40, also being 93.69 feet left of the existing centerline of Sawmill Parkway Extension at station 707+16.42;

5) N 36 deg. 06 min 17 sec. W for a distance of 195.70 feet to an Iron Pin Set at 78.78 feet left of the existing centerline of Sawmill Parkway Extension at station 709+14.54;

6) N 44 deg. 10 min. 20 sec. W for a distance of 157.02 feet to an Iron Pin Set at 70.40 feet left of the existing centerline of Sawmill Parkway Extension at station 710+84.03;

7) N55 deg. 39 min. 34 sec. W for a distance of 9217.57 feet to an Iron Pin Set at 59.10 feet left of the existing centerline of Sawmill Parkway Extension at station 713+16.69;

8) N 69 deg. 37 min. 24 sec. W for a distance of 190.11 feet to an Iron Pin Set at 54.77 feet left of the existing centerline of Sawmill Parkway Extension at station 715+18.42;

9) N 81 deg. 15 min. 12 sec. W for a distance of 177.03 feet to an Iron Pin Set at 59.81 feet left of the existing centerline of Sawmill Parkway Extension at station 717+04.60;

10) N 88 deg. 17 min. 16 sec. W for a distance of 807.94 feet to an Iron Pin Set at 64.74 feet left of the existing centerline of Sawmill Parkway Extension at station 720+12.32;

11) S 48 deg. 41 min. 01 sec. W for a distance of 78.27 feet to an Iron Pin Set at 120.00 feet left of the existing centerline of Sawmill Parkway Extension at station 720+67.48;

12) N 86 deg. 07 min. 09 sec. W for a distance of 100.00 feet to an Iron Pin Set at 120.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+67.48;

13) N 30 deg. 48 min. 23 sec. W for a distance of 24.32 feet to an Iron Pin Set at the common line between Farm Lots 24 and 25, and the East line of lands conveyed to David R. and Teresa J. Shellhouse as described in Official Record 1092, page 2675; Official Record 1184, Page 2680; and Official Record 521, Page 672, also on the Grantor's West line, being the Corporation line of the City of Delaware at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+81.32;

THENCE with the common line between Farm Lots 24 and 25, the East line of Shellhouse's lands, the Grantor's West line and the City of Delaware Corporation line, N 03 deg. 41 min. 01 sec. E for a distance of 106.37 feet to the common corner to Farm Lots 4 and 5, on the South line of Farm Lot 18, also on the South line of lands conveyed to Spierling, also being the Northwest corner of the Grantor's lands and a corner to the City of Delaware Corporation Line, being 6.37 feet right of the existing centerline of Sawmill Parkway Extension at station 721+81.69;

THENCE with the South line of Spierling's lands, the North line of Farm Lot 24, the Grantor's North line and the City of Delaware Corporation line, S 86 deg. 31 min. 13 sec. E for a distance of 585.78 feet BACK TO THE POINT OF BEGINNING of the herein described parcel.

The above described parcel contains 8.749 acres total, including 1,909 acres in the present road occupied (PRO), lying in Delaware County Auditors parcel number 419-230-01-031-000.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 1/2 inch aluminum cap stamped "RW Burgess & Niple PS-7664" and shall be placed upon notification from the Delaware Counties Engineers Office at the completion of construction.

This description was prepared by Burgess & Niple, Inc. under the direct supervision of William C. LeRoy, P.S., Ohio License No. 7664 and is based on surveys performed by Burgess & Niple, Inc. beginning in October 2005.

Tract 1 Second Exception: 2.666 acres

PARCEL 85-WDI DEL-CR 609-9.57
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Delaware, City of Delaware and being located in Farm Lot Numbered 244, Section 2, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 910. The herein described parcels lies on the right side of existing US HWY 42 as shown in Plat Book 4, Page 249, and on the right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 73. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 789, Page 973 of the Delaware County Recorder's Office. Being part of lands conveyed to "DELAWARE SAWMILL FARMS, LLC" (hereafter referred to as Grantor) as described in Official Record 1152, Page 1760 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pipe Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 4, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 23.814 acre tract as described in Official Record 714, Page 2305 and the Southeast corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling II Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14.4 feet right of the existing centerline of said Sawmill Parkway Extension at station 715+97.07;

THENCE with the North line of Farm Lot 4 and the South line of Farm Lot 9, and the South line of Sawmill 42 Land Group's land, also with the South line of lands conveyed to JES Delaware Ohio, LLC being a 30.396 acre tract as described in Official Record 8928, Page 2403 and the Grantor's North line, S 85 deg. 59 min. 57 sec. E for a distance of 567.00 feet to an Iron Pin Set at 202.39 feet right of the existing centerline of Sawmill Parkway Extension at station 711+07.46 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE continuing with the North line of Farm Lot 24, and the south line of Farm Lot 9 and the Grantor's North line, and the South line of JES Delaware Ohio, LLC, S 85 deg. 59 min. 57 sec. E for a distance of 627.90 feet to an Iron Pin Set at 96.29 feet left of the existing centerline of US HWY 42 at station 91+63.57;

THENCE through the Grantor's lands the following five (5) courses:

1. S 53 deg. 50 min. 28 sec. W for a distance of 486.59 feet to an Iron Pin Set at 135.14 feet right of the existing centerline of Sawmill Parkway Extension at station 707+47.81, also at 130.65 feet left of the existing centerline of US HWY 42 at station 86+78.19;

4. N47 deg. 837 min. 02 sec. W for a distance of 213.35 feet to an Iron Pin Set at 110.95 feet right of the existing centerline of Sawmill Parkway Extension at station 709+51.32;

3. N 49 deg. 87 min. 47 sec. W for a distance of 54.82 feet to an Iron Pin Set at 107.39 feet right of the existing centerline of Sawmill Parkway Extension at station 710+00.70;

4. N49 deg. 18 min. 40 sec. W for a distance of 124.11 feet to an Iron Pin Set at 109.92 feet right of the existing centerline of Sawmill Parkway Extension at station 711+12.80;

5. N 40 deg. 18 min. 41 sec. E for a distance of 92.68 BACK TO THE TRUE POINT OF BEGINNING.

The above described parcel contains 2.666 acres total, including 0.000 acres in the present road occupied (PRO), lying in Delaware County Auditors parcel number 419-230-01-031-000.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 789, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 1/2 inch aluminum cap stamped "RW Burgess & Niple PS-7664" and shall be placed upon notification from the Delaware Counties Engineers Office at the completion of construction.

This description was prepared by Burgess & Niple, Inc. under the direct supervision of William C. LeRoy, P.S., Ohio License No. 7664 and is based on surveys performed by Burgess & Niple, Inc. beginning in October 2005.

Tract 2: 26.124 acres

Being part of Farm Lot 26, Quarter-Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being part of an original 40 acre tract of land (Tract 9, Parcel 4, 1 Parcel), and a 4.995 acre tract of land (Tract 9, Parcel 7), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Concord Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the Line between Concord Township and Delaware Township and North Line of Farm Lot 26 with the centerline of U.S. Route 42, said point being the Northeast corner of aforesaid original 4.995 acre tract and Northeast corner of hereinafter described 26.124 acre tract, said point also being a Southeast corner of an original 121.5 acre tract of land (Tract 9, Parcel 2), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489;

THENCE along the North line of Farm Lot 26 and North Line of Concord Township and North Line of said 26.124 acre tract and South Line of aforesaid original 121.5 acre tract (Tract 9, Parcel 2), South 85 deg. 15 min. 03 sec. East for a distance of 1540.42 feet to a survey nail set on the centerline of U.S. Route 42 (passing over a tract line at a distance of 729.12 feet and an iron pin set at a distance of 1497.43 feet) and the place of beginning;

Containing 26.124 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 31, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Prior Deed, O.R. Vol. 796, page 1489

Basis of bearings, Survey by F.D. Stultz, dated 05/09/1975, centerline U.S. 42, South 50 deg. 29 min. 22 sec. West

Tract 3: 69.767 acres

Being part of Farm Lot 25, Quarter Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being a 12 acre tract of land (Tract 9, Parcel 3) now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the Line between Concord Township and Delaware Township and South Line of Farm Lot 25 with the centerline of U.S. Route 42, said point being a Southeast corner of hereinafter described 69.767 acre tract, said point also being the Northeast corner of an original 4.995 acre tract of land (Tract 9, Parcel 7), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489;

THENCE along Grantor's North Line and North Line of Farm Lot 37 and South Line of said 5 acre tract South 84 deg. 54 min. 32 sec. East for a distance of 1485.57 feet to an iron pin set at Grantor's Northeast corner;

Tract 5: 36.25 acres

Being part of Farm Lot 25, Quarter Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being a 12 acre tract of land (Tract 9, Parcel 3) now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the Line between Concord Township and Delaware Township and South Line of Farm Lot 25 with the centerline of U.S. Route 42, said point being a Southeast corner of hereinafter described 69.767 acre tract, said point also being the Northeast corner of an original 4.995 acre tract of land (Tract 9, Parcel 7), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489;

THENCE along the South Line of Delaware Township and South Line of Farm Lot 25 and North Line of said 4.995 acre tract and then along the North Line of an original 40 acre tract of land, (Tract 9, Parcel 4, 1st Parcel), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, North 85 deg. 15 min. 03 sec. West for a distance of 1540.42 feet to an iron pin set at the Southwest corner of Farm Lot 25, said point being on the common Line between Concord Township and Delaware Township (passing over an iron pin set at a distance of 42.99 feet and a tract line at a distance of 811.31 feet);

THENCE along the West Line of Delaware Township and West Line of Farm Lot 25 and West Line of said 69.767 acre tract and East Line of a 36.25 acre tract of land (Tract 9, Parcel 6), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, North 04 deg. 05 min. 48 sec. East for a distance of 599.70 feet to an iron pin set at the Northeast corner of said 36.25 acre tract, said point being the Northeast corner of Concord Township;

THENCE continuing along the West Line of Farm Lot 25 and West Line of said 69.767 acre tract and crossing aforesaid original 121.5 acre tract (Tract 9, Parcel 2), North 04 deg. 25 min. 52 sec. East for a distance of 1484.06 feet to a 5/8 inch dia. Iron pin found at the Northwest corner of Farm Lot 25, said point being the Northwest corner of said 69.767 acre tract (passing over a tract line at a distance of 1005.56 feet);

THENCE along the North Line of Farm Lot 25 and North Line of said 69.767 acre tract and South Line of an original 54.75 acre tract of land (Tract D), now or formerly owned by Francis L. Jr. & Mary Lou Wilgus, Trustees, TOD, O.R. 677, page 2363, and then along the South Line of an original 50 acre tract of land, now or formerly owned by Barbara A. Spierling, Trustee, O.R. 412, page 1362, South 85 deg. 19 min. 23 sec. East for a distance of 1301.17 feet to a 5/8 inch dia. Iron pin found at the Northeast corner of said 69.767 acre tract, said point being the Northwest corner of a 10.154 acre tract of land, now or formerly owned by Dorothy Susanne Jackson, Trustee, act, O.R. 1092, page 2675 (passing over a tract line at a distance of 1047.75 feet);

THENCE along the East Line of said 69.767 acre tract and West Line of said 10.154 acre tract South 04 deg. 31 min. 01 sec. West for a distance of 1275.87 feet to a 5/8 inch dia. Iron pin found at the Southwest corner of said 10.154 acre tract;

THENCE along the South Line of said 10.154 acre tract South 84 deg. 52 min. 07 sec. East for a distance of 430.03 feet to a 5/8 inch dia. Iron pin found at the Southeast corner of said 10.154 acre tract, said point being on the West Line of a 5.044 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, page 672;

THENCE along the East Line of said 69.767 acre tract and West Line of said 5.044 acre tract South 04 deg. 31 min. 01 sec. West for a distance of 627.88 feet to a survey nail found on the centerline of U.S. Route 42 (passing over a 5/8 inch dia. Iron pin found at a distance of 586.18 feet);

THENCE along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 256.10 feet to a survey nail set on the South Line of Delaware Township and the place of beginning.

Containing 69.767 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 31, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Prior Deed, O.R. Vol. 796, page 1489

Basis of bearings, Survey by F.D. Stultz, dated 05/09/1975, centerline U.S. 42, South 50 deg. 29 min. 22 sec. West

Tract 4: 40.973 acres

Being part of Farm Lot 37, Quarter-Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being part of an original 51 acre tract of land (Tract 9, Parcel 4, 2nd Parcel), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Concord Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at a survey nail found at the intersection of the Line between Concord Township and Delaware Township with the centerline of U.S. Route 42;

THENCE along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 460.30 feet to a railroad spike found at an angle point;

THENCE continuing along said centerline South 50 deg. 43 min. 08 sec. West for a distance of 1660.65 feet to a survey nail found at the Southeast corner of hereinafter described 40.973 acre tract, said point being the Southwest corner of a 26.124 acre tract of land (Tract No. 1), now or formerly owned by 42 View Farm LLC, O.R. 1136, page 1636, and the point of beginning.

THENCE continuing along the centerline of U.S. Route 42 South 50 deg. 43 min. 08 sec. West for a distance of 276.43 feet to a survey nail set at the Northeast corner of a 5.004 acre tract of land, now or formerly owned by 42 South LLC, O.R. 875, page 1219;

THENCE along Grantor's South Line and North Line of said 5.004 acre tract and then along the North Line of a 5.47 acre tract of land, now or formerly owned by Ronald Eugene & Lisa K. Thompson, Deed Vol. 526, page 308, North 84 deg. 19 min. 07 sec. West for a distance of 1298.43 feet to an existing 8 inch dia. Wood post at Grantor's Southwest corner, said point being on the West Line of Farm Lot 37 (passing over an iron pin set at a distance of 56.83 feet and a 1/2 inch dia. Iron pipe found at the Northwest corner of aforesaid 5.004 acre tract at a distance of 830.00 feet);

THENCE along Grantor's West Line and West Line of Farm Lot 37 and East Line of a 45.914 acre tract of land, now or formerly owned by SFF LLC, O.R. 1072, page 2181, North 04 deg. 44 min. 27 sec. East for a distance of 1201.38 feet to a 5/8 inch dia. Iron pin found at Grantor's Northwest corner, said point being the Northwest corner of Farm Lot 37, said point also being the Southwest corner of a 5 acre tract of land (Tract 9, Parcel 5), now or formerly owned by Farm 42 LLC, O.R. 1152, page 1745;

THENCE along Grantor's North Line and North Line of Farm Lot 37 and South Line of said 5 acre tract South 84 deg. 54 min. 32 sec. East for a distance of 1485.57 feet to an iron pin set at Grantor's Northeast corner;

THENCE along Grantor's East Line and West Line of aforesaid 26.124 acre tract South 04 deg. 05 min. 48 sec. West for a distance of 1021.58 feet to a survey nail found on the centerline of U.S. Route 42 (passing over a 5/8 inch dia. Iron pin found at a distance of 980.31 feet) and the place of beginning.

Containing 40.973 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated September 20, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Tract 5: 36.25 acres

Situated in the County of Delaware, in the State of Ohio, and in the Township of Concord, and bounded and described as follows: Being the N.E. part of Lot 39, Sec. 2, Twp. 4, Range 19, USM Lands, beginning at the N. E. corner of said Lot;

thence with the North line of said Lot N. 86° 15' W 1496.6 feet; thence S 3° 00' W. 1059 feet to the North line of a 5 acre tract sold to W. P. Ropp; thence with said 5 acre North line S. 86° 35' E 1498 feet to the East line of said Lot; thence with said East line N. 3° 00' E 1049.5 feet to the place of beginning, containing

ALTA/NSPS LAND TITLE SURVEY

FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19 UNITED STATES MILITARY DISTRICT

CITY AND TOWNSHIP OF DELAWARE, TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT NO. 22-10-04 ATA:

PARCEL 1

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, AND IN THE TOWNSHIP OF DELAWARE:

BEING PART OF FARM LOT 25, SECTION 2, TOWNSHIP 4, RANGE 19, U.S. MILITARY LANDS, ALSO BEING PART OF A 123.5 ACRE TRACT (TRACT 3), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE FOUND AT AN ANGLE POINT FOUND THE CENTERLINE OF U.S. ROUTE 42 WHERE IT INTERSECTS THE EAST LINE OF FARM LOT 25 (WEST LINE OF FARM LOT 24), ALSO BEING A WESTERLY CORPORATION LINE OF THE CITY OF DELAWARE;

THENCE ALONG THE CENTERLINE OF U.S. ROUTE 42, SOUTH 50 DEG. 29' 22" WEST A DISTANCE OF 83.44 FEET TO A RAILROAD SPIKE SET;

THENCE NORTH 04 DEG. 31' 01" EAST (PASSING OVER A 5/8" SOLID IRON PIN SET AT 41.70 FEET) A TOTAL DISTANCE OF 430.03 FEET TO AN IRON PIN SET;

THENCE NORTH 84 DEG. 52' 07" WEST A DISTANCE OF 430.03 FEET TO A 5/8" SOLID IRON PIN SET;

THENCE NORTH 04 DEG. 31'01" EAST A DISTANCE OF 1275.87 FEET TO A 5/8" SOLID IRON PIN SET ON THE NORTH LINE OF FARM LOT 25 (SOUTH LINE OF FARM LOT 13) ALSO BEING THE SOUTH LINE OF A 50 ACRE TRACT OF LAND NOW OR FORMERLY OWNED BY FRANCIS L. WILGUS, JR. AND MARY LOU WILGUS, AS DESCRIBED IN DEED BOOK 395, PAGE 198;

THENCE ALONG THE LINE COMMON TO FARM LOT 13 AND 25 AND THE SOUTHERLY LINE OF THE 50 ACRE TRACT, SOUTH 85 DEG. 19'23" EAST A DISTANCE OF 490.00 FEET TO A CORNER STONE FOUND AT A CORNER COMMON TO FARM LOT 25 AND 24 ALSO BEING THE CITY OF DELAWARE CORPORATION LINE;

THENCE ALONG THE LINE COMMON TO FARM LOT 24 AND 25 AND THE CITY OF DELAWARE CORPORATION LINE, SOUTH 04 DEG. 31'01" WEST (PASSING OVER A BOLT SET AT 1807.30 FEET) A TOTAL DISTANCE OF 1849.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 15.198 ACRES, MORE OR LESS

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

ALL IRON PIN SET ARE 5/8" SOLID IRON PINS WITH YELLOW PLASTIC CAPS STAMPED "STULTS & ASSOC."

EXCEPTING THEREFROM THE FOLLOWING:

Being situated in the State of Ohio, in the County of Delaware, and in the Township of Delaware and being bounded and described as follows:

Being Part of Farm Lot 25, Section 2, Township 4, Range 19, U.S. Military Lands, and being part of an original 15.198 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, Page 672, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of U.S. Route 42 with the centerline of Township Road 142;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 83.44 feet to a survey nail found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 627.88 feet to a 5/8 inch dia. iron pin found at the Southeast corner of hereinafter described 10.154 acre tract (passing over a 5/8 inch dia. iron pin found at a distance of 41.70 feet) and the point of beginning;

Thence North 84 deg. 52 min. 07 sec. West for a distance of 430.03 feet to a 5/8 inch dia. iron pin found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 1275.87 feet to a 5/8 inch dia. iron pin found on the North Line of Lot 25;

Thence along said Lot Line South 85 deg. 19 min. 23 sec. East for a distance of 490.00 feet to a stone found at the Northeast corner of Lot 25;

Thence along the East Line of Lot 25 and City of Delaware West Corporation Line South 04 deg. 31 min. 01 sec. West for a distance of 255.87 feet to an iron pin set;

Thence North 85 deg. 19 min. 23 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 360.00 feet to an iron pin set;

Thence South 85 deg. 19 min. 23 sec. East for a distance of 120.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 85 deg. 28 min. 59 sec. East for a distance of 120.01 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 363.75 feet to a 5/8 inch dia. iron pin found and the place of beginning.

Containing 10.154 acres, more or less, and subject to easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated January 14, 1997. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 619, Page 100

Basis of bearings, Survey by Franklin D. Stultz, dated 12/13/89, East Line of 15.198 acres South 04 deg. 31 min. 01 sec. West. PARCEL #419-230-01-030-000

PARCEL 2

Being situated in the State of Ohio, in the County of Delaware, and in the Township of Delaware and being bounded and described as follows:

Being Part of Farm Lot 25, Section 2, Township 4, Range 19, U.S. Military Lands, and being part of an original 15.198 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, Page 672, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of U.S. Route 42 with the centerline of Township Road 142;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 83.44 feet to a survey nail found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 627.88 feet to a 5/8 inch dia. iron pin found at the Southeast corner of hereinafter described 10.154 acre tract (passing over a 5/8 inch dia. iron pin found at a distance of 41.70 feet) and the point of beginning;

Thence North 84 deg. 52 min. 07 sec. West for a distance of 430.03 feet to a 5/8 inch dia. iron pin found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 1275.87 feet to a 5/8 inch dia. iron pin found on the North Line of Lot 25;

Thence along said Lot Line South 85 deg. 19 min. 23 sec. East for a distance of 490.00 feet to a stone found at the Northeast corner of Lot 25;

Thence along the East Line of Lot 25 and City of Delaware West Corporation Line South 04 deg. 31 min. 01 sec. West for a distance of 255.87 feet to an iron pin set;

Thence North 85 deg. 19 min. 23 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 360.00 feet to an iron pin set;

Thence South 85 deg. 19 min. 23 sec. East for a distance of 120.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 85 deg. 28 min. 59 sec. East for a distance of 120.01 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 363.75 feet to a 5/8 inch dia. iron pin found and the place of beginning.

Containing 10.154 acres, more or less, and subject to easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated January 14, 1997. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 619, Page 100

Basis of bearings, Survey by Franklin D. Stultz, dated 12/13/89, East Line of 15.198 acres South 04 deg. 31 min. 01 sec. West.

EXCEPTING THEREFROM THE FOLLOWING:

Situate in the State of Ohio, County of Delaware, Township of Delaware and being located in Farm Lot Numbered 24, Section 2, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 210. The herein described parcels lies on the left and right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for said Sawmill Parkway Extension. Being part of lands conveyed to "DAVID R. and TERESA J. SHELLHOUSE" (hereinafter referred to as Grantor) as described in Official Record 1092, Page 2675, Official Record 1184, Page 2680, and Deed Volume 521, Page 672 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pipe Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 24, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 23.314 acre tract as described in Official Record 714, Page 2305 and the Southeast corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling III Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14.41 feet right of the existing centerline of Sawmill Parkway Extension at station 715+97.07;

THENCE with the South line of Farm Lot 13, the North line of Farm Lot 24 and the south line of Barbara A. Spierling, Trustee lands, N 86 deg. 31 min. 13 sec. W for a distance of 585.78 feet at the common corner to Farm Lots 24 and 25, same being the Northwest corner of a 40.200 acre tract of lands conveyed to Delaware Sawmill Farms, LLC as described in Official Record 1152, Page 1760 and the northeast corner of the Grantor's lands at 6.37 feet right of the existing centerline of Sawmill Parkway Extension at station 721+81.69 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE with the common line between Farm Lot 21 and Farm Lot 25 and the West line of Delaware Sawmill Farms lands and the Grantor's East line, S 03 deg. 41 min. 01 sec. W for a distance of 106.37 feet to an Iron Pin Set at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+81.32;

THENCE through the Grantor's lands, N 86 deg. 07 min. 09 sec. W for a distance of 489.93 feet to an Iron Pin Set on the East line of a 69.767 acre tract of lands conveyed to 42 View Farm, LLC as described in Official Record 1136, Page 1636 and the Grantor's West line at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 726+71.25;

THENCE with the East line of 42 View Farm lands and the Grantor's West line, N 03 deg. 38 min. 48 sec. E for a distance of 106.54 feet to the Northeast corner of 42 View Farm lands and the Grantor's Northwest corner and lying on the common line between Farm Lots 13 and 25, also being on the South line of Barbara A. Spierling, Trustee lands at 6.54 feet Right of the existing centerline of Sawmill Parkway Extension at station 726+71.69;

THENCE with the line between Farm Lots 13 and 25, the South line of Barbara A. Spierling, Trustee lands and the Grantor's North line, S 86 deg. 05 min. 56 sec. E for a distance of 490.00 feet BACK TO THE TRUE POINT OF BEGINNING.

Described parcel contains 1.197 acres, with 0.000 acres being in the Present Road Occupied (PRO) lying in Delaware County Auditors parcel number 419-230-01-030-001.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-1-.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 1/2 inch aluminum cap stamped "RW Burgess & Niple PS-7661" and shall be placed upon notification from the Delaware County's Engineers Office at the completion of construction

Schedule B Items from Title Commitment No. 22-10-04 ATA issued by Acquisition Title Agency with an effective date of November 4, 2022 at 6:00 A.M.

Items 1-16 NOT SURVEY RELATED ITEMS.


Item 17 Right of Way Easement to Columbus and Southern Ohio Electric Company as described in Lease Volume 10, Page 453, Delaware County Records. THE ELECTRIC EASEMENT IS LOCATED ON PARCEL 1 OF THE SUBJECT TRACT AS SHOWN APPROXIMATELY HEREON. NO WIDTH GIVEN.

Item 18 Right of Way Easement to Columbus and Southern Ohio Electric Company as described in Deed Book Volume 305, Page 35, Delaware County Records. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON FOR REFERENCE.

Item 19 Oil and Gas Lease as described in Lease Volume 27, Page 411, Delaware County Records; Affidavit Pursuant to ORC 5301.56 file in Official Record 719, Page 657 and Official Record 719, Page 669, Delaware County Records. THE SUBJECT TRACTS ARE LOCATED IN THE AREA DESCRIBED.

Item 20 Easement to the City of Delaware as described in Official Record Book 1389, Page 2142, Delaware County Records. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON FOR REFERENCE.

Item 21 Easement to the State of Ohio as described in Deed Book 231, Page 418, Delaware County Records. EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

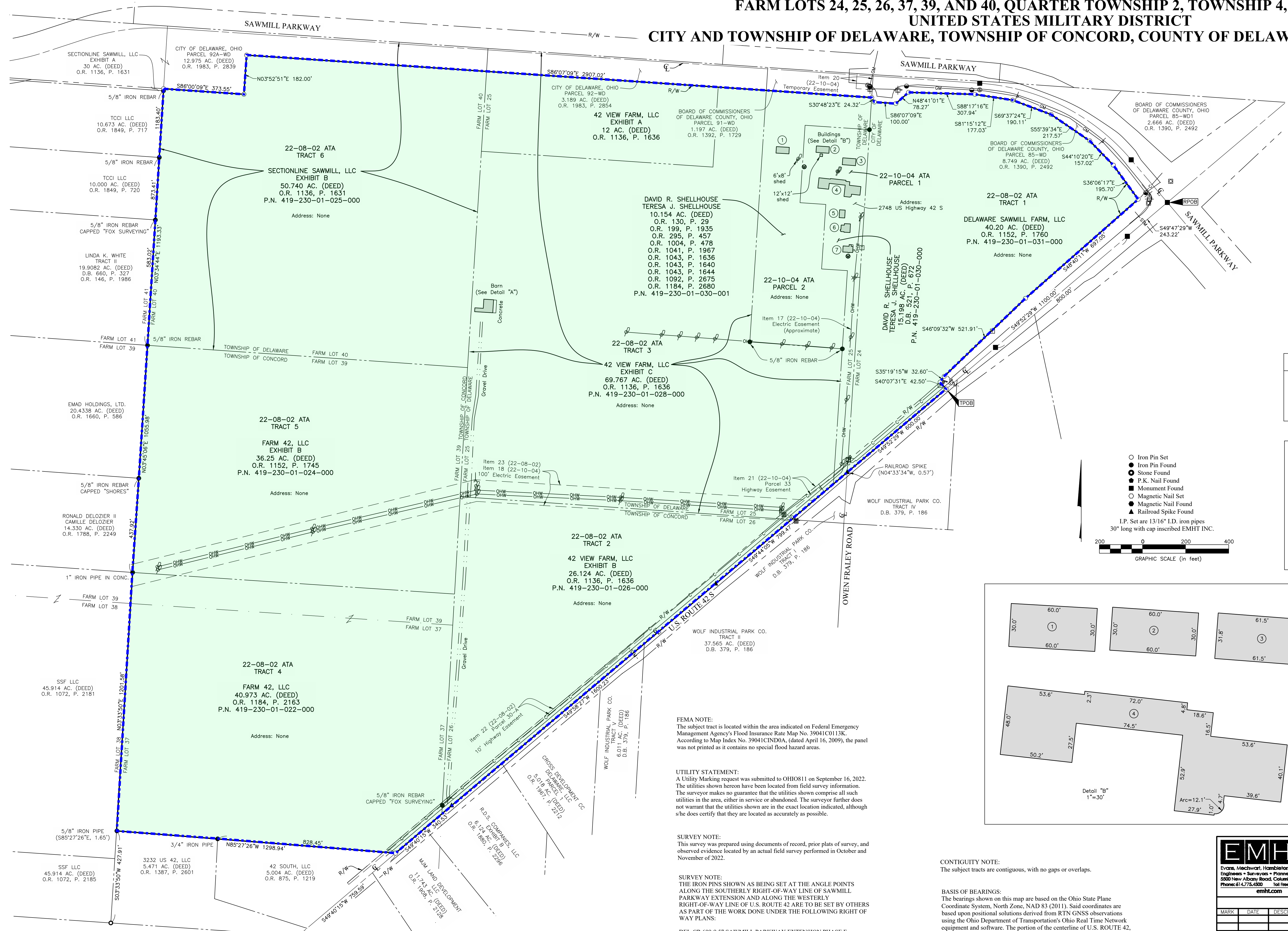
		Date: December 24, 2022
		Scale: 1" = 200'
Evans, Meechwaft, Hambleton & Thon, Inc. Engineers • Surveyors • Planners • Scientists 5000 New Albany Road, Columbus, OH 43254 Phone: 614.776.4000 Toll Free: 888.776.3648 emht.com		Job No: 2022-0819
		Sheet: 2 of 3
REVISIONS		
MARK	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19

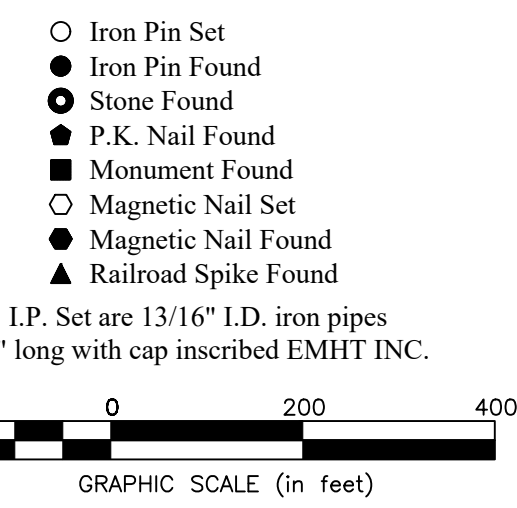
UNITED STATES MILITARY DISTRICT

CITY AND TOWNSHIP OF DELAWARE, TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, STATE OF OHIO



SYMBOL LEGEND	
	Fiber Optic Pull Box
	Telephone Pedestal Box
	Gas Marker Post
	Electric Pull Box
	Electric Pole
	Traffic Signal Pole
	Sign
	Sanitary Sewer Manhole
	Catch Basin
	Storm Sewer Grated Manhole
	Guy Wire & Anchor
	Utility Pole
	Building Number

LINE LEGEND	
	Fence Line
	Gas Line
	Storm Line
	Underground Comm.
	Overhead Wires



- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Monument Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.

FEMA NOTE:
The subject tract is located within the area indicated on Federal Emergency Management Agency's Flood Insurance Rate Map No. 39041C0113K. According to Map Index No. 39041CIND0A, (dated April 16, 2009), the parcel was not printed as it contains no special flood hazard areas.

UTILITY STATEMENT:
A Utility Marking request was submitted to OHIO811 on September 16, 2022. The utilities shown hereon have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although s/he does certify that they are located as accurately as possible.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in October and November of 2022.

SURVEY NOTE:
THE IRON PINS SHOWN AS BEING SET AT THE ANGLE POINTS ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAWMILL PARKWAY EXTENSION AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 42 ARE TO BE SET BY OTHERS AS PART OF THE WORK DONE UNDER THE FOLLOWING RIGHT OF WAY PLANS:

- DEL-CR 609-9.57 SAWMILL PARKWAY EXTENSION PHASE F
- DEL-CR 609-10.02 SAWMILL PARKWAY EXTENSION PHASE G PART 1

CONTIGUITY NOTE:
The subject tracts are contiguous, with no gaps or overlaps.

BASIS OF BEARINGS:
The bearings shown on this map are based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). Said coordinates are based upon positional solutions derived from RTN GNSS observations using the Ohio Department of Transportation's Ohio Real Time Network equipment and software. The portion of the centerline of U.S. ROUTE 42, having a bearing of S49°52'29"W and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

EMHT		Date: December 24, 2022
Evers, Mieschke, Hambleton & Thon, Inc. Engineers - Surveyors - Planners - Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.778.4500 Fax: 614.778.4508 emht.com		Scale: 1" = 200'
		Job No: 2022-0819
		Sheet: 3 of 3
REVISIONS		
MARK	DATE	DESCRIPTION

Maridel: Parcel Numbers and Acreage

419-230-01-031-000 (28.785 AC)

419-230-01-030-000 (5.044 AC)

419-230-01-030-001 (8.957 AC)

419-230-01-028-000 (66.578 AC)

419-230-01-026-000 (26.124 AC)

419-230-01-025-000 (45.255 AC)

419-230-01-024-000 (36.25 AC)

419-230-01-022-000 (40.973 AC)

257.966 AC TOTAL

FOR OFFICE USE ONLY

Received 01/07/25

DATE RECEIVED

EST 1808



FOR OFFICE USE ONLY

PUD 25-1

CASE NUMBER

Master Zoning & Development Application

Planning Commission / City Council

- Rezoning / Zoning Amendment
- Comprehensive Plan Amendment
- Development Plan
- Development Plan Extension
- Development Plan Minor Modification
- Development Plan Major Modification
- Conditional Use Approval

- Preliminary Subdivision Plat
- Preliminary Subdivision Plat Extension
- Final Subdivision Plat
- Final Subdivision Plat Extension
- Right-of-Way Vacation
- Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
- Variance
- Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
- Zoning Determination Letter
- Minor Subdivision Lot Split / Combination
- Floodplain Letter of Interpretation
- Certificate of Zoning Compliance

Subdivision / Project Name MARIDEL Address US HIGHWAY 42S DELAWARE OH 43015

Acreage SEE ATTACHED Parcel Number SEE ATTACHED Number of Lots 8 EXISTING Number of Units

Current Zoning FR-1, M-1 Proposed Zoning PUD

Current Land Use FARM/UNDEVELOPED Proposed Land Use SEE ATTACHED EXHIBIT

Applicant Name _____ Contact Person BRIAN REYNOLDS

Applicant Address 2164 CITYGATE DR, COLUMBUS, OH 43219

Phone 614-866-4580 Email BREYNOLDS@RENIER.COM

Owner Name DANIELS HINKLEY HOUSING, LLC Contact Person BRUCE DANIELS

Owner Address 5940 WHITTINGHAM DR., DUBLIN, OH 43017

Phone 937-537-0912 Email BDANIELS@PERFORMANCECOLUMBUS.COM

Engineer/Architect/Attorney Contact MATT STYPULA Company EMHT

Address 5500 NEW ALBANY ROAD, COLUMBUS, OH 43054

Phone 614-775-4500 Email MSTYPULA@EMHT.COM

The undersigned do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature [Signature] Owner Printed Name BRUCE DANIELS

Agent Signature [Signature] Agent Printed Name BRIAN REYNOLDS

CITY OF DELAWARE
PLANNING COMMISSION
February 5, 2025

C-PUD 25-1
MARIDEL
REZONING

RESOLUTION

WHEREAS, Daniels Hinkley Housing LLC, 5940 Whittingham Drive, Dublin, Ohio, 43219, has filed an application requesting to rezone 257.97 acres of land from M-1, Light Manufacturing District and A-1, Agricultural District (located in the Southwest Overlay), to C-PUD, Commercial Planned Unit Development. The property is located on the southwest corner of Sawmill Road and US-42, further described as parcels 419-230-01-031-000, 419-230-01-030-000, 419-230-01-030-001, 419-230-01-028-000, 419-230-01-026-000, 419-230-01-025-000, 419-230-01-024-000, and 419-230-01-022-000.

WHEREAS, a public hearing was held on February 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 257.97 acres of land described as parcels 419-230-01-031-000, 419-230-01-030-000, 419-230-01-030-001, 419-230-01-028-000, 419-230-01-026-000, 419-230-01-025-000, 419-230-01-024-000, and 419-230-01-022-000, from M-1, Light Manufacturing District and A-1, Agricultural District, to C-PUD, Commercial Planned Unit Development.

SECTION 2.

1. The concept plan dated "Received 01/07/25" illustrates the general layout of the development within this Planned Unit Development.
2. Principal uses permitted in this Commercial Planned Unit Development shall be:

	Sub-Area A	Sub-Areas B, E	Sub-Areas C, D, G, H	Sub-Area F	Sub-Area J
Commercial Uses					
Automotive Sales and rental			P		
Brewery, distillery, winery, cidery (micro)			P		
Drive-in theater	P	P	P	P	
Hotel/motel			P		
Indoor recreation and entertainment	P			P	P
Motor vehicle storage				P	
Office, administrative					P
Outdoor recreation and amusement	P			P	P
Parking lot or deck (as principal use)		P			
Restaurant			P		
Retail			P		
Institutional Uses					
Park, public or private				P	P
Place of religious assembly			C		
School, public or private					P
School, trade, business, and arts					P

3. ACCESS AND RIGHT OF WAY

- a. A Traffic Impact Study is required for the entire development, inclusive of all subareas. Access to US 42, including but not limited to location, if full or partial movement, and/or signalization) is to be determined by the City. Applicant shall be responsible for the design and construction of all required improvements as determined by the City Engineer.
- b. All internal roadways shall be private and be owned and maintained by an association of owners or a master association for the Maridel development.
- c. Full access to Sawmill Parkway shall be limited to the existing full-access curb cuts adjacent to the property.
- d. A maximum of one full-access intersection along US 42 will be permitted if in conformance with City access management guidelines. The location and design of these access points shall be subject to the approval of the City Engineer.
- e. All out parcels in Sub-Areas C, D, G, and H, shall require cross access between adjacent lots.
- f. Right-of-Way along Sawmill Parkway and US 42 shall be dedicated to the City as required by the City Engineer.
- g. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the Development Plan stage.

4. STORMWATER

- a. Preliminary stormwater submission is required and is to be master planned for the entire development, inclusive of all subareas. Coordination of design and construction of final stormwater improvements shall be required by this applicant with any additional sub-area applicant.
- b. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.
- c. Retention pond barriers shall be required around stormwater basins as required by the City Engineer.
- d. Retention ponds and open space shall be maintained by an association of owners or developer in perpetuity.

5. LANDSCAPING AND TREE PRESERVATION

- a. Tree Canopy Management Plans shall be required for each development at the Development Plan stage.

- b. Street trees shall be installed outside the Right-of-Way along the Sawmill Parkway and US 42 frontages. These trees shall be maintained by the developer or master association of owners in perpetuity.
- c. Landscape plans shall be required at the Development Plan stage.

6. PEDESTRIAN ACCESS

- a. A minimum 10-foot-wide multi-use path shall be installed along the US 42 and Sawmill Parkway frontages.
- b. Minimum five-foot wide sidewalks shall be required on both sides of all private streets and connecting to each out lot.

7. SETBACKS

- a. All pavement and buildings shall be setback at least 40-feet from the Right-of-Way along US 42 and at least 30-feet from the Right-of-Way along Sawmill Parkway.
- b. Setbacks along the western boundary and southern boundary of sub-area F shall be at least 50-feet. Landscaping and mounding details shall be finalized at the Development Plan stage.

- 8. A plat showing all dedicated Right-of-Way, private access drive, all access, drainage, stormwater, utility, and other easements is required prior to the issuance of any building permits.

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

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

PASSED: February 5, 2025

YEAS 5 NAYS 1
ABSTAIN 0

ATTEST: Sarah Simon
CITY CLERK

[Signature]
CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Anna Kelsey, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **THIRD READING OF ORDINANCE NO. 25-06**

SUBJECT: Ordinance No. 25-06, an ordinance approving a request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551 acres located along Sawmill Parkway.

SUGGESTED ACTION:

ATTACHMENTS:

- 1 [PUD 25-2 Addison Sawmill R-PUD Fact Sheet.docx](#)
- 2 [PUD 25-2 Addison Sawmill PC Report.docx](#)
- 3 [PUD 25-2 Addison Sawmill R-PUD Ordinance.docx](#)
- 4 [PUD 25-2 Addison Sawmill exhibits.pdf](#)



FACT SHEET

AGENDA ITEM NO: 16

DATE: 3/10/25

ORDINANCE NO: 25-06

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES (held on
2/24/25 at 7:20 p.m.)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An Ordinance approving a request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551-acres located along Sawmill Parkway.

BACKGROUND:

See attached staff report and attachments.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on February 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

PLANNING COMMISSION STAFF REPORT

CASE ID: PUD 25-2 Addison Sawmill

APPLICANT: Addison Properties
3401 Enterprise Pkwy, Suite 410
Beachwood, OH 44122



REQUEST

A request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551-acres located along Sawmill Parkway.

BACKGROUND/ LOCATION

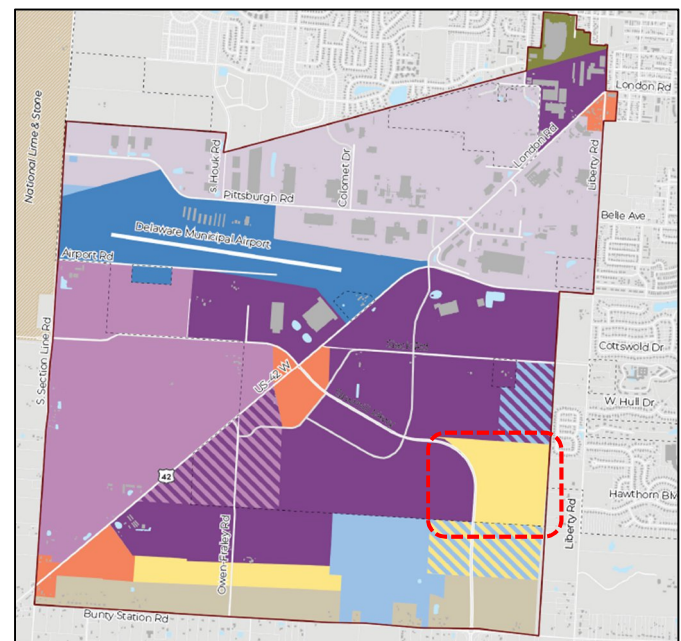
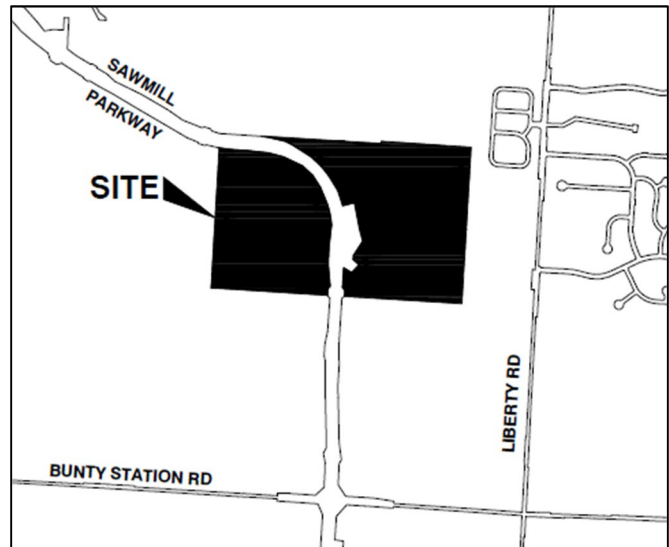
The subject property is located along Sawmill Parkway approximately 0.5 miles southeast of U.S. 42. The 141.55-acre site is bisected by Sawmill Parkway and consists of four parcels. The parcels were annexed into the city of Delaware in 1997. After preliminary staff review, the applicant is proposing to rezone the site from SWA-7: Suburban Mixed-Use and SWA-4: Multi-use Innovation to R-PUD (Residential-Planned Unit Development) for a proposed single-family and townhome development.

EXISTING CONDITIONS/ CURRENT ZONING

The subject property is located within the designated Southwest Focus Area of the city of Delaware's Delaware Together Comprehensive Plan. The subject property is currently utilized as agricultural and/or unimproved land with an existing SWA-7: Suburban Mixed-Use zoning designation east of Sawmill Parkway and SWA-4: Multi-use Innovation zoning designation west of Sawmill Parkway. The surrounding properties are also located within the Southwest Overlay.

STAFF ANALYSIS

Zoning: The applicant is requesting to rezone the subject property to a Residential-Planned Unit Development (R-PUD) with the intent to construct a development comprised of single-family and townhomes. Should the zoning map amendment be approved, the proposed PUD will be divided into two sub-areas. Sub-



- | | |
|--|-------------------------------------|
| ■ SWA-1: Corridor Commercial | ■ SWA-6: Suburban Mixed Residential |
| ■ SWA-2: Traditional Industrial Campus | ■ SWA-7: Suburban Mixed use |
| ■ SWA-3 Innovative Business Campus | ■ SWA-8 Suburban Residential |
| ■ SWA-4 Multi-use Innovation | ■ SWA-9 Government Campus |
| ■ SWA-5 Airport | |

Area A (61-acres) will be located west of Sawmill Parkway and will permit a single-family residential neighborhood up to 4.14 lots per acre. Sub-Area B (80-acres) will be located east of Sawmill Parkway and will permit multi-family dwellings, including townhomes up to 6.35 lots per acre.

Land Use and Comprehensive Plan: This section of the Southwest Focus Area is undeveloped, and the subject property will anchor a transitional area of the Southwest planning area's future land use goals of Suburban Mixed-Use residential to the south and Business Campus (Multi-use innovation) land uses to the north and west along Sawmill Parkway.

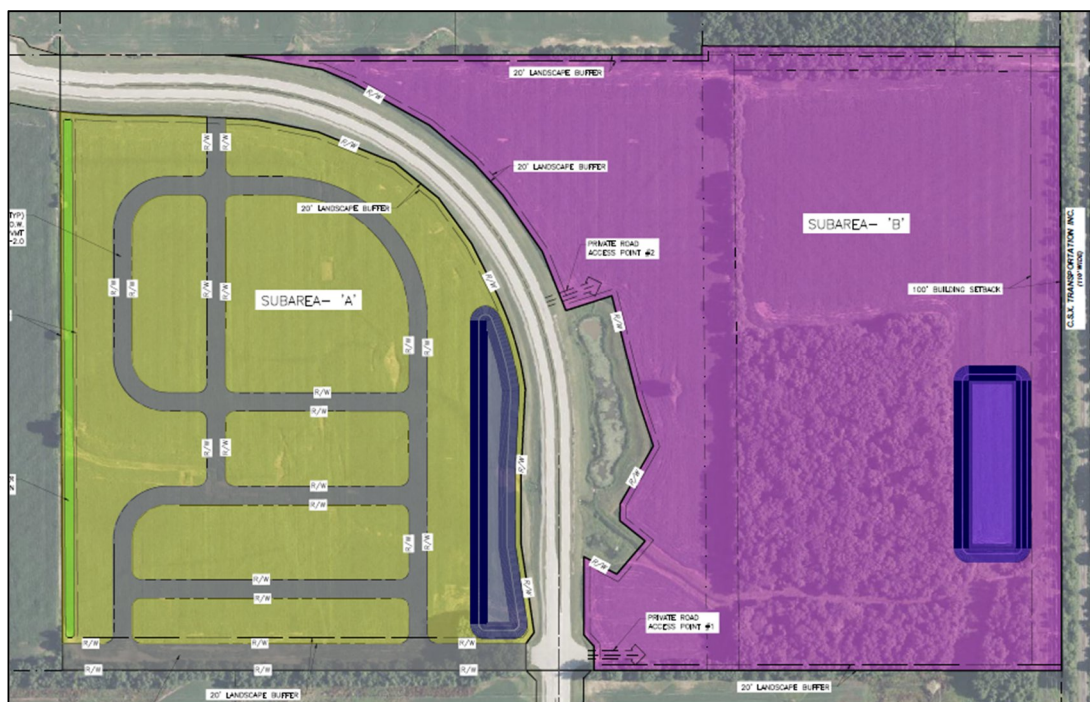
The proposed R-PUD zoning map amendment will permit the development type aligned with Suburban Mixed Residential by providing a variety of housing typologies including single-family, attached townhomes, and multi-family residential developed near (future) commercial and employment areas to the west and north. This proposed Zoning Map Amendment meets several of the goals and actions of the Southwest Plan, including:

- Action B2. Provide infrastructure for multimodal access and ease of mobility for pedestrians and cyclists.
- Action E1. Integrate workforce housing (attainable housing for area workers) in key locations.
- Action E2. Encourage buffering using landscaping, design features, and transitional uses between commercial and residential areas.
- Action F.4: Explore a regional stormwater approach.

Additionally, this proposal meets several of the goals and actions of Delaware Together, including:

- Objective A.1: Encourage a greater mix of land uses in selected locations.
- Objective A.8: Improve design quality and align the design of major corridors.
- Action A.10.1: Require coordinated development on larger parcels.
- Action A.14.1: Implement the Bicycle and Pedestrian Master Plan 2027.
- Action B.8.10: Integrate new uses at key locations.

Concept Plan: The proposed residential development will be comprised of two sub-areas. Sub-Area A, located west of Sawmill Parkway (shown in yellow below), is proposed to be developed into a single-family residential neighborhood and Sub-Area B, located east of Sawmill Parkway (shown in purple below), is proposed to be developed to accommodate multi-family dwellings, including attached townhomes. Should the zoning map amendment be approved, the applicant will need to follow-up with development plans and plats for the two sub-areas.



Access and Traffic

Full access to each sub-area from Sawmill Parkway will be limited to the existing full-access curb cut adjacent to the property at the south property line. The applicant will be responsible for constructing the extension road into each sub-area along the south property line. One additional right-in right-out access point off Sawmill Parkway is proposed for each sub-area at a point north of the proposed basin on Subarea A, and of the existing basin on Sub-area B. The interior road network for Sub-Area A is shown conceptually in the site plan above. The final design and location of all roads and access points will be reviewed and approved at the development plan stage. The applicant will be required to complete a Traffic Impact Study (TIS) for this site, which must be completed and accepted prior to the submittal of a Development Plan application.

Screening and Buffering

A fifty-foot buffer, as shown on the concept plan, will be required along the western boundary of this site and will serve as a barrier between the residential development and any future nonresidential developments to the west. The buffer may not contain any buildings or paved surfaces with the exception of walking paths and does also allow for stormwater detention/retention facilities. The final details of the landscaping that will be included in that buffer will be reviewed and approved at the development plan stage.

Open Space

Open space will be required in each residential sub-area. Per the applicant's conceptual plan, fifteen (15) acres (32% of net area) of open space will be provided in Sub-Area A. Forty-six (46) acres (58% of net area) will be provided in Sub-Area B. Active open space areas (i.e. pocket parks, trails, etc.) will need to be accessible and connect to the interior sidewalk network and be shown on the Development Plan applications for each of the Sub-Areas.

Building Design

Building plans, designs, and elevations for all structures are to be determined and will be reviewed and approved at the Development Plan stage.

Signage and Lighting

A lighting plan and comprehensive sign plan will be required and reviewed at the Development Plan Stage.

Procedures:

The applicant will be required to plat the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits. Each sub-area (or portion of a sub-area) will require development plan approval.

RECOMMENDATION

Staff recommends approval of the request with the conditions of approval outlined in the attached resolution.

NOTES

ORDINANCE NO. 25-06

AN ORDINANCE APPROVING A REQUEST BY ADDISON PROPERTIES FOR APPROVAL OF A REZONING AMENDMENT FROM A-1, AGRICULTURE WITH THE SOUTHWEST OVERLAY TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ON 141.551 ACRES LOCATED ALONG SAWMILL PARKWAY.

WHEREAS, the Planning Commission at its meeting on February 5, 2025 recommended approval of a request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551-acres located along Sawmill Parkway (PC Case PUD 25-2).

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

SECTION 1. A request by request by Addison Properties for approval of a Rezoning Amendment from A-1, Agriculture with the Southwest Overlay to R-PUD (Residential Planned Unit Development) on 141.551-acres located along Sawmill Parkway, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated "Received 01/08/25" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

	Sub-Area A	Sub-Area B
Single-Family Detached	P	P
Single-Family Attached	P	P
Two- or Three-Family		P
Multi-Family		P

3. Site setbacks shall be as shown on the concept plan dated "Received 01/08/25"
4. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
5. The net density of each sub-area shall not exceed the amount shown on the concept plan dated "Received 01-08-25".

6. The applicant is responsible for the design and construction of the public road along the south boundary of the property, in conformance with City Code and Engineering standards including but not limited to tree lawn, street trees, and sidewalk and/or path. This road shall be unloaded (no residential lots with direct access to the road).
7. The City Engineer shall determine the final design and location of all access points at the development plan stage.
8. A 50-foot buffer shall be provided on the western property line of sub-area A. Landscaping and screening within that buffer shall be determined at the development plan stage.
9. A minimum 10-foot asphalt path shall be required along the east and west side of Sawmill Parkway.
10. All public and private roads in each sub-area shall have a minimum of 5-foot sidewalks on each side.
11. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area.
12. Signage requirements shall be determined at the Development Plan stage.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 141.55 acres of land as further depicted in Exhibit A from A-1, Agricultural (within the Southwest Overlay), to R-PUD, Residential Planned Until Development.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

PASSED: _____, 2025 YEAS___NAYS___ABSTAIN___

ATTEST: _____
CITY CLERK

MAYOR

01/08/25

DATE RECEIVED



Master Zoning & Development Application

PUD 25-2

CASE NUMBER

Planning Commission / City Council

- Rezoning / Zoning Amendment
Comprehensive Plan Amendment
Development Plan
Development Plan Extension
Development Plan Minor Modification
Development Plan Major Modification
Conditional Use Approval

- Preliminary Subdivision Plat
Preliminary Subdivision Plat Extension
Final Subdivision Plat
Final Subdivision Plat Extension
Right-of-Way Vacation
Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
Variance
Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
Zoning Determination Letter
Minor Subdivision Lot Split / Combination
Floodplain Letter of Interpretation

Subdivision / Project Name Addison Sawmill Address Sawmill Parkway

Acreege 141.551 Parcel Number 41924001049000, 41924001047000, 41924001048000, 41924001050000 Number of Lots 201 Single-Family, 509 Townhomes Number of Units

Current Zoning A-1 Proposed Zoning PUD

Current Land Use Agricultural Proposed Land Use Residential

Applicant Name Addison Properties Contact Person Mike Medvedkov

Applicant Address 3401 Enterprise Pkwy, Suit 410 Beachwood, OH 44122

Phone 305-439-4581 Email mike@addisonprops.com

Owner Name LANE MARY JO TRUSTEE & MJL FARMS LLC Contact Person Mary Jo Lane

Owner Address 2810 Mid Pines Ct. Delaware OH, 43015

Phone Email mj11215@yahoo.com

Engineer/Architect/Attorney Contact Brian Burkhart Company CEC

Address 250 W. Old Wilson Rd. Suite 250, Worthington, OH 43085

Phone 614-315-7172 Email bburkhart@cecinc.com

The undersigned do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature (handwritten) Mary Jo Lane Owner Printed Name
Agent Signature (handwritten) Mike Medvedkov Agent Printed Name

Agent Form

The undersigned, owner(s) of the certain real property described in the attached application, do hereby appoint and expressly grant full authority to (Name of Agent) Mike Medvedkov to act as the sole agent(s) of and on behalf of the undersigned in all matters related to and in connection with the attached application. The undersigned hereby consents and agrees to be bound by the application, by any agreement made by the herein named agent with the City of Delaware in connection with this same case, and by all decisions made by the City in connection with this same case.

Mary Jo Lane
Owner's Signature

Owner's Signature

Mary Jo Lane
Printed Name

Printed Name

State of Ohio

County of Delaware

Sworn to or affirmed and subscribed before me by Mary Jo Lane
Owner(s) Name(s)

this date of January 7th, 2025

[Signature]
Signature of Notary Public

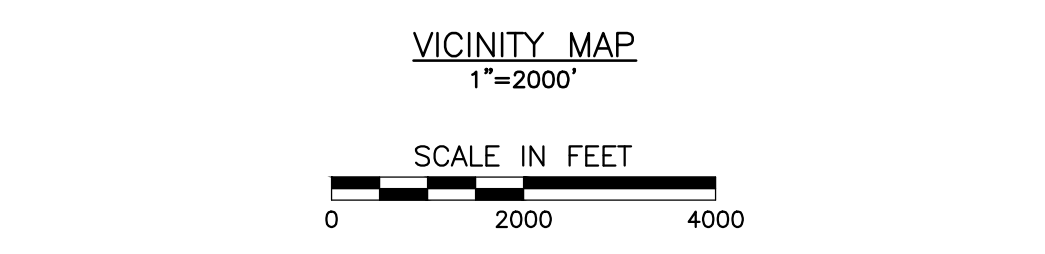
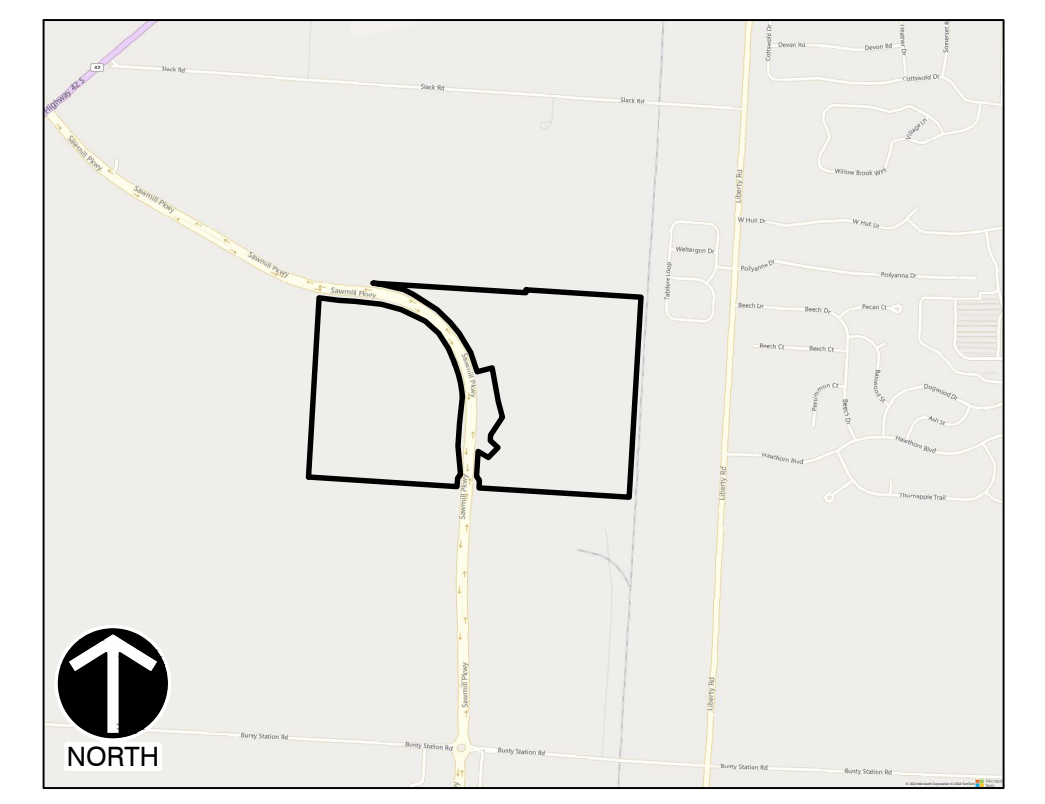
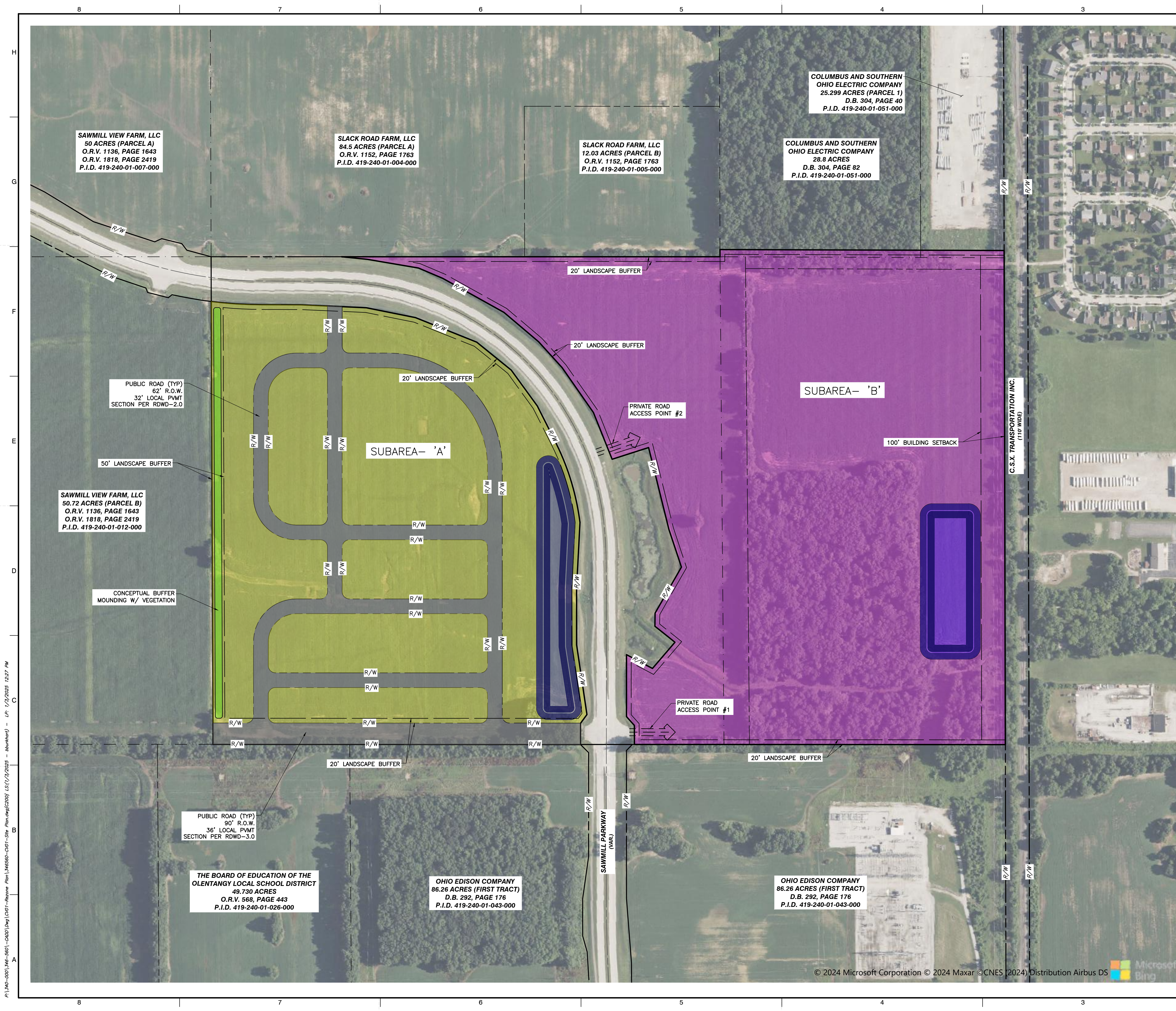
SEAL

Carly Bragg
Notary Printed Name

October 29, 2028
Commission Expiration Date



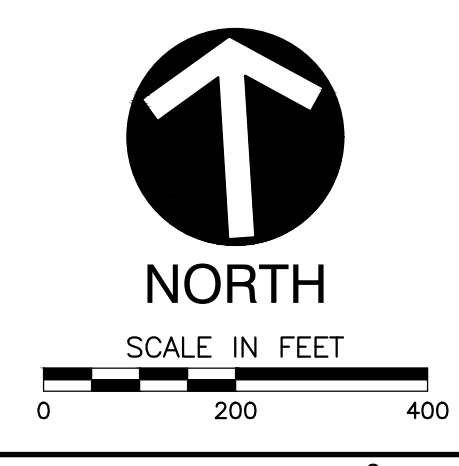
Carly Renee Bragg
Notary Public
State of Ohio
Recorded in Franklin County
My Commission Expires
October 29, 2028



ZONING
 CURRENT: A-1
 W/ SOUTHWEST FOCUS OVERLAY
 PROPOSED: PUD

SUBAREA 'A'
ADDISON SAWMILL
 PID: 419-240-01-049-000
 USE: SINGLE FAMILY
 GROSS AREA: 61 ACRES
 R/W AREA: 14 ACRES
 NET AREA: 47 ACRES
 OPEN SPACE: 15 ACRES (32% OF NET AREA)
 TOTAL LOTS: 201 LOTS (52'X125')
 NET DENSITY: 4.14 LOTS PER ACRE
 LOT BUILDING SETBACKS
 FRONT: 25'
 SIDE: 6'
 REAR: 20'

SUBAREA 'B'
TOWNS AT ADDISON SAWMILL
 PID: 419-240-01-047-000
 419-240-01-048-000
 419-240-01-049-000
 419-240-01-050-000
 USE: MULTI-FAMILY/ TOWNHOME
 GROSS AREA: 80 ACRES
 R/W AREA: 00 ACRES
 NET AREA: 80 ACRES
 OPEN SPACE: 46 ACRES (58% OF NET AREA)
 (13.5 ACRES-TREES PRESERVED)
 TOTAL LOTS: 508 LOTS (22'X102')
 NET DENSITY: 6.35 LOTS PER ACRE
 LOT BUILDING SETBACKS
 FRONT: 25'
 SIDE: 0'
 REAR: 20'



NO.	DATE	DESCRIPTION

250 W. Old Wilson Bridge Road
 Suite 250
 Worthington, OH 43085
 Ph: 614.540.6633
 www.cecinc.com

Civil & Environmental
 Consultants, Inc.

**ADDISON PROPERTIES
 ADDISON SAWMILL &
 TOWNS AT ADDISON SAWMILL
 CITY OF DELAWARE
 DELAWARE COUNTY, OHIO**

DATE		DATE	DATE
		JAN. 2025	JAN. 2025
		DRAWN BY:	DRAWN BY:
		1"=200'	1"=200'
		CHECKED BY:	CHECKED BY:
		346-560	346-560
		PROJECT NO.	PROJECT NO.
		APPROVED BY:	APPROVED BY:

DRAWING NO.: **C200**
 SHEET 1 OF 1

P:\340-000\146-560-C200\Drawings\146560-01-01-Site Plan.dwg (2/2/2025 - 10:27 AM) - LP: 1/3/2025 10:27 AM



3401 Enterprise Pkwy, Suite 410
Beachwood, Ohio 44122

Addison Properties is pursuing development of property located along Sawmill Parkway within the Delaware City Southwest Focus Area. The property comprises of parcels: 419-2400-104-9000, 419-24001047000, 41924001048000, & 419-2400-105-0000, commonly referred to as the Mary Jo Lane Property. The 141.551-acre property is currently used for farming, The proposed Planned Unit Development will be comprised of two residential subareas.

1. Subarea "A": Single-Family Homes

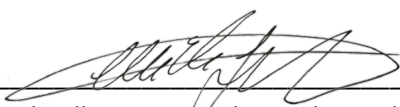
- This section of the property will be developed into a residential neighborhood consisting of single-family homes.
- All roads will be publicly dedicated. A new unloaded road will be constructed along the southern boundary of the property with access to the new school site.
- Subarea "A" will be governed and maintained by its own Homeowners Association (HOA), which will oversee common areas and community standards.

2. Subarea "B": Multifamily/Townhomes

- This section of the property will be developed to accommodate multifamily dwellings, including townhomes.
- All interior roads to be private.
- The properties in this subarea will also be administered by a separate HOA dedicated to Subarea "B" for the management of shared amenities and maintenance of community standards.

Development Objectives:

- To create a sustainable and well-planned residential community that harmonizes with the surrounding environment.
- To provide quality housing options catering to diverse family needs and lifestyles.
- To ensure that each subarea operates independently under its respective HOA to address the specific needs of its residents.

Signed 
Mike Medvedkov, Regional President Addison Properties

DESCRIPTION OF 61.118 ACRE TRACT

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lot 29, Quarter Township 2, Township 4, Range 19, United States Military Lands, being 61.118 acres out of Farm Lot 29, being 61.118 acres out of a 100 acre tract of land described in deed to MJL Farms LLC (1/12 Interest – Tract IV, First Tract) of record in Official Record Volume 1035, Page 2461, and described in deed to Mary Jo Lane, Trustee (11/12 Interest – Tract IX, First Tract) of record in Official Record Volume 1036, Page 1572, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

BEGINNING at a Wood Corner Post found at the southwest corner of said Farm Lot 29, being at the southeast corner of Farm Lot 28, being on the north line of Farm Lot 33, being at the southwest corner of said 100 acre tract, being at the southeast corner of a 50.72 acre tract of land (Parcel B) described in deed to Sawmill View Farm, LLC of record in Official Record Volume 1136, Page 1643 and Official Record Volume 1818, Page 2419, being on the north line of a 49.730 acre tract of land described in deed to The Board of Education of the Olentangy Local School District of record in Official Record Volume 568, Page 443, and being at the **POINT OF BEGINNING** of the tract to be described;

Thence **North 03°19'57" East**, a distance of **1869.77 feet** with the west line of said 100 acre tract, with the east line of said 50.72 acre tract, with the west line of said Farm Lot 29, and with the east line of said Farm Lot 28, to an iron pin set at a southwest corner of a 17.495 acre tract of land (Parcel 79-WD) described in deed to Delaware County Board of Commissioners of record in Official Record Volume 1482, Page 2386, being at the southeast corner of a 5.225 acre tract of land (Parcel 81-WD) described in deed to Board of Commissioners of Delaware County, Ohio of record in Official Record Volume 1390, Page 2486, and being on the south right-of-way line of Sawmill Parkway;

Thence with the south and west lines of said 17.495 acre tract, with the south and west right-of-way lines of said Sawmill Parkway, and crossing said 100 acre tract, the following fourteen (14) courses:

- 1) With the arc of a curve to the left having a radius of **1776.95 feet**, a central angle of **6°54'19"**, an arc length of **214.16 feet**, a chord bearing of **South 82°46'52" East**, and a chord distance of **214.03 feet**, to an iron pin set at a point of tangency;
- 2) **South 86°14'02" East**, a distance of **164.32 feet**, to an iron pin set;
- 3) **South 83°52'21" East**, a distance of **277.15 feet**, to an iron pin set;
- 4) **South 75°05'15" East**, a distance of **211.58 feet**, to an iron pin set;
- 5) **South 64°36'37" East**, a distance of **278.80 feet**, to an iron pin set;
- 6) **South 47°25'07" East**, a distance of **187.54 feet**, to an iron pin set;
- 7) **South 32°24'02" East**, a distance of **186.83 feet**, to an iron pin set;
- 8) **South 23°13'49" East**, a distance of **169.18 feet**, to an iron pin set at a point of curvature;
- 9) With the arc of a curve to the right having a radius of **1045.92 feet**, a central angle of **19°32'51"**, an arc length of **356.83 feet**, a chord bearing of **South 13°27'25" East**, and a chord distance of **355.11 feet**, to an iron pin set;
- 10) **South 06°30'13" West**, a distance of **277.28 feet**, to an iron pin set;
- 11) **South 03°34'00" West**, a distance of **240.88 feet**, to an iron pin set;
- 12) **South 04°52'35" East**, a distance of **298.17 feet**, to an iron pin set;
- 13) **South 40°15'43" West**, a distance of **46.23 feet**, to an iron pin set;
- 14) **South 03°34'00" West**, a distance of **89.05 feet**, to an iron pin set on the south line of said 100 acre tract, being on the west right-of-way line of said Sawmill Parkway, being at a southwest corner of said 17.495 acre tract, being at the northwest corner of a 5.382 acre tract of land (Parcel 78-WL) described in deed to Delaware County Board of Commissioners of record in Official Record Volume 1535, Page 591, being on the north line of an 86.26 acre tract of land (First Tract)

described in deed to Ohio Edison Company of record in Deed Book 292, Page 176, being on the south line of said Farm Lot 29, and being on the north line of Farm Lot 31;

Thence **North 86°24'16" West**, (passing a 2" iron pipe at a distance of 974.22 feet) a total distance of **1551.04 feet**, with the south line of said 100 acre tract, with the north line of said 86.26 acre tract, with the north line of said 49.730 acre tract, with the south line of said Farm Lot 29, with the north line of said Farm Lot 31, and with the north line of said Farm Lot 33, to the **POINT OF BEGINNING**, containing **61.118 acres** out of said 100 acre tract and Parcel Number 419-240-01-049-000, and being subject to all easements and documents of record.

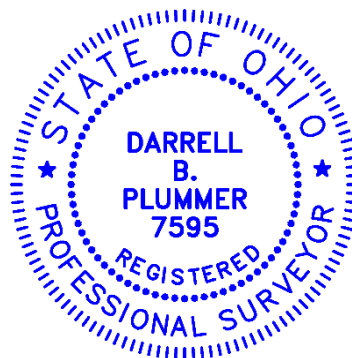
Basis of Bearings: The bearings shown on this survey are based on the bearing of North 03°34'00" East for the centerline of Sawmill Parkway, based on field observations performed in December 2024, and based on NAD 83 (NSRS 2011 Adjustment), Ohio State Plane North Zone.

All iron pins set are 5/8" solid rebar, 30" in length, with a yellow plastic cap bearing the name "CEC INC".

This description was prepared with actual field measurements performed in December 2024 under the direct supervision of Darrell B. Plummer, State of Ohio Registered Professional Surveyor License Number 7595 in accordance with Chapter 4733-37 Ohio Administrative Code.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Darrell B. Plummer 1/06/2025
Darrell B. Plummer, P.S. Date
Professional Surveyor No. 7595



PLAT OF SURVEY

STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,
FARM LOT 29, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19,
UNITED STATES MILITARY LANDS.

**61.118 ACRES
(BY SURVEY)**



- LEGEND**
- IRON PIPE OR REBAR FOUND AS IDENTIFIED
 - IRON PIN SET
 - ▲ MAG NAIL FOUND
 - △ MAG NAIL SET
 - ⊙ MON. OR CORNER POST FOUND
 - ROAD CENTERLINE
 - - - FARM LOT LINE
 - - - PARCEL LINE
 - PROPERTY LINE
 - - - RIGHT-OF-WAY LINE

ACREAGE BREAKDOWN
61.118 ACRES OUT OF FARM LOT 29.
61.118 ACRES OUT OF PARCEL NO. 419-240-01-049-000.
0.000 ACRES IN THE PRESENT ROAD OCCUPIED (PRO).

PERTINENT DOCUMENTS:
DEEDS OF RECORD ON FILE AT THE DELAWARE COUNTY RECORDER'S OFFICE, EXISTING CEC SURVEYS, SURVEYS OF RECORD & TAX MAPS ON FILE AT DELAWARE COUNTY.

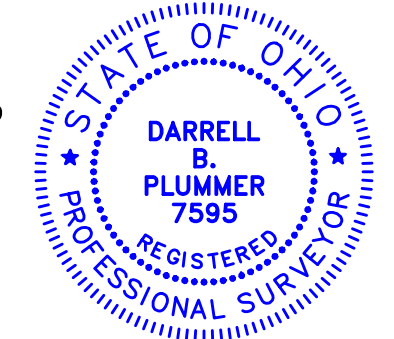
FLOOD ZONE CLASSIFICATION:
THE PROPERTY IS IN ZONE "X" OF
THE FLOOD INSURANCE RATE MAPS:
MAP NUMBERS: 39041C0113K & 39041C0114M.
MAPS REVISED: APRIL 16, 2009 & DECEMBER 21, 2023.

IRON PINS:
ALL IRON PINS SET ARE 5/8" SOLID REBAR, 30" IN LENGTH WITH A YELLOW PLASTIC CAP BEARING THE NAME "CEC INC".

BASIS OF BEARINGS:
THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF NORTH 03°34'00" EAST FOR THE CENTERLINE OF SAWMILL PARKWAY, BASED ON FIELD OBSERVATIONS PERFORMED IN DECEMBER 2024, AND BASED ON NAD 83 (NSRS 2011 ADJUSTMENT), OHIO STATE PLANE NORTH ZONE.

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PREPARED WITH ACTUAL FIELD MEASUREMENTS PERFORMED IN DECEMBER 2024, IN ACCORDANCE WITH CHAPTER 4733-37 OHIO ADMINISTRATIVE CODE.

Darrell B. Plummer 1/06/2025
DARRELL B. PLUMMER DATE
PROFESSIONAL SURVEY NO.: 7595



NO.	DATE	DESCRIPTION

250 W. Old Wilson Bridge Road
Suite 250
Worthington, OH 43085
Ph: 614.540.6633
www.cecinc.com



ADDISON PROPERTIES
CITY OF DELAWARE
DELAWARE COUNTY, OHIO

61.118 ACRE TRACT

DATE:	JANUARY 2025	DRAWN BY:	DBP
DWG SCALE:	1"=125'	CHECKED BY:	JULY
PROJECT NO.:	346-560	APPROVED BY:	DBP

DRAWING NO.:
SRV
SHEET 1 OF 1

C:\Users\DP\Documents\Surveying\Delaware (346-560)\46560-5701-SRV-61.118 ACRES\PLAT1.LSP(1/6/2025 10:40 AM) - LP: 1/6/2025 10:40 AM

DESCRIPTION OF 80.393 ACRE TRACT

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lots 21, 29, and 30, Quarter Township 2, Township 4, Range 19, United States Military Lands, being 0.840 acres out of Farm Lot 21, being 23.163 acres out of Farm Lot 29, being 56.390 acres out of Farm Lot 30, being part of a 100 acre tract of land described in deed to MJL Farms LLC (1/12 Interest – Tract IV, First Tract) of record in Official Record Volume 1035, Page 2461, and described in deed to Mary Jo Lane, Trustee (11/12 Interest – Tract IX, First Tract) of record in Official Record Volume 1036, Page 1572, being all of a 5 acre tract of land described in deed to MJL Farms LLC (1/12 Interest – Tract IV, Second Tract) of record in Official Record Volume 1035, Page 2461, and described in deed to Mary Jo Lane, Trustee (11/12 Interest – Tract IX, Second Tract) of record in Official Record Volume 1036, Page 1572, being all of a 50.077 tract of land and all of a 0.840 acre tract of land (Tract I), and all of a 1.363 acre tract of land (Tract II) described in deed Mary Jo Lane, Trustee of record in Official Record Volume 2085, Page 2685, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

BEGINNING at a 5/8" rebar found at the southwest corner of said Farm Lot 30, being at the southeast corner of Farm Lot 29, being on the north line of Farm Lot 31, being at the southeast corner of said 100 acre tract, being at the southwest corner of said 5 acre tract, being on the north line of an 86.26 acre tract of land (First Tract) described in deed to Ohio Edison Company of record in Deed Book 292, Page 176, and being at the **POINT OF BEGINNING** of the tract to be described;

Thence **North 86°24'46" West**, a distance of **378.56 feet** with the south line of said 100 acre tract, with the north line of said 86.26 acre tract, with the south line of said Farm Lot 29, and with the north line of said Farm Lot 31, to an iron pin set at a southeast corner of a 17.495 acre tract of land (Parcel 79-WD) described in deed to Delaware County Board of Commissioners of record in Official Record Volume 1482, Page 2386, and being on the east right-of-way line of Sawmill Parkway;

Thence with the east and north lines of said 17.495 acre tract, with the east and north right-of-way lines of said Sawmill Parkway, and crossing said 100 acre tract, the following nineteen (19) courses:

- 1) **North 03°34'00" East**, a distance of **80.50 feet**, to an iron pin set;
- 2) **North 38°06'14" West**, a distance of **49.98 feet**, to an iron pin set;
- 3) **North 03°34'00" East**, a distance of **261.46 feet**, to an iron pin set;
- 4) **South 58°26'02" East**, a distance of **124.20 feet**, to an iron pin set;
- 5) **North 44°11'53" East**, a distance of **145.67 feet**, to an iron pin set;
- 6) **North 47°44'58" West**, a distance of **108.35 feet**, to an iron pin set;
- 7) **North 04°15'16" East**, a distance of **55.08 feet**, to an iron pin set;
- 8) **North 33°20'03" East**, a distance of **224.15 feet**, to an iron pin set;
- 9) **North 14°44'59" West**, a distance of **168.11 feet**, to an iron pin set;
- 10) **North 10°22'58" West**, a distance of **355.51 feet**, to an iron pin set;
- 11) **South 75°52'20" West**, a distance of **161.69 feet**, to an iron pin set;
- 12) **North 18°10'11" West**, a distance of **212.57 feet**, to an iron pin set;
- 13) **North 31°22'59" West**, a distance of **231.16 feet**, to an iron pin set;
- 14) **North 38°39'15" West**, a distance of **147.15 feet**, to an iron pin set;
- 15) **North 46°07'55" West**, a distance of **192.11 feet**, to an iron pin set;
- 16) **North 57°23'50" West**, a distance of **294.76 feet**, to an iron pin set;
- 17) **North 63°21'41" West**, a distance of **112.25 feet**, to an iron pin set;

18) **North 76°41'41" West**, a distance of **218.32 feet**, to an iron pin set;

19) **North 80°43'20" West**, a distance of **109.93 feet**, to an iron pin set on the north line of said 100 acre tract, being on the north right-of-way line of said Sawmill Parkway, being on the south line of an 84.5 acre tract of land (Parcel A) described in deed to Slack Road Farm, LLC of record in Official Record Volume 1152, Page 1763, being on the north line of said Farm Lot 29, and being on the south line of Farm Lot 22;

Thence **South 86°25'24" East**, a distance of **1597.89 feet** with the north line of said 100 acre tract, with the south line of said 84.5 acre tract, with the south line of a 12.03 acre tract of land (Parcel B) described in deed to Slack Road Farm, LLC of record in Official Record Volume 1152, Page 1763, with the north line of said Farm Lot 29, and with the south line of said Farm Lot 22, to the northeast corner of said 100 acre tract, being at the northwest corner of said 5 acre tract, being at the southwest corner of said 0.840 acre tract, being at the southeast corner of said 12.03 acre tract, being at the northeast corner of said Farm Lot 29, being at the northwest corner of said Farm Lot 30, being at the southwest corner of said Farm Lot 21, and being at the southeast corner of said Farm Lot 22;

Thence **North 03°12'28" East**, (passing a 3/4" iron pipe found at a distance of 5.06 feet) a total distance of **30.50 feet**, with the west line of said 0.840 acre tract, with the east line of said 12.03 acre tract, with the west line of said Farm Lot 21, and with the east line of said Farm Lot 22, to a 3/4" iron pipe found at the northwest corner of said 0.840 acre tract and being at the southwest corner of the residual of a 28.8 acre tract of land described in deed to Columbus and Southern Ohio Electric Company of record in Deed Book 304, Page 82;

Thence **South 86°14'01" East**, a distance of **1199.85 feet** with the north line of said 0.840 acre tract, with the south line of the residual of said 28.8 acre tract, and with the south line of the residual of a 25.299 acre tract of land (Parcel 1) described in deed to Columbus and Southern Ohio Electric Company of record in Deed Book 304, Page 40, to an iron pin set at the northeast corner of said 0.840 acre tract, being at the southeast corner of the residual of said 25.299 acre tract, and being on the west right-of-way line of the CSX Transportation Inc. railroad;

Thence **South 03°25'47" West**, a distance of **2086.21 feet** with the east line of said 0.840 acre tract, with the east line of said 1.363 acre tract, with the east line of said 50.077 acre tract, and with the west right-of-way line of said CSX Transportation Inc. railroad, to a concrete right-of-way post found at the southeast corner of said 50.077 acre tract, being at the northeast corner of said 86.26 acre tract, being on the south line of said Farm Lot 30, and being on the north line of said Farm Lot 31;

Thence **North 86°24'22" West**, a distance of **1187.98 feet** with the south line of said 50.077 acre tract, with the south line of said 5 acre tract, with the north line of said 86.26 acre tract, with the south line of said Farm Lot 30, and with the north line of said Farm Lot 31, to the **POINT OF BEGINNING**, containing **80.393 acres**, there being 50.916 acres out of Parcel Number 419-240-01-047-000, being 5.073 acres out of Parcel Number 419-240-01-048-000, being 23.163 acres out of Parcel Number 419-240-01-049-000, being 1.241 acres out of Parcel Number 419-240-01-050-000, and being subject to all easements and documents of record.

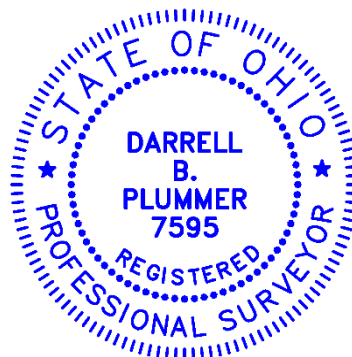
Basis of Bearings: The bearings shown on this survey are based on the bearing of North 03°34'00" East for the centerline of Sawmill Parkway, based on field observations performed in December 2024, and based on NAD 83 (NSRS 2011 Adjustment), Ohio State Plane North Zone.

All iron pins set are 5/8" solid rebar, 30" in length, with a yellow plastic cap bearing the name "CEC INC".

This description was prepared with actual field measurements performed in December 2024 under the direct supervision of Darrell B. Plummer, State of Ohio Registered Professional Surveyor License Number 7595 in accordance with Chapter 4733-37 Ohio Administrative Code.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Darrell B. Plummer 1/06/2025
Darrell B. Plummer, P.S. Date
Professional Surveyor No. 7595





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Anna Kelsey, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **THIRD READING OF ORDINANCE NO. 25-07**

SUBJECT: Ordinance No. 25-07, an ordinance approving a request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road.

SUGGESTED ACTION:

ATTACHMENTS:

- 1 [PUD 25-3 Glenn Road Kroger C-PUD Fact Sheet.docx](#)
- 2 [PUD 25-3 Glenn Rd Kroger Staff Report updated.docx](#)
- 3 [PUD 25-3 Glenn Rd Kroger C-PUD Ordinance.docx](#)
- 4 [PUD 25-3 Glenn Rd Kroger PC Packet.pdf](#)
- 5 [C-PUD 25-3 Glenn Road Kroger Rezoning - PC resolution.pdf](#)



FACT SHEET

AGENDA ITEM NO:17

DATE: 3/10/25

ORDINANCE NO: 25-07

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES (held on
2/24/25 at 7:25 p.m.)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An Ordinance approving a by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road.

BACKGROUND:

See attached staff report and attachments.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on February 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

PLANNING COMMISSION STAFF REPORT

CASE ID: PUD 25-3 Glenn Road Kroger
 APPLICANT: The Kroger Co.
 4111 Executive Parkway
 Westerville OH 43081



REQUEST

A request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road

BACKGROUND/CASE HISTORY

The subject 17.753-acre site is located on the southeast corner of Glenn Road and Sunbury Road (US36/SR37). The applicant approached staff with a proposal to construct a Kroger Marketplace and fueling center. These uses are allowed in the current B-3 zoning district, but a PUD was advised due to the flexibility it will allow the applicant. It will also eliminate the need for multiple variances to base zoning code.

EXISTING CONDITIONS/CURRENT ZONING

The subject 17.753-acre site is located on the southeast corner of Glenn Road and Sunbury Road (US36/SR37) and has been used as farmland. The future extension of Nutter Farms Lane runs along the southern portion of this parcel, separating the subject site from farmland. The parcel is zoned B-3 (Community Business District). The surrounding zoning is as follows:



Location	Zoning	Land Use
North	B-3 (Community Business) / Farm Residence (Brown Twp)	Vacant / Residential
South	M-1 (Light Manufacturing)	Vacant
East	B-3 (Community Business) / Farm Residence (Brown Twp)	Farmland / Residential
West	B-3 PMU (Community Business with a PMU Overlay)	Retail / Vacant

STAFF ANALYSIS

Proposed Zoning:

The property is proposed to be rezoned to a C-PUD (Commercial Planned Unit Development). The uses proposed originated from the B-3 commercial zoning district, but have had uses not desirable for this location removed to harmonize this development with existing land uses and character. The overall site setbacks will be set with this rezoning, with individual building setbacks approved during the development plan approval process.

Comprehensive Plan:

The subject site has never been developed, being used as farmland. This site is located within the Far East Side Focus Area, where it is designated as a location for a Community Scale Center (Mixed-Use, Higher Intensity). This development type includes entertainment and service uses. The proposed uses, including a fueling station and, community-scale retail, align with this development type.

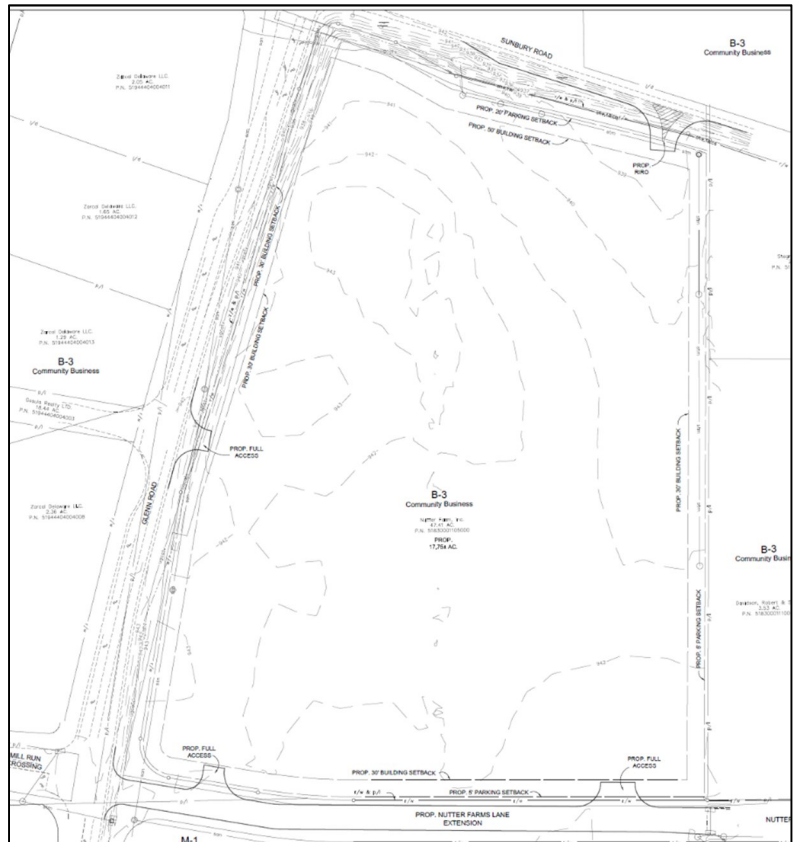
The proposed plan also aligns with several actions outlined in Delaware Together, including:

- Action A.2.1: Identify appropriate locations for quality, higher-density development.
- Action A.14.1: Implement the Bicycle and Pedestrian Master Plan 2027.
- Action A.18.4: Identify potential sites appropriate for intensification.
- Objective E.10: support multimodal transportation (bicycles, pedestrians, and transit).

This Zoning Map Amendment request aligns with City goals outlined in the Comprehensive Plan and Bicycle and Pedestrian Master Plan.

Concept Plan:

At the rezoning stage, there are no set plans for the layout or design of the site. The applicant is proposing three full access points to the site: one on the west side, on Glenn Road across from the existing access drive to Meijer, two along the extension of Nutter Farms Lane on the south side, and a right in, right out (RIRO) near the proposed fueling station along Sunbury Road.



RECOMMENDATION

Staff recommends approval of this request with the conditions outlined in the attached resolution.

NOTES

ORDINANCE NO. 25-07

AN ORDINANCE APPROVING A REQUEST BY THE KROGER CO. FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 17.753 ACRES ON THE SOUTHEAST CORNER OF SUNBURY ROAD AND GLENN ROAD.

WHEREAS, the Planning Commission at its meeting on February 5, 2025 recommended approval of a request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road (PC Case PUD 25-3).

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

SECTION 1. A request by request by The Kroger Co. for approval of a rezoning amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 17.753 acres on the southeast corner of Sunbury Road and Glenn Road, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated “Received 01/08/25” illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

RESIDENTIAL USES	
Dwelling unit(s) on upper floors of a commercial or office building.	C
INSTITUTIONAL/PUBLIC USES	
Cultural institution or art gallery	P
Hospital	C
Library	P
Place of religious assembly - capacity of 50 or fewer	P
Place of religious assembly - capacity greater than 50	C
Public or private recreational facility	P
COMMERCIAL USES	
Day care, child or adult	C
Drive-thru facility (stand-alone)	C

Entertainment, indoor	P
Entertainment, outdoor	C
Event venue - capacity of 50 or fewer	P
Event venue - capacity of greater than 50	C
Financial institution, bank	P
Funeral home	P
Health club	P
Hotel	C
Massage establishments	P
Nursing home	C
Offices	
i. Clerical/professional	P
ii. Medical/dental	P
iii. Veterinary, no boarding kennel	P
Retail development with a minimum gross floor area of 80,000 square feet or greater	C
Retail development with a minimum gross floor area under 80,000 square feet	P
Residential Care Facility	C
Restaurant	P
AUTOMOTIVE AND TRANSPORTATION USES	
Car wash	C
Drive-thru facility associated with any (P) or (C) use	C
Gasoline station	C

3. Setbacks:
 - a. Site setbacks shall be as shown on the concept plan dated "Received 01/08/25".
 - b. Minimum building setbacks shall be established at the Development Plan stage.
4. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.
5. Roads and Access:
 - a. Access to the site shall generally conform to the points shown on the concept plan. The City Engineer shall determine the final location of all access points at the development plan stage.
 - b. A minimum 10-foot asphalt path shall be required along the east side of Glenn Road.
6. Landscaping:
 - a. A detailed final landscape plan shall be reviewed and approved by the City Staff prior to the release of any permits.
 - b. Street trees required along Glenn Road, Nutter Farms Lane, and

"FOR OFFICE USE ONLY"

DATE RECEIVED



"FOR OFFICE USE ONLY"

CASE NUMBER

Master Zoning & Development Application

Planning Commission / City Council

- Rezoning / Zoning Amendment
- Comprehensive Plan Amendment
- Development Plan
- Development Plan Extension
- Development Plan Minor Modification
- Development Plan Major Modification
- Conditional Use Approval

- Preliminary Subdivision Plat
- Preliminary Subdivision Plat Extension
- Final Subdivision Plat
- Final Subdivision Plat Extension
- Right-of-Way Vacation
- Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
- Variance
- Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
- Zoning Determination Letter
- Minor Subdivision Lot Split / Combination
- Floodplain Letter of Interpretation

Subdivision / Project Name Kroger N816 Delaware Address Glenn Rd & US37

Acreage 17.753 Parcel Number 51830001105000 Number of Lots 1 Number of Units 1

Current Zoning B-3 Proposed Zoning Commercial PUD

Current Land Use Open Farm Field Proposed Land Use Commercial - Big Box Store

Applicant Name The Kroger Co. Contact Person Natalie Mouw

Applicant Address 4111 Executive Parkway, Westerville Ohio 43081

Phone 630-933-0426 Email natalie.mouw@kroger.com

Owner Name Nutter Farm, Inc. Contact Person S. Diane Nutter - General Manager

Owner Address 3273 Medoma Drive, Columbus Ohio 43204

Phone 614-302-0782 Email nutterfarm2@gmail.com

Engineer/Architect/Attorney Contact Andrew Gardner, P.E. Company V3 Companies

Address 550 Polaris Parkway, Suite 250

Phone 614-226-3650 Email agardner@v3co.com

The undersigned do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature GENERAL MANAGER
NUTTER FARM, INC.

Owner Printed Name S. DIANE NUTTER, G.M.
NUTTER FARM, INC.

Agent Signature _____ Agent Printed Name Andrew Gardner, P.E. - V3 Companies

Agent Form

Nutter Farm, Inc., the owner of Delaware County, Ohio tax parcel 518-300-01-105-000 and the real property described in the attached rezoning application ("Property"), does hereby appoint and expressly grant, subject to the limitations set forth herein, full authority to Andrew Gardner, P.E. – V3 Companies ("Agent") to act as the sole agent of and on behalf of Nutter Farm, Inc. in all matters related to and in connection with the attached application. Subject to the limitations set forth herein, Nutter Farm, Inc. hereby consents and agrees to be bound by the application, by any agreement made by the Agent with the City of Delaware in connection with this same application, and by all decisions made by the City in connection with the same application.

Notwithstanding anything to the contrary contained herein, the Agent shall not have authority to act on behalf of Nutter Farm, Inc. or otherwise bind Nutter Farm, Inc. or the Property to any agreement (i) with the City of Delaware or any other third party that would require the payment of monies by Nutter Farm, Inc., (ii) that would apply if the Property is not sold to The Kroger Co. ("Kroger"), (iii) that would be in contradiction to the terms of that certain Purchase and Sale Agreement by and between Nutter Farm, Inc. and Kroger, effective August 12, 2024, relating to the purchase and sale of the Property, or (iv) that would limit, preclude or exclude the use of the Property for agricultural purposes, or would otherwise preclude or exclude any other currently permitted zoning uses.



S. Diane Nutter, General Manager for and on behalf of Nutter Farm, Inc.

State of Ohio

County of Franklin

Sworn to or affirmed and subscribed before me by S. Diane Nutter, the General Manager of Nutter Farm, Inc.

this date of 8 January 25



Signature of Notary Public

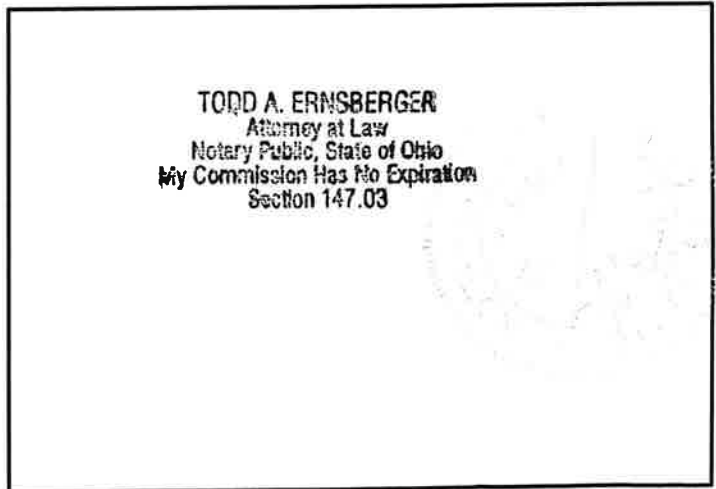
Todd A. Ernsberger

Notary Printed Name

No expiration

Commission Expiration Date

SEAL





1/8/2025

Anna Kelsey, AICP
Planning and Zoning Administrator
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

RE: Kroger N816 | Rezoning Application

Dear Ms. Kelsey,

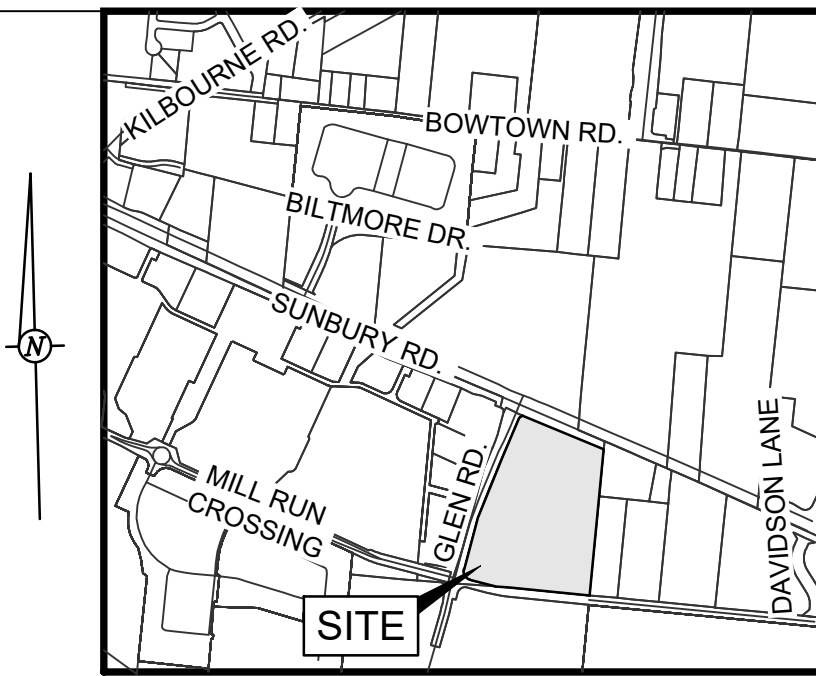
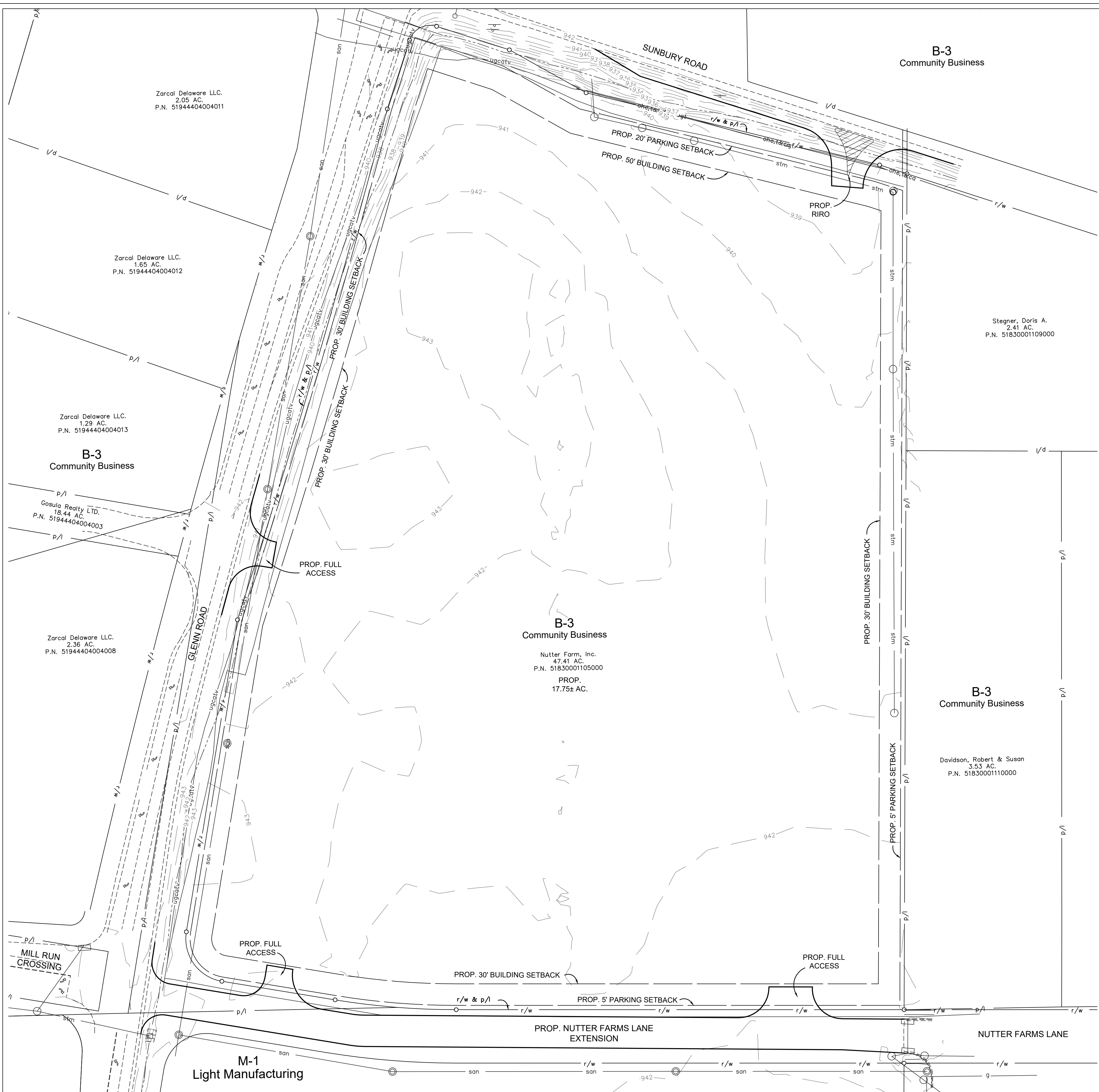
On behalf of the Kroger Co, and Nutter Farms Inc, this letter is to express our intent to rezone 17.75 acres of parcel P.N. 51830001105000. The parent parcel consisting of 47.41 acres is currently zoned B-3 (General Business). It is Kroger's intent to split and rezone the portion of the parcel located at the SE corner of Glenn Road and US-37 to a Commercial PUD to permit the construction of a new Kroger Grocery Store and Kroger Fuel Center. Attached you will find our completed re-zoning application, a legal description for the portion of the parcel to be split (Approved by Delaware County), a list of adjacent property owners, and a PUD Rezoning Site Plan.

Please let us know if you require any additional information for this request.

Thank you.

A handwritten signature in blue ink, appearing to read 'Andrew A. Gardner'.

Andrew A. Gardner, P.E. (Agent for Kroger Co.)
Ohio Regional Manger
V3 Companies
550 Polaris Parkway, Suite 250
Westerville, Ohio 43082



LOCATION MAP
NO SCALE

SITE DATA:

EXISTING PROPERTY OWNER: NUTTER FARM INC.
EXISTING P.N. #: 51830001105000
EXISTING SITE ACREAGE: 47.41 AC.
EXISTING ZONING: B-3 COMMUNITY BUSINESS
EXISTING PROPERTY USE: FARM FIELD

PROPOSED ACREAGE FOR REZONING: 17.75± AC.
PROPOSED ZONING: COMMERCIAL PUD
PROPOSED PROPERTY USE: COMMERCIAL

OWNER

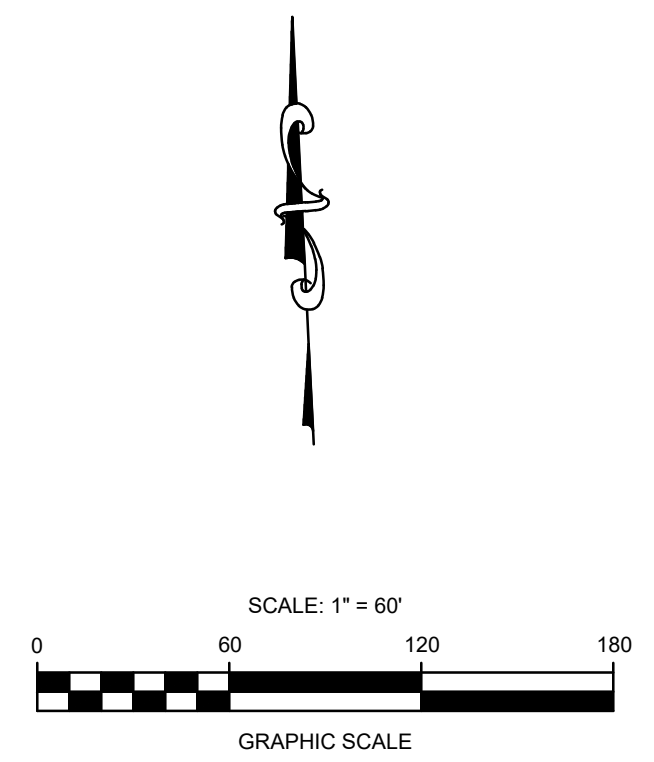
NUTTER FARMS INC.
 3273 MEDOMA DRIVE
 COLUMBUS, OHIO 43204
 CONTACT: DIANE NUTTER - GENERAL MANAGER
 EMAIL: NUTTERFARM2@GMAIL.COM

ENGINEER

V3 COMPANIES
 550 POLARIS PARKWAY, STE. 250
 WESTERVILLE, OHIO 43082
 PHONE: 614-761-1661
 FAX: 614-761-1328
 CONTACT: ANDREW GARDNER, P.E.
 E-MAIL: AGARDNER@V3CO.COM

DEVELOPER

THE KROGER COMPANY
 4111 EXECUTIVE PARKWAY
 WESTERVILLE, OHIO 43081
 PHONE: 937-657-9846
 CONTACT: NATALIE MOUW
 EMAIL: NATALIE.MOUW@KROGER.COM



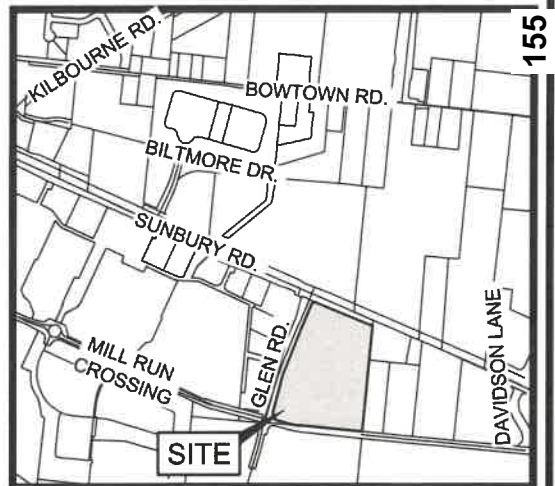
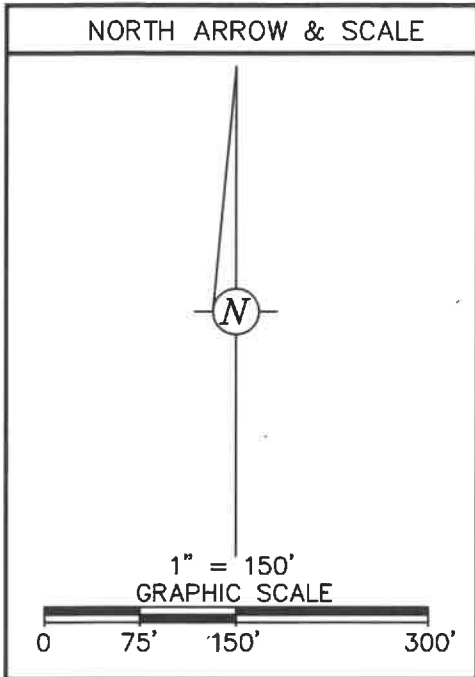
REVISIONS		NO.	DATE	DESCRIPTION

PROJECT NO.:	240283	ORIGINAL ISSUE DATE:	01/08/2025
PROJECT MANAGER:	AAG	DESIGNER:	AAG
DESIGNED BY:	AAG	DRAWN BY:	RJB

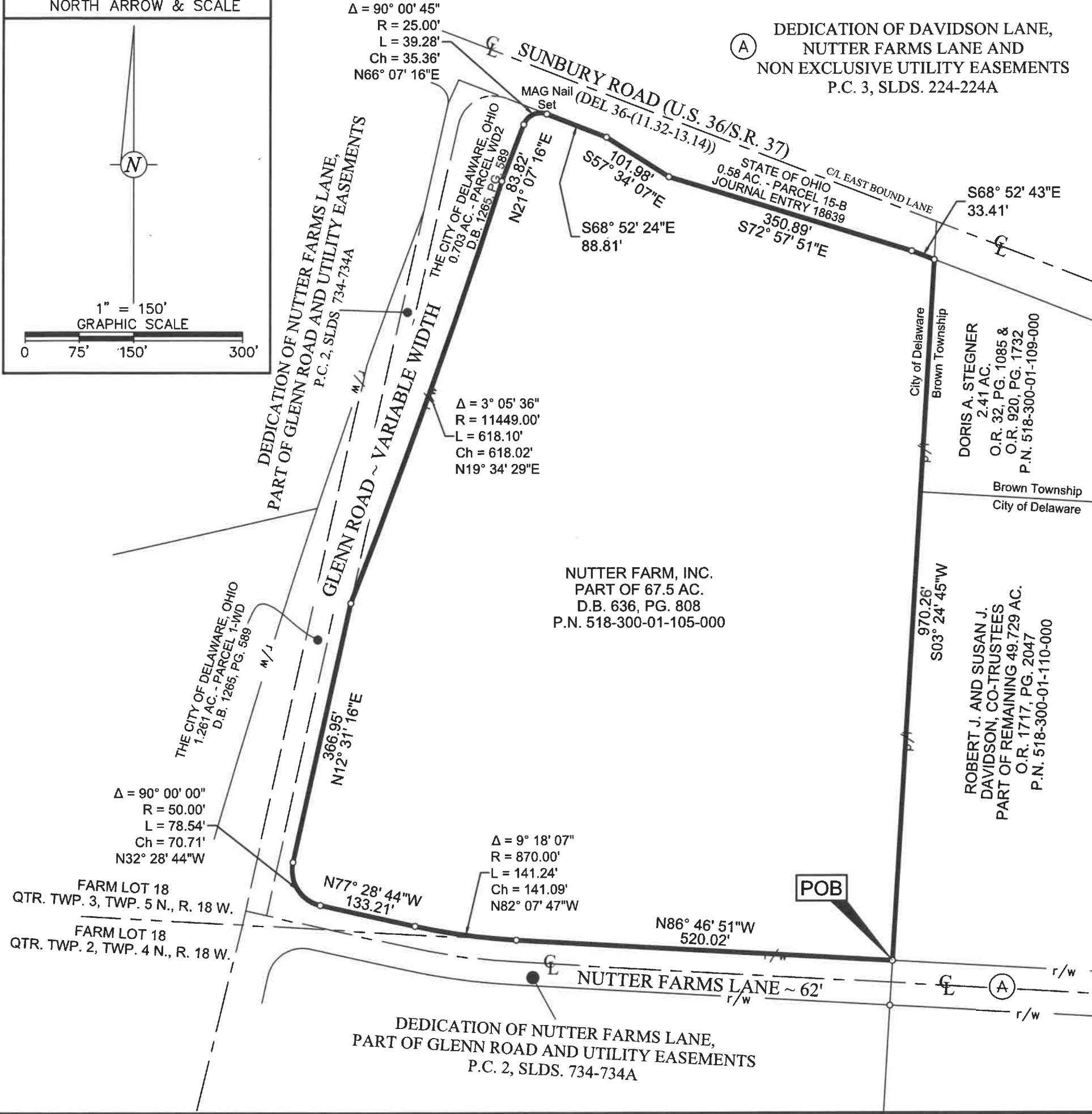
COMMERCIAL PUD SITE PLAN	
KROGER N816	
DELAWARE	S04

550 Polaris Parkway, Suite 250 Westerville, OH 43082 614.761.1661 phone www.v3co.com	
DRAWING NO.	

N:\2024\240283\Drawings\ACAD\SVY\VP03\SPLIT_240283_2024-10-17.dwg 12/04/2024



(A) DEDICATION OF DAVIDSON LANE,
NUTTER FARMS LANE AND
NON EXCLUSIVE UTILITY EASEMENTS
P.C. 3, SLDS. 224-224A



BASIS OF BEARINGS: Basis of bearings is the centerline of Nutter Farms Lane, being S 86° 46' 51" E, derived from Ohio RTN observations referencing monument, PID designation of D11686 and CORS_ID of OHUN, Ohio South Zone, NAD 83 (2011) Epoch 2010, and all other bearings are based upon this meridian.

5/8" Iron Pin Set, 30" in length, w/Cap Stamped "V3 PX OH FIRM #04838" Unless Otherwise Shown.



OCTOBER 17, 2024
Kevin L. Baxter
By
Kevin L. Baxter ~ Ohio Surveyor No. 7697

NUTTER FARM, INC. D.B. 636, PG. 808	
ALT/NSPS LAND TITLE SURVEY AT 1555 STATE ROUTE 37 E (SUNBURY ROAD), SOUTH SIDE OF SUNBURY ROAD, CITY OF DELAWARE, DELAWARE CO., OHIO	
17.753 AC. IN FARM LOT 18, QTR. TWP. 3, T. 5 N., R. 18 W., U.S.M.L.	
SCALE: 1" = 150'	JOB NO. 1
DWN: KLB CKD:	OCTOBER 17, 2024 240283 1

October 17, 2024

**DESCRIPTION OF A 17.753 ACRE TRACT,
AT 1555 STATE ROUTE 37 E (SUNBURY ROAD), SOUTH SIDE OF SUNBURY ROAD,
CITY OF DELAWARE, DELAWARE CO., OHIO**

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 18, Quarter Township 3, Township 5 North, Range 18 West, United States Military Lands, and being a portion of an original 67.5 acre tract of land conveyed to Nutter Farms, Inc., by deed of record in Deed Book 636, Page 808, all references being to the Recorder's Office, Delaware County, Ohio and bounded described as follows:

Beginning at an 5/8" iron pin set in an east line of said original 67.5 acre tract, in the south line of said Farm Lot 18, at the northeast corner of that portion of Nutter Farms Lane (62 feet in width) as dedicated by the plat entitled Dedication of Nutter Farms Lane, Part of Glenn Road and Utility Easements, of record in Plat Cabinet 2, Slides 734-734A, at the northwest corner of that portion of Nutter Farms Lane (62 feet in width) as dedicated by the plat entitled Dedication of Davidson Lane, Nutter Farms Lane, and Non Exclusive Utility Easements, of record in Plat Cabinet 3, Slides 224-224A, and in a west line of a remaining 49.729 acre tract of land conveyed to Robert J. and Susan J. Davidson, Co-Trustees, by deed of record in Official Record 1717, Page 2047;

thence N 86° 46' 51" W crossing a portion of said original 67.5 acre tract, along a portion of the south line of said Farm Lot 18, and along the north right-of-way line of Nutter Farms Lane a distance of 520.02 feet to a 5/8" iron pin set at a point of curvature;

thence westerly, crossing a portion of said original 67.5 acre tract, along a curved north right-of-way line of Nutter Farms Lane, and with a curve to the right, data of which is: radius = 870.00 feet, and delta = 09° 18' 07", arc length = 141.24 feet, a chord distance of 141.09 feet bearing N 82° 07' 47" W to a 5/8" iron pin set at the point of tangency;

thence N 77° 28' 44" W crossing a portion of said original 67.5 acre tract and along a north right-of-way line of Nutter Farms Lane a distance of 133.21 feet to a 5/8" iron pin set at a point of curvature and at the southeast end of a curve connecting the north right-of-way line of Nutter Farms Lane with the east right-of-way line of Glenn Road (variable width), as shown upon said plat entitled Dedication of Nutter Farms Lane, Part of Glenn Road and Utility Easements;

thence northwesterly, crossing a portion of said original 67.5 acre tract, along said connecting curve, and with a curve to the right, data of which is: radius = 50.00 feet, and delta = 90° 00' 00", arc length = 78.54 feet, a chord distance of 70.71 feet bearing N 32° 28' 44" W to a 5/8" iron pin set at the point of tangency and at the north end of said connecting curve;

thence N 12° 31' 16" E crossing a portion of said original 67.5 acre tract and along a portion of the east right-of-way line of Glenn Road a distance of 366.95 feet to a 5/8" iron pipe set at a point of curvature and at the south end of a 0.703 acre tract of land conveyed, as Parcel WD2, to The City of Columbus, Ohio, by deed of record in Deed Book 1265, Page 589;

thence northerly crossing a portion of said original 67.5 acre tract, along the curved easterly line of said 0.703 acre tract, and with a curve to the left, data of which is: radius = 11,449.00 feet, and delta = 03° 05' 36", arc length = 618.10 feet, a chord distance of 618.02 feet bearing N 19° 34' 29" E to a 5/8" iron pin set at a corner of said 0.703 acre tract;

thence N 21° 07' 16" E crossing a portion of said original 67.5 acre tract and along the east line of said 0.703 acre tract a distance of 83.82 feet to a 5/8" iron pin set at a point of curvature, at the southwesterly end of a curve connecting the east right-of-way line of Glenn Road with the south right-of-way line of Sunbury Road (S.R. 36/37 ~ variable width), S.R. 36/37 is as shown upon the Ohio Department of Transportation Location Plan (Sheets 12-14) for DEL-36-(11.92-13.14), DEL-521-1.60;

thence northeasterly crossing a portion of said original 67.5 acre tract, along said connecting curve, and with a curve to the right, data of which is: radius = 25.000 feet, and delta = 90° 00' 45", arc length = 39.28 feet, a chord distance of 35.36 feet bearing N 66° 07' 16" E to a MAG nail set the point of tangency and at the northeasterly end of said connecting curve;

October 17, 2024

thence S 68° 52' 24" E crossing a portion of said original 67.5 acre tract and along the south right-of-way line of Sunbury Road (S.R. 36/37) a distance of 88.81 feet to a 5/8" iron pin set;

thence S 57° 34' 07" E crossing a portion of said original 67.5 acre tract and along the south right-of-way line of Sunbury Road (S.R. 36/37) a distance of 101.98 feet to a 5/8" iron pin set;

thence S 72° 57' 51" E crossing a portion of said original 67.5 acre tract and along the south right-of-way line of Sunbury Road (S.R. 36/37) a distance of 350.89 feet to a 5/8" iron pin set;

thence S 68° 52' 43" E crossing a portion of said original 67.5 acre tract and along the south right-of-way line of Sunbury Road (S.R. 36/37) a distance of 33.41 feet to a 5/8" iron pin set in an east line of said original 67.5 acre tract and in the west line of a 2.41 acre tract of land conveyed to Doris A. Stegner, by deeds of record in Official Record 32, Page 1085 and Official Record 920, Page 1732;

thence S 03° 24' 45" W along a portion of an east line of said original 67.5 acre tract, along a portion of the west line of said 2.41 acre tract, and along a portion of a west line of said remaining 49.729 acre tract a distance of 970.26 feet to the place of beginning;

containing 17.753 acres of land, more or less, and being subject to all easements and restrictions of record. Of the above described 17.753 acre, all are within Delaware County P.N. 518-300-01-110-00.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd, Consulting Engineers & Surveyors, Columbus, Ohio, an actual field survey performed under his supervision in May, 2024. All 5/8" iron pins set are 30" in length with a plastic cap stamped "V3 PX OH FIRM #04838". Basis of bearings is the centerline of Nutter Farms Lane, being S 86° 46' 51" E, derived from Ohio RTN observations referencing monument, PID designation of DI1686 and CORS_ID of OHUN, Ohio South Zone, NAD 83 (2011) Epoch 2010, and all other bearings are based upon this meridian.

Kevin L. Baxter 10/17/24

Kevin L. Baxter ~ Ohio Surveyor No. 7697



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPC Approval Required
<input checked="" type="checkbox"/>	Municipal Approval Required
Delaware County Engineer	

LAW
12/12/24

EXHIBIT A.3

QUIT-CLAIM DEED*

Realassist, Inc., of Franklin County, Ohio, an Ohio corporation for valuable consideration paid, grant(s) to Nutter Farm, Inc., whose tax-mailing address is 50 Prospect Street, Delaware, Ohio 43015, an Ohio corporation, the following real property:

See attached Exhibit A.

This conveyance is made subject to all easements of record, established easements, restrictions of record, zoning ordinances, leases of record and rights of lessees in possession.

Prior Instrument Reference: Vol. 636, Page 380 of the Deed Records of Delaware County, Ohio.

Witness my hand this 28th day of January, 1998.

Signed and acknowledged in the presence of:

REALASSIST, INC.

Teresa J. Huffman
Witness.
Jon Miller
Witness

By: Stephen D. Martin
Its: President

PROVISIONS CONTAINED IN ANY INSTRUMENT WHICH IS SUBJECT TO THIS DEED FOR THE PURPOSES OF A REVERSE MORTGAGE, SALE, REFINANCE OR ALL OTHER FINANCIAL INSTRUMENTS ARE VOID AND INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

State of Ohio, County of Franklin, ss:

BE IT REMEMBERED, That on this 28 day of January, 1998, before me, the subscriber, a Notary Public in and for said county, personally came, Stephen D. Martin of the Grantor in the foregoing Deed, and acknowledged the signing thereof to be their and its voluntary act and deed, pursuant to authority of its board of directors.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Lori Miller
Notary Public

This instrument was prepared by:
Manos, Martin, Pergram & Browning
40 North Sandusky Street, Suite 200
Delaware, OH 43015
*See Section 5302.11 Ohio Revised Code

Delaware County
The Grantor has complied with
Section 319.202 of the R.C.
Date 1-29-98 Transfer Tax Paid
RECORDED BY [Signature]
Jan. G. Peterson, Auditor By [Signature]



LORI MILLER
Notary Public, State of Ohio
My Commission Expires 10-15-2000

Filed for Record in
DELAWARE COUNTY, OHIO
KAY E. CONKLIN
On 01-30-1998 At 08:19 am.
DEED 18.00
Vol. 636 Pg. 808 - 810

9800002463
PETER MANOS
PICK UP

EXHIBIT A

Situated in the County of Delaware in the State of Ohio, and in the City of Delaware, (formerly Township of Brown), and bounded and described as follows:

FIRST TRACT: In Range 18, Township 5, Section 3, and the northeast part of Lot 18, U.S.M. Lands, bounded and described as follows:

Beginning at a point near the middle of the pike leading from Delaware to Sunbury at the southwest corner of the estate of the said Chauncey Lumbard, deceased; thence north 2 deg. east 52 52/100 poles to a stone on post; thence south 88 deg. east 44 4/10 poles to a stone on a post; thence south 2 deg. west 66 56/100 poles to a stone on post in the middle of the aforesaid pike; thence north 70 deg. west 46 56/100 poles along said pike to the place of beginning, containing sixteen and one-half (16 1/2) acres of land.

SECOND TRACT: Situated in the City of Delaware (formerly Township of Brown), County of Delaware, and State of Ohio, and known as Lot B in a subdivision of the northeast part of Lot 18, in Section 3, Township 5, Range 18, U.S.M. Lands, a plat and description of which subdivision is recorded in Volume 7, page 92, of Delaware County Surveyor's Records, the boundaries of said Lot "B" are as follows: Beginning at a stone on a post in middle of pike leading from Delaware to Sunbury at a point 22 5/6 poles N. 70 deg. W. of where the east line of said Lot 18 crosses the said pike at "P" on the above mentioned plat; thence N. 2 deg. E. 68 8/10 poles to a stone on post at "N"; thence N. 88 deg. W. to a stone on a post at "M"; thence south 2 deg. W. 66 56/100 poles to a stone on a post in the middle of the said pike at "O"; thence south 70 deg. E. along said pike 7 8/10 poles to place of beginning, containing three (3) acres and 28 perches of land, more or less.

RECORDED
DELAWARE COUNTY
OCT 10 1888
[Signature]

Being the same tracts conveyed by Wesley Lumbard, et. al., to Forest G. and Lovell D. Nutter, by deed recorded in Volume 164, page 107, Delaware County Deed Records.

Situated in the County of Delaware in the State of Ohio and in the City of Delaware (formerly Township of Brown & Berlin) and bounded and described as follows:

Situated in Range 18, Township 5, Section 3 and in Range 18, Township 4, Section 2 of the United States Military Lands and being those parts of Lots 18 in said Section 3 and 29 in said Section 2 bounded and described in one tract thus:

Beginning at the S.W. corner of said Lot 18 & the N.W. corner of said Lot 29 in the Township line; thence S. 2° 30' W. along said line 65.32 poles to a stone on a post; thence S. 87° 45' E. 29.32 poles to the center of a public road; thence N. 11° 45' E. along the center of said road 7.35 poles; thence E. 65.09 poles; thence N. 121.28 poles to the center of the Delaware and Sunbury Road; thence N. 69° 30' W. along the center of said road 73.27 poles; thence S. 2° 15' W. 84.15 poles to a stone corner on the line between Townships 4 and 5; thence N. 88° W. 26.36 poles to the place of beginning, containing in said Lot 18, 31.5 acres and in said Lot 29, 36 acres or a total of 67.5 acres, more or less.

"Also part of Section 3, Township 5, Range 18, Lot 18, U.S.M. Lands, City of Delaware (formerly Brown Township), Delaware County, Ohio, bounded and described as follows: Beginning in the west line of said section and lot at their intersection with the middle of the

Delaware and Sunbury Pike, and running thence with the section and range line north $1^{\circ} 10'$ East $91 \frac{1}{4}$ rods to a stone on a post in the county road; thence with the middle of said road south $88^{\circ} 15'$ East 33.17 rods to a stone on post; thence South $1^{\circ} 10'$ West 101.7 rods to the middle of the Delaware and Sunbury Pike, and thence with the middle of said pike North $70^{\circ} 45'$ West 34.88 rods to the place of beginning, containing 20 acres, more or less."

Situated in the County of Delaware in the State of Ohio and in the City of Delaware (formerly Township of Delaware) and bounded and described as follows:

Being a part of Section 4, Township 5, Range 19, Lot 28, USM Lands, Delaware Township, Delaware County, Ohio, bounded and described as follows: Beginning at a stone on a post in the east line of said section and range at the southeast corner of Lot 28 and northeast corner of Lot 29; thence North $88^{\circ} 30'$ West along the line between Lots 28 and 29, 9.51 rods to the middle of the Delaware and Sunbury Pike; thence with the middle of said pike north $70^{\circ} 15'$ West 29 rods 14 links to a stone on a post; thence North $0^{\circ} 45'$ East 77 rods 15 links to a stone on a post in the middle of the county road from Delaware to Eden; thence with the middle of said road south $88^{\circ} 15'$ East 36 rods 23 $\frac{1}{4}$ links to a stone on a post in the range line, and thence with said range line south $0^{\circ} 45'$ West $87 \frac{1}{4}$ rods to the place of beginning, containing 19.25 acres, more or less.

"Also another part of said section 4, in Lot 29 bounded and described as follows: Beginning at the southeast corner of the tract above described, being the northeast corner of Lot 29; thence south $0^{\circ} 45'$ West along the range line 4 rods to the middle of the Delaware-Sunbury Pike; thence with the middle of said pike North $70^{\circ} 15'$ West 10.36 rods to the line between lots 28 and 29; thence with said lot line South $88^{\circ} 30'$ East 9.51 rods to the place of beginning, containing 0.12 acres, more or less."

RESOLUTION

WHEREAS, The Kroger Company, 4111 Executive Parkway, Westerville OH 43081, agent for the owner, has filed an application requesting to rezone 17.753 acres of land from B-3 Community Business District, to C-PUD, Commercial Planned Unit Development. The property is located on the southeast corner of Glenn Road and Sunbury Road, further described as Parcel 518-300-011-05-000.

WHEREAS, a public hearing was held on February 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 17.753 acres of land as further depicted in Exhibit A, from B-3 Community Business District to C-PUD, Commercial Planned Until Development.

SECTION 2.

1. The concept plan dated "Received 01/08/25" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) or conditionally permitted (C) in this Commercial Planned Unit Development shall be as noted below:

(a) Residential Uses	
(1) Dwelling unit(s) on upper floors of a commercial or office building	C
(b) Institutional/Public Uses	
(2) Cultural institution or art gallery	P
(3) Hospital	C
(4) Library	P
(5) Place of religious assembly – capacity of 50 or fewer	P
(6) Place of religious assembly – capacity greater than 50	C
(7) Public or private recreational facility	P
(c) Commercial Uses	
(1) Day care, child or adult	C
(3) Drive-thru facility (stand-alone)	C
(4) Entertainment, indoor	P
(5) Entertainment, outdoor	C
(6) Event venue – capacity of 50 or fewer	P
(7) Event venue – capacity of greater than 50	C
(8) Financial institution, bank	P
(9) Funeral home	P
(11) Health club	P
(12) Hotel	C
(13) Massage establishments	P
(14) Nursing home	C

(15) Offices	
i. Clerical/professional	P
ii. Medical/dental	P
iii. Veterinary, no boarding kennel	P
(16) Retail development with a minimum gross floor area of 80,000 square feet or greater	C
(17) Retail development with a minimum gross floor area under 80,000 square feet	P
(18) Residential Care Facility	C
(19) Restaurant	P
(d) Automotive and Transportation Uses	
(2) Car wash	C
(3) Drive-thru facility associated with any (P) or (C) use	C
(4) Gasoline station	C

3. Setbacks:

- a. Site setbacks shall be as shown on the concept plan dated "Received 01/08/25".
- b. Minimum building setbacks shall be established at the Development Plan stage.

4. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.

5. Roads and Access:

- a. Access to the site shall generally conform to the points shown on the concept plan. The City Engineer shall determine the final location of all access points at the development plan stage.
- b. A minimum 10-foot asphalt path shall be required along the east side of Glenn Road.

6. Landscaping:

- a. A detailed final landscape plan shall be reviewed and approved by the City Staff prior to the release of any permits.
- b. Street trees required along Glenn Road, Nutter Farms Lane, and US36/SR37 and interior public and private streets in accordance with Code Section 1166.06. Street trees along US 36/SR 37 shall be planted

outside of the right-of-way and maintained by the developer, owner, or association of owners in perpetuity.

- c. Tree Canopy Management Plan shall be required at the Development Plan stage (in accordance with the Tree Preservation chapter of the Delaware Zoning Code)
 - i. Site is required to have minimum 35% canopy coverage at maturity. All trees (including street trees, parking lot trees, etc. would count towards this canopy coverage)

7. Buffering:

- a. There shall be a 40 foot buffer on the northeast side abutting the residential use on adjacent parcels. Landscaping and mounding within the buffer shall be finalized at the Development Plan stage.

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

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

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

PASSED: February 5, 2025 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Sarah Duvio [Signature]

CITY CLERK CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **THIRD READING OF ORDINANCE NO. 25-08**

SUBJECT: Ordinance No. 25-08, an ordinance approving a request by Delaware Health Realty LLC, agent for the owner, to rezone 14.81 acres of land from M-1 (Light Manufacturing District) to C-PUD (Commercial Planned Unit Development) and located on the southwest corner of Glenn Road and Mill Run Crossing, further described as parcels 518-300-01-104-000 and 418-220-01-008-000.

SUGGESTED ACTION:

ATTACHMENTS:

[ord 25-08, PUD 25-4 Fact Sheet.docx](#)
[PUD 25-4 Council Staff Report.docx](#)
[ord 25-08, PUD 25-4 Rezoning Ordinance.docx](#)
[Delaware LTC - Zoning Amendment Drawing.pdf](#)
[Legal Description Parcel 518-300-01-104-000.pdf](#)
[C-PUD 25-4 Glenn Road LTC Rezoning.pdf](#)



FACT SHEET

AGENDA ITEM NO: 18

DATE: 3/10/2025

ORDINANCE NO: 25-08

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES (held on
2/24/2025 at 7:30 p.m.)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A REQUEST BY DELAWARE HEALTH REALTY LLC, AGENT FOR THE OWNER, TO REZONE 14.81 ACRES OF LAND FROM M-1 (LIGHT MANUFACTURING DISTRICT) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) AND LOCATED ON THE SOUTHWEST CORNER OF GLENN ROAD AND MILL RUN CROSSING, FURTHER DESCRIBED AS PARCELS 518-300-01-104-000 AND 418-220-01-008-000.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0-1 on February 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-4 Glenn Road Long Term Care Facility

APPLICANT: Delaware Health Realty, LLC
 25000 Country Club Blvd, Ste 255
 North Olmsted, OH 44070



REQUEST

A request by Delaware Health Realty, LLC for approval of a rezoning amendment from B-3 (Community Business District) and M-1 (Light Manufacturing District) to C-PUD (Commercial Planned Unit Development) on 14.81 acres on the southwest corner of Mill Run Crossing and Glenn Road.

BACKGROUND/CASE HISTORY

This subject site (shown in red) is located on the southwest corner of Mill Run Crossing and Glenn Road, directly east and north of the Redwood Development. The applicant approached staff with a proposal to construct a nursing home facility on this site. As neither of the existing zoning districts permit nursing homes, a zoning map amendment is required. Because the site is greater than 10 acres, a Planned Unit Development is required per code section 1144.02(a).

EXISTING CONDITIONS/CURRENT ZONING

The subject 14.81-acre site is located on the southwest corner of Mill Run Crossing and Glenn Road and has been used as farmland. There is a drainage swale tributary bisecting the northern approximately two-thirds of the parcel from the southern third, and existing stands of trees on the north, west, and south site boundaries. The northern parcel (abutting Mill Run Crossing) is zoned B-3 (Community Business District) and the southern parcel is zoned M-1 (Light Manufacturing District). The surrounding zoning is as follows:



Location	Zoning	Land Use
North	B-3 PMU (Community Business, PMU Overlay)	Retail / Vacant
South	M-1 PMU (Light Manufacturing, PMU Overlay)	Apartments
East	M-1 (Light Manufacturing)	Vacant
West	M-1 PMU (Light Manufacturing, PMU Overlay)	Apartments

STAFF ANALYSIS

Proposed Zoning: C-PUD (Commercial Planned Unit Development)

To determine proposed permitted uses, staff used the applicant's Letter of Intent and Delaware Together as a baseline, pulling uses consistent with a Traditional Activity District, specifically Activity Districts and Activity Centers. Staff determined which uses were appropriate for the site based on the surrounding uses, and intentionally did not include uses which might be consistent with a Traditional Activity District, but not appropriate for this location.

Comprehensive Plan:

The subject site has never been developed, being used as farmland. This site is located within the Far East Side Focus Area, where it is designated as a location for a Traditional Activity District (Mixed-Use, Higher Intensity). This development type includes entertainment and service uses. The proposed uses, including a nursing home, residential care facility, neighborhood-scale retail, and offices, align with this development type.

The proposed plan also aligns with several actions outlined in Delaware Together, including:

- Action A.2.1: Identify appropriate locations for quality, higher-density development.
- Action A.14.1: Implement the Bicycle and Pedestrian Master Plan 2027.
- Action A.18.4: Identify potential sites appropriate for intensification.
- Objective E.10: support multimodal transportation (bicycles, pedestrians, and transit).

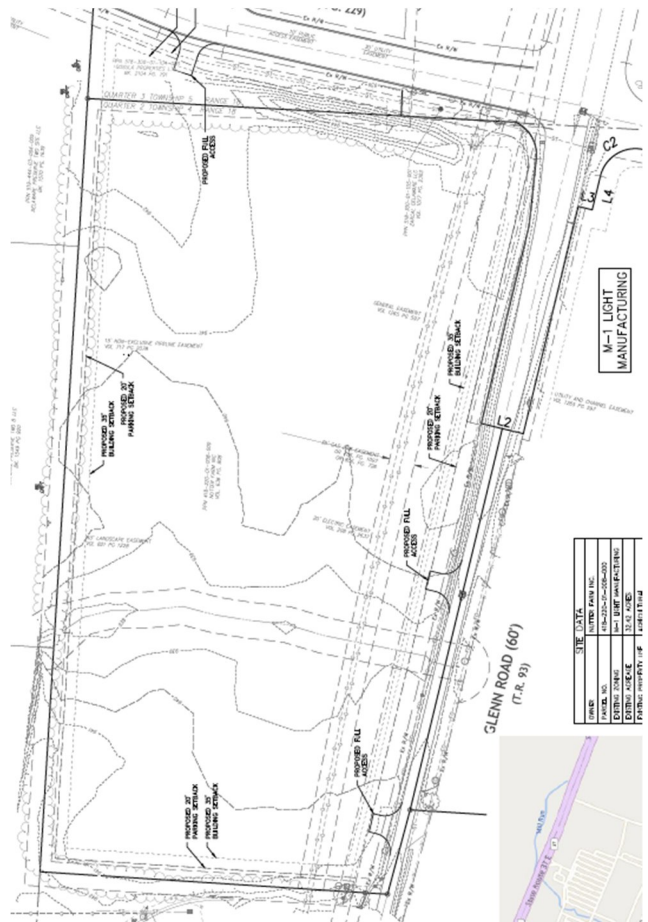
This Zoning Map Amendment request aligns with City goals outlined in the Comprehensive Plan and Bicycle and Pedestrian Master Plan.

Concept Plan:

At the zoning stage, there are no set plans for the layout or design of the site. The applicant is proposing three full access points to the site: one on the south side of Mill Run Crossing across from the existing access drive for Meijer, and two on Glenn Road.

Procedures:

The applicant will be required to apply for development plan approval for future development within this PUD. The applicant is also required to plat this parcel to show all required easements, tree preservation zones, right-of-way, etc. This is required prior to the issuance of any building permits.



RECOMMENDATION

Planning Commission and Staff recommend approval of this request with the conditions outlined in the attached resolution.

ORDINANCE NO. 25-08

AN ORDINANCE APPROVING A REQUEST BY DELAWARE HEALTH REALTY LLC, AGENT FOR THE OWNER, TO REZONE 14.81 ACRES OF LAND FROM M-1 (LIGHT MANUFACTURING DISTRICT) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) AND LOCATED ON THE SOUTHWEST CORNER OF GLENN ROAD AND MILL RUN CROSSING, FURTHER DESCRIBED AS PARCELS 518-300-01-104-000 AND 418-220-01-008-000.

WHEREAS, the Planning Commission at its meeting on February 5, 2025 recommended approval of a request by Delaware Health Realty to rezone approximately 14.81 acres from M-1, Light Industrial to C-PUD, Commercial Planned Unit Development, located on the southwest corner of Glenn Road and Mill Run Crossing.

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

SECTION 1. A request by Delaware Health Realty LLC for approval of a Rezoning Amendment from M-1, Light Manufacturing to C-PUD, Commercial Planned Unit Development on 14.81 acres located at on the southwest corner of Glenn road and Mill Run Crossing, further described as parcels 518-300-01-104-000 and 418-220-01-008-000, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated "Received 1/7/25" illustrates the general layout of the development within this Planned Unit Development.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be:
 - a. Nursing Home
 - b. Residential Care Facility
 - c. Public or private park
 - d. Place of religious assembly
 - e. Day care center, child or adult
 - f. Retail, neighborhood-scale
 - g. Office, medical, dental, or veterinary (without outside kennel)
3. Minimum site setbacks for this PUD shall be as shown on the concept plan.
4. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the

Development Plan stage.

5. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.
6. The existing trees on the north, west, and south sides of the site shall be preserved in tree preservation zones, except where clearing is necessary for site access from Mill Run Crossing.
7. Right-of-Way along Mill Run Crossing and Glenn Road shall be dedicated to the City as required by the City Engineer.
8. A plat combining both lots and showing dedicated Right-of-Way, tree preservation zones and drainage, utility, stormwater, and other easements shall be required prior to the issuance of any building permits.
9. A multi-use asphalt path with a minimum width of 10 feet shall be installed on the west side of Glenn Road and south side of Mill Run Crossing. A sidewalk with a minimum width of 5 feet shall be installed to connect multi-use paths to the development.
10. Retention ponds and open space shall be maintained by an owner, association of owners, or developer in perpetuity.
11. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.
12. A lighting plan, landscape plan, tree canopy management plan, and building elevations are required at the development plan stage.

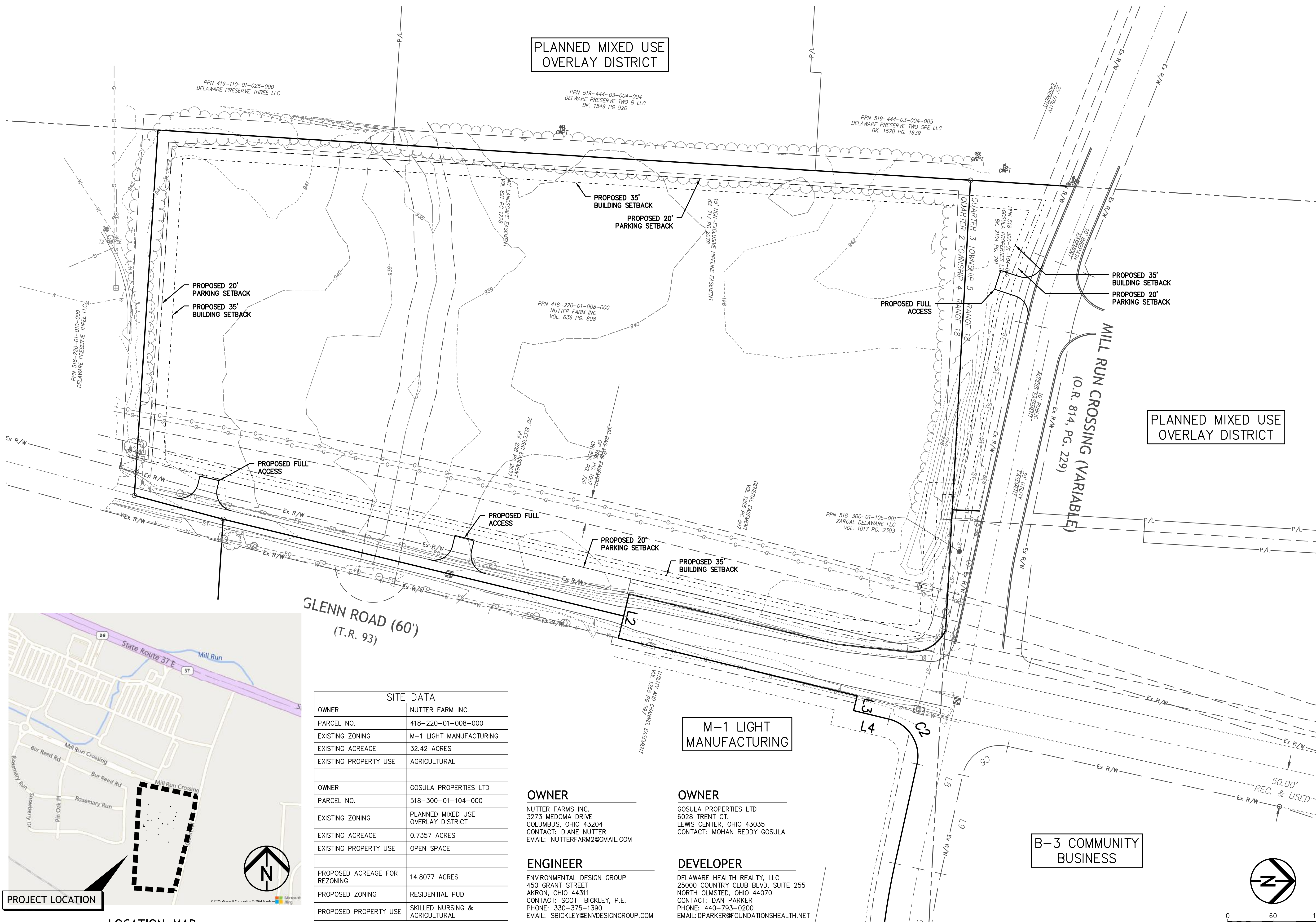
SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 14.81 Acres of land described further described in Exhibit A, from M-1 Light Manufacturing to C-PUD, Commercial Planned Until Development.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

DELAWARE LTC FACILITY
 DELAWARE HEALTH REALTY, LLC

PLANNED MIXED USE OVERLAY DISTRICT

PLANNED MIXED USE OVERLAY DISTRICT



GLENN ROAD (60') (T.R. 93)

SITE DATA	
OWNER	NUTTER FARM INC.
PARCEL NO.	418-220-01-008-000
EXISTING ZONING	M-1 LIGHT MANUFACTURING
EXISTING ACREAGE	32.42 ACRES
EXISTING PROPERTY USE	AGRICULTURAL
OWNER	GOSULA PROPERTIES LTD
PARCEL NO.	518-300-01-104-000
EXISTING ZONING	PLANNED MIXED USE OVERLAY DISTRICT
EXISTING ACREAGE	0.7357 ACRES
EXISTING PROPERTY USE	OPEN SPACE
PROPOSED ACREAGE FOR REZONING	14.8077 ACRES
PROPOSED ZONING	RESIDENTIAL PUD
PROPOSED PROPERTY USE	SKILLED NURSING & AGRICULTURAL

M-1 LIGHT MANUFACTURING

OWNER
 NUTTER FARMS INC.
 3273 MEDOMA DRIVE
 COLUMBUS, OHIO 43204
 CONTACT: DIANE NUTTER
 EMAIL: NUTTERFARM2@GMAIL.COM

OWNER
 GOSULA PROPERTIES LTD
 6028 TRENT CT.
 LEWIS CENTER, OHIO 43035
 CONTACT: MOHAN REDDY GOSULA

ENGINEER
 ENVIRONMENTAL DESIGN GROUP
 450 GRANT STREET
 AKRON, OHIO 44311
 CONTACT: SCOTT BICKLEY, P.E.
 PHONE: 330-375-1390
 EMAIL: SBICKLEY@ENVDESIGNGROUP.COM

DEVELOPER
 DELAWARE HEALTH REALTY, LLC
 25000 COUNTRY CLUB BLVD, SUITE 255
 NORTH OLMS TED, OHIO 44070
 CONTACT: DAN PARKER
 PHONE: 440-793-0200
 EMAIL: DPARKER@FOUNDATIONSHEALTH.NET

B-3 COMMUNITY BUSINESS

REZONING APPLICATION

DATE: _____

REVISIONS		
Δ	DATE	DESCRIPTION

PROJECT NO.: _____
 DRAWN BY: _____ RB
 CHECKED BY: _____ SB
 DATE ISSUED: _____ Delaware LTC Facility

ZONING SHEET

E:\BAUER_ARCHITECTURE\24-00535-010 DELAWARE LTC FACILITY\CADD\DWG\REVISIONS\24-00535-010 - 1116 2024 4:01:03 PM



Parcel 518-300-01-104-000

Situated in the City of Delaware, County of Delaware, State of Ohio and known as being part of Farm Lot 18 in Township 5, Quarter Township 3 and Range 18 and is more fully described as follows:

Beginning at a 3/4 inch iron pipe found at the common corner of said Farm Lot 18, Farm Lot 29, Quarter Township 4, Township 5, Range 19, Farm Lot H, Quarter Township 1, Township 4, Range 19 and Farm Lot 29, Quarter Township 2, Township 4, Range 18 and the point of beginning for the parcel herein described;

Thence North 3 degree 31 minutes 51 seconds East along the westerly line of said Farm Lot 18, a distance of 128.37 feet to a point on the southerly right of way line of Mill Run Crossing (variable width);

Thence South 68 degrees 03 minutes 13 seconds East along the southerly right of way line of said Mill Run Crossing, a distance of 98.08 to a point of curvature;

Thence following an arc of a curve to the left, continuing along the southerly right of way line of said Mill Run Crossing, having a radius of 530.00 feet, a central angle of 10 degrees 01 minute 08 seconds, a chord distance of 92.56 which bears South 73 degrees 03 minutes 47 seconds East, a distance of 92.68 feet to a point of tangency;

Thence South 78 degrees 04 minutes 21 seconds East continuing along the southerly right of way line of said Mill Run Crossing, a distance of 254.82 feet to a point;

Thence South 2 degrees 25 minutes 05 seconds West, a distance of 35.97 feet to a point;

Thence North 86 degrees 49 minutes 50 seconds West, a distance of 435.89 feet to the point of beginning and containing 32,045 square feet or 0.7357 acres of land, more or less.

CORPORATE

450 Grant Street / Akron, OH 44311

P 330.375.1390 / **F** 330.375.1590

TF 800.835.1390

COLUMBUS OFFICE

7965 North High Street, Suite 050
Columbus, Ohio 43235

CLEVELAND OFFICE

2814 Detroit Avenue
Cleveland, Ohio 44113

MARIETTA OFFICE

204 Front Street
Marietta, Ohio 45750

MASON OFFICE

5390 Courseview Drive, Suite 2
Mason, Ohio 45040
Mailing / PO Box 159
South Lebanon, Ohio 45065

NEWARK OFFICE

33 West Main Street, Suite 206-A
Newark, Ohio 43055

envdesigngroup.com

The community impact people.

CITY OF DELAWARE
 PLANNING COMMISSION
 FEBRUARY 5, 2025

C-PUD 25-4
 GLENN ROAD LTC
 REZONING

RESOLUTION

WHEREAS, Delaware Health Realty LLC, 25000 Country Club Blvd, Ste 255, North Olmsted, Ohio 44070, owner and agent for the owner, has filed an application requesting to rezone 14.81 acres of land from M-1, Light Manufacturing District, to C-PUD, Commercial Planned Unit Development. The property is located on the southwest corner of Glenn Road and Mill Run Crossing, further described as Parcels 518-300-01-104-000 and 418-220-01-008-000.

WHEREAS, a public hearing was held on February 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 14.81 acres of land as further depicted in Exhibit A, from M-1, Light Manufacturing, to C-PUD, Commercial Planned Until Development.

SECTION 2.

1. The concept plan dated "Received 1/7/25" illustrates the general

layout of the development within this Planned Unit Development.

2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be:
 - a. Nursing Home
 - b. Residential Care Facility
 - c. Public or private park
 - d. Place of religious assembly
 - e. Day care center, child or adult
 - f. Retail, neighborhood-scale
 - g. Office, medical, dental, or veterinary (without outside kennel)
3. Minimum site setbacks for this PUD shall be as shown on the concept plan.
4. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the Development Plan stage.
5. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.
6. The existing trees on the north, west, and south sides of the site shall be preserved in tree preservation zones, except where clearing is necessary for site access from Mill Run Crossing.
7. Right-of-Way along Mill Run Crossing and Glenn Road shall be dedicated to the City as required by the City Engineer.
8. A plat combining both lots and showing dedicated Right-of-Way, tree preservation zones and drainage, utility, stormwater, and other easements shall be required prior to the issuance of any building permits.
9. A multi-use asphalt path with a minimum width of 10 feet shall be installed on the west side of Glenn Road and south side of Mill Run Crossing. A sidewalk with a minimum width of 5 feet shall be installed to connect multi-use paths to the development.
10. Retention ponds and open space shall be maintained by an owner, association of owners, or developer in perpetuity.
11. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.

- 12. A lighting plan, landscape plan, tree canopy management plan, and building elevations are required at the development plan stage.

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

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

PASSED: February 5, 2024

YEAS 5 NAYS 0

ABSTAIN 1

ATTEST: Sarah Dinio
CITY CLERK

[Signature]
CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Rob Alger, Finance

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSIDERATION OF ORDINANCE NO. 25-16**

SUBJECT: Ordinance No. 25-16, an ordinance supplementing the 2025 appropriation ordinance and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

[Ord 25-16, Supplementing the 2025 Appropriations Fact Sheet 1st Quarter.docx](#)

[Ord 25-16, Supplementing the 2025 Appropriations 1st Quarter.docx](#)



FACT SHEET

AGENDA ITEM NO: 19

DATE: 3/10/2025

ORDINANCE NO: 25-16

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Robert Alger, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2025 APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY.

BACKGROUND:

Additional amounts were needed to complete Pennsylvania Avenue, and for the intersection at Heritage Boulevard. These costs affected the General Fund [\$17,275] and the Northwest TIF Fund [\$15,161]. Shortage of Engineering staffing requires additional professional services [\$100,000].

An overcharge to the Courts CLRS Fund for operation chargeback in 2024 is being replaced [\$25,000].

An Economic Development grant reimbursement is being used to purchase furniture [\$3200].

Several current and future road projects involving signals and traffic studies require additional funding from the Project Trust Fund [\$280,000].

The East Olentangy Sewer Interceptor Project is beginning requiring initial engineering fees from the Wastewater Capacity Fee Fund [\$300,000].

Finally, a project to modify the Fleet Maintenance building to allow for a dedicated fire apparatus bay. This is a reappropriation and small increase from the 2024 approved budget and will come from the Fire Capital Fund [\$180,000].

REASON WHY LEGISLATION IS NEEDED:

This ordinance is needed to provide supplemental appropriations to sustain known expenditures that were not originally budgeted for in 2025 as well as maintaining budget compliance pursuant to the Ohio Revised Code.

COMMITTEE RECOMMENDATION:

This was not presented to the Finance Committee.

FISCAL IMPACT(S):

This supplemental may affect the General Fund as additional funding may be required in the Capital Improvement fund, which is funded by Federal and State grants, as well as the General Fund through state and local taxes and fees.

POLICY CHANGES:

N/A

PRESENTER(S):

Robert Alger, Finance Director
Alycia Ballone, Director of Management, Budget, and Procurement

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

ORDINANCE 25-16

AN ORDINANCE SUPPLEMENTING THE 2025
APPROPRIATIONS AND DECLARING AN
EMERGENCY.

WHEREAS, it is necessary to amend the 2025 Annual Appropriations Ordinance to provide for various expenditures through the end of fiscal year 2025.

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

SECTION 1: That there is hereby appropriated from the unencumbered balance of the General Fund (Fund 101) \$120,475 to:

Econ Dev Small Equip (10110600.539000)	\$3,200
Gen Admin Transfers Out (10111400.570000.TX006)	\$17,275
Engineering Prof Sves (10116600.523100)	\$100,000

SECTION 2: That there is hereby appropriated from the unencumbered balance of the Clerk of Court Fund (Fund 242) \$25,000 to:

Clerk of Court Ops Chrgbk (24215800.523175)	\$25,000
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SECTION 3: That there is hereby appropriated from the unencumbered balance of the Northwest TIF Fund (Fund 279) \$15,161 to:

Capital Outlay (27927900.550300.OPW24)	\$15,161
--	----------

SECTION 4: That there is hereby appropriated from the unencumbered balance of the Project Trust Fund (Fund 705) \$280,000 to:

Capital Outlay (70570500.523100.PJ016)	\$100,000
Capital Outlay (70570500.523100.PJ017)	\$80,000
Capital Outlay (70570500.523100.PJ018)	\$100,000

SECTION 5: That there is hereby appropriated from the unencumbered balance of the Wastewater Capacity Fee Fund (Fund 546) \$300,000 to:

Capital Outlay (54619000.550300.WW023)	\$300,000
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SECTION 6: That there is hereby appropriated from the unencumbered balance of the Fire/EMS Capital Fund (Fund 445) \$180,000 to:

Capital Outlay (44514500.550310)	\$180,000
----------------------------------	-----------

SECTION 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 8. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and for the further reason that such action is necessary to provide for expenditures through the end of the fiscal year being December 31, 2025, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___ NAYS___

ABSTAIN ___

VOTE ON EMERGENCY CLAUSE

YEAS___ NAYS___

ABSTAIN ___

PASSED: _____, 2025

YEAS___ NAYS___

ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSIDERATION OF ORDINANCE NO. 25-17**

SUBJECT: Ordinance No. 25-17, an ordinance approving a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road as shown in Exhibit “A”.

SUGGESTED ACTION:

ATTACHMENTS:

- 1 [PUD 25-5 Fact Sheet.docx](#)
- 2 [PUD 25-5 Oakland Nursery Staff Report.docx](#)
- 3 [PUD 25-5 Rezoning Ordinance.docx](#)
- 4 [Legal Descriptions - combined.pdf](#)
- 5 [LOI.pdf](#)
- 6 [signed zone application.pdf](#)
- 7 [PUD 25-5 Oakland Nursery Rezoning.pdf](#)



FACT SHEET

AGENDA ITEM NO: 20

DATE: 3/10/2025

ORDINANCE NO: 25-17

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES (3/24/2025
AT 7:30 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An ordinance approving a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road as shown in Exhibit "A".

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 4-0 on March 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-5 Oakland Nursery

APPLICANT: Oakland Nursery Inc.
25 Kilbourne Road
Delaware, Ohio 43015



REQUEST

A request by Oakland Nursery Inc. for approval of a Rezoning Amendment from B-3 (Community Business District) to C-PUD (Commercial Planned Unit Development) on 11.3-acres located on the northwest corner of Kilbourne Road and Sunbury Road (US-36/SR-37).

BACKGROUND/ LOCATION

The applicant is currently operating Oakland Nursery, a garden center which sells and designs horticulture products. A C-PUD is being proposed to ameliorate existing zoning nonconformities located within the subject property, specifically non-permitted residential uses located at 874 and 928 Bowtown Road and 45 Kilbourne Road. The proposed C-PUD will deem those residential uses legally non-conforming and bring the property into compliance, establish future redevelopment and land use restrictions in conformance with the City's zoning code and Comprehensive Plan, as well as grant right-of-way and access point improvements and restrictions along Kilbourne and Sunbury Roads per City Engineer approvals.

EXISTING CONDITIONS/ CURRENT ZONING

The subject property consists of nine separate parcels totaling 11.3-acres located at the northwest corner of the Sunbury Road and Kilbourne Road intersection. The property is zoned B-3 (Community Business District) and operates as a garden center, which is a permitted use in the B-3 district. The properties to the north across Bowtown Road are zoned R-6 (Multi-family Residential) / R-4 (Medium Density Residential), the properties to the east and west share the B-3 (Community Business District) zoning, and the properties to the south across Sunbury Road are zoned B-4 (General Business District).

Location	Zoning	Land Use
North	R-6 (Multi-family Residential) / R-4 (Medium Density Residential)	Multi-family Residential Single-Family Residential
South	B-4 (General Business District)	Gas Station/ Fire Station
East	B-3 Community Business District	Gas Station
West	B-3 Community Business District	Offices

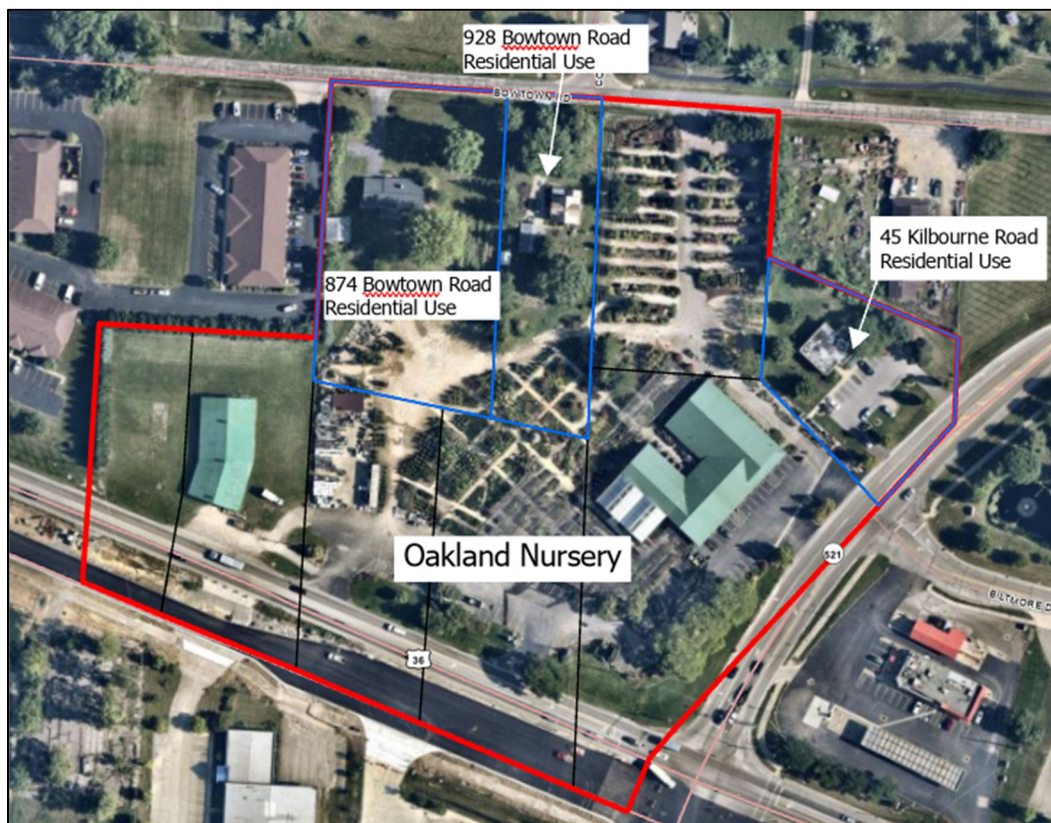
STAFF ANALYSIS

Zoning: The applicant is requesting to rezone the nine parcels it owns as part of the Oakland Nursery garden center to a Commercial-Planned Unit Development (C-PUD) with the intent to legally permit existing on-site non-conforming residential uses, which are located at 874 and 928 Bowtown Road and 45 Kilbourne Road and also to permit the expansion of the nursery, which has expanded onto the residential lots. Should the zoning map amendment be approved, the proposed PUD would permit the three existing residential uses as legally conforming as well as permit land uses associated with the existing B-3 zoning (Community Commercial District) such as Office

and Professional Services, Retail, and Outdoor Display/ Storage. If approved, the garden center will continue to operate as is.

Land Use and Comprehensive Plan: The subject property falls within a designated “Far East Focus Area” in the City of Delaware’s Comprehensive Plan. The land uses associated with this site include Community-Scale Activity Center character types which are land uses associated with the existing B-3 (Community Business District), such as a garden center. This proposed C-PUD will maintain the spirit of the existing B-3 zoning land uses and conform with the Comprehensive Plan’s Community-Scale Activity Center character type for future development and adhere to the criteria in code for zoning map amendments.

PUD Plan: The existing conditions of the site shall be adopted as the development plan for this PUD. The parcels outlined in blue in the image below shall be deemed legally non-conforming residential uses. Should any of the structures be vacated for more than one (1) year or destroyed by any means, the uses on these properties shall be restricted to those uses permitted within this PUD. The area outlined in red shall continue to operate as the Oakland Nursery garden center. Any future redevelopment shall require review and approval of a new development plan in conformance to the conditions of approval of this PUD.



No new site access points will be permitted unless approved by the City Engineer per this proposed PUD. Should any portion of the garden center site (the current parcels abutting Sunbury Road and Kilbourne Road) be redeveloped, access points on Sunbury Road and/or Kilbourne Road shall be consolidated, per City Engineer specifications. The southernmost access point on Kilbourne Road (SR 521) shall be removed, and site access to the garden center from SR 521 shall be consolidated into a singular access point as approved by the City Engineer directly across from Biltmore drive to the east.

Procedures:

The applicant will be required to plat the full site and consolidate all garden center operations on to one parcel, dedicate all necessary right-of-way, and combine properties to conform to setback requirements prior to

ORDINANCE NO. 25-17

AN ORDINANCE APPROVING A REQUEST BY OAKLAND NURSERY INC FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 11.33-ACRES ON THE NORTHWEST CORNER OF SUNBURY ROAD AND KILBOURNE ROAD AS SHOWN IN EXHIBIT “A”.

WHEREAS, the Planning Commission at its meeting on March 5, 2025 recommended approval of a request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road.

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

SECTION 1. A request by Oakland Nursery Inc for approval of a rezoning amendment from B-3 (Community Business) to C-PUD (Commercial Planned Unit Development) on 11.33-acres on the northwest corner of Sunbury Road and Kilbourne Road, is hereby confirmed, approved, and accepted with the following conditions:

1. Uses permitted (P) in this Commercial Planned Unit Development are as follows:

Land Uses	Permitted
Office and Professional Services	
1. Offices—administrative, business and professional	P
2. Financial institutions, banks	P
3. Medical and dental offices, health and allied services	P
Retail and Services	
1. Sale of produce/plants raised on premises	P
2. Retail and service establishments in completely enclosed buildings	P
3. Restaurant—Table service	P
4. Funeral home and related facilities	C
5. Veterinary office (no outside run or kennel)	P
6. Veterinary hospital (with or without kennel)	C
Outdoor Display/Storage	

1. Outdoor display	C
2. Outdoor storage	C

2. The existing conditions of the site shall be adopted as the development plan for this PUD. Any future redevelopment shall require review and approval of a new development plan in conformance to the conditions of approval of this PUD.
3. No new site access points shall be permitted unless approved by the City Engineer.
4. The southernmost access point on Kilbourne Road (SR 521) shall be removed, and site access to the garden center from SR 521 shall be consolidated into a singular access point as approved by the City Engineer directly across from Biltmore drive to the east.
5. Should any portion of the garden center site (the current parcels abutting Sunbury Road and Kilbourne Road) be redeveloped, access points on Sunbury Road shall be consolidated, per the specifications of the City Engineer.
6. Should the property at 45 Kilbourne Road be redeveloped, access points on Kilbourne Road shall be consolidated and cross-access will be required per the specifications of the City Engineer.
7. For purposes of this C-PUD, “redevelopment” shall include new buildings or building additions greater than 500 square feet, new or expanded parking areas, reconfiguration of site layout, or change of use of existing buildings to a use which requires more parking facilities per code.
8. Gravel shall not be used as a permanent parking surface for vehicles. No gravel areas shall be added or expanded.
9. The existing uses located at 874 and 928 Bowtown Road and 45 Kilbourne Road shall be deemed legally non-conforming. Should any of the structures be vacated for more than one (1) year or destroyed by any means, the uses on these properties shall be restricted to those uses permitted within this PUD. “Destroyed” shall mean repair exceeding 50% of the value of the structure.
10. A final subdivision plat shall be recorded to consolidate all garden center operations on to one parcel, dedicate all necessary right-of-way, and combine properties to conform to setback requirements.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 11.33 Acres of land described further in Exhibit A, from B-3, Community Business District, to C-PUD, Commercial Planned Until Development.

SHORES SURVEYING COMPANY

PROFESSIONAL LAND SURVEYOR
PO BOX 1129 DELAWARE, OHIO 43015

(740) 369-2163

874

DESCRIPTION OF THE LANDS OF ALICE Y. HEINLEN, TRUSTEE DEED BOOK 660 PAGE 316

Situated in the city of Delaware, County of Delaware, State of Ohio, being a part of Farm Lot 28, Section 4, Township 5, Range 19, United States Military Lands, being 1.610 acre tract of land now or formerly owned by Alice Y. Heinlen, Trustee as recorded in Deed Book 660 at Page 316, and being more particularly described as follows:

Commencing for same at a 1" iron pin found marking the centerline intersection of State Route 521 and Bowtown Road (County Road 84);

Thence North 87°37'00" West with the centerline of said Bowtown Road a distance of 946.29 feet to a "pk" nail set marking a northwestern corner of a 0.906 acre tract of land now or formerly owned by Walter F. Liddle and Carol G. Liddle as recorded in Deed Book 502 at Page 095, said "pk" nail also marking a northeastern corner of said 1.610 acre tract and being the true point of beginning of this description;

Thence South 01°14'56" West along a western line of said 0.906 acre tract, passing through a 1" iron pipe found at 30.32 feet, a total distance of 367.98 feet to a 1" iron pipe found marking a southwestern corner of said 0.906 acre tract and a point in a northern line of a 1.362 acre tract of land now or formerly owned by Oakland Nursery, Inc. as recorded in Deed Book 548 at Page 356;

Thence North 78°12'37" West along said 1.362 acre tract and along a 1.13 acre tract of land now or formerly owned by Oakland Nursery, Inc. as recorded in Deed Book 581 at Page 567 a distance of 203.36 feet to a 1" iron pipe found marking a northwestern corner of said 1.13 acre tract and a point in an eastern line of a 1.16 acre tract of land now or formerly owned by Ralph R. Grooten and Marie J. Grooten as recorded in Deed Book 238 at Page 515;

Thence North 01°20'55" East along an eastern line of said 1.16 acre tract and along a 1.56 acre tract of land now or formerly owned by LED Investments as recorded in Deed Book 633 at Page 379, passing through a 5/8" iron pin found at 301.76 feet, a total distance of 334.72 feet to a railroad spike found in the centerline of said Bowtown Road marking a northeastern corner of said 1.56 acre tract;

Thence South 87°37'00" East with the centerline of Bowtown Road a distance of 199.39 feet to the true point of beginning containing 1.610 acre more or less.

Property is subject to all easements, restrictions, and rights-of-way of record. All records referred to are recorded in the Delaware County Recorder's Office. Basis of bearings is Bowtown Road per Deed Book 660 at Page 316 (South 87°37'00" East). This description was prepared in accordance with a recent survey and plat dated May 31, 2001 by Garry L. Shores, Professional Surveyor No. 6417.

APPROVED FOR
Transfer
Chris Bauserman
Delaware County Engineer

DESCRIPTION FOR CLOSING ONLY
 RPC Approval Required
 Municipal Approval Required
Delaware County Recorder

Exhibit "A"

Situated in the City of Delaware, County of Delaware, and State of Ohio, bounded and described as follows:

Being a tract of land lying on the south side of County Road 84 (Bowtown Road) in the northwesterly part of Lot 28 in Section four (4) Township five (5), Range nineteen (19), of the U.S.M. lands.

Beginning at a point in the centerline of County Road 84 being the northeasterly corner of the grantor's 2.5 acre tract.

Said beginning point being North 87° 37' West a distance of 841.01 feet from the intersection of the center of said County Road 84 with the center of State Route 521, said beginning point also being S. 87° 37' East a distance of 500.50 feet from the intersection of said easterly boundary of the above mentioned 2.50 acre tract South 1° 19' West a distance of 385.21 feet to a post;

thence along the southerly boundary of said 2.5 acre tract North 78° 14' West a distance of 106.44 feet to an iron pipe;

thence North 1° 16' East a distance of 367.86 feet (passing over an iron pipe at 337.85 feet) to a point in the center of County Road 84;

thence along said County Road 84 centerline South 87° 37' East a distance of 105 feet to the place of beginning.

Containing 0.906 acres, more or less.

Subject to all legal highways and easements of record.

The above described tract of land was surveyed by Henry L. Kunze, Registered Surveyor No. 5219, on October 8, 1966.

DESCRIPTION APPROVED
FOR TRANSFER
Chris Bauserman
Delaware County Engineer

DESCRIPTION FOR CLOSING ONLY
 RPC Approval Required
 Municipal Approval Required
Delaware County Engineer

3

LAWYERS TITLE SERVICE OF DELAWARE, INC.

689 Sunbury and adjacent lot

GENERAL WARRANTY DEED

Ralph R. Grooten and Marie J. Grooten, husband and wife, of Delaware County, Ohio, and Sheila A. Mitchell, aka Shiela A. Mitchell, divorced and not remarried, by Marie J. Grooten, her Attorney-in-Fact, of Orange County, Florida, for valuable consideration paid, grant, with general warranty covenants, to Oakland Nursery, Inc., of Franklin County, Ohio, the following real property:

TRACT 1:

Situated in the County of Delaware, in the State of Ohio, and in the City of Delaware, and bounded and described as follows:

Being in Range 19, Township 5, Section 4, part of Lots 15 and 28. Beginning at a point in the center line of the Sunbury Road 96.7 feet South 68° 12' East of southeast corner of Potter land; thence with center line of road; South 68° 12' East 163.7 feet; thence passing a post on north side of road North 3° 00' East 377 feet to a stake; thence North 87° 00' West 139.2 feet to a stake; thence South 3° 00' West 183 feet to a stake; thence South 19° 17' West 140.3 feet to place of beginning, containing 1.16 acres, more or less, subject to all legal highways and easements of record.

X Tax Parcel ID# 519 444 020 08 000

Prior Instrument References: Official Record Volume 135, page 1742, Deed Book 583, page 535, Deed Book 582, page 102, Deed Book 238, Page 515, Recorder's Office, Delaware County, Ohio.

LS 2/15/05

DESCRIPTION FOR CLOSING ONLY
1 RPO Approval Required
1 Planned Approval Required
1 Delaware County Engineer

TRACT 2:

Situated in the County of Delaware, in the State of Ohio, and in the City of Delaware and bounded and described as follows:

Being in Range 19, Township 5, Section 4, part of lots 15 and 28, beginning at a point in the centerline of the Sunbury Road - Southeast corner of Potter land, marked by a post on North side of road; thence with centerline of Road South 68° 12' East 96.7 feet thence passing an iron pin on the North side of road, North 19° 17' East 140.3 feet to a stake; thence North 3° 00' East 183 feet to a stake; thence North 87° 00' West 102.5 feet to a stake; thence South 3° 15' West 288.6 feet to place of beginning, containing 0.65 acres, more or less. Subject to all legal highways and easements of record.

b Tax Parcel ID# 519 444 020 07 000

Prior Instrument References: Official Record Volume 135, page 1742, Deed Book 583, page 535, Deed Book 582, page 102, and Deed Book 309, Page 616, Recorder's Office, Delaware County, Ohio.

DESCRIPTION APPROVED FOR TRANSFER
Chris Bauserman
Delaware County Engineer

This deed is executed and delivered by Grantors and accepted by Grantee subject to all legal highways and subject to and with all restrictions, easements, conditions

200500023803 SCOTT MILLER-BOX

200500023803
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
06-21-2005 AT 01:52 PM
DEED 28.00
OR Book 620 Page 969 - 970

Executed by Ralph R. Grooten, Marie J. Grooten and Shiela A. Mitchell, aka Sheila A. Mitchell, by Marie J. Grooten, her attorney-in-fact, this 17th day of June, 2005.

Ralph R. Grooten
Ralph R. Grooten

Marie J. Grooten
Marie J. Grooten

Sheila A. Mitchell aka Sheila A. Mitchell
Shiela A. Mitchell, aka Sheila A. Mitchell,
by Marie J. Grooten, her Attorney in Fact
by Marie J. Grooten, her attorney in fact

State of Ohio,
County of Delaware, SS:

The foregoing instrument was acknowledged before me by the Grantors, Ralph R. Grooten, Marie J. Grooten and Shiela A. Mitchell, aka Sheila A. Mitchell, by Marie J. Grooten, her Attorney-in-Fact, this 17th day of June, 2005.



CAROLYN KAY RIGGLE
Notary Public, State of Ohio
My Commission Expires
10-21-08

Carolyn Kay Riggle
Notary Public

This instrument was prepared by Robert H. Coldren, Attorney at Law.

Provisions contained in any deed or other instrument for the conveyance of a dwelling which restrict the sale, rental or use of the property because of race or color are invalid under federal law and are unenforceable

SHORES SURVEYING COMPANY

PROFESSIONAL LAND SURVEYOR
PO BOX 1129 DELAWARE, OHIO 43015

(740) 369-2163

DESCRIPTION OF THE LANDS OF ALICE Y. HEINLEN, TRUSTEE DEED BOOK 660 PAGE 316

Situated in the city of Delaware, County of Delaware, State of Ohio, being a part of Farm Lot 28, Section 4, Township 5, Range 19, United States Military Lands, being 1.610 acre tract of land now or formerly owned by Alice Y. Heinlen, Trustee as recorded in Deed Book 660 at Page 316, and being more particularly described as follows:

Commencing for same at a 1" iron pin found marking the centerline intersection of State Route 521 and Bowtown Road (County Road 84);

Thence North 87°37'00" West with the centerline of said Bowtown Road a distance of 946.29 feet to a "pk" nail set marking a northwestern corner of a 0.906 acre tract of land now or formerly owned by Walter F. Liddle and Carol G. Liddle as recorded in Deed Book 502 at Page 095, said "pk" nail also marking a northeastern corner of said 1.610 acre tract and being the true point of beginning of this description;

Thence South 01°14'56" West along a western line of said 0.906 acre tract, passing through a 1" iron pipe found at 30.32 feet, a total distance of 367.98 feet to a 1" iron pipe found marking a southwestern corner of said 0.906 acre tract and a point in a northern line of a 1.362 acre tract of land now or formerly owned by Oakland Nursery, Inc. as recorded in Deed Book 548 at Page 356;

Thence North 78°12'37" West along said 1.362 acre tract and along a 1.13 acre tract of land now or formerly owned by Oakland Nursery, Inc. as recorded in Deed Book 581 at Page 567 a distance of 203.36 feet to a 1" iron pipe found marking a northwestern corner of said 1.13 acre tract and a point in an eastern line of a 1.16 acre tract of land now or formerly owned by Ralph R. Grooten and Marie J. Grooten as recorded in Deed Book 238 at Page 515;

Thence North 01°20'55" East along an eastern line of said 1.16 acre tract and along a 1.56 acre tract of land now or formerly owned by LED Investments as recorded in Deed Book 633 at Page 379, passing through a 5/8" iron pin found at 301.76 feet, a total distance of 334.72 feet to a railroad spike found in the centerline of said Bowtown Road marking a northeastern corner of said 1.56 acre tract;

Thence South 87°37'00" East with the centerline of Bowtown Road a distance of 199.39 feet to the true point of beginning containing 1.610 acre more or less.

Property is subject to all easements, restrictions, and rights-of-way of record. All records referred to are recorded in the Delaware County Recorder's Office. Basis of bearings is Bowtown Road per Deed Book 660 at Page 316 (South 87°37'00" East). This description was prepared in accordance with a recent survey and plat dated May 31, 2001 by Garry L. Shores, Professional Surveyor No. 6417.



Garry L. Shores
Professional Surveyor No. 6417

APPROVED FOR
Transfer
Chris Bauserman
Delaware County Engineer

DESCRIPTION FOR CLOSING ONLY
 RPC Approval Required
 Municipal Approval Required
Delaware County, Ohio 5/31/01

TRACT I: Situated in the City of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 28 in Section 4, Township 5, Range 19 of the United States Military Lands and being more particularly described as follows:

Commencing at the intersection of the centerlines of U.S. Route 36 - State Route 37 and State Route 521, being Highway Station 621+03.49; thence North 65° 20' 15" West, along the said centerline of U.S. Route 36 - State Route 37, a distance of 70.75 feet to a point; thence North 04° 53' 28" East, (passing iron pipes set at 138.14 feet and 379.86 feet) a total distance of 465.21 feet to an iron pipe set, being on the east line of a 0.91 acre tract now or formerly owned by Walter and Carol Liddle, as described in Deed Book 423, Page 290, all iron pipes set are set with a plastic cap marked "SLSS RS 6612", also being the true point of beginning of the following described tract; thence North 04° 53' 28" East, along the said east line of the 0.91 acre tract, a distance of 300.03 feet to a railroad spike set, being in the centerline of County Road 84 (Bowtown Road), being the northeast corner of the said 0.91 acre tract; thence South 84° 00' 41" East, along the said centerline of County Road 84, a distance of 201.00 feet to a point, referenced by a railroad spike found 0.15 feet north of point, being the northwest corner of a 0.9 acre tract now or formerly owned by B. Harris Angell, as described in Deed Book 408, Page 407; thence South 05° 58' 22" West, along the west line of the said 0.9 acre tract and the west line of a 0.85 acre tract now or formerly owned by Columbus Production Credit Association, as described in Deed Book 385, Page 05, a distance of 300.03 feet to an iron pipe set, being the southwest corner of the said 0.85 acre tract; thence North 83° 59' 43" West, a distance of 195.34 feet to the true point of beginning; containing 1.365 acres, more or less, being part of an original 3.672 acre tract as described in Deed Book 460, Page 263.

TRACT II: Situated in the City of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 28 in Section 4, Township 5, Range 19 of the United States Military Lands and being more particularly described as follows:

Beginning at the intersection of the centerlines of U.S. Route 36 - State Route 37 and State Route 521, being Highway Station 621+03.49; thence North 65° 20' 15" West, along the said centerline of U.S. Route 36 - State Route 37, a distance of 70.75 feet to a point; thence North 04° 53' 28" East, (passing iron pipes set at 138.14 feet and 379.86 feet) a total distance of 465.21 feet to an iron pipe set, being on the east line of a 0.91 acre tract now or formerly owned by Walter and Carol Liddle, as described in Deed Book 423, Page 290, all iron pipes set are set with a plastic cap marked "SLSS RS 6612"; thence South 83° 59' 43" East, a distance of 195.34 feet to an iron pipe set, being the southwest corner of a 0.85 acre tract now or formerly owned by Columbus Production Credit Association, as described in Deed Book 385, page 05; thence South 40° 33' 37" East, along the south line of the said 0.85 acre tract, (passing an iron pipe set at 140.79 feet) a total distance of 190.95 feet to a railroad spike set in or near the said centerline of State Route 521; thence South 44° 50' 37" West, along or near the said centerline of State Route 521, a distance of 377.78 feet to a point; thence South 24° 39' 45" West, continuing along the said centerline of State Route 521, a distance of 65.65 feet to the point of beginning; containing 2.307 acres, more or less, being part of an original 3.672 acre tract as described in Deed Book 460, Page 263.

51944402002900

51944402011002
Parcels

APPROVED
FOR TRANSFER
FRED L. STULTS
Delaware County Engineer

TRACT III: Situated in the City of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 28 in Section 4, Township 5, Range 19 of the United States Military Lands and being more particularly described as follows:

Commencing at the intersection of the centerlines of U.S. Route 36 - State Route 37 and State Route 521, being Highway Station

BOOK 0522 PAGE 447

621+03.49; thence North 65° 20' 15" West, along the said centerline of U.S. Route 36 - State Route 37, a distance of 70.75 feet to a point, being the true point of beginning of the following described tract; thence North 65° 20' 15" West, continuing along the said centerline of U.S. Route 36 - State Route 37, a distance of 174.88 feet to a point, being the southeast corner of a 1.11 acre tract now or formerly owned by Mueller Real Estate as described in Deed Book 377, Page 105, all records referred to are recorded in the Delaware County Recorder's Office; thence North 05° 39' 45" East, along the east line of the said 1.11 acre tract, (passing an iron pipe set at 133.99 feet) a total distance of 350.46 feet to an iron pipe set, being the northeast corner of the said 1.11 acre tract and being on the south line of a 1.4 acre tract now or formerly owned by Russell Heinlen as described in Deed Book 289, Page 507, all iron pipes set are set with a plastic cap marked "SLSS RS 6612"; thence South 74° 34' 29" East, along the said South line of the 1.4 acre tract and along the south line of a 0.91 acre tract now or formerly owned by Walter and Carol Liddle as described in Deed Book 423, Page 290, (passing an iron pipe found at 55.57 feet) a total distance of 162.60 feet to an iron pipe set, being the southeast corner of the said 0.91 acre tract; thence south 04° 53' 28" West, (passing an iron pipe set at 241.72 feet) a total distance of 379.86 feet to the true point of beginning; containing 1.362 acres, more or less.

Parcel #
519 444 020 0000

APPROVED
FOR TRANSFER
FRED L. STULTS
Delaware County Engineer

EXHIBIT "A"

Situated in the County of Delaware, in the State of Ohio, and in the Township of Delaware. In Range 19, Twp. 5, Sec. 4, Farm Lot 28, USM Lands, described as follows:

Beginning at a steel pin in the centerline of County Road 84, N. 87° 37' W. 428.01 feet from the intersection of SR 521 and County Road 84; thence S. 1° 33' W. 334.55 feet to the centerline of new 521 (passing over an iron pin at 30.00 feet and 256.28 feet); thence S. 41° 15' W. 125.0 feet along the centerline of new SR 521; thence N. 43° 59' W. 191.04 feet to an iron pin (passing over an iron pin at 50.17 feet); thence N. 2° 23' E. 300.00 feet to a steel pin SR 521 (passing over an iron pin at 270.00 feet; thence S. 87° 37' E. 212.00 feet to the place of beginning, containing 1.8333 acres.

SAVE AND EXCEPT THEREFROM the following tract:

Commencing at a mine spike found in the intersection of the centerlines of State Route 521 and County Road 84 (Bowtown Road); thence along the centerline of said County Road 84, North 84° 37' West, a distance of 427.91 feet to a mine spike set at THE TRUE PLACE OF BEGINNING; thence South 01° 33' West (passing over an iron bar found at 30.00 feet) a total distance of 239.76 feet to a 7/8" O.D. iron pipe set; thence North 67° 05' West, a distance of 230.11 feet to a 7/8" O.D. iron pipe set; thence North 02° 23' East (passing over an iron bar found at 129.02 feet) a total distance of 159.02 feet to a railroad spike found in the centerline of County Road 84 (Bowtown Road) also being old State Route 521; thence along the centerline of said County Road 84, South 87° 37' East, a distance of 212.00 feet to The True Place of Beginning; Containing 0.9764 acres more or less, subject to all easements, restrictions and rights-of-way of record.

The tract remaining contains .8569 acres, more or less.

RESOLUTION APPROVED
FOR TRANSFER
Chris Rauschman
Delaware County Engineer
12/10/18



Sandra Pereira, Director
Planning and Community Development
City Hall Annex
1 South Sandusky St.
Delaware, OH 43015

RE: Rezone Property owned by Oakland Nursery Inc.

Dear Sandra,

This letter serves to notify City of Delaware Planning and Community Development our intention to rezone property owned by Oakland Nursery Inc. from its current zoning designation of B-3, Commercial / Single family dwelling to proposed zoning designation C-PUD commercial.

Said property includes 9 parcels totaling 11.33 acres under the ownership of Oakland Nursery Inc, Paul S. Reiner. A Master Zoning & Development application and required payment has been submitted as well as legal property descriptions for all 9 parcels.

We look forward to meeting with you in March. In the meantime, should you have questions or need further information please let us know.

Sincerely,

Mark Reiner
Vice President
Oakland Nursery, Inc

FOR OFFICE USE ONLY

2/5/25

DATE RECEIVED

EST 1808



FOR OFFICE USE ONLY

PUD 25-5

CASE NUMBER

Master Zoning & Development Application

Planning Commission / City Council

- Resoning / Zoning Amendment
Comprehensive Plan Amendment
Development Plan
Development Plan Extension
Development Plan Minor Modification
Development Plan Major Modification
Conditional Use Approval

- Preliminary Subdivision Plat
Preliminary Subdivision Plat Extension
Final Subdivision Plat
Final Subdivision Plat Extension
Right-of-Way Vacation
Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
Variance
Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
Zoning Determination Letter
Minor Subdivision Lot Split / Combination
Floodplain Letter of Interpretation
Certificate of Zoning Compliance

Subdivision / Project Name OAKLAND NURSERY INC

Address 25 KILBOURNE ROAD , DELAWARE, OH

11.3-5.18-51944402004000, 51944402003000, 51944402002000, 51944402012000, 51944402011000, 51944402010000, 51944402009000, 51944402008000, 51944402007000

Acreage Parcel Number Number of Lots 9 Number of Units

Current Zoning B-3 Proposed Zoning C-PUD

Current Land Use Commercial /single family dwelling Proposed Land Use Commercial

Oakland Nursery Inc. Mark Reiner
Applicant Name Contact Person

Applicant Address 1156 Oakland Park Avenue, Columbus, OH 43224

Phone 614-268-3511 Email mreiner@oaklandnursery.com

Paul Reiner Mark Reiner
Owner Name Contact Person

Owner Address 1156 Oakland Park Avenue, Columbus, OH 43224

Phone 614-268-3511 Email paulr@oaklandnursery.com

Engineer/Architect/Attorney Contact Company

Address

Phone Email

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 MARK REINER
Owner Printed Name

Agent Signature Agent Printed Name

CITY OF DELAWARE
PLANNING COMMISSION
March 5, 2025

PUD 25-5 OAKLAND
NURSERY REZONING

RESOLUTION

WHEREAS, Oakland Nursery Inc., 25 Kilbourne Road, Delaware Ohio, 43015, has filed an application requesting to rezone 11.3 acres of land from B-3 (Community Business District) to a C-PUD (Commercial Planned Unit Development). The property is located on the northwest corner of US 36/SR 37 (Sunbury Road) and SR 521 Kilbourne Road), as described in Exhibit "A".

WHEREAS, a public hearing was held on March 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 11.3 acres of land described in Exhibit "A" from B-3 (Community Commercial District) to a C-PUD (Commercial Planned Unit Development).

SECTION 2.

1. Uses permitted (P) in this Commercial Planned Unit Development are as follows:

Land Uses	Permitted
A. Office and Professional Services	
1. Offices—administrative, business and professional	P
2. Financial institutions, banks	P
3. Medical and dental offices, health and allied services	P
B. Retail and Services	
1. Sale of produce/plants raised on premises	P
2. Retail and service establishments in completely enclosed buildings	P
3. Restaurant—Table service	P
4. Funeral home and related facilities	C
5. Veterinary office (no outside run or kennel)	P
6. Veterinary hospital (with or without kennel)	C
C. Outdoor Display/Storage	
1. Outdoor display	C
2. Outdoor storage	C

2. The existing conditions of the site shall be adopted as the development plan for this PUD. Any future redevelopment shall require review and approval of a new development plan in conformance to the conditions of approval of this PUD.
3. No new site access points shall be permitted unless approved by the City Engineer.
4. The southernmost access point on Kilbourne Road (SR 521) shall be removed, and site access to the garden center from SR 521 shall be consolidated into a singular access point as approved by the City Engineer directly across from Biltmore drive to the east.
5. Should any portion of the garden center site (the current parcels abutting Sunbury Road and Kilbourne Road) be redeveloped, access points on Sunbury Road shall be consolidated, per the specifications of the City Engineer.
6. Should the property at 45 Kilbourne Road be redeveloped, access points on Kilbourne Road shall be consolidated and cross-access will be required per the specifications of the City Engineer.
7. For purposes of this C-PUD, “redevelopment” shall include new buildings or building additions greater than 500 square feet, new or expanded

parking areas, reconfiguration of site layout, or change of use of existing buildings to a use which requires more parking facilities per code.

- 8. Gravel shall not be used as a permanent parking surface for vehicles. No gravel areas shall be added or expanded.
- 9. The existing uses located at 874 and 928 Bowtown Road and 45 Kilbourne Road shall be deemed legally non-conforming. Should any of the structures be vacated for more than one (1) year or destroyed by any means, the uses on these properties shall be restricted to those uses permitted within this PUD. "Destroyed" shall mean repair exceeding 50% of the value of the structure.
- 10. A final subdivision plat shall be recorded to consolidate all garden center operations on to one parcel, dedicate all necessary right-of-way, and combine properties to conform to setback requirements.

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

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

PASSED: March 5, 2025

YEAS 4 NAYS 0
ABSTAIN 0

ATTEST: [Signature]
CITY CLERK

[Signature]
CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSIDERATION OF ORDINANCE NO. 25-18**

SUBJECT: Ordinance No. 25-18, an ordinance approving a request by PVLI Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, as shown in Exhibit "A".

SUGGESTED ACTION:

ATTACHMENTS:

- 1 PUD 25-6 Fact Sheet.docx
- 2 PUD 25-6 Briar Hill Development staff report.docx
- 3 PUD 25-6 Rezoning Ordinance.docx
- 4 Legal Description full - PVLI Delaware Realty.pdf
- 5 attachments.pdf
- 6 PUD 25-6 Briar Hill Development Rezoning.pdf



FACT SHEET

AGENDA ITEM NO: 21

DATE: 3/10/2025

ORDINANCE NO: 25-18

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES (3/24/2025
at 7:35 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An ordinance approving a request by PVLI Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, as shown in Exhibit "A".

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 4-0 on March 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-6 Briar Hill Villas
APPLICANT: PVLI Delaware Realty LLC.
9450 Manchester Rd. Ste 207
St. Louis MO 63119



REQUEST

A request by PVLI Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and South Houk Road.

BACKGROUND/CASE HISTORY

The subject 8.23-acre site is located on the southwest corner of Houk Road and Lansdale Drive. This site was annexed into the city in 1999 and re-zoned to the Willowbrook Retail Planned Unit Development.

This overlay was amended in 2007 to allow for the subject site to support "big box" retail development. The subject parcel, as well as the land north of Lansdale Drive, have remained largely undeveloped except for an outpatient medical facility.

As the market has changed in the years since this property was zoned, several attempts have been made to develop the site. Most recently, this applicant requested a zoning amendment to include "Congregate Care" and "Residential Care" to the permitted use table for the existing Willowbrook Retail Planned Unit Development with the intent of constructing a nursing home building and assisted living villas. This request aligned with the Comprehensive Plan and was approved by Council along with a Preliminary Development Plan in 2022.

Due to market conditions, the applicant no longer intends to move forward with their existing plan. As such, the applicant is requesting a zoning map amendment to reclassify this portion of the Willowbrook Retail PUD to a MX-PUD (Mixed Use Planned Unit Development District) to allow for a variety of residential uses and low-impact commercial uses which better suit the surrounding character of the area.



EXISTING CONDITIONS/CURRENT ZONING

The subject 8.23-acre site is located at the southwest corner of Houk Road and Landsdale Drive and is currently vacant. This site is currently within the Willowbrook Planned Unit Development overlay with a base zoning district of B-4 (General Business District) with a PUD overlay. The surrounding zoning is as follows:

Location	Zoning	Land Use
North	B-4 PUD (General Business with a PUD Overlay)	Vacant / Commercial
South	B-4 PUD (General Business with a PUD Overlay)	Residential
East	R-3 PUD (One Family Residential with a PUD Overlay))	Residential
West	R-3 PRD (Single Family Residential with a Planned Residential Development Overlay)	Residential

STAFF ANALYSIS

Proposed Zoning:

The property is proposed to be rezoned to a MX-PUD (Mixed Use Planned Unit Development). Proposed uses are also included in this resolution and are a mix of uses from the commercial and residential zoning districts within the city with the intent to harmonize this development with existing land uses and character of the surrounding properties. The overall site setbacks will be set with this rezoning, with individual building setbacks approved during the development plan approval process.

Comprehensive Plan:

The subject site has never been developed, being used as farmland. Referencing the Delaware Together Comprehensive Plan, this site is designated as a location for new development and further designates it as an Activity District. This development type includes Neighborhood-Scale Activity Center, Suburban Mixed Residential, Multifamily Complex and Commercial Corridor among several others. These are aligned with this development proposal, which will allow for a mixture of uses consistent with Delaware Together.

The proposed plan also aligns with several actions outlined in Delaware Together, including:

- Action A.2.1: Identify appropriate locations for quality, higher-density development.
- Action A.18.4: Identify potential sites appropriate for intensification.
- Action A11: Encourage development of vacant or underutilized parcels.
- Action A.1: Encourage a greater mix of land uses in selected locations.

This Zoning Map Amendment request aligns with City goals outlined in the Comprehensive Plan and Bicycle and Pedestrian Master Plan.

ORDINANCE NO. 25-

AN ORDINANCE APPROVING A REQUEST BY PVLI DELAWARE REALTY, LLC FOR APPROVAL OF A REZONING AMENDMENT FROM B-4 PUD (GENERAL BUSINESS DISTRICT PLANNED UNIT DEVELOPMENT) TO MX-PUD (MIXED-USE PLANNED UNIT DEVELOPMENT) ON 8.23-ACRES ON THE SOUTHWEST CORNER OF LANSDALE DRIVE AND S. HOUK ROAD, AS SHOWN IN EXHIBIT “A”.

WHEREAS, the Planning Commission at its meeting on March 5, 2025 recommended approval of a request by PVLI Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road.

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

SECTION 1. A request by PVLI Delaware Realty, LLC for approval of a rezoning amendment from B-4 PUD (General Business District Planned Unit Development) to MX-PUD (Mixed-Use Planned Unit Development) on 8.23-acres on the southwest corner of Lansdale Drive and S. Houk Road, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated “Received 02/05/2025” illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) or Conditionally Permitted (C) in this Planned Unit Development (PUD) shall be as noted below:

Land Use Category	Proposed
(a) Residential	
(1) Cluster single-family	P
(2) Single-family	P
(3) 2-, 3-, and 4- family	P
(4) Multi-Family	P
(b) Office and Professional Services	
(1) Offices – administrative, business and professional	P

Land Use Category	Proposed
(2) Financial institutions, banks	P
(3) Medical, dental, or veterinary (no outside run or kennel) offices	P
(c) Retail and Services	
(1) Retail	P
(2) Restaurant	P
(d) Community Facilities	
(1) Schools:, public, private, trade, business or cultural arts	C
(2) Public cultural institutions and art galleries	P
(3) Day care center, child/adult	P
(4) Residential Care Facility	P
(5) Nursing Home	P
(e) Recreation and Entertainment	
(1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)	C
(2) Public parks and playgrounds	P
(3) Health club	P

2. Retail establishments shall not exceed a total net floor area of 25,000 square feet in the PUD.
3. A maximum of one drive-through shall be permitted in association with a Permitted or Conditionally Permitted use.
4. Density: Overall density shall not exceed 12 dwelling units per acre.
5. Roads and Access:
 - a. Quantity and location of access points to be determined by City Engineer, at the development plan stage. East-most entrance needs to not conflict with turning movements on Landsdale at the intersection of Houk Rd
 - b. A minimum 5-foot sidewalk shall be required along the north edge of the property to connect to the existing sidewalks.
6. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.

7. Landscaping:

- a. A detailed final landscape plan shall be reviewed and approved by the City Staff prior to the release of any permits.
- b. Street trees required along Houk Road and interior public and private streets in accordance with the Zoning Code. Street trees along Houk Rd shall be planted outside of the right-of-way and maintained by the developer, owner, or association of owners in perpetuity.
- c. Tree Canopy Management Plan shall be required at the Development Plan stage (in accordance with the Tree Preservation chapter of the Delaware Zoning Code)
 - i. The site is required to have minimum 35% canopy coverage at maturity. All trees (including street trees, parking lot trees, etc. would count towards this canopy coverage)

8. Buffering:

- a. There shall be a 50-foot buffer to the south encompassing the existing mounding, with no structures allowed within the buffer area.
- b. Prior to submitting a Development Plan application, the applicant shall receive verification from the City Forester that the existing mounding and landscaping on the site is in good health and maintenance. Any sub-standard landscaping or plantings shall be replaced upon development.
- c. Setbacks for the development shall be determined at the development plan stage.

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

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 8.23 Acres of land described further in Exhibit A, from B-4 PUD, General Business District with Planned Unit Development, to MX-PUD, Mixed-Use Planned Until Development.


SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: YEAS ___ NAYS ___ ABSTAIN ___

PASSED: _____, 2025 YEAS ___ NAYS ___ ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

 <p>First American</p> <p>Exhibit A</p>	<p>ISSUED BY First American Title Insurance Company</p> <p>POLICY NUMBER 5011439-1129023</p>
--	--

File No.: NCS-1129023-STLO

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Delaware, STATE OF OH, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1

Situated in the City of Delaware, County of Delaware and the State of Ohio and being a part of Original Farm Lot 31, Quarter Township 3, Township 5, Range 19 in the United States Military Lands and being a part of land now or formerly owned by Medrock, LLC by original Deed Book 650, Page 241 of Delaware County Deed Records and being more fully bounded and described as follows:

Beginning at the intersection of the centerlines of US Route 36 (aka Marysville Road / Williams Street) and South Houk Road, 100 feet wide, and being dedicated in the Millbrook Section 1, Phase development as recorded in Plat Cabinet 3, Slides 72-72B of Delaware County Map Records;

thence South 04°39'27" West along the said centerline of South Houk Road, a distance of 500.33 feet to a point of curvature;

thence along the arc of a curve deflecting to the left and continuing along the centerline of said South Houk Road, a distance of 41.62 feet, said curve having a radius of 5,000 feet with a chord distance of 41.62 feet bearing South 04°25'10" West;

thence South 04°10'51" West continuing along the said centerline of South Houk Road, a distance of 570.76 feet;

thence North 85°49'09" West and at right angles, a distance of 50.00 feet to a 5/8 inch iron pin found on the Westerly line of said South Houk Road and being the Northeasterly corner of the Enclave at Adalee, Phase 2 as recorded in Plat Cabinet 4, Slides 61-61B of Delaware County Map Records and being the Principal Place of Beginning of the Parcel of land herein described;

Course No. 1: Thence North 85°26'23" West along the Northerly line of said Enclave at Adalee Phase 2, a distance of 870.05 feet to a 5/8 inch iron pin found the Northwesterly corner thereof and being on the Easterly line of The Village at Lehner Woods, Twenty-First Amendment as recorded in Plat Cabinet 3, Slide 515 of Delaware County Map Records;

Course No. 2: Thence North 04°38'09" East along the Easterly line of said Village of Lehner Woods Twenty First Amendment and the Easterly line of The Village at Lehner Woods First Amendment Reserve C, as recorded in Plat Cabinet 3, Slide 163-163F of Delaware County Deed Records and passing through a 5/8 inch iron pin found at 133.32 feet and a 5/8 inch iron pin found at 318.40 feet and being the Northeasterly corner thereof, a total distance of 322.78 feet to a 5/8 inch set on the Southerly line of a Access and Utility Easement as recorded in Official Record Volume 851, Page 113 of Delaware County Deed Records;

Course No. 3: Thence Northeasterly and continuing along the said Southerly line and along the arc of a curve deflecting to the left, a distance of 160.62 feet to a 5/8 inch iron pin set at a point at the end of said curve, said curve having a radius of 223.55 feet with a chord distance of 157.19 feet bearing North 80°22'12" East;

Course No. 4: Thence North 59°29'30" East and continuing along the said Southerly Easement line, a distance of 148.56 feet to a 5/8 inch iron pin set;

Course No. 5: Thence North 71°21'10" East and continuing along the said Southerly Easement line, a distance of 91.59 feet to a 5/8 inch iron pin set at a point of curvature;

Course No. 6: Thence Southeasterly and continuing along the said Southerly Easement line, a distance of 79.74 feet to a 5/8 inch iron pin set, said curve having a radius of 179.50 feet with a chord distance of 79.09 feet bearing South 81°18'17" East;

Course No. 7: Thence South 68°34'40" East and continuing along the Southerly Easement line, a distance of 243.11 feet to a 5/8 inch steel pin set at a point of curvature;

Course No. 8: Thence Southeasterly and continuing along the said Southerly Easement line, a distance of 63.13 feet to a 5/8 inch iron pin set, said curve having a radius of 220.50 feet with a chord distance of 62.91 feet bearing South 76°46'46" East;

Course No. 9: Thence South 84°58'53" East and continuing along the Southerly Easement line, a distance of 19.33 feet to a 5/8 inch steel pin set;

Course No. 10: Thence South 82°42'26" East and continuing along the Southerly Easement line, a distance of 86.70 feet to a 5/8 inch steel pin set;

Course No. 11: Thence South 85°50'46" East and continuing along the Southerly Easement line, a distance of 29.19 feet to a 5/8 inch steel pin set on the Westerly line of said South Houk Road;

Course No. 12: Thence South 04°10'51" West along the said Westerly line of said Houk Road, a distance of 392.99 feet to the place of beginning and containing 8.231 acres, 358,550 square feet of land, and being fully within Farm Lot 31, according to a Lot Split Survey prepared by John H. Crawford, PS No. 7826 of CT Consultants in June 2022, and being the same more or less.

I John H. Crawford, PS, of CT Consultants, Inc., that this description was prepared from an actual field survey made under my direct supervision during the month of May 2022 and the monuments were set or found as indicated hereon. Iron pins set at 5/8 inch diameter iron rebar pins, being 30 inches in length with a plastic cap stamped with "CT". The Basis of Bearings is State Plane Coordinates, Ohio North Zone, NAD 83.

PARCEL 2

Non-exclusive easement for ingress and egress as described in the Declaration of Ingress and Egress, Utility Easement and Restrictive Covenants recorded August 20, 2008, in Volume 0862, Page 0071.

The property address and tax parcel identification number listed herein are provided solely for informational purposes, without warranty as to accuracy or completeness.

1/31/2025

Anna Kelsey, AICP
Planning and Zoning Administrator
City of Delaware
1 South Sandusky Street
Delaware, OH 43015

PVLI Delaware Realty | Rezone Application

Ms. Kelsey,

This letter is to express our intent to rezone 8.23 acres, parcel number 51933002031008. The parcel is currently zoned B-4 PUD (General Business District with a Planned Development Overlay District) and is part of the Willowbrook Retail PUD. It is PVLI Delaware Realty's intent to rezone the parcel to MX-PUD (Mixed Use Planned Unit Development district) to permit the construction of a senior active adult residential community or other options as the market allows. Attached you will find our completed re-zoning application, a legal description, a list of adjacent property owners, and a concept plan.

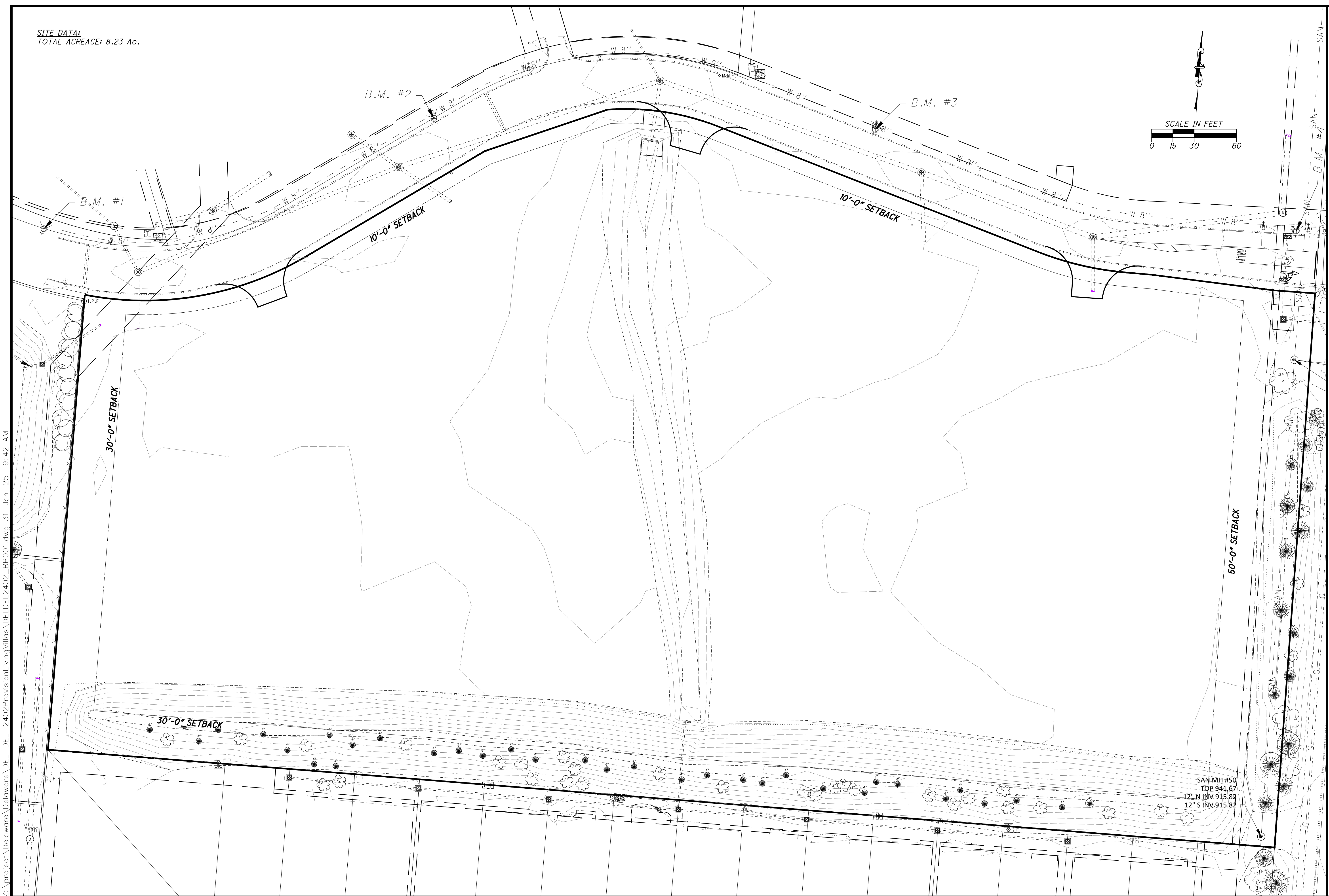
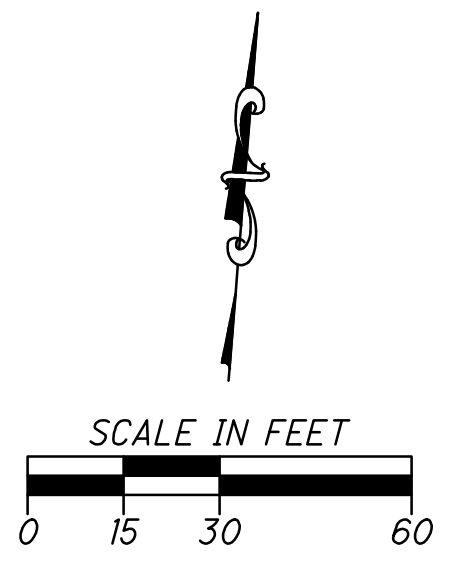
Please let us know if you require any additional information for this request.

Thank you



Dave Baylis
Managing Principal
PVLI Delaware Realty, LLC
9450 Manchester Rd., Ste 207
St. Louis, MO 63119

SITE DATA:
TOTAL ACREAGE: 8.23 Ac.



Z:\project\Delaware\Del-2402\ProvisionLivingVillas\DELDEL2402_BF001.dwg 31-Jan-25 9:42 AM



SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
WWW.CHOICEONEENGINEERING.COM

**DELAWARE BRIAR HILL VILLAS
CITY OF DELAWARE
ZONING SUBMITTAL**

REVISIONS:

FILE NAME	ZONING
DRAWN BY	JMK
CHECKED BY	MLS
PROJECT No.	DELDEL2402
DATE	01-31-2025
SHEET NUMBER	1 OF 1

SAN MH #50
TOP 941.67
12" N INV 915.82
12" S INV 915.82

FOR OFFICE USE ONLY



FOR OFFICE USE ONLY

DATE RECEIVED

Master Zoning & Development Application

CASE NUMBER

Planning Commission / City Council

- Rezoning / Zoning Amendment
Comprehensive Plan Amendment
Development Plan
Development Plan Extension
Development Plan Minor Modification
Development Plan Major Modification
Conditional Use Approval

- Preliminary Subdivision Plat
Preliminary Subdivision Plat Extension
Final Subdivision Plat
Final Subdivision Plat Extension
Right-of-Way Vacation
Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
Variance
Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
Zoning Determination Letter
Minor Subdivision Lot Split / Combination
Floodplain Letter of Interpretation
Certificate of Zoning Compliance

Subdivision / Project Name Briar Hill Villas Address SW intersection of S Houk Rd & Landsdale Dr

Acreage 8.23 Parcel Number 51933002031008 Number of Lots 1 Number of Units 99 maximum 12 du/acre

Current Zoning B-4 PUD Proposed Zoning MX-PUD

Current Land Use vacant Proposed Land Use Senior active adult community, or other option as market allows

Applicant Name PVLI Delaware Realty, LLC Contact Person Dave Baylis

Applicant Address 9450 Manchester Rd., Ste 207, St. Louis, MO 63119

Phone 314-783-6532 Email dbaylis@briarhilldev.com

Owner Name PVLI Delaware Realty, LLC Contact Person Dave Baylis

Owner Address 9450 Manchester Rd., Ste 207, St. Louis, MO 63119

Phone 314-783-6532 Email dbaylis@briarhilldev.com

Engineer/Architect/Attorney Contact Choice One Engineering Company Michael Seeger

Address 440 E Hoewisher Rd., Sidney, OH 45365

Phone 513-239-8554 Email mls@choiceoneengineering.com

The undersigned do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature (handwritten) Dave Baylis, PVLI Delaware Realty, LLC Owner Printed Name

Agent Signature Agent Printed Name

CITY OF DELAWARE
PLANNING COMMISSION
March 5, 2025

PUD 25-6
Briar Hill Development
REZONING

RESOLUTION

WHEREAS, PVLI Delaware Realty LLC, 9450 Manchester Rd. Ste 207, St. Louis MO 63119, owner, has filed an application requesting to rezone 8.23 acres of land from B-3 Community Business District with a PUD Overlay, to MX-PUD, Mixed Use Planned Unit Development. The property is located on the southeast corner of Landsdale Drive and Houk Road further described as Parcel 519-330-02-031-008 as shown in Exhibit "A".

WHEREAS, a public hearing was held on March 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this MX-PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for MX-PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific MX-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 8.23 acres of land as further depicted in Exhibit A, from B-3 Community Business District with a PUD Overlay to MX-PUD (Mixed Use Planned Until Development).

SECTION 2.

1. The concept plan dated "Received 02/05/2025" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) or Conditionally Permitted (C) in this Planned Unit Development (PUD) shall be as noted below:

Land Use Category	Proposed
(a) Residential	
(1) Cluster single-family	P
(2) Single-family	P
(3) 2-, 3-, and 4- family	P
(4) Multi-Family	P
(b) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical, dental, or veterinary (no outside run or kennel) offices	P
(c) Retail and Services	
(1) Retail	P
(2) Restaurant	P
(d) Community Facilities	
(1) Schools, public, private, trade, business or cultural arts	C
(2) Public cultural institutions and art galleries	P
(3) Day care center, child/adult	P
(4) Residential Care Facility	P
(5) Nursing Home	P
(e) Recreation and Entertainment	
(1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)	C
(2) Public parks and playgrounds	P

Land Use Category	Proposed
(3) Health club	P

2. Retail establishments shall not exceed a total net floor area of 25,000 square feet in the PUD.
3. A maximum of one drive-through shall be permitted in association with a Permitted or Conditionally Permitted use.
4. Density: Overall density shall not exceed 12 dwelling units per acre.
5. Roads and Access:
 - a. Quantity and location of access points to be determined by City Engineer, at the development plan stage. East-most entrance needs to not conflict with turning movements on Landsdale at the intersection of Houk Rd
 - b. A minimum 5-foot sidewalk shall be required along the north edge of the property to connect to the existing sidewalks.
6. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.
7. Landscaping:
 - a. A detailed final landscape plan shall be reviewed and approved by the City Staff prior to the release of any permits.
 - b. Street trees required along Houk Road and interior public and private streets in accordance with the Zoning Code. Street trees along Houk Rd shall be planted outside of the right-of-way and maintained by the developer, owner, or association of owners in perpetuity.
 - c. Tree Canopy Management Plan shall be required at the Development Plan stage (in accordance with the Tree Preservation chapter of the Delaware Zoning Code)
 - i. The site is required to have minimum 35% canopy coverage at maturity. All trees (including street trees, parking lot trees, etc. would count towards this canopy coverage)
8. Buffering:
 - a. There shall be a 50-foot buffer to the south encompassing the existing mounding, with no structures allowed within the buffer area.
 - b. Prior to submitting a Development Plan application, the applicant shall receive verification from the City Forester that the existing mounding and landscaping on the site is in good health and maintenance. Any sub-standard landscaping or plantings shall be replaced upon development.
 - c. Setbacks for the development shall be determined at the development plan stage.
9. Signage requirements shall be determined at the Development Plan stage.

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

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

PASSED: March 5, 2025 YEAS 4 NAYS 0 ABSTAIN 0

ATTEST: Sarah Dixon CITY CLERK [Signature] CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Sandra Pereira, Planning Department

ITEM TYPE: Ordinances

AGENDA SECTION: **CONSIDERATION OF ORDINANCE NO. 25-19**

SUBJECT: Ordinance No. 25-19, an ordinance approving a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.

SUGGESTED ACTION:

ATTACHMENTS:

- 1 [PUD 25-7 Fact Sheet.docx](#)
- 2 [PUD 25-7 Towns on Houk PC Staff Report.docx](#)
- 3 [PUD 25-7 Rezoning Ordinance.docx](#)
- 4 [Legal Description.pdf](#)
- 5 [attachments.pdf](#)
- 6 [C-PUD 25-7 Towns on Houk Rezoning.pdf](#)



FACT SHEET

AGENDA ITEM NO: 22

DATE: 3/10/2025

ORDINANCE NO: 25-19

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES (3/24/2025
at 7:40 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An ordinance approving a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 4-0 on March 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-7 Towns on Houk
 APPLICANT: Addison Properties
 3401 Enterprise Pkwy, Suite 410
 Beachwood, OH 44122



REQUEST

A request by Addison Properties for approval of a Rezoning Amendment from R-3 (One-Family Residential District) with a PRD (Planned Residential Development District overlay) to R-PUD (Residential Planned Unit Development) on 18.28-acres located along Houk Road and Greenlawn Drive.

BACKGROUND/ LOCATION

The subject property is located along Houk Road north of Greenlawn Drive and south of the Delaware Run creek. The 18.28-acre site consists of three parcels of undeveloped land. The property received a Conditional Use Permit in 2021 from a previous applicant to permit a Planned Residential Development District totaling 42 single-family attached dwellings. That proposal never came to fruition. The current proposal and subject of this rezoning amendment will permit the current applicant to develop a similar residential townhome development totaling 115 lots.



EXISTING CONDITIONS/ CURRENT ZONING

The subject property is currently unimproved land zoned for future residential development. The Delaware Run creek runs parallel to the northern property line. Approximately 7.4 acres of the subject property along the creek falls within the flood plain. The existing zoning permits a residential development totaling up to 42 single-family attached units. The properties to the north are zoned Planned Office/Institutional, the property to the east is zoned B-1 with text limitations (Neighborhood Business District) and the property to the west is zoned R-4 (Medium Density Residential). The properties to the south are zoned residential located in Delaware Township.

Location	Zoning	Land Use
North	Planned Office/ Institutional	Office/ Commercial
South	Residential (Delaware Township)	Single-Family Homes
East	B-1 Neighborhood Business District	Undeveloped
West	R-4 Medium Density Residential	Multi-family Residential

STAFF ANALYSIS

Zoning: The applicant is requesting to rezone the subject property to a Residential-Planned Unit Development (R-PUD) with the intent to construct a development comprised of townhomes. Should the zoning map amendment be approved, the proposed PUD would permit up to 115-lots at 6.46 dwelling units per acre and 7.4 acres of open space. Additionally, the proposed PUD zoning will permit detached single-family residential housing as well as

recreational and open spaces uses associated with residential development such as a clubhouse or other non-commercial recreational facilities.

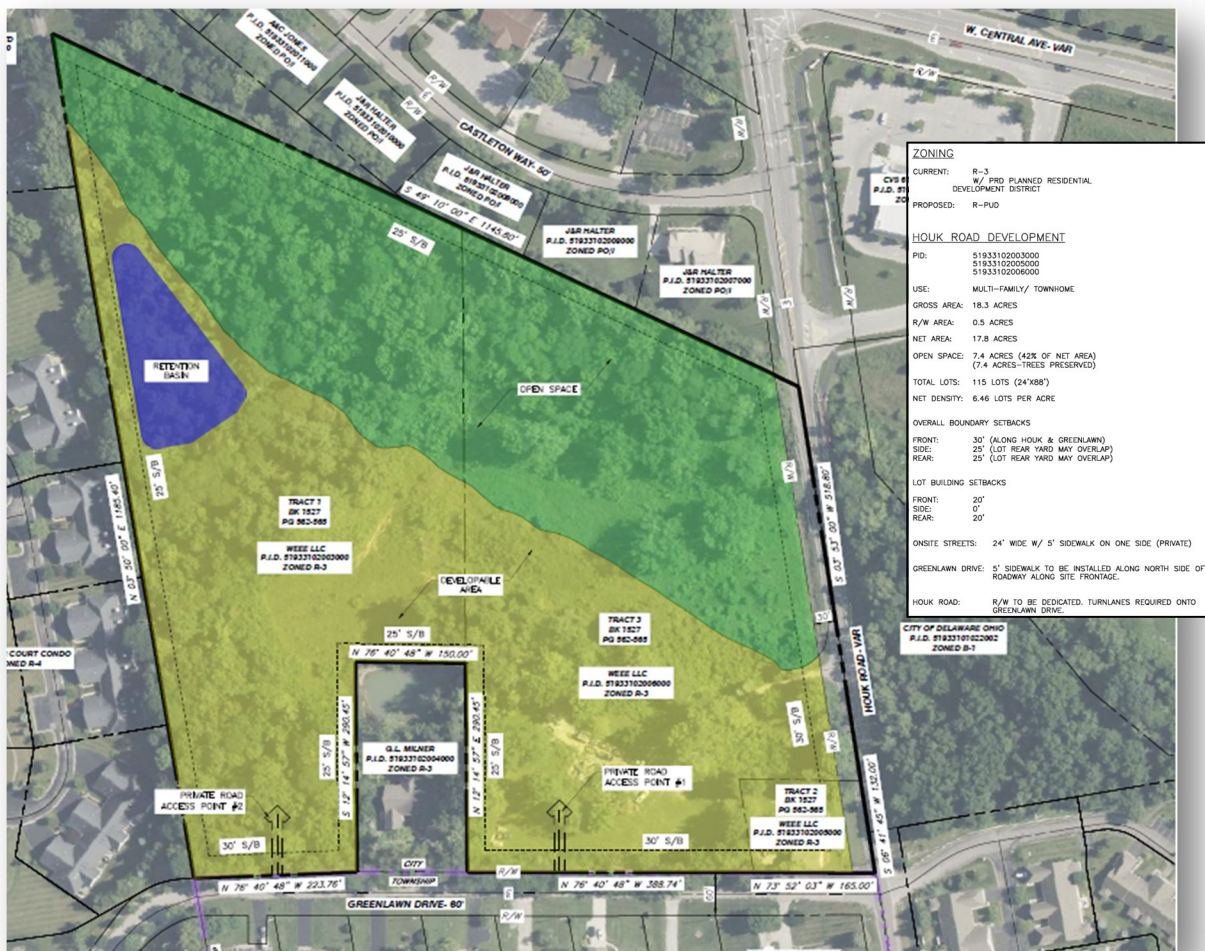
Land Use and Comprehensive Plan: The subject property falls within a designated "Activity District Character Area" in the City of Delaware's Comprehensive Plan. While the Activity District Character Areas are geared towards providing neighborhood scale retail and commercial land uses, it also supports infill Suburban Mixed Residential development, such as the proposed attached townhomes, at moderate and higher densities to support local commercial corridors.

This proposed Zoning Map Amendment meets several of the goals and actions of the Delaware Together Comprehensive Plan, including:

- Objective A.2: Encourage quality, higher density development land uses in selected locations.
- Objective A.9: Maximize compatibility between existing and new development, while allowing for appropriate changes.
- Objective A.14: Enhance bicycle and pedestrian connections in association with growth and development.
- Action A.2.1: Identify appropriate locations for quality, higher-density development.
- Action A.9.1: Require transition areas at edges of development.
- Action A.14.1: Implement the Bicycle and Pedestrian Master Plan 2027.

The proposed PUD conforms with the Comprehensive Plan and criteria in code for zoning map amendments.

Concept Plan: The applicant intends to construct residential townhome buildings totaling up to 115-lots. Should the zoning map amendment be approved, the applicant will need to follow-up with a development plan and plat for the development.



Access and Traffic

Site access will be limited to two access points along Greenlawn Drive at the south property line. The final design and location of all roads and access points will be reviewed and approved at the development plan stage. All interior roads in the future development will be private but constructed to public standards. Future roadway and pedestrian improvements per City Engineer requirements and approval along both Houk Road and Greenlawn Drive will be designed and constructed by the applicant.

Screening and Buffering

A twenty-five-foot (25') buffer, as shown on the concept plan, will be required along the western boundary of this site and a thirty-foot (30') site setback along Greenlawn Drive and Houk Road at the southern and eastern property lines. The open space area at the northern portion of the subject property will serve as a buffer to the north. An existing single-family home along Greenlawn Drive, which is not a part of this rezoning request, will be required to have staggered evergreen trees, where existing trees do not exist, within the buffer area around the residence. The buffer areas may not contain any buildings or paved surfaces apart from walking paths and stormwater detention/retention facilities. The final details of the landscaping that will be included in the buffer areas will be reviewed and approved at the development plan stage. Preserved trees within buffer areas shall be placed in Tree Preservation Zones when the site is platted.

Open Space

Open space will be required as part of the PUD. Per the applicant's conceptual plan, (7.4) acres (42% of net area) of open space will be provided. The designated open space will align with the existing flood plain, which will be preserved. Within the designated open space, an easement for a future path along the Delaware Run will be provided to the City. Active open space areas (i.e. pocket parks, trails, etc.) will need to be accessible and connect to the interior sidewalk network and be shown on the Development Plan applications for each of the Sub-Areas.

Building Design

Building plans, designs, and elevations for all structures are to be determined and will be reviewed and approved at the Development Plan stage.

Signage and Lighting

A lighting plan and comprehensive sign plan will be required and reviewed at the Development Plan Stage.

Procedures:

The applicant will be required to plat the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits.

RECOMMENDATION

Staff recommends approval of the request with the conditions of approval outlined in the attached resolution.

NOTES

ORDINANCE NO. 25-19

AN ORDINANCE APPROVING A REQUEST BY ADDISON PROPERTIES FOR APPROVAL OF A REZONING AMENDMENT FROM R-3 PRD (SINGLE-FAMILY RESIDENTIAL PLANNED RESIDENTIAL DEVELOPMENT) TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ON 18.3-ACRES ON THE NORTHWEST CORNER OF GREENLAWN DRIVE AND S. HOUK ROAD, AS SHOWN IN EXHIBIT “A”.

WHEREAS, the Planning Commission at its meeting on March 5, 2025 recommended approval of a request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road.

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

SECTION 1. A request by Addison Properties for approval of a rezoning amendment from R-3 PRD (Single-Family Residential Planned Residential Development) to R-PUD (Residential Planned Unit Development) on 18.3-acres on the northwest corner of Greenlawn Drive and S. Houk Road, approved, and accepted with the following conditions:

1. The concept plan dated “Received 01/31/25” illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

a) Residential Uses	Permitted
1. Single-Family Detached	P
2. Multi-family (attached townhomes)	P
b) Recreational/ Open Space	
1. Park, playground, clubhouse	P
2. Non-commercial recreation facility (including homeowner association-controlled facility)	P

3. Site setbacks shall be as shown on the concept plan dated “Received 01/31/25”
4. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
5. Building height shall be limited to 35 feet.
6. The net density of each sub-area shall not exceed the amount shown on

the concept plan dated "Received 01-31-25".

7. The applicant is responsible for the design and construction of the public road along the south (Greenlawn Drive) and east (Houk Road) boundary of the property, in conformance with City Code and Engineering standards including but not limited to tree lawn, street trees, and sidewalk and/or path. This road shall be unloaded (no residential lots with direct access to the road). All roadway and pedestrian improvements along Houk Road and Greenlawn Drive shall be determined at the development plan stage.
8. The City Engineer shall determine the final design and location of all access points at the development plan stage.
9. A vegetated buffer around the existing single-family residence at 2138 Greenlawn Drive utilizing existing trees and/or filled in with staggered evergreens shall be required within the 25-foot buffer.
10. An easement along the Delaware Run shall be provided to the City of Delaware for the purposes of constructing a future path. The final details and dimensions of this easement shall be determined at the development plan stage.
11. Bicycle racks shall be included with any proposed recreation facility and identified at the Development Plan stage.
12. All public and private roads shall have a minimum of 5-foot sidewalks on each side.
13. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area.
14. Signage requirements shall be determined at the Development Plan stage.
15. A plat showing dedicated ROW, tree preservation zones and drainage, utility, stormwater, and other easements shall be required prior to the issuance of any building permits.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 18.3 Acres of land described further in Exhibit A, from R-3 PRD, Single-Family Planned Residential Development, to R-PUD, Residential Planned Until Development.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___ ABSTAIN___

PASSED: _____, 2025

YEAS___NAYS___ABSTAIN___

ATTEST:

CITY CLERK

MAYOR

EXHIBIT A**Tract 1:**

Situated in the City of Delaware, Delaware County, Ohio; Being in Range 19, Township 5, Section 3 and the North part of Lot #31, U.S. Military Lands and further described by beginning at a stone in the lot line between lots 30 and 31, said stone is 1426.9 feet N. 3° 30' E. of the intersection of said lot line and the centerline of U.S. 36; thence continuing N. 3° 50' E. along said lot line 1185.4 feet to a stone; thence S. 49° 10' E., 1145.8 feet to the east line of lot #31 and in the approximate center of the Delaware Run; thence S. 3° 53' W. along said east lot line and approximately paralleling a country road 518.8 feet; thence N. 76° 20' W. 165.0 feet to a 1/2 inch pipe, passing over another 1/2 inch pipe at 18.26 feet; thence S. 3° 53' W. 132.0 feet to a 3/4 inch pipe; thence N. 76° 36' W. 762.5 feet to the PLACE OF BEGINNING and **containing 18.78 acres** of land, more or less. Subject to all legal highway easements of record (Surveyed by Merle Johnson S-1455, 4-20-54) previous deed reference 250, page 594.

EXCEPT THE FOLLOWING:

Situated in the State of Ohio, County of Delaware, and City of Delaware, in Section 3, Township 5, Range 19 of the U.S. Military Lands and part of Farm Lot 31; being a division of the 18.78 acre tract of Edward Sherman (Deed Record 250, Page 594) as surveyed in 1954 by registered surveyor Merle Johnson (S-1455); and being bounded and described as follows:

Beginning for reference at a railroad spike found in County Road 15 (Houk Road), in the east line of Farm Lot 31, in the north line of Township Road 348 (Greenlawn Drive) extended, and being South 3° 53' 00" West, 58.22 feet from the southwest corner of Farm Lot 25; thence North 76° 40' 48" West, 165.00 feet to a set iron pipe (passing a found iron pipe at 25.37 feet) to the TRUE PLACE OF BEGINNING; thence with the south line of said 18.78 acre tract North 76° 40' 48" West, 388.74 feet to an iron pipe; thence North 12° 14' 57" East, 296.32 feet to an iron pipe; thence North 15° 52' 06" East, 568.85 feet to a point in the approximate center of Delaware Run and in the north line of the aforesaid 18.78 acre tract (passing a set iron pipe at 456.14 feet); thence with the run South 49° 10' 00" East, 481.76 feet to a railroad spike in the east line of Farm Lot 31; thence South 3° 53' 00" West, 518.80 feet to a railroad spike (the beginning point bears South 3° 53' 00" West, 132.00 feet); thence North 76° 40' 48" West, 165.00 feet to an iron pipe; thence South 3° 53' 00" West, 132.00 feet to the TRUE PLACE OF BEGINNING.

The tract as surveyed and described by Registered Surveyor Steve A. Stole, S-6194, **contains 8.000 acres**, more or less, out of the said total of 18.78 acres but subject to the legal road right-of-way and all easements of record.

ALSO EXCEPT THE FOLLOWING:

Situated in the City of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 31, in Section 3, Township 5, Range 19, of the United States Military Lands and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Houck Road and the north right-of-way line of Greenlawn Drive;

thence North 76° 40' 48" West, along the said north right-of-way line of Greenlawn Drive, a distance of 553.73 feet to an iron pipe set, being the southwest corner of an 8.00 acre tract now or formerly owned by John Whittle, as described in Deed Book 478, Page 569, all iron pipes set are set with a plastic cap marked "SLSS RS 6612", said point being the TRUE POINT OF BEGINNING of the following described tract;

thence North 76° 40' 48" West, continuing along the said north right-of-way line of Greenlawn Drive, a distance of 150.00 feet to an iron pipe set;

thence North 12° 14' 57" East, a distance of 290.45 feet to an iron pipe set;

thence South 76° 40' 48" East, a distance of 150.00 feet to an iron pipe set, being on the west line of the said 8.00 acre tract;

thence South 12° 14' 57" West, along the said west line of the 8.00 acre tract, a distance of 290.45 feet to the TRUE POINT OF BEGINNING.

Containing 1.00 acre, more or less, being part of an original 10.78 acre tract as described in Deed Book 416, Page 556;

Subject to all easements, restrictions and rights-of-way, if any, of record.

Surveyed by Frank Celio, Surveyor, Registration Number 6612 on September 22, 1988. Basis of Bearings is Deed Book 416, Page 556.

There remains, after said exceptions, a total of 9.78 ACRES, more or less.

Tract 2:

Situated in the City of Delaware, County of Delaware and State of Ohio:

Being a part of Lot 31, Section 3, Township 5, Range 19, U.S. Military Lands and being more particularly described as follows:

Beginning at a railroad spike found in the centerline of County Road 15 (Houk Road) at the southwest corner of Lot 25 (northwest corner of Lot 24);

thence along the centerline of said Houk Road, South 06° 41' 45" West, a distance of 58.12 feet to a railroad spike found at the extension of the northerly right of way line of Township Road 348 (Greenlawn Drive) to the centerline of said Houk Road;

thence along the northerly line of Greenlawn Drive and extension thereof, North 73° 52' 03" West (passing over a 5/8" solid iron pin set at 25.34 feet), a total distance of 165.00 feet to a 5/8" solid iron pin set at a southeasterly corner of a 8.0 acre tract of land now or formerly owned by John V. and Marion L. Whittle as described in Deed Book 478, page 570;

thence along the grantor's westerly line, and an easterly line of the 8.0 acre tract, North 06° 41' 45" East, a distance of 132.00 feet to an iron pipe found at the grantor's northwest corner and a corner of the said 8.0 acre tract;

thence along a southerly line of said 8.0 acre tract and the grantor's northerly line, South 73° 52' East (passing over a 5/8" solid iron pin set at 139.66 feet) a total distance of 165.00 feet to a railroad spike set in the centerline of Houk Road;

thence along the centerline of said Houk Road, South 06° 41' 45" West, a distance of 73.88 feet to the PLACE OF BEGINNING;

Containing 0.493 of an acre more or less, subject to all easements, restrictions and rights-of-way of record;

For last conveyance refer to Deed Book 469, page 223, Delaware County Recorder's Office;

All iron pins set are 5/8" solid iron pins with yellow plastic caps stamped STULTS & ASSOC.;

Bearing system based on the centerline of Houk Road (North 06° 41' 45" East), taken from Plat Book 10, pages 19-27.

Tract 3:

Situated in the State of Ohio, County of Delaware, and City of Delaware, in Section 3, Township 5, Range 19 of the U.S. Military Lands and part of Farm Lot 31; being a division of the 18.78 acre tract of Edward Sherman (Deed Record 250, Page 594) as surveyed in 1954 by registered surveyor Merle Johnson (S-1455); and being bounded and described as follows:

Beginning for reference at a railroad spike found in County Road 15 (Houk Road), in the east line of Farm Lot 31, in the north line of Township Road 348 (Greenlawn Drive) extended, and being South 3° 53' 00" West, 58.22 feet from the southwest corner of Farm Lot 25; thence North 76° 40' 48" West, 165.00 feet to a set iron pipe (passing a found iron pipe at 25.37 feet) to the TRUE PLACE OF BEGINNING; thence with the south line of said 18.78 acre tract North 76° 40' 48" West, 388.74 feet to an iron pipe; thence North 12° 14' 57" East, 296.32 feet to an iron pipe; thence North 15° 52' 06" East, 568.85 feet to a point in the approximate center of Delaware Run and in the north line of the aforesaid 18.78 acre tract (passing a set iron pipe at 456.14 feet); thence with the run South 49° 10' 00" East, 481.76 feet to a railroad spike in the east line of Farm Lot 31; thence South 3° 53' 00" West, 518.80 feet to a railroad spike (the beginning point bears South 3° 53' 00" West, 132.00 feet); thence North 76° 40' 48" West, 165.00 feet to an iron pipe; thence South 3° 53' 00" West, 132.00 feet to the TRUE PLACE OF BEGINNING.

The tract as surveyed and described by Registered Surveyor Steve A. Stole, S-6194, **contains 8.000 acres**, more or less, out of the said total of 18.78 acres but subject to the legal road right-of-way and all easements of record.



3401 Enterprise Pkwy, Suite 410
Beachwood, Ohio 44122

Addison Properties is pursuing development of property located at Houk Rd and Greenlawn Rd. The property comprises of parcels: 519-331-02-006-000, 519-331-02-005-000, 519-331-02-003-000. The 18.3-acre property is currently zoned residential. The proposed Planned Unit Development will be designed as a single townhome residential area.

1. Townhomes

- The property will be developed to accommodate single-family attached townhomes.
- All interior roads to be private.
- The Community will be administered by an HOA for the management of shared amenities and maintenance of community standards.
- Common areas will include green space, with a gazebo, and walking path.
- A sidewalk will be installed on the north side of Greenlawn Rd, providing connectivity to adjacent residential areas.
- An easement for future path along the Delaware Run will be provided to the City.

Development Objectives:

- To create a sustainable and well-planned residential community that harmonizes with the surrounding environment.
- To provide quality housing options catering to diverse family needs and lifestyles.
- To ensure the Community is professionally managed and maintained by an HOA, addressing specific needs of its residents.

Signed _____

Mike Medvedkov, Regional President Addison Properties

Agent Form

The undersigned, owner(s) of the certain real property described in the attached application, do hereby appoint and expressly grant full authority to (Name of Agent) Mike Medvedkov to act as the sole agent(s) of and on behalf of the undersigned in all matters related to and in connection with the attached application. The undersigned hereby consents and agrees to be bound by the application, by any agreement made by the herein named agent with the City of Delaware in connection with this same case, and by all decisions made by the City in connection with this same case.

George Rodman

Owner's Signature

George Rodman

Printed Name

Owner's Signature

Printed Name

State of Florida

County of Volusia

Sworn to or affirmed and subscribed before me by

George RODMAN

Owner(s) Name(s)

this date of 31st of January 2025

Elizabeth Frye

Signature of Notary Public

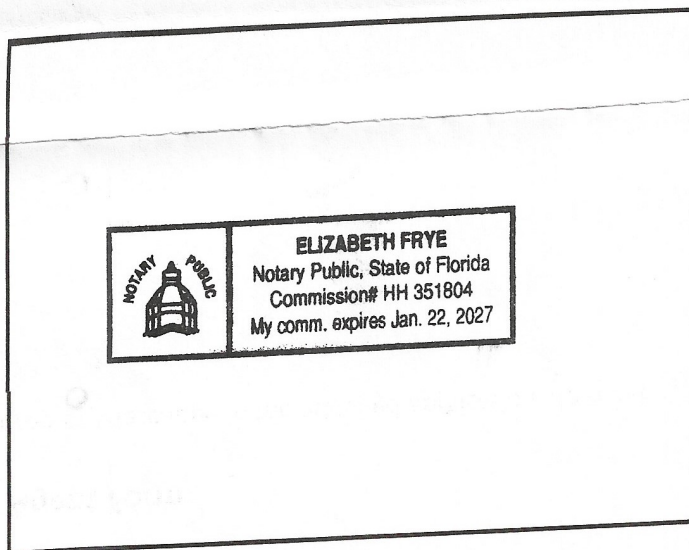
Elizabeth Frye

Notary Printed Name

Jan. 22, 2027

Commission Expiration Date

SEAL





Master Zoning & Development Application

DATE RECEIVED

CASE NUMBER

Planning Commission / City Council

- Rezoning / Zoning Amendment
Comprehensive Plan Amendment
Development Plan
Development Plan Extension
Development Plan Minor Modification
Development Plan Major Modification
Conditional Use Approval

- Preliminary Subdivision Plat
Preliminary Subdivision Plat Extension
Final Subdivision Plat
Final Subdivision Plat Extension
Right-of-Way Vacation
Determination of Similar Use

Board of Zoning Appeals

- Appeal Administrative Decision or Interpretation
Variance
Substitution of a Non-Conforming Use

Administrative

- Development Plan Incidental Modification
Zoning Determination Letter
Minor Subdivision Lot Split / Combination
Floodplain Letter of Interpretation

Subdivision / Project Name Towns on Houk Address 258 Houk Rd
Acreage 18.3 Parcel Number 519-331-02-006-000 Number of Lots 115 Number of Units 115
Current Zoning 501&511 Proposed Zoning PUD
Current Land Use Residential Proposed Land Use Residential

Applicant Name Addison Properties Contact Person Mike Medvedkov
Applicant Address 3401 Enterprise Pkwy, Suit 410 Beachwood, OH 44122
Phone 305-439-4581 Email mike@addisonprops.com

Owner Name WEEE LLC. Contact Person George Rodman
Owner Address 1191 River Rd. Ostrander, OH 43061
Phone 740-272-0485 Email georgerodman@mail.com

Engineer/Architect/Attorney Contact Brian Burkhart Company CEC
Address 250 W. Old Wilson Rd. Suite 250, Worthington, OH 43085
Phone 614-315-7172 Email bburkhart@cecinc.com

The undersigned do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

George Rodman
Owner Signature

George Rodman
Owner Printed Name

Agent Signature

Mike Medvedkov
Agent Printed Name

CITY OF DELAWARE
PLANNING COMMISSION
March 5, 2025

C-PUD 25-7
TOWNS ON HOUK
REZONING

RESOLUTION

WHEREAS, Addison Properties, 3401 Enterprise Parkway, Suite 410, Beachwood, Ohio, 44122, has filed an application requesting to rezone 18.3 acres of land from R-3 (One-Family Residential District) with a PRD (Planned Residential Development District Overlay) to an R-PUD (Residential Planned Unit Development). The property is located at the northwest corner of the intersection of Houk Road and Greenlawn Drive, further described in Exhibit "A".

WHEREAS, a public hearing was held on March 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific R-PUD; and

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

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

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 18.3 acres of land described in Exhibit "A" from R-3 (One-Family Residential District) with a PRD (Planned Residential Development District Overlay) to a R-PUD (Residential Planned Unit Development).

SECTION 2.

1. The concept plan dated "Received 01/31/25" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

a) Residential Uses	Permitted
1. Single-Family Detached	P
2. Multi-family (attached townhomes)	P
b) Recreational/ Open Space	
1. Park, playground, clubhouse	P
2. Non-commercial recreation facility (including homeowner association-controlled facility)	P

3. Site setbacks shall be as shown on the concept plan dated "Received 01/31/25"
4. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
5. Building height shall be limited to 35 feet.
6. The net density of each sub-area shall not exceed the amount shown on the concept plan dated "Received 01-31-25".
7. The applicant is responsible for the design and construction of the public road along the south (Greenlawn Drive) and east (Houk Road) boundary of the property, in conformance with City Code and Engineering standards including but not limited to tree lawn, street trees, and sidewalk and/or path. This road shall be unloaded (no residential lots with direct access to the road). All roadway and pedestrian improvements along Houk Road and Greenlawn Drive shall be determined at the development plan stage.
8. The City Engineer shall determine the final design and location of all access points at the development plan stage.
9. A vegetated buffer around the existing single-family residence at 2138 Greenlawn Drive utilizing existing trees and/or filled in with staggered evergreens shall be required within the 25-foot buffer.
10. An easement along the Delaware Run shall be provided to the City of Delaware for the purposes of constructing a future path. The final details and dimensions of this easement shall be determined at the development plan stage.
11. Bicycle racks shall be included with any proposed recreation facility and identified at the Development Plan stage.
12. All public and private roads shall have a minimum of 5-foot sidewalks on each side.

- 13. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area.
- 14. Signage requirements shall be determined at the Development Plan stage.
- 15. A plat showing dedicated ROW, tree preservation zones and drainage, utility, stormwater, and other easements shall be required prior to the issuance of any building permits.

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

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

PASSED: March 6, 2025

YEAS 4 NAYS 0
 ABSTAIN 0

ATTEST: [Signature]
 CITY CLERK

[Signature]
 CHAIRMAN



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Bill Ferrigno, Public Works

ITEM TYPE: Resolutions

AGENDA SECTION: **CONSIDERATION OF RESOLUTION NO. 25-12**

SUBJECT: Resolution No. 25-12, a resolution authorizing the installation of an all-way stop condition at the intersection of Park Avenue and South Franklin Street.

SUGGESTED ACTION:

ATTACHMENTS:

[Resolution 25-12 Fact Sheet.docx](#)

[Resolution 25-12 All-Way Stop Installation 2.10.25 - NSH 03032025 Edits WLF 3.5.25.doc](#)

[All Way Stop Exhibit - Park & Franklin.pdf](#)



FACT SHEET

AGENDA ITEM NO: 23

DATE: 3/10/25

ORDINANCE NO:

RESOLUTION NO: 25-12

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J Brake, City Manager

VIA: William L. Ferrigno, P.E., Public Works Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE INSTALLATION OF ALL-WAY STOP CONTROL AT THE INTERSECTION OF PARK AVENUE AND SOUTH FRANKLIN STREET.

BACKGROUND:

The city received complaints from both staff and families associated with the OWU Early Childhood Education Center located on the southeast corner of Park Avenue and S. Franklin Street regarding the difficulty in safely crossing Park Ave. Staff from the Engineering Div. of the Public Works Department completed traffic counts, pedestrian counts, and safety observations at the location.

Traffic analysis does not support the installation of all-way stop control based on Warrants A-D as described in the 11th Edition of the MUTCD Section 2B.12. However, staff does note that during peak morning traffic conditions most pedestrians were students (4 to 6 years old) accompanying caregivers, some carrying infants, and/or with toddlers walking along beside them. Staff also noted motorists not yielding to pedestrians, and that parked vehicles and street trees obstruct the view of pedestrians at the crossing to motorists travelling on Park Avenue. Additionally, traffic data indicates a very high 85% speed of 34.1 mph in a 25 mph posted zone. Lastly, the average daily traffic (ADT) was found to be 3232 vehicles during the study period.

Warrant E Section 2B.17 indicates that all-way stop control may be justified 'Where pedestrian and/or bicyclist movements support the installation of all-way stop control'. Based on the traffic data and field observations, staff recommend improvements to pedestrian safety at the intersection be implemented through the placement of all-way stop control. The improvements will include installation of stop signs in both directions on Park Avenue at South Franklin Street. The signs will initially be highlighted with red flashing LED lights to increase motorists' awareness of the change in traffic control at the location. The signs will be replaced with static signs after one year of operation. Additional pedestrian crossing warning signs will be added at the intersection along with advance signs in both directions warning of the change to intersection operation. The removal of several street trees along the north side of Park Avenue that block motorist visibility of the intersection and pedestrian crossing will be included with the improvements. No Parking zones are already established along the north side of Park Avenue, and sixty feet in advance of the sidewalk to the west, and fifty feet beyond the sidewalk to the east on the south side of Park Ave.

REASON WHY LEGISLATION IS NEEDED:

The City of Delaware Traffic Code section 305.08 requires City Council approval for the installation of all traffic control devices for periods greater than 60 days.

COMMITTEE RECOMMENDATION:

Recommended Approval by 3-0 vote in the affirmative by the Parking & Safety Committee on February 25, 2025.

FISCAL IMPACT(S):

Cost of signage is anticipated to be under \$500 and will be funded from the Public Works SMR -Traffic Operations. Tree removal will be completed by the Parks Department.

POLICY CHANGES:

None

PRESENTER(S):

William L. Ferrigno, P.E., Public Works Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 10, 2025

SUBMITTED BY: Natalia Harris, City Attorney

ITEM TYPE: Resolutions

AGENDA SECTION: **CONSIDERATION OF RESOLUTION NO. 25-13**

SUBJECT: Resolution No. 25-13, a resolution authorizing the City Manager or his designee to execute a LEADS information exchange agreement with the Genoa Township Police Department.

SUGGESTED ACTION:

ATTACHMENTS:

[Fact Sheet RE - LEADS Information Exchange Agreement - Genoa Township.docx](#)

[Res 25 13, RE - LEADS Exchange Agreement - Genoa Township.doc](#)

[2025 Municipal Prosecutors Leads Information Exchaneg Agreement.pdf](#)



FACT SHEET

AGENDA ITEM NO: 24

DATE: 3/10/2025

ORDINANCE NO:

RESOLUTION NO: 25-13

READING: FIRST

PUBLIC HEARING: NO

PRESENTER: Natalia S. Harris, City Attorney

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Natalia S. Harris, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A LEADS INFORMATION EXCHANGE AGREEMENT WITH THE GENOA TOWNSHIP POLICE DEPARTMENT.

BACKGROUND:

The Law enforcement automated data systems ("LEADS") is a statewide computerized network which provides data and communications for criminal justice agencies, including prosecutor offices. The City Prosecutor's Office receives LEADS information through the Genoa Township Police Department and this agreement is needed to continue to facilitate the exchange of information between the two offices.

REASON WHY LEGISLATION IS NEEDED:

The Charter requires the execution of inter-governmental agreements be authorized by Council.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

N/A

RECOMMENDATION:

Approval

ATTACHMENT(S):

LEADS Information Exchange Agreement

LEADS Information Exchange Agreement

This agreement (the "Agreement") is entered into on the March 3, 2025 (the "Effective Date") by and between the Genoa Township Police Department and the Delaware County Municipal Prosecutor's Office (the "Receiving Party").

WHEREAS, the Receiving Party desires to receive from the Genoa Township Police Department certain criminal justice information and other information located within the Law Enforcement Automated Data System upon request by the Receiving Party from time to time; and

WHEREAS, the Genoa Township Police Department desires to provide such information to the Receiving Party pursuant to the terms and conditions set forth in this Agreement.

NOW THEREFORE the parties agree to the following:

Section 1: Definitions

- a. "*Applicable Laws*" means all federal, state and local statutes, laws, rules, regulations, ordinances, judicial and court rules, The Ohio Rules of Criminal Procedure and the Ohio Rules of Professional Conduct, and all operating manuals, policy manuals, user agreements and other published materials related to the access, collection, storage, use, dissemination and release of CJI from LEADS, including, without limitation, Ohio Revised Code Sections 5503.10 and 2913.04(C), Ohio Administrative Code Chapter 4501:2-10, LEADS Operating Manual, LEADS Security Policy, NCIC Operating Manual and LEADS administrative messages, newsletters and training materials, including any and all amendments, modifications, updates or additions to any or all of the foregoing.
- b. "*CJA*" means a criminal justice agency, as defined in the LEADS Security Policy and the Ohio Administrative Code in effect at the time this agreement is executed.
- c. "*CJI*" means criminal justice information, as defined in the LEADS Security Policy and the Ohio Administrative Code in effect at the time this agreement is executed.
- d. "*LEADS*" means the Law Enforcement Automated Data System, which is the statewide computerized network providing data and communications for criminal justice agencies within the State of Ohio administered by the Ohio State Highway Patrol.
- e. "*LEADS Operating Manual*" means that certain Law Enforcement Automated Data System Operating Manual, as the same may be amended, modified and updated from time to time.
- f. "*LEADS Security Policy*" means that certain Law Enforcement Automated Data System Security Policy, as the same may be amended, modified and updated from time to time.
- g. "*NCIC Operating Manual*" means that certain National Crime Information Center Operating Manual, as the same may be amended, modified and updated from time to time.

Section 2: Term

This Agreement shall take immediate effect upon approval by all Parties and shall continue in full force and effect for one (1) year, and it shall automatically renew on a yearly basis. This Agreement may only be amended in writing with the mutual consent and agreement of the Parties. Either party may terminate this Contract at any time and for any reason by giving at least thirty (30) days advance notice, in writing, to the other.

Section 3: Purpose

The Genoa Township Police Department agrees to provide to the Receiving Party any CJI and other information from LEADS requested by an authorized agent, employee or representative of the Receiving Party.

Section 4: Representations and Warranties

The Receiving Party represents and warrants the following: (a) the Receiving Party is a CJA and is authorized pursuant to all Applicable Laws to receive CJI and other information from LEADS; (b) the Receiving Party is not in violation of any Applicable Laws as of the Effective Date; and (c) the Receiving Party will remain in compliance with all Applicable Laws during the term of this Agreement.

Section 5: Obligations of the Receiving Party

The Receiving Party agrees that it will do all of the following:

Section 5.1: Use of System: Request, access and use CJI and information obtained from LEADS for official criminal justice purposes only and for no other purposes.

Section 5.2: Dissemination: Perform any secondary dissemination of CJI or information obtained from LEADS in accordance with all Applicable Laws.

Section 5.3: Record Keeping: Maintain records regarding Receiving Party's use and dissemination of CJI.

Section 5.4: Training: Ensure all employees, agents and representatives of Receiving Party having access to CJI and information obtained from LEADS receive proper initial and ongoing training and maintain a record of all such persons receiving training, including the date, time and subject matter of the training.

Section 5.5: Security: Limit access to CJI and information obtained from LEADS to authorized employees, agents and representatives of Receiving Party, except in situations where dissemination is permitted or required by Applicable Laws, and destroy all hard copy printouts of CJI and other information obtained from LEADS promptly upon the Receiving Party's reasonable determination that such information is no longer needed by the Receiving Party and in accordance with law and the CJA's record retention schedule.

Section 6: Auditing

The Genoa Township Police Department and the LEADS staff shall each have access to records as are reasonably necessary and permitted by Applicable Laws to audit all logs and records pertaining to CJI obtained from LEADS to determine whether Receiving Party is operating in compliance with the terms of this Agreement and all Applicable Laws.

Section 7: Legal Contingencies

In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

Section 8: Miscellaneous Terms & Conditions

Section 8.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.

Section 8.2 Governing Law and Disputes: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.

Section 8.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

Section 8.4 Drafting, Counterparts, and Signatures: This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary. This Contract may be executed in counterparts. Any person executing this Contract in a representative capacity hereby warrants that he/she has authority to sign this Contract or has been duly authorized by his/her principal to execute this Contract on such principal's behalf and is authorized to bind such principal.

Section 8.5 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.


Section 8.6 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

Section 8.7 Notices: Any notices provided regarding this Agreement shall be effective if delivered via hand delivery, USPS, a reputable national overnight courier service, or email to the other party at the address listed below the party's signature to this Agreement.

Section 8.8 Consideration: The parties agree that the services performed/provided and/or deliverables provided/received pursuant to this Agreement are good and valuable consideration and that this Agreement is supported by sufficient good and valuable consideration. The Parties agree not to challenge this Agreement on the basis of a lack of consideration.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

Genoa Township Police Department


James McMillin, Chief

03/03/25
Date

Amelia Bean-Deflumer
Delaware City Prosecutor

Date

Approved as to form:

Natalia Harris
Delaware City Attorney

Date

NO FISCAL OFFICER'S CERTIFICATION REQUIRED (RC 5705.41(D)):

No actual funds are to be exchanged between the Parties in connection with this Agreement. No Fiscal Officer's Certification is required.