ORDINANCE NO. 01-17

AN ORDINANCE ACCEPTING THE AMENDMENT OF SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING THE .292+/- ACRES FOR TWO PARCELS LOCATED AT 29-33 SHELDON STREET FROM R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT TO M-1, LIGHT MANUFACTURING DISTRICT.

SCANNED

WHEREAS, the City Planning Commission, at its meeting of March 28, 2001, recommended the approval of the rezoning for the .292 +/- acres for two parcels located at 29-33 Sheldon Street from R-3, Single-Family Residential District to M-1, Light Manufacturing District, submitted by Kay Spearman (PC00-84), and

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

SECTION 1. That the zoning district boundaries be changed to reflect the adjusted boundaries of the attached drawing and legal descriptions (Exhibits A and B) and any Right of Way line between these two described areas, rezoning the .292 +/- acres for two parcels located at 29-33 Sheldon Street from R-3, Single-Family Residential District to M-1, Light Manufacturing District with the following text limitations, and

SECTION 2. That at the request of Kay Spearman, the following Limitation Text shall apply to the area described hereto:

TEXT LIMITATION: The Applicant hereby stipulates and agrees that the following uses otherwise permitted in the City of Delaware M-1, Light Industrial District are hereby excluded from potential use in this location prohibiting any retail sale or service uses that would otherwise exist as listed below:

Offices
- Research and development facility
- Office – professional, administrative and sales
- Training facility

Storage and Distribution
- Distribution facility/truck terminal
- Storage (aboveground) of flammable liquids

Outdoor Storage
- Storage (general) of materials
- Storage of fleet vehicles for operations of principal use
- Storage of equipment for sale of rental

Manufacturing and Processing
- Assembly and production facility utilizing products from

previously and elsewhere prepared materials.

SECTION 3. That the clerk is hereby instructed to endorse upon said plat the approval of this council and to certify copies of this ordinance to the County Recorder, County Auditor, and the Director of Regional Planning.

SECTION 4. 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.

PASSED: May 14, 2001 YEAS 6 NAYS 0

ATTEST: Lori Vance
CITY CLERK

Tommy W. Thompson
MAYOR

Don Plank, Attorney for the Applicant, showed documentation proving that the other surrounding alleys have been vacated and the proposed alley is not yet vacated. He said that he would agree to combine the lots if the alley is vacated and would accept a contingency that the alley only be vacated if there are no utilities on the alley. Long asked and Plank responded that the City said that there were no City utilities on the alley. Gunderman said that he would like to see the utilities signed off, but understands that sometimes the utilities won't sign off because there aren't any there.

Motion: Santos/Morrison moved to approve Application PC 01-022, subject to Staff's concerns in the Report, Applicant combining the parcels through the County Auditor's Office and the absence of any utilities in the alley. (6 in favor, 0 opposed) MOTION PASSED.

Application PC 01-013 – A request by the City of Delaware to amend the Transportation Plan portion of the Comprehensive Plan by amending and approving a new Transportation Network Map.

Gunderman said that he had anticipated that the Transportation Thoroughfare Task Force would have had a completed study by this meeting, but no real proposal is given yet and hope to have one at the next Planning Commission meeting in April. He said that this item should be Tabled until that study is complete.

Motion: Hall/VanGundy moved to Table Application PC 01-013. (6 in favor, 0 opposed) ITEM TABLED.

Application PC 00-84 – A request by Kay Spearman for approval of a Rezoning from R-3 (Single-Family Residential District) to B-3 (Community Business District)/B-4 (General Business District) with Zoning Text limitations for the 0.292± acres located at 29-33 Sheldon Street (about 266' south of the intersection with London Road).

Gunderman presented the review (printed italic text is from written staff report, which Gunderman summarized):

ADDENDUM: During the discussions at the January meeting, this item was Tabled. At that point, it was noted that the mailing list had been incomplete and would need to be reestablished for future review of this item. During the February meeting, the Applicant asked that the item be held and it did not appear on that Agenda. Since that time, the Applicant has sent some correspondence to Staff requesting that the text limitation be revised to permit the storage of certain materials in the building for support of a retail business located elsewhere.

Staff has reviewed this potential and has determined that the basic storage in an indoor facility is generally not something that is permitted in the business districts. Therefore, a text limitation would be appropriate only if the property were rezoned to the M-1 classification.

Given the new proposed restrictions on the M-1 classification, Staff really does not believe that this classification with a text limitation is any more hazardous than the business classifications that had previously been considered. This proposed text limitation would be one as shown below based on the assumption that it was taken to the City Council for final action after the effective date of the regulations that are currently pending before the City Council and were approved by the Planning Commission at their last meeting.

TEXT LIMITATION: The Applicant hereby stipulates and agrees that the following uses otherwise permitted in the City of Delaware M-1, Light Industrial District are hereby excluded

from potential use in this location prohibiting any retail sale or service uses that would otherwise exist as listed below:

Offices
Research and development facility
Training facility

Storage and Distribution
Distribution facility/truck terminal
Storage (aboveground) of flammable liquids

Outdoor Storage
Storage (general) of materials
Storage of fleet vehicles for operations of principal use
Storage of equipment for sale of rental

Manufacturing and Processing
Assembly and production facility utilizing products from previously and elsewhere prepared materials.

No additional information has been received since the last meeting on the basic points of this particular application and the balance of this report is the same as the original report on this item.

REQUEST: The Applicant has requested a Rezoning from the current R-3, Single Family Residential District to the B-3, Community Business District, or B-4, General Business District for two parcels of real estate located along Sheldon Street one block east of Liberty Road just south of London Road.

BACKGROUND: The property in question is a building, which was clearly built at a point in time when a commercial structure was legal at this location. The building is a large concrete block garage-type structure in most respects suitable for a commercial activity such as the automobile repair operation that the Applicant desires to operate and has caused him to seek a Rezoning of the property for this use. This particular side of Sheldon Street is occupied by residential properties excepting for this particular two-lot combination where the large garage facility is located. The west side of Sheldon Street is the back end of a number of commercial/industrial developments that front on Liberty Road. Most recently, the AEP facility at the corner of London and Liberty Roads has been rebuilt and expanded and this expansion has removed some of what had been open space along the area directly across Sheldon Street from the Applicant's property.

The proposal is for the use of the property as an auto repair shop. The application also goes on to state that the hours of operation would basically be 8:00 a.m. to 8:00 p.m. up to seven days a week and that the amount of automobiles would have a maximum of five to eight per day. The Applicants particularly feel that the development of the area across the street where the commercial/industrial properties are located is a suitable comparison and justifies their desire to rezone the property. The Applicants have done a thorough job of reviewing the City Zoning Code and appear to understand the general intent of each of the zoning districts and have therefore applied for rezoning to make full-time use of this property as a legitimate automobile repair shop.

STAFF REVIEW: This situation is straightforward in terms of the components that should be considered. The breakdown, in Staff's opinion, comes down to two points of view.

The first point of view, which Staff believes would generally be that taken by the Applicant, is that the property in question was originally constructed as a commercial building and that the intent for that structure was some type of commercial activity. Staff does not know the specific history of how and when the building got built, but suspects that at the time it was constructed, the structure itself was a legal development even if the expectation for a commercial activity was not.

The other issue that supports the applicants is what the applicants have suggested in noting that Sheldon Street is entirely a non-residential activity along its western edge. The activities in this area vary from an intense use at the AEP property at the northern end to less intense commercial activities and nearly vacant land in some places at the southern end of this stretch. In any event, the properties are used

for commercial and in some respects, light industrial activities and are clearly not the most desirable properties to have adjacent to a residential development.

There is the potential that the use of this property as an automobile repair shop may not cause greater annoyance to the neighborhood than what has been or is experienced by the neighborhood at the current time. Much of the annoyance is no doubt attributable to the uses on the westerly side of Sheldon Street, but no doubt, some of the proposed activities are not entirely compatible with a residential neighborhood.

This second point of view generally encompasses the other set of facts relying on the other surrounding properties to the north, south and east of the proposed tract. These areas are zoned single-family and have not petitioned to be rezoned to a commercial activity. Within the last five years, two new single-family structures have been developed on the east side of Sheldon Street south of the petitioner's property. Most of the surrounding properties on the east side of Sheldon and behind it are developed as single-family homes and in terms of their location and proximity to each other, it does not appear that the entire area could be eliminated in mass or in large blocks. It therefore appears that most of the residents in this area are reasonably content and find the area suitable for long-term residential habitation. If the intrusion of commercial zoning is to take place onto the proposed lots, the City must be mindful of how it would respond to any suggested rezonings on any of the other properties within this same block. It is true that none of the other properties on this side of Sheldon Street have an existing commercial type structure as the Applicant's property does, but it remains the City's obligation to use the Zoning Ordinance to attempt to stabilize property values in residential neighborhoods as it administers and legislates zoning throughout the City.

Most of these structures have long endured the commercial/industrial activities on the west side of Sheldon. While it is true that the AEP recent expansion has significantly intensified their particular activities, it is also true that some landscape activities have helped to mollify the edge of the AEP site as it abuts Sheldon Street and it may turn out that over the long-term, the typical impact on the Sheldon Street frontage is either negligible or in the long-term positive. Staff clearly would suggest that no Rezoning can be contemplated if it is predicated on the notion of being a widespread trend since the residential properties and particularly the newly constructed residential properties would essentially suffer greatly from a piece-meal commercial rezoning in the area by this or even some adjacent properties that might feel it more appropriate to try to get commercial development.

The last portion of this point of view is that potentially the City could rezone the Applicant's property clearly stating that they do not intend to ever rezone any additional properties on this side of the street. While this is quite possible and potentially defensible given the commercial zoning on the west side of Sheldon, Staff is not persuaded that the actual operation of an automobile repair shop would be beneficial or neutral enough to the immediately surrounding properties to justify its approval by the City. Clearly, the approval by zoning of a relatively full-scale automobile repair shop would substantially increase the traffic, noise, and overall interference with the residential use of the surrounding property.

Staff would also point out that in either the B-3 or B-4 District, a large number of additional uses can be permitted when those zoning districts are approved. Staff also notes that the automobile repair business as suggested in this application would only be legal in the B-4 classification.

STAFF RECOMMENDATION: Staff generally believes that the arguments presented in the second point of view are on balance more compelling than those presented in the first point of view and therefore would not recommend this Rezoning for approval. Should the Planning Commission and City Council feel differently on this matter, Staff would point out that for an automobile repair business, the B-4 District would be the appropriate district since broad based automobile repair is not permitted in the B-3 District.

Long said he does not like the use Variance idea and Gunderman said it is not really a use Variance and is traditionally the realm of the Board of Zoning Appeals.

Godsil asked and Gunderman responded that text limitations have been used in other circumstances and would probably work in this case.

Godsil asked and Gunderman responded that the M-1 classification is the most reasonable district given the character of this building and the text limitations proposed would be the best way to achieve a district that would work for both the Applicant and the neighbors.

Walt Neace, 38 Stilson Street, said he is not in favor of any type of business because of the additional traffic on Stilson, which is not a good quality road and has no sidewalks plus the value of the homes in the area would decrease. Godsil said that the text limitations would preclude business uses and Gunderman said that the use would mostly consist of storage and there would be no opportunity for business. Neace said, depending on the type of storage, traffic could increase and large trucks might be needed to transport the stored items.

Long asked and Gunderman responded that the only real uses that would be permitted if the text limitations were applied are storage and parking of vehicles.

Long asked and Gunderman responded that the County would not normally record the text limitations, but the Applicant could request that it be done.

Morrison said she is concerned that there are no sidewalks on any of the streets in the vicinity and thought that when the AEP building was constructed that sidewalks would be constructed, as well. Gunderman said that Staff would check on this.

Hall asked and Kay Spearman, 74 W. Fountain responded that Rob Horner is no longer interested in this property and that is the reasoning behind the change in the proposal to the M-1 District instead of the B-3 District. She said that other possible buyers have approached her and they want the property for storage only.

Long said that he is sympathetic of Spearman's situation and his greatest concern is special zoning in the middle of a residential area. He said that the uses proposed have been narrowed down enough that they would not infringe on the surrounding property owners.

Neace asked and Gunderman responded that with the size of these lots, it would be very difficult to impossible to place another building on these lots because of setback issues.

Motion: Morrison/Long moved to approve Application PC 00-84 for a Rezoning to M-1, Light Manufacturing District with the proposed text limitations listed in the Staff Report as opposed to the previously proposed B-3/B-4 Districts. (4 in favor, 2 opposed – Santos and Godsil) MOTION PASSED.

Application PC 01-010 – A request by John Howald for approval of a Final Development Plan for the proposed business spaces to be located in the Marvin Industrial Park on London Road, just west of Liberty Road.

Jennings presented the review (printed italic text is from written staff report, which Jennings summarized):

BACKGROUND: The Applicant proposes to replace the existing, roofed outside storage with 20 rental spaces for independent contractors and craftsmen to store and maintain their vehicles and heavy equipment.

STAFF REVIEW: This is a fairly simple and straightforward development proposal. The primary planning-related issues are probably traffic and stormwater. Staff concerns are listed below in regular type-style. The Applicant has worked closely with Staff and the current status of the issues is shown in bold.

ROADS AND TRAFFIC: While the proposed project will not, by itself, generate significant traffic, the overall property does. By the time of full build-out, when the impacts on London Road will be greatest, the now waived Development Plan items will need to be completed.

When the next construction proposal is submitted for Development Plan review, the Applicant will need to provide a 60-foot half right-of-way along the London Road frontage; street trees and street lighting along

DELAWARE PLANNING COMMISSION
ADDENDUM TO REZONING FOR SHELDON STREET
Sheldon Street Rezoning

CASE NUMBER: PC 00-84 MEETING DATE: March 28, 2001

OWNER/APPLICANT: Kay Spearman
74 W. Fountain Ave.
Delaware, OH 43015

ADDENDUM: During the discussions at the January meeting, this item was Tabled. At that point, it was noted that the mailing list had been incomplete and would need to be reestablished for future review of this item. During the February meeting, the Applicant asked that the item be held and it did not appear on that Agenda. Since that time, the Applicant has sent some correspondence to Staff requesting that the text limitation be revised to permit the storage of certain materials in the building for support of a retail business located elsewhere.

Staff has reviewed this potential and has determined that the basic storage in an indoor facility is generally not something that is permitted in the business districts. Therefore, a text limitation would be appropriate only if the property were rezoned to the M-1 classification.

Given the new proposed restrictions on the M-1 classification, Staff really does not believe that this classification with a text limitation is any more hazardous than the business classifications that had previously been considered. This proposed text limitation would be one as shown below based on the assumption that it was taken to the City Council for final action after the effective date of the regulations that are currently pending before the City Council and were approved by the Planning Commission at their last meeting.

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> Training facility
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> Storage and Distribution
> Distribution facility/truck terminal
> Storage (aboveground) of flammable liquids
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> Outdoor Storage
> Storage (general) of materials
> Storage of fleet vehicles for operations of principal use
> Storage of equipment for sale of rental
>
> Manufacturing and Processing
> Assembly and production facility utilizing products from previously and elsewhere prepared materials.

No additional information has been received since the last meeting on the basic points of this particular application and the balance of this report is the same as the original report on this item.

REQUEST: The Applicant has requested a Rezoning from the current R-3, Single Family Residential District to the B-3, Community Business District, or B-4, General Business District for two parcels of real estate located along Sheldon Street one block east of Liberty Road just south of London Road.

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The proposal is for the use of the property as an auto repair shop. The application also goes on to state that the hours of operation would basically be 8:00 a.m. to 8:00 p.m. up to seven days a week and that the amount of automobiles would have a maximum of five to eight per day. The Applicants particularly feel that the development of the area across the street where the commercial/industrial properties are located is a suitable comparison and justifies their desire to rezone the property. The Applicants have done a thorough job of reviewing the City Zoning Code and appear to understand the general intent of each of the zoning districts and have therefore applied for rezoning to make full-time use of this property as a legitimate automobile repair shop.

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The other issue that supports the applicants is what the applicants have suggested in noting that Sheldon Street is entirely a non-residential activity along its western edge. The activities in this area vary from an intense use at the AEP property at the northern end to less intense commercial activities and nearly vacant land in some places at the southern end of this stretch. In any event, the properties are used for commercial and in some respects, light industrial activities and are clearly not the most desirable properties to have adjacent to a residential development.

There is the potential that the use of this property as an automobile repair shop may not cause greater annoyance to the neighborhood than what has been or is experienced by the neighborhood at the current time. Much of the annoyance is no doubt attributable to the uses on

the westerly side of Sheldon Street, but no doubt, some of the proposed activities are not entirely compatible with a residential neighborhood.

This second point of view generally encompasses the other set of facts relying on the other surrounding properties to the north, south and east of the proposed tract. These areas are zoned single-family and have not petitioned to be rezoned to a commercial activity. Within the last five years, two new single-family structures have been developed on the east side of Sheldon Street south of the petitioner's property. Most of the surrounding properties on the east side of Sheldon and behind it are developed as single-family homes and in terms of their location and proximity to each other, it does not appear that the entire area could be eliminated in mass or in large blocks. It therefore appears that most of the residents in this area are reasonably content and find the area suitable for long-term residential habitation. If the intrusion of commercial zoning is to take place onto the proposed lots, the City must be mindful of how it would respond to any suggested rezonings on any of the other properties within this same block. It is true that none of the other properties on this side of Sheldon Street have an existing commercial type structure as the Applicant's property does, but it remains the City's obligation to use the Zoning Ordinance to attempt to stabilize property values in residential neighborhoods as it administers and legislates zoning throughout the City.

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The last portion of this point of view is that potentially the City could rezone the Applicant's property clearly stating that they do not intend to ever rezone any additional properties on this side of the street. While this is quite possible and potentially defensible given the commercial zoning on the west side of Sheldon, Staff is not persuaded that the actual operation of an automobile repair shop would be beneficial or neutral enough to the immediately surrounding properties to justify its approval by the City. Clearly, the approval by zoning of a relatively full-scale automobile repair shop would substantially increase the traffic, noise, and overall interference with the residential use of the surrounding property.

Staff would also point out that in either the B-3 or B-4 District, a large number of additional uses can be permitted when those zoning districts are approved. Staff also notes that the automobile repair business as suggested in this application would only be legal in the B-4 classification.

STAFF RECOMMENDATION: Staff generally believes that the arguments presented in the second point of view are on balance more compelling than those presented in the first point of view and therefore would not recommend this Rezoning for approval. Should the Planning Commission and City Council feel differently on this matter, Staff would point out that for an automobile repair business, the B-4 District would be the appropriate district since broad based automobile repair is not permitted in the B-3 District.

CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT
(740) 368-1650

APPLICATION FOR ZONING CHANGE

PC 00-84

I/WE Kay Spearman(OWNER) Rob Horner(Lessee)BEING OWNERS/LESSEES OF

29-33 Sheldon Street (No.) (Street) Delaware, OH (City) (State)

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE. FOR THE CHANGE OF

LOT NUMBER(S) 1812, 1813, 1820 FOR .292 ACRES

LOCATED AT 29-33 Sheldon Street, Delaware, OH 43015

FROM R-3 (Present Zoning) TO B-3/B-4 (Proposed Zoning) CLASSIFICATION.

NOTE: Please attach a legal description for each proposed zoning district and please detail if multiple zoning districts.

IN THE SPACE PROVIDED BELOW, GIVE A *DETAILED* ACCOUNT OF THE INTENDED US OF LOT/LOTS, LISTING ALL PERTINENT FACTORS SUCH AS NUMBER OF EMPLOYEES, PRODUCT AND METHOD OF PRODUCTION, AUTOMOBILE OR TRUCK FACILITIES REQUIRED, OPERATING HOURS, WASTES AND REASONS WHY YOU WISH THIS CHANGE CONSIDERED (You may use a separate sheet if necessary):

The intended use of the property would be an auto repair shop, consisting of 1-3 employees in total, and operating within the hours of 8 A.M. to 8 P.M. up to 7 days a week, depending on demand. Automobiles would not exceed a maximum of 5-8 per day. I/we feel the zoning change should be considered due to the adjacent area(across the street) is zoned B-3 and this business would be no greater to tolerate than that. (OVER)

Applicant Name: Kay Spearman

Applicant Address: 74 W. Fountain Avenue, Delaware, OH 43015

Contact Person: Rob Horner Phone: 740-362-2168
278 Hearthstone Dr., Delaware, OH Cell: 740-815-3136

Owner Name: Kay Spearman

Owner Address: 74 W. Fountain Avenue, Delaware, OH 43015

Contact Person: ROB HORNER Phone: 740-815-3136

(Kay Spearman will be out of town 9/29/00-10/14/00, please contact Rob)

SEP

fd #2704
$250 —

CONTINUED From Page 1

All repairs would be performed within the confines of the block building. Noise factor would be very minor. All hazardous waste would be properly stored and removed.

The building would be used as storage for parts related to the automotive repair business, including tools, etc.

On the lines provided, please list all property owners that are within 150 feet of EACH property line for the property in question. Also, list the TAX MAILING ADDRESSES for each of these property owners so that they may be notified of this request. You may use a separate sheet if necessary.

PROPERTY OWNER	TAX MAILING ADDRESS
see attached list	

Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the City of Delaware or a cash payment sufficient in the amount to cover the costs of reviewing the application by City staff, publishing, posting and/or mailing notices of hearings and shall be payable in the following manner:

Planned Unit Development, Major Subdivisions and Rezonings:

FIRST ACRE	$250.00
NEXT 4 ACRES	$100.00/ACRE
NEXT 5 ACRES	$50.00/ACRE
EACH ADDITIONAL ACRE	$25.00/ACRE

I/WE Kay Spearman (OWNER) Rob Horner (Lessee) BEING OWNERS/LESSEES

OF 29-33 Sheldon Street (No.) (Street) Delaware (City) Ohio (State)

DO HEREBY VERIFY THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION.

Rob Horner (Lessee)
Kay Spearman (owner)
Owner/Lessee Signature

Witness

278 Hearthstone Drive
Mailing Address

Witness

74 W. Fountain Ave.
740-362-2168
740 363-1311
Phone

Sworn to before me and subscribed in my presence this 20th day of September, 20 00

AMY M. SEXTON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MARCH 27, 2005

Amy M. Sexton
Notary Public

FEE: $ RECEIVED BY: DATE:

Revised 11/99

Marvin and Darlene Dew
23 Sheldon Street
Delaware, OH 43015

James and Stephanie Stover
35 Sheldon Street
Delaware, OH 43015

Bernard and Teresa Lusby
49 Sheldon Street
Delaware, OH 43015

Katheryn Whitmer
55 Sheldon Street
Delaware, OH 43015

Robert and Carlan Ratleff
33 Stilson Street
Delaware, OH 43015

Betty Raus
35 Stilson Street
Delaware, OH 43015

Lynda Bennett
7727 Penn Road
Ostrander, OH 43061

Douglas and Mary Snyder
47 Stilson Street
Delaware, OH 43015

John and Arcada Curry
57 Stilson Street
Delaware, OH 43015

Columbus and Southern Power
P.O. Box 24400
Canton, OH 44701

Hazel J. Scaggs
257 London Road
Delaware, OH 43015

Darlene Ann Tornes
Kay Spearman
74 W. Fountain Avenue
Delaware, OH 43015

Donald E. Scaggs
24 Stilson Street
Delaware, OH 43015

John Fisher
31 Stilson Street
Delaware, OH 43015

James L. Flanary
23 Stilson Street
Delaware, OH 43015

Norman A. Neace
28 Stilson Street
Delaware, OH 43015

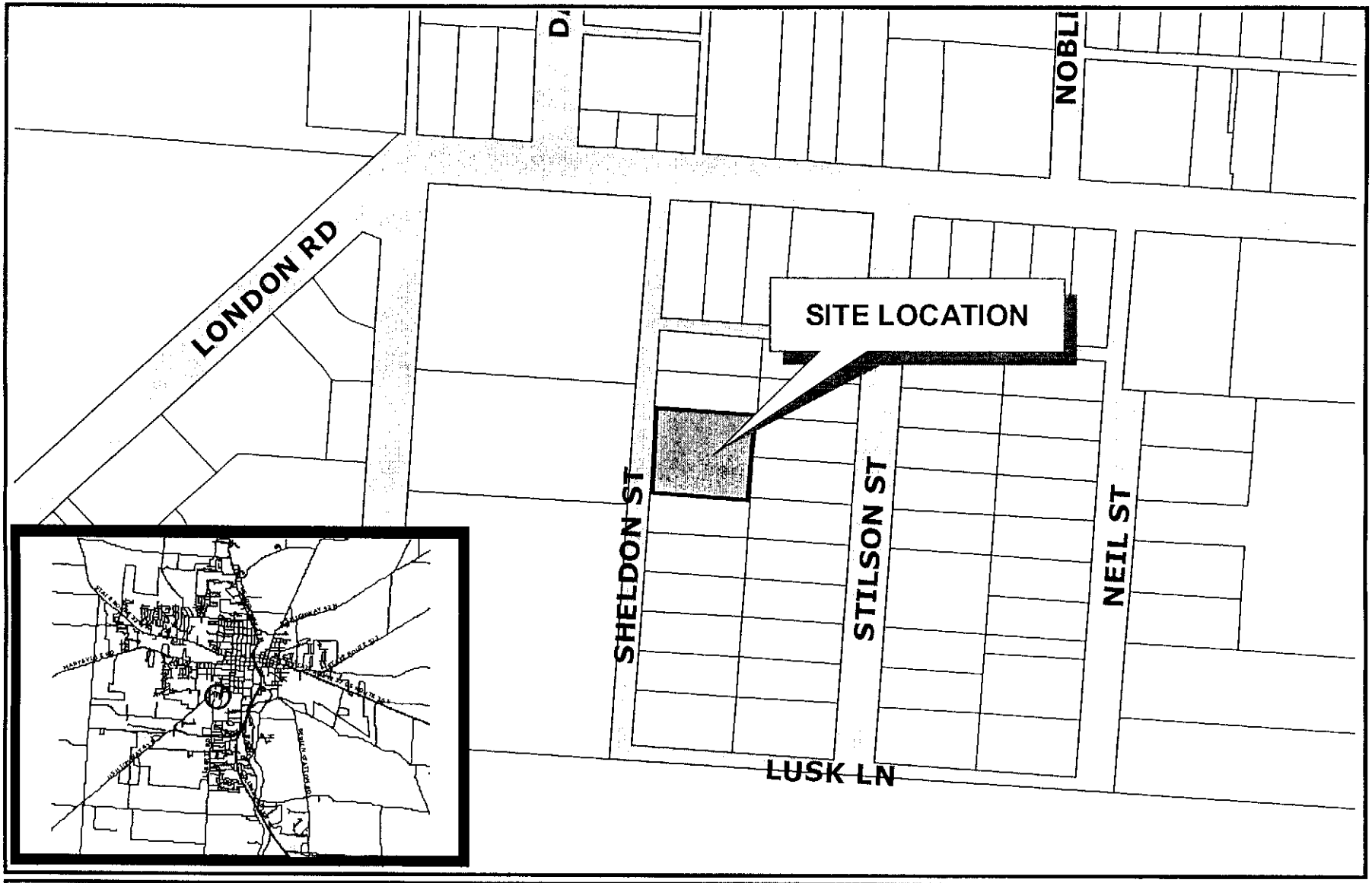
Walter Neace, Jr.
203 Hawthorne Blvd.
Delaware, OH 43015

Andrew L. Tranel
35 Stilson Street
Delaware, OH 43015

United Tele Communication
P.O. Box 1219
Delaware, OH 43015

Angela Jones
c/o Delaware City Habitat for Humanity
P.O. Box 1110
Delaware, OH 43015

Thomas A. Mitchell
P.O. Box 509
Delaware, OH 43015



City of Delaware
Planning & Community Development

PC CASE 00 84
HORNER/SPEARMAN
REZONING R-3 TO B-3 FOR 0.292 ACRES

TEXT LIMITATION: The Applicant hereby stipulates and agrees that the following uses otherwise permitted in the City of Delaware M-1, Light Industrial District are hereby excluded from potential use in this location prohibiting any retail sale or service uses that would otherwise exist as listed below:

Offices

Research and development facility
Training facility

Storage and Distribution

Distribution facility/truck terminal
Storage (aboveground) of flammable liquids

Outdoor Storage

Storage (general) of materials
Storage of fleet vehicles for operations of principal use
Storage of equipment for sale of rental

Manufacturing and Processing

Assembly and production facility utilizing products from previously and elsewhere prepared materials.

TEXT LIMITATION: The Applicant hereby stipulates and agrees that the following uses otherwise permitted in the City of Delaware B-3, Community Business District are hereby excluded from potential use in this location prohibiting any retail sale or service uses that would otherwise exist as listed below:

(1) Office and Professional Services including:
- Financial institutions, banks
- Medical and dental offices, health and allied services

(2) Retail and Services including:
- Retail and service establishments in completely enclosed buildings
- Restaurant
  - a. Table service
  - b. Counter service
- Drive-thru or walk-up ATM (stand-alone facility)
- Funeral home and related facilities
- Veterinary office (no outside run or kennel)
- Veterinary hospital (with or without kennel)

(3) Automotive and Transportation including:
- Gasoline station
- Automotive repair garage
- Automotive sales and rental
- Automotive service station
- Drive-thru facility associated with any principal permitted or conditionally permitted use
- Car wash

(4) Outdoor Display/Storage including:
- Outdoor display
- Outdoor storage

(5) Community Facilities including:
- Places of worship
- Schools, public or private
- Schools, trade, business or cultural arts
- Library
- Public cultural institutions and art galleries
- Hospital
- Day care center, child/adult

(6) Recreation and Entertainment including:
- Outdoor recreation and amusement (such as sport center, batting cage, mini golf)

(7) Accessory Uses including:
- Truck loading areas
- Outdoor Trash receptacles