ORDINANCE NO. 02-140

AN ORDINANCE APPROVING THE REZONING OF 4.244± ACRES OF B-3, COMMUNITY BUSINESS DISTRICT TO B-4, GENERAL BUSINESS DISTRICT, WITH TEXT LIMITATIONS REQUESTED BY THE APPLICANT, FOR THE PROPERTY LOCATED AT 349 WEST CENTRAL AVENUE.

WHEREAS, the City Planning Commission, at its meeting of September 25, 2002, recommended approval for the Rezoning of 4.244± acres of B-3 (Community Business District) to B-4 (General Business District), with text limitations requested by the applicant, for the property located at 349 W. Central Avenue (PC 02-076) and

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

SECTION 1. That the Rezoning of 4.244± acres of B-3 (Community Business District) to B-4 (General Business District), with the below-listed text limitations requested by the applicant, is approved and accepted for the Central Storage property located at 349 W. Central Avenue:

Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(a) Residential		
(1) Multiple-family dwelling		
(2) Residential uses as conversions from warehouse and retail uses		
(3) Dwelling units on upper floors of an existing commercial or office building		
(4) Dwelling units which are an integral part of the permitted use structure		
(b) Office and Professional Services		
(1) Offices – administrative, business and professional	P	P
(2) Financial institutions, banks	P	P
(3) Medical and dental offices, health and allied services	P	P

Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(i) Accessory Uses		
(1) Off-street parking and loading areas	A	A
(2) Fencing and screening	A	A
(3) Signs	A	A
(4) Swimming pool or other recreational facility in association with hotel/motel		
(5) Trash receptacles	A	A
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		

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 7 NAYS 0
ABSTAIN 0

PASSED: October 28, 2002 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Roby M Tolbring
CITY CLERK

Windell Wheeler
MAYOR

Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		
(c) Retail and Services		
(1) Retail and service establishments in completely enclosed buildings	P	P
(2) Restaurant – table service	P	P
(3) Restaurant – counter service	P	P
(4) Drive-thru or walk-up ATM (stand-alone facility)	C	C
(5) Funeral home and related facilities	C	C
(6) Veterinary office (no outside run or kennel)	P	P
(7) Veterinary hospital (with or without kennel)	C	C
(8) Kennel, boarding stables		
(9) Taxidermy shop		
(10) Self-service storage		P
(d) Automotive and Transportation		
(1) Gasoline station	C	C
(2) Automotive repair garage		
(3) Automotive sales and rental	C	C
(4) Automotive service station	C	C
(5) Drive-thru facility associated with any principal permitted or conditionally permitted use	C	C
(6) Car wash	C	C
(7) Parking lots and garages	P	P
(8) Truck, farm, recreational vehicles – sales/storage		
(9) Terminal – bus, cab		
(e) Outdoor Display/Storage		
(1) Outdoor display	C	C
(2) Outdoor storage	C	C

Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(f) Community Facilities		
(1) Places of worship	P	P
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		
(2) Schools, public or private	C	C
(3) Schools, trade, business or cultural arts	C	C
(4) Library	P	P
(5) Public cultural institutions and art galleries	P	P
(6) Hospital	C	C
(7) Day care center, child/adult	P	P
(8) Congregate care facility		
(9) Nursing home		
(10) Public safety & service facility (local service)	C	C
(11) Public utility substation or distribution facility	C	C
(g) Recreation and Entertainment		
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)	C	C
(2) Public parks and playgrounds		
(3) Golf courses and country clubs		
(4) Drive-in theater		
(5) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center	C	C
(6) Health club	P	P
(h) Lodging		
(1) Hotel/motel with restaurant		
(2) Bed-and-breakfast		

DRAFT

Application PC 02-076 – A request by Smith Family Enterprises for approval of a Rezoning of 2 parcels comprising a total of 4± acres from B-3 (Community Business District) to B-4 (General Business District), with Text Limitations for the property located at 349 W. Central Avenue.

Jennings presented the review (printed italic text is from Staff Report, which Jennings reviewed):

BACKGROUND: The 4-acre site is located on the south side of W. Central Avenue, just east of the railroad overpass. Surrounding zoning includes B-3 (Community Business District) on the northeast and west sides and R-3 (Single-Family Residential District) on the north and south sides.

STAFF REVIEW: The Master Plan recommends Commercial/Office for this property and Residential for the surrounding properties, with the exception of Park/Conservation to the south and southwest. The Applicant proposes to expand the current use and to maximize the space available with additional self-storage units but cannot do so because self-storage is not a Permitted or Conditional Use in the B-3 District. The Applicant suggests that the buildings are very low traffic and will have no major additional impact.

The City is concerned about opening this area to the more intrusive B-4 uses; so the Applicant has proposed a rezoning to B-4 with text limitations such that this property could do only what is currently Permitted and Conditionally Permitted in the B-3 (including Accessory Uses), while also allowing self-storage units to be built as well as to be a conforming use if destroyed by fire or other disaster ... for this property only.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning, including the Applicant's proposed text limitation to allow only the following Permitted Uses, Conditional Uses, and Accessory Uses:

Land Use Category	***Existing B-3 Community Business District***	***Text Limitation B-4 General Business District***
(a) Residential		
(1) Multiple-family dwelling		
(2) Residential uses as conversions from warehouse and retail uses		
(3) Dwelling units on upper floors of an existing commercial or office building		
(4) Dwelling units which are an integral part of the permitted use structure		
(b) Office and Professional Services		
(1) Offices – administrative, business and professional	*P*	*P*
(2) Financial institutions, banks	*P*	*P*
(3) Medical and dental offices, health and allied services	*P*	*P*
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		
(c) Retail and Services		
(1) Retail and service establishments in completely enclosed buildings	*P*	*P*
(2) Restaurant – table service	*P*	*P*
(3) Restaurant – counter service	*P*	*P*
(4) Drive-thru or walk-up ATM (stand-alone facility)	*C*	*C*
(5) Funeral home and related facilities	*C*	*C*

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Land Use Category	*Existing B-3 Community Business District*	*Text Limitation B-4 General Business District*
(6) Veterinary office (no outside run or kennel)	*P*	*P*
(7) Veterinary hospital (with or without kennel)	*C*	*C*
(8) Kennel, boarding stables		
(9) Taxidermy shop		
(10) Self-service storage		*P*
(d) Automotive and Transportation		
(1) Gasoline station	*C*	*C*
(2) Automotive repair garage		
(3) Automotive sales and rental	*C*	*C*
(4) Automotive service station	*C*	*C*
(5) Drive-thru facility associated with any principal permitted or conditionally permitted use	*C*	*C*
(6) Car wash	*C*	*C*
(7) Parking lots and garages	*P*	*P*
(8) Truck, farm, recreational vehicles – sales/storage		
(9) Terminal – bus, cab		
(e) Outdoor Display/Storage		
(1) Outdoor display	*C*	*C*
(2) Outdoor storage	*C*	*C*
(f) Community Facilities		
(1) Places of worship	*P*	*P*
(2) Schools, public or private	*C*	*C*
(3) Schools, trade, business or cultural arts	*C*	*C*
(4) Library	*P*	*P*
(5) Public cultural institutions and art galleries	*P*	*P*
(6) Hospital	*C*	*C*
(7) Day care center, child/adult	*P*	*P*
(8) Congregate care facility		
(9) Nursing home		

DRAFT

Land Use Category	*Existing B-3 Community Business District*	*Text Limitation B-4 General Business District*
(10) Public safety & service facility (local service)	*C*	*C*
(11) Public utility substation or distribution facility	*C*	*C*
(g) Recreation and Entertainment		
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)	*C*	*C*
(2) Public parks and playgrounds		
(3) Golf courses and country clubs		
(4) Drive-in theater		
(5) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center	*C*	*C*
(6) Health club	*P*	*P*
(h) Lodging		
(1) Hotel/motel with restaurant		
(2) Bed-and-breakfast		
(i) Accessory Uses		
(1) Off-street parking and loading areas	*A*	*A*
(2) Fencing and screening	*A*	*A*
(3) Signs	*A*	*A*
(4) Swimming pool or other recreational facility in association with hotel/motel		
(5) Trash receptacles	*A*	*A*
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		

Ebersole stated that his concern is any expansion in the future will there be a view from Limestone Park of storage building. Mr. Smith stated that he would like to eventually put up a evergreen tree that will block the view of the property.

Chuck Smith, Smith Family Enterprises, stated that the back of the property has been a mess and for the past 3 weeks they have been working with engineering to clean it up.

Archie Trigg, 333 West Central Avenue, stated that his property comes up to the back of his property and wanted to know if a fence would be put up behind his property and Mr. Smith replied that he would like to put up a fence for security reasons but whether it would be put up behind the Trigg's property he wasn't sure. Santos stated that these concerns would be addressed when the development plan is submitted.

MOTION: Hall/Hazlett moved to approve PC 02-076, with Staff Recommendations (5 in favor, 0 opposed, 1 abstained (Long)) **MOTION APPROVED.**

DELAWARE PLANNING COMMISSION

Central Storage

REZONING REVIEW

CASE NUMBER: PC 02-076 MEETING DATE: September 25, 2002

APPLICANT/OWNER: Charles H. Smith
349 W. Central Avenue
Delaware, OH 43015

REQUEST: Approval of a Rezoning of 4± acres of B-3 (Community Business District) to B-4 (General Business District) for the property located at 349 W. Central Avenue.

BACKGROUND: The 4-acre site is located on the south side of W. Central Avenue, just east of the railroad overpass. Surrounding zoning includes B-3 (Community Business District) on the northeast and west sides and R-3 (Single-Family Residential District) on the north and south sides.

STAFF REVIEW: The Master Plan recommends Commercial/Office for this property and Residential for the surrounding properties, with the exception of Park/Conservation to the south and southwest. The Applicant proposes to expand the current use and to maximize the space available with additional self-storage units but cannot do so because self-storage is not a Permitted or Conditional Use in the B-3 District. The Applicant suggests that the buildings are very low traffic and will have no major additional impact.

The City is concerned about opening this area to the more intrusive B-4 uses; so the Applicant has proposed a rezoning to B-4 with text limitations such that this property could do only what is currently Permitted and Conditionally Permitted in the B-3 (including Accessory Uses), while also allowing self-storage units to be built as well as to be a conforming use if destroyed by fire or other disaster … for this property only.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning, including the Applicant's proposed text limitation to allow only the following Permitted Uses, Conditional Uses, and Accessory Uses:

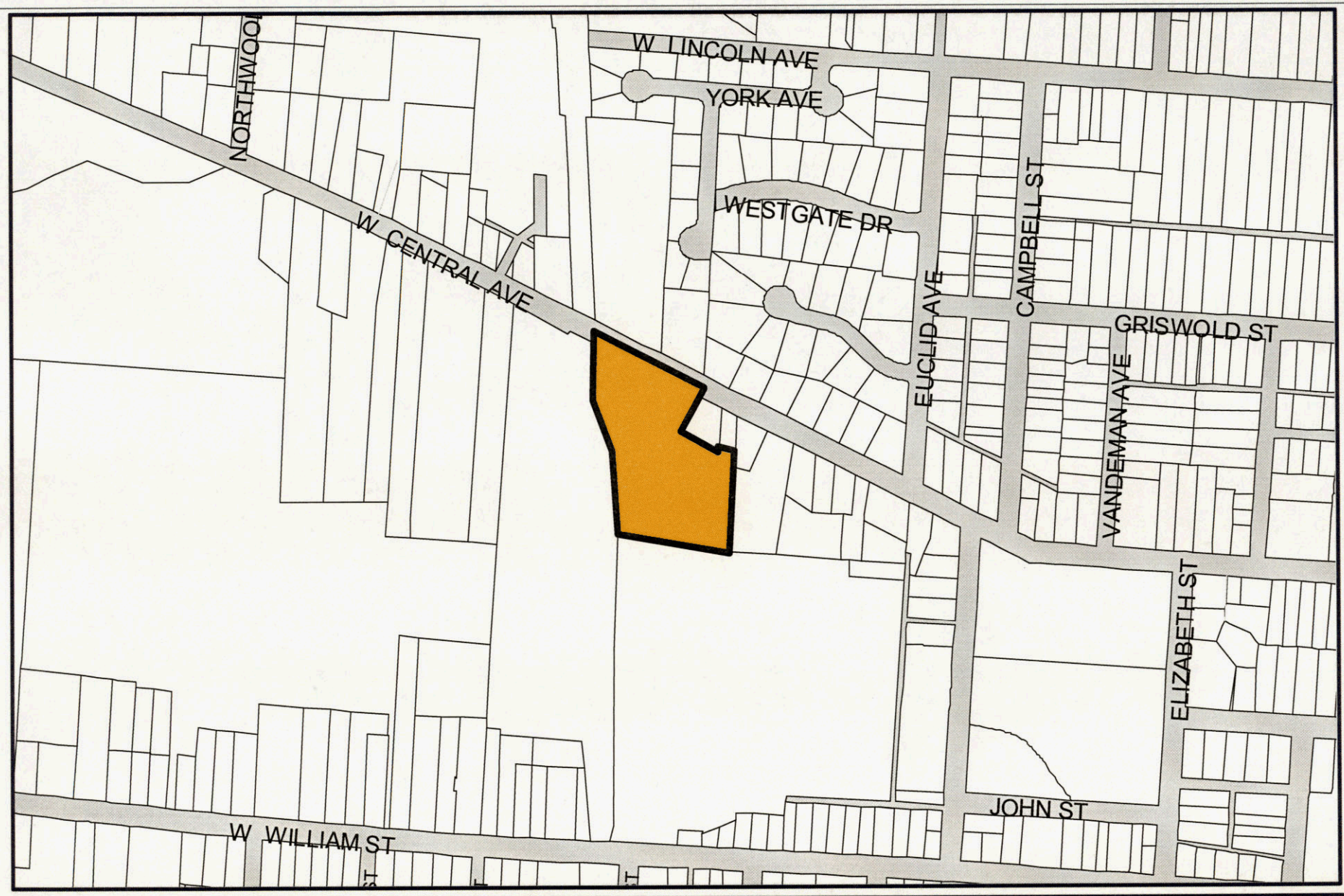
Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(a) Residential		
(1) Multiple-family dwelling		
(2) Residential uses as conversions from warehouse and retail uses		
(3) Dwelling units on upper floors of an existing commercial or office building		
(4) Dwelling units which are an integral part of the permitted use structure		
(b) Office and Professional Services		
(1) Offices – administrative, business and professional	P	P
(2) Financial institutions, banks	P	P
(3) Medical and dental offices, health and allied services	P	P
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted		

Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(c) Retail and Services		
(1) Retail and service establishments in completely enclosed buildings	P	P
(2) Restaurant – table service	P	P
(3) Restaurant – counter service	P	P
(4) Drive-thru or walk-up ATM (stand-alone facility)	C	C
(5) Funeral home and related facilities	C	C
(6) Veterinary office (no outside run or kennel)	P	P
(7) Veterinary hospital (with or without kennel)	C	C
(8) Kennel, boarding stables		
(9) Taxidermy shop		
(10) Self-service storage		P
(d) Automotive and Transportation		
(1) Gasoline station	C	C
(2) Automotive repair garage		
(3) Automotive sales and rental	C	C
(4) Automotive service station	C	C
(5) Drive-thru facility associated with any principal permitted or conditionally permitted use	C	C
(6) Car wash	C	C
(7) Parking lots and garages	P	P
(8) Truck, farm, recreational vehicles – sales/storage		
(9) Terminal – bus, cab		
(e) Outdoor Display/Storage		
(1) Outdoor display	C	C
(2) Outdoor storage	C	C
(f) Community Facilities		
(1) Places of worship	P	P

P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted

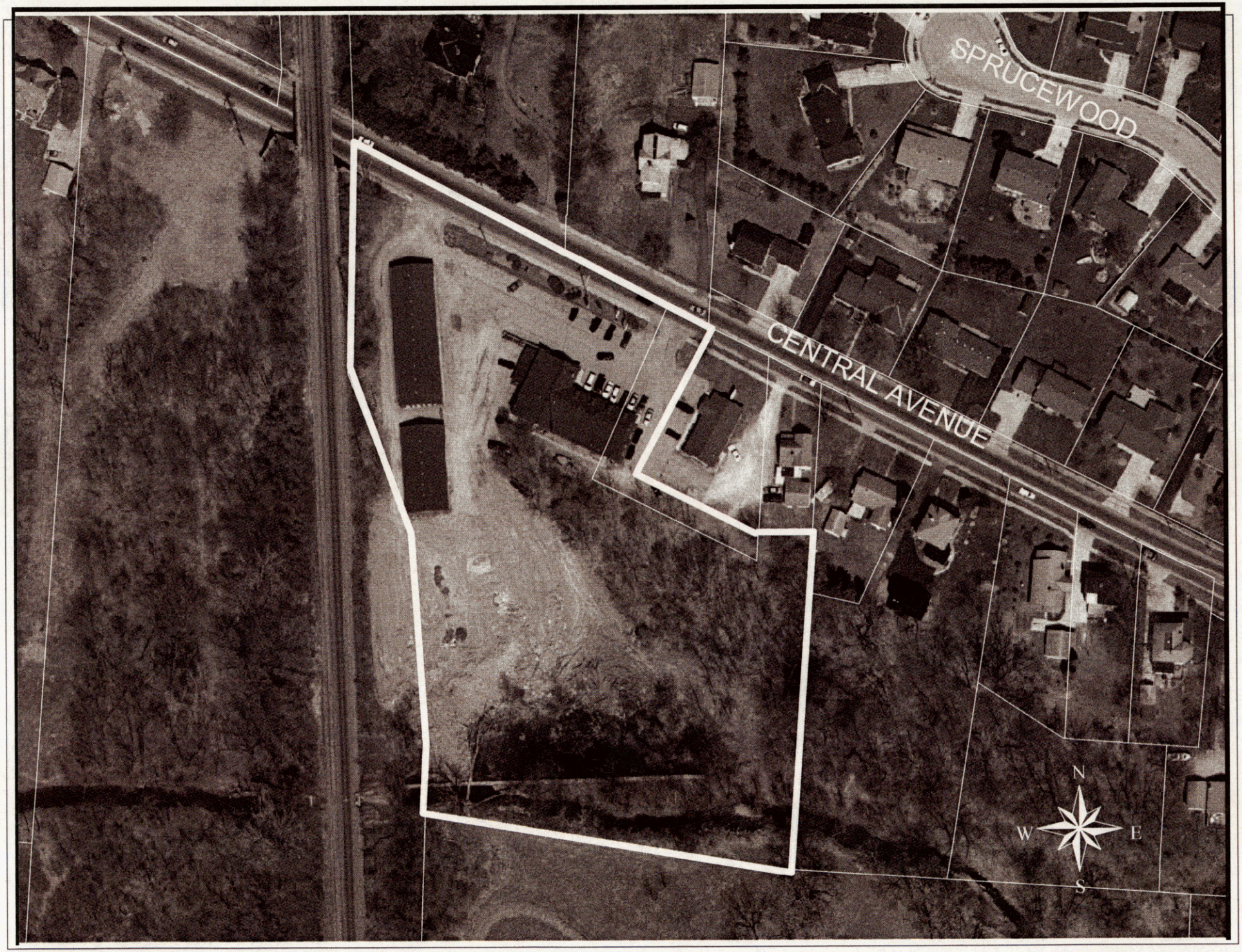
Land Use Category	Existing B-3 Community Business District	Text Limitation B-4 General Business District
(2) Schools, public or private	C	C
(3) Schools, trade, business or cultural arts	C	C
(4) Library	P	P
(5) Public cultural institutions and art galleries	P	P
(6) Hospital	C	C
(7) Day care center, child/adult	P	P
(8) Congregate care facility		
(9) Nursing home		
(10) Public safety & service facility (local service)	C	C
(11) Public utility substation or distribution facility	C	C
(g) Recreation and Entertainment		
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)	C	C
(2) Public parks and playgrounds		
(3) Golf courses and country clubs		
(4) Drive-in theater		
(5) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center	C	C
(6) Health club	P	P
(h) Lodging		
(1) Hotel/motel with restaurant		
(2) Bed-and-breakfast		
(i) Accessory Uses		
(1) Off-street parking and loading areas	A	A
(2) Fencing and screening	A	A
(3) Signs	A	A
(4) Swimming pool or other recreational facility in association with hotel/motel		
(5) Trash receptacles	A	A

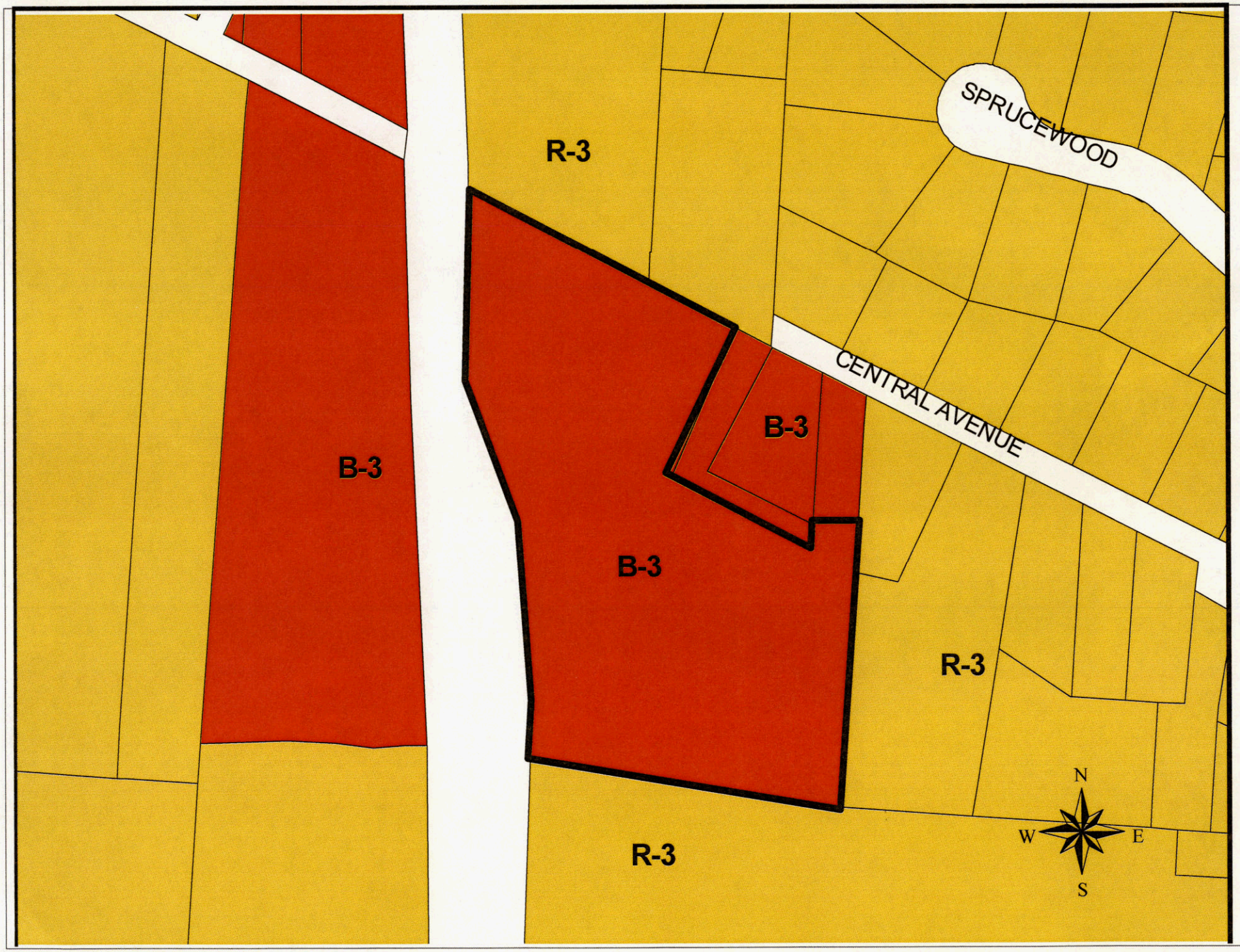
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PC02-076
CENTRAL STORAGE
349 W. CENTRAL AVENUE
REZONING B-3 TO B-4

N
W E
S


SPRUCEWOOD
CENTRAL AVENUE
N
W
E
S


SPRUCEWOOD
CENTRAL AVENUE
R-3
B-3
B-3
B-3
R-3
R-3
N
W
E
S