

ORDINANCE NO. 32 -97

BY: Jeffrey L. McClelland

An Ordinance to appropriate \$⁹6,000.00 for the purpose of paying the costs of environmental clean up related to an accidental gasoline spill, ~~and to declare an emergency.~~

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1: That the sum of \$⁹6,000.00 should be, and it hereby is, appropriated from the General Fund for the purpose of paying the costs of environmental clean up related to an accidental gasoline spill.

Section 2. That this Ordinance shall go into force and effect upon its passage and approval by the Mayor.

Passed: July 22, 1997

[Signature]
President of Council

Attest: Richard A. Levin
Clerk of Council

June 24, 1997, first reading
July 8, 1997, second reading
July 22, 1997, third reading,
passed

Approved: 7/22, 1997

[Signature]
David H. Madison, Mayor

EXHIBIT A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon its review of the detailed development plan and the evidence presented to it, Bexley City Council hereby finds the facts to be as follows:

1. The property located at 415 Westland Avenue, Bexley, Ohio (the “Subject Property”) was originally zoned Class 1 - single-family residential district in 1923. In 1972, the Bexley Zoning Code was amended to create two single-family residential districts: R-3 low density single-family and R-6 high density single-family. At that time, the Subject Property was zoned R-3. At the time the Subject Property was zoned R-3, the adjacent properties to the north and south had already been rezoned Planned Unit Residential (“PUR”). In 1989, the Zoning Code was amended to add two new single-family districts: R-1, which is the low density single-family district, and R-2, which is the intermediate density single-family residential district. In 1989, the R-3 district was given the designation medium density single-family residential district. Of the four single-family districts, R-3 is the second most dense single-family residential district, and three dwellings could be built on the Subject Property under R-3.

2. The Subject Property is unique and materially different from all other parcels within the City and is appropriate for a PUR because:

a. The property to the north is zoned PUR and is the site of the 9 unit Westland Condominiums.

b. The property to the south is zoned PUR and is the site of the 112 unit Parkview Arms apartments.

c. The Subject Property is bordered on the west by the city corporation line in the center of Alum Creek, and the uses on the west side of Alum Creek are commercial and light industrial, rather than residential.

d. The Subject Property faces the rear of the Parkview Arms and, to the east, the rear of through lots platted to face South Parkview Avenue.

e. The Subject Property is subject to a number of constraints on site development, including the topography, flood plain area, views to the east and west and sanitary and storm sewer easements on the south and west portions of the property.

f. The present dwelling unit on the Subject Property is a detriment to the neighborhood, having been the subject of Code enforcement action to correct health, building and housing code violations.

3. The Subject Property meets the minimum lot requirements for a PUR in Section 1252.03(g) of the Bexley Zoning Code.

4. The Detailed Development Plan proposes seven attached dwelling units which are defined as “townhouses” in Section 1263.32 of the Bexley Zoning Code. Townhouses are a permitted use in the PUR district under Section 1252.03(g).

5. The maximum height of the townhouses will not exceed 2 1/2 stories or 40 feet. Therefore, the maximum height of the proposed dwelling units meets the requirements of the R-3 district.

6. Under the Detailed Development Plan, the maximum lot coverage is approximately 14%. The maximum lot coverage permitted in the R-3 district is 25%. Therefore,

the maximum lot coverage of the proposed project is within the range permitted in the R-3 district.

7. The 1981 Bexley Neighborhood Stabilization Plan (the "1981 Plan") recommended that planned unit developments be located within 600 feet of major thoroughfares. The Subject Property ^{substantially} complies with this recommendation because it is located 610 feet from East Main Street, one of the City's major thoroughfares.

8. According to the 1969 Bexley Apartment Location and Neighborhood Study (the "1969 Study"), the R-3 district in that area had a density of 2 to 3.9 units per acre at the time such study was completed. According to the 1981 Plan, the R-3 district in that area had a density of 2 units per acre at the time such plan was completed. According to the detailed development plan, the proposed development will have a density of 3.125 units per acre. The proposed density is only moderately higher than the existing density of the neighboring area of the R-3 district and is less than the density for townhouse developments recommended in the 1969 Study and is substantially less than the density of the adjacent existing PURs. See Findings of Fact 10, 11 and 12.

9. The design and amenities described in the detailed development plan are compatible with the R-3 district in the following respects, among others:

- a. The scale of the architecture is similar to the Westland Condominiums, directly to the north of the Subject Property.
- b. The style of architecture is compatible with single-family dwellings in the neighborhood.
- c. The variations in roof pitch and building materials create the appearance of single-family dwellings.

d. The dwelling units face Westland Avenue reinforcing the residential appearance of the street, in contrast to the Westland Condominiums which has a row of garages along Westland Avenue.

e. The proposed project screens the neighborhood from the commercial and industrial uses to the west.

f. The principal exterior building materials are brick, stucco and stone and, according to the 1981 Plan, such building materials are compatible with other dwelling units in the R-3 district where 33% of the dwellings are brick, 26% are stucco and 8% are stone.

g. The parking areas are designed as an integral part of the structure which maximizes open space, meets requirements of the Zoning Code for two (2) off street parking spaces per dwelling unit and provides for vehicular access four (4) driveways which is comparable to the number of driveway entrances which would be constructed if three (3) single-family homes were constructed on the subject property as permitted by the R-3 district. None of the garages face Westland.

h. The average dwelling setback of 379 Westland, 363 Westland and the Westland Condominiums is 28.5 feet from the property line. The seven (7) Townhouses will have setbacks from the property line from south to north as follows: 0 feet, 15 feet, 15 feet, 10 feet, 10 feet, 22 feet and 22 feet. The units will be placed as far back on the site as permitted by the topography.

i. To the extent possible, large trees and the flood plain area of Alum Creek will be preserved and the proposed units will be landscaped in accordance with other properties in the neighborhood.

10. The density of the proposed project compares favorably with the Westland Condominiums to the north of the Subject Property which has a density of 4.3 units per acre.

11. The density of the proposed project compares favorably to the density of the Parkview Arms to the south of the Subject Property which has a density of 32 units per acre.

12. The proposed project provides quality, multi-family housing consistent with the City's long-^{Term land}use planning objectives. According to the 1969 Study, this City is well below the apparent normal demand for multi-family units, and the lack of such units seriously limits the housing opportunities for certain age and income groups. The 1969 Study recommended a density for townhouse units of 6 to 10 units per acre. The 1969 Study also recommended that multi-family developments be limited to locations with access to the thoroughfare system, reasonably large sites, access to nearby commerce or recreational space and a minimum of contact with single-family homes. The proposed development meets all of these planning guidelines.

13. The 1981 Plan recommended controlled redevelopment as the best means of assuring long-term stability by replacing housing as it becomes an economic and maintenance burden. The 1981 Plan found that in a fully-developed, land-locked community such as Bexley, the needs for alternative housing types for older residents was not likely to be met without redevelopment. The 1981 Plan further recommended that redevelopment should be permitted where it benefited the City as a whole or where it could be established that there was no substantive detriment to the neighborhood. The development of elderly and low and moderate income housing was determined to be clearly beneficial to the City. Compatibility with the

neighborhood was to be determined by comparison to factors such as lot frontage and depth, assessed value, structure height, exterior building materials, age of structures, ground area, lot area, lot coverage and density. The proposed development is compatible with the neighborhood based upon comparisons between the proposed project and the neighborhood on the following factors: assessed value, structure height, exterior building materials, age of structure, lot coverage and density. The proposed development is compatible with the R-3 district.

14. Based upon the opinion of the City's engineer, after review of the storm sewer plan for the proposed project, the proposed storm sewer design will provide the proper drainage for the area along the west side of Westland Avenue.

15. A 16 inch sanitary sewer is available on site to provide sanitary facilities to the proposed development.

16. Water to the proposed development will be provided by the addition of a water main from the Westland Condos to the intersection of S. Parkview Avenue and Bryden Road which will also benefit the entire area by providing enhanced water pressure and supply.

17. Police and fire services are available to provide assistance to the proposed development.

18. Based upon the opinion of the City's Traffic Engineer, after reviewing traffic studies conducted by the developer's traffic consultant, "the additional traffic generated by the proposed development is modest in volume and is consistent with the existing conditions on Westland Avenue and Bryden Road."

Based upon the foregoing findings of fact, Bexley City Council adopts the following conclusions of law:

1. The detailed development plan for the Subject Property adequately explains and demonstrates how the proposed development will fit the intent of the Bexley Zoning Code, Section 1240.02, and further the plans and materials qualify under 1244.08 PUR District of the Zoning Code and thereby justifies not meeting zoning code district regulations as detailed in Section 1252.03(g) PUR District of the Bexley Zoning Code.

2. The exceptions from the minimum yard requirements as detailed in 1252.03(g) PUR District are appropriate for the Subject Property because of the design and other amenities incorporated in the detailed development plan.

3. The exceptions set out in the detailed development plan as submitted to City Council, regarding permitted uses, individual lot size, front yard setback, lot depth and side yard requirements will not be detrimental to other residents of the City and the surrounding areas or to the public facilities and services in the City and the surrounding area and the application for rezoning meets the three (3) elements set forth in Section 1264.21(c) of the Bexley Zoning Code for granting the PUR designation on 415 Westland Avenue.