

AMENDED ORDINANCE NO. 24-04

By: Richard F. Weber

An Ordinance to amend the Official Zoning Map adopted as a part of Ordinance No. 8-72 (now Chapters 1240 to 1268, inclusive, of the Codified Ordinances of the City of Bexley), by transferring the property described in Section 1 hereof from the R-3 Medium Density Single-family Residential District to the Mixed Use Commercial District as specified by Section 1252.03 of the Bexley Zoning Code, and to accept an agreement of the applicant regarding certain actions to be taken by it.

WHEREAS, an application for a zoning change, which is in accordance with Section 1264.20 of the Codified Ordinances of the City of Bexley, has been submitted for the proposed amendments to the official zoning map; and

WHEREAS, Council has received written recommendations for approval of the changes in zoning districts from the Planning Commission; and

WHEREAS, City Council has heard and reviewed the phases, options and requirements of the proposed changes in zoning districts as presented and reviewed in its open meetings; and

WHEREAS, the Applicant has provided its legally binding agreement to apply for rezoning of the properties to R-3 if the proposed project is not approved or undertaken and to take other actions, a copy of which is attached to this Ordinance as Exhibit A (the "Agreement"); and

WHEREAS, City Council has held a Public Hearing after due notice according to law;

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

Section 1. That the Official Zoning Map adopted as a part of Ordinance No. 8-72 (now Chapters 1240 to 1268, inclusive of the Codified Ordinances of the City of Bexley) is hereby amended by transferring the following described property:

Parcel #1: 020-001820 502 S Parkview Av VS Julians 7-8 27.5 FT NS 7&22.5 FT SS 8
Parcel #2: 020-000216 492 S Parkview Av Powells 3 Julians Sub 8

From the R-3 Medium Density Single-family Residential District to the Mixed Use Commercial District in order to permit development of said tracts of land in accordance with Chapter 1224 and Sections 1244.11, 1244.16, and 1252.03 of the Zoning Code.

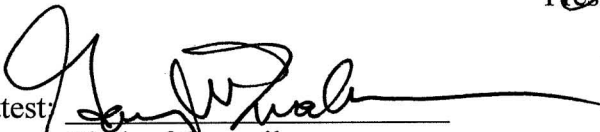
Section 2. That the City hereby accepts the Agreement.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: July 27, 2004




President of Council

Attest: 

Clerk of Council

Approved: 7/27, 2004



David H. Madison, Mayor

7-27-04 Ord 24-04
removed from table
Amended Ordinance
substituted. Passed

HARRISON W. SMITH, JR.
BEN W. HALE, JR.
JEFFREY L. BROWN
GLEN A. DUGGER
JACKSON B. REYNOLDS, III
NICHOLAS C. CAVALARIS
DAVID L. HODGE
AARON L. UNDERHILL

SMITH & HALE
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199
614/221-4255

HARRISON W. SMITH
1900-1978

July 27, 2004

The City of Bexley City Council
2422 East Main Street
Bexley, Ohio 43209

RE: Application Number: 40cc - 492 - 502 South Parkview Avenue
Rezoning Commitment

Dear Council Members:

I, Laurence G. Ruben, as president of Bexley Plaza Gateway Ltd. the applicant for the above rezoning request wishes to memorialize certain commitments concerning the proposed Mixed Use Commercial (MUC) District for the subject property. In discussion with City Council during the rezoning process there were concerns over future uses of the two (2) parcels under consideration for the MUC district and I stated that I would be willing, on my own initiative, to rezone the two (2) lots back to the R-3 district if the proposed condominium complex is not under construction within two (2) years after approval by the Main Street Commission.

I am proposing a one year period to submit plans and documentation to the Main Street Commission and secure their approval for the project. I am then proposing a two (2) year time frame to start construction on the complex, and if either of the two (2) items above have not been accomplished under the established schedule I will file the necessary paperwork to rezone 492 and 502 South Parkview Avenue back to the R-3 district.

I am also willing to commit to Council that the two (2) existing homes will not be demolished until the final construction permits have been approved and issued by the City of Bexley, thereby preserving the homes until it is certain that the complex will go forward. I will continue to rent the two (2) homes and maintain of the structures to insure there is no deterioration or damage to the existing conditions of the homes over the next three (3) year period.

As you are aware, I am a resident of the community and want to improve our city and feel that the Bexley Gateway Project will be an attribute that we can all be proud, but I want to assure everyone that should the project not move forward the existing conditions shall remain and be restored to pre-approval status if the complex is not built. Given my convictions for doing what is proper for the City of Bexley, I am committing to the following by signing and presenting this letter to City Council:

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The City of Bexley City Council
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- One year to secure Main Street Commission approval for the project.
- Two (2) years to start construction of the complex after Main Street Commission approval of the project.
- If after this three (3) year period the construction of the complex has not started, then I will unilaterally request that the MUC District placed on 492 and 502 South Parkview Avenue be removed and replaced with the R-3 district.
- The two (2) homes located on 492 and 502 South Parkview Avenue will not be razed until the final construction permit is approved for the project. The two (2) homes will be rented (if possible) and maintained to insure viability upon rezoning to the R-3 district.

If City Council should have any questions, I am available to discuss my commitments to the City but I feel, as a resident, that the Bexley Gateway Project will be a true asset to the community and will have a beneficial impact on the surrounding area and the whole of Bexley.

Very truly yours,


Laurence G. Ruben