

SECOND AMENDED ORDINANCE NO. 19-10

By: Mr. Weber

An Ordinance to approve the expansion of use at 2761 East Main Street, which is a pre-existing nonconforming service station use, from approximately 540 square feet to not more than 1,200 square feet, subject to the conditions that the structure and the property comply with all other applicable zoning and planning, parking, and building code requirements.

WHEREAS, Zack Qafarawi has requested permission to increase the size of the building on property located at 2761 East Main Street from approximately 540 square feet to approximately 1,200 square feet; and

WHEREAS, the property is currently used as a service station which is a pre-existing non-conforming use the Main Street Mixed Use Commercial (MUC) District; and

WHEREAS, the proposed expansion of the building constitutes an expansion of the non-conforming service station use, and such expansion cannot be granted by the Bexley Planning Commission because it does not meet the requirements of Section 1264.04 of the Planning and Zoning Code, and such expansion can, therefore, only be granted by this Council; and

WHEREAS, approval of the expansion of the building and use on the property would not have an adverse effect of the surrounding properties or neighborhood, would facilitate improvements to the property more in keeping with permitted uses in the MUC District and the Main Street Guidelines, and would not be contrary to the public interest:

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

Section 1. That, based upon the findings set forth in the recitals to his Ordinance and pursuant to this Council's power and authority to grant variances under Section 1264.14(c)(2) of the Planning and Zoning Code, expansion of the use at 2761 East Main Street is hereby approved, subject to the following conditions:

- (a) The use of the property shall be limited to the sale of automobile fuels, oils, and accessories and to the sale of convenience food items and no body repair, repair or replacement of parts or accessories, or mechanical repair shall be performed on the property;
- (b) Except for the dispensing of fuels, all retail sales shall be conducted solely inside the building, all exterior vending machines will be housed inside the building or within an enclosure, including newspaper dispensers.
- (c) The applicant shall, for himself, his successors and assigns, agree in writing to be bound by the terms and conditions of this Ordinance and all applicable laws and regulations.

- (d) That the business shall not operate past eleven (11:00 p.m.) seven (7) days per week.
- (e) That Ordinance 23-04 is hereby repealed.
- (f) That the business shall not apply for a liquor license without prior approval of the Bexley City Council.
- (g) That no more than twenty-five percent (25%) of the square footage of the sales space shall be used for alcohol sales.
- (h) That there are no window grates.
- (i) That there are no satellite dishes. *planted*
- (j) landscaping be ~~erected~~ *planted* between the rear of the property and the residential neighborhood per Planning Commission direction.
- (k) ~~Lighting to be turned down at 11:00 p.m.~~ *that outside lighting be dimmed*
- (l) ~~No loud music or loitering.~~ *that the property owner help to enforce city noise ordinance and help to restrict loitering*

Section 2. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2010

(m) That the owners will install signage prohibiting south bound turns out of the west exit.

 President of Council

Attest: *[Signature]*
 Clerk of Council

Approved: 6/8, 2010

[Signature]
 John M. Brennan, Mayor

First Reading 4-13-10
 Second Reading 4-27-10
 Third Reading 5-11-10

PASSED 6-8-10