CITY OF DELAWARE
BOARD OF ZONING APPEALS
AGENDA

CITY COUNCIL CHAMBERS
1 S. SANDUSKY ST.
6:30 P.M.

REGULAR MEETING March 13, 2019

1. ROLL CALL

2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on November 14, 2018, as recorded and transcribed.

3. REGULAR BUSINESS

   A. 2019-0252: A request by Kroger Great Lakes Distribution Center for approval of a building height variance for a proposed addition at 2000 Nutter Farms Lane on approximately 162.29 acres and zoned M-2 (General Manufacturing District) with text limitations.

   B. 2019-0253: A request by Angel's Hands LLC for approval of a Conditional Use Request for a major home occupation at 152 Wilder Street on approximately 3.86 acres on property zoned R-3 (One Family Residential District).

   C. 2019-0256: A request by The Rockwell Company for approval of variance to Chapter 1149.01 Temporary Uses to allow multiple mobile food vendors for more than 45 calendar days per year at the Food Truck Depot at 59 Potter Street on approximately 1.066 acres and zoned R-4 (General Business District).

4. BOARD MEMBER COMMENTS AND DISCUSSION

5. NEXT REGULAR MEETING: April 10, 2019

6. ADJOURNMENT

BOARD OF ZONING APPEALS
MOTION SUMMARY
November 14, 2018

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 7:00 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman George Hellinger, Vice-Chairman Paul Junk, and Chairman Matt Dick.

Staff Present: Lance Schultz, Zoning Administrator

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on October 10, 2018, as recorded and transcribed.

Motion: Councilman Hellinger moved to approve the Motion Summary for the Board of Zoning Appeals held on October 10, 2018 meeting, seconded by Ms. Fisher. Motion approved by a 7-0.

ITEM 3. ELECTION OF OFFICERS
A. Chairperson
B. Vice-Chairperson

Motion: Ms. Fisher motioned to nominate Mr. Dick as Chairperson, seconded by Mr. Vaughn. There were no other nominations and motion approved with a 6-0-1 (Dick) vote.

Motion: Mr. Vaughn motioned to nominate Mr. Junk as Vice-Chairperson, seconded by Mr. Daughenbaugh. There were no other nominations and motion approved with a 6-0-1 (Junk) vote.

ITEM 4. REGULAR BUSINESS
A. 2018-2857: A request by Fahey Bank for approval of front yard setback variances for a proposed new building at 75 West William Street on approximately 0.814 acres and zoned B-3 (Community Business District).

Mr. Schultz discussed the proposed demolition of the current building and the proposed plan to construct a new bank structure on the site. He discussed the current 50 feet setback code requirement and the request by the applicant for a 20 foot setback along Williams Street and a 40 foot setback along South Washington Street. He discussed the current setback for the surrounding properties. Mr. Schultz discussed the issue with the flood plain in the rear of the property. He provided examples of the elevations of the development plan.

Chairman Dick swore in the following participants from the public:

Timothy Niemiec
1824 East VanBeck Ave.
St. Francis, Wisconsin

Mr. Niemiec discussed the issue with the flood plain and the need to move the development up from the rear of the property. Mr. Schultz discussed that the applicant will have to also go before the Planning Commission and City Council for the development plan approval.

Motion: Councilman Hellinger moved to approve 2018-2857, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted. Seconded by Ms. Fisher. Motion approved by a 7-0 vote. Conditions are as follows:

1. The building addition shall be setback a minimum 20 feet from West William Street and 40 feet from Washington Street.
2. The new building shall achieve compliance with all other City zoning and development requirements or as approved by City Council.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: December 12, 2018.

ITEM 6. ADJOURNMENT

Motion: Councilman Hellinger moved to adjourn the Board of Zoning Appeals meeting, seconded by Vice-Chairman Junk. The Board of Zoning Appeals meeting adjourned at 7:14 p.m.

_____
Matt Dick, Chairman

_____
Elaine McCloskey, Clerk

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BOARD OF ZONING APPEALS / STAFF REPORT

CASE NUMBERS: 2019-0252
REQUEST: Variance
PROJECT: Kroger Distribution Center
MEETING DATE: March 13, 2019

APPLICANT/OWNER
Kroger Company
2000 Nutter Farm Lane
Delaware, Ohio 43015

REQUEST
2019-0252: A request by Kroger Great Lakes Distribution Center for approval of a building height variance for a proposed addition at 2000 Nutter Farms Lane on approximately 162.29 acres and zoned M-2 (General Manufacturing District) with text limitations.

PROPERTY LOCATION & DESCRIPTION
The property at 2000 Nutter Farms Lane is located on the south of US 36/37, west of Glenn Road and just north and west of the railroad tracks. The subject site is zoned M-2 with text limitations. In the City, the property to the north is zoned B-3 (Community Business District), to the east the property is zoned A-1 (Agricultural) and to the west the property is zoned M-1 (Light Manufacturing District) while the property in the township to the east, west and south is zoned FR-1 (Farm Residential District.).

BACKGROUND
In 2002, Planning Commission and City Council approved the Final Development Plan for the Kroger Distribution Center on the 162-acre site and subsequently constructed a 766,127 square foot building including several additions over the years. The original plans called for the area contemplated in this case to be future potential expansion area as well. Now Kroger is proposing a 129,568 square foot addition to the eastern portion of rear portion of the building. This would bring the total construction area to 895,695 square feet after the addition. The variance would allow the construction of an automated storage retrieval system (ASRS) for Kroger to remain competitive in the grocery store industry. Almost 52% (67,701 square feet) of the proposed expansion would be 125 feet high while the remainder of the expansion would be 50 feet high or less. The existing Kroger Distribution Center which is less than 50 feet high, which encompasses 766,127 square feet. In total only approximately 7.5% of the entire building would be above 50 feet in height. 50 feet is the maximum allowable height for structures within the zoning district, however, the industrial districts do provide for accessory structures and appurtenances related to the manufacturing process to exceed this height. The addition does not technically qualify under the exemption but is in keeping with the intent of the exemption in the opinion of staff for the reasons enumerated within this report.

STAFF ANALYSIS

SECTION 1145.05 HEIGHT REGULATIONS - The maximum building height for principal and accessory buildings in an M-1 or M-2 District shall be fifty (50) feet.

- A small portion of the total square footage of building 67,071 square feet (approximately 7.5%) would be above 50 feet in height
- The proposed addition is located 265 feet from the nearest property line and 1,900 feet from the nearest residential dwelling unit.
- The proposed addition would be for storage of dry goods to the growing region and would not increase the number of employees and/or traffic to the site.
- The subject site is located within the light manufacturing land designation of the comprehensive land use plan with the same designation to the east, west, and south while the commercial land use designation is located to the north. Therefore, this area is considered a manufacturing and commercial corridor.
- The city originally provided economic development incentives to help induce the development to locate at this site.

- **VARIANCE REVIEW:** In considering whether a Variance shall be granted, the Board of Zoning Appeals is required to consider certain factors to determine if a practical difficulty exists. As listed below, Section

1128.09(c)(1) of the Planning & Zoning Code sets forth these factors. Following each factor in italics is a brief Staff analysis.

1. Whether the granting of the Variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

   The Industrial Districts (M-1, M-2) and their regulations are established in order to achieve, among others, the following purposes:

   (a) To provide convenient and sufficient zoning districts for industrial activities and for the production, distribution, and exchange of goods and services in order to serve and promote the economic development of the community.

   (b) To protect residential neighborhoods adjacent to industrial districts by restricting the types of establishments, particularly at the common boundaries, which would create congestion, noise or other objectionable influences beyond the district boundaries, and by separating and insulating residential districts from the most intense industrial activities.

   (c) To establish performance standards, parking specifications and yard regulations to ensure that industrial development is compatible with adjacent uses.

   (d) To carry out the following specific purposes:

   (1) To provide Light Industrial Districts (M-1) which accommodate those limited industrial uses conducted entirely within enclosed buildings that operate with a minimum of noise, glare, odor, dust, vibration, air and water pollution, fire and safety hazard or any potential nuisance characteristic. An M-1 District is designed to accommodate light industrial uses and activities, the operational and physical characteristics of which do not detrimentally affect surrounding zoning districts. All activities, operations and storage for permitted uses in an M-1 District shall be carried out in wholly enclosed buildings, except for accessory outdoor uses such as storage of materials and fleet vehicles.

   (2) To provide General Manufacturing Districts (M-2) which accommodate a broader range of industrial activities than those permitted in the M-1 District. Such intensive industrial establishments may utilize products, materials or processes that can create dust, smoke, fumes, glare, odors or other objectionable characteristics, but do not create any danger to the health, safety and general welfare of the surrounding neighborhoods due to the application of performance standards. Uses in the M-2 Districts typically generate outdoor activities and outdoor storage in association with permitted principal uses.

   Approval of the Variance would not likely be detrimental to the public welfare for the following reasons. The Kroger facility has been at this location for almost 17 years and has been a good neighbor and important economic employment center for the City and a height variance for approximately 7.5% of the building would be insignificant from a site plan perspective. This is especially true given the proposed location which is as far from occupied structures as is possible on site. Given this set back, the visual impact will be significantly minimized as the applicant's submitted photo simulations demonstrate. The addition is for dry storage and would not increase the number of workers and/or traffic in this area. Therefore, the height variance would not likely be detrimental to the public welfare of the area.

2. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions.

   The advanced technology of the ASRS allows Kroger to build up in height rather than out and expanding their site plan footprint would likely have more impact on the adjacent properties than a height variance. The area planned for this expansion was contemplated as future expansion area potentially in the original approvals for the project.

3. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance. Mere loss in value or financial disadvantage to the property owner

does not constitute conclusive proof of practical difficulty; there shall be deprivation of beneficial use of land.

Construction of the ASRS will allow Kroger to remain competitive in the grocery industry while maintaining their current facility. Without the variance, the current facilities ability to serve the growing region would be reduced. Ultimately, without innovation, the facility might be forced to close in the worst case scenario.

4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the Variance.

   The proposed building would be located 256 feet from the nearest property line and over 1,900 feet from the nearest residential dwelling unit. In addition to the distance, the visibility of the proposed addition will be obscured by the existing tree lines, railroad tracks and variance buildings. Also, the color of the addition would match the existing Kroger building (neutral tones) to blend in with the building and environment. Therefore, the adjoining properties would not likely suffer substantial detriment as a result of the variance.

5. Whether the Variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.

   The delivery of governmental services, particularly emergency services, would not be impacted with approval of this Variance.

6. Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.

   Kroger initially developed the property in 2002 with knowledge of the existing height restriction. However, in an effort to stay competitive in the ever changing grocery industry, Kroger is committed to new technology to allow their logistics operation to be more efficient. The installation of the ASRS is one of the technical innovations and was not anticipated when the original facility was zoned and developed though the site itself was specifically zoned for the Great Lakes Distribution Center.

7. Whether special conditions or circumstances exist as a result of actions of the owner.

   It is not likely any special conditions or circumstances occurred because of the actions of the owner.

8. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

   In an ever-changing grocery industry, Kroger is investing in new technology and continues to upgrade and improve their current facility to stay competitive. What makes the ASRS economical is the ability to store vertically and utilize a single automated retrieval system which is an emerging technological trend in many distribution businesses. A lower height building would require a larger footprint and second automated retrieval system. This would more than double the cost of the improvements, making this system uneconomical as well as effectively doubling the footprint putting it closer to property lines. Kroger indicated if they are unable to construct the new system, the current facility would very quickly become obsolete, forcing Kroger to consider other options and other facilities for their logistics operations.

9. Whether there is evidence of Variances granted under similar circumstances.

   Staff cannot recall approving a height variance for such facility in this part of the City.

10. Whether the granting of the Variance is necessary for the reasonable use of the land or building, and the Variance as granted is the minimum Variance that will accomplish that purpose.

    The requested 125 foot building height variance is necessary to achieve the minimum amount of storage volume required to meet Kroger's projected needs. Without the variance, apparently there is no benefit to the proposed improvements at this location.

11. Whether the proposed Variance would impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

    Given the distance from adjacent properties, the fact that the Kroger Distribution facility has been established and in operation since 2002, and the overall size of the existing facility, it is not likely the expansion would negatively impact property values or endanger the public safety. Also, the improvements would not likely alter the existing site lines of the adjacent properties significantly as the ASRS would

only occupy a small portion (approximately 7.5%) of the building several hundred feet from the adjacent properties. From a traffic congestion perspective, US 36/37 is designed to accommodate the existing truck traffic from the facility and the expansion should not send additional trucks on the adjacent roadway system. Obviously, closing the facility would result in harm to the city, employment, and the property values in the area.

12. Whether the granting of the Variance requested would confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

    If the Board finds that the standards for approval of a Variance are met then no special privilege is granted.

CONCLUSION

The proposed height variance appears to achieve compliance with the majority of the practical difficulties to justify a variance request. Therefore staff can support the proposed variance request from a practical perspective for the following reasons: 1.) The Kroger facility has been at this location for almost 17 years and has been a good neighbor and important economic employment center for the City and a height variance for approximately 7.5% of the building would be insignificant from a site plan perspective; 2.) The addition is for dry storage and would not increase the number of workers and/or traffic in this area; 3.) The proposed building would be located 256 feet from the nearest property line and over 1,900 feet from the nearest residential dwelling unit. In addition, the visibility of the proposed addition would be obscured by the existing tree lines, railroad tracks and various buildings. Also, the color of the addition would match the existing Kroger building to blend in with the building and environment; 4.) In an ever-changing grocery industry, Kroger is investing in new technology and continue to upgrade and improve their current facility to stay competitive. Kroger indicated if they are unable to construct the new system, the current facility would very quickly become obsolete, forcing Kroger to consider other options and other facilities for their logistics operations.

STAFF RECOMMENDATION – VARIANCE (2019-0252)

Staff recommends approval of a request by Kroger Great Lakes Distribution Center for a building height variance for a proposed addition at 2000 Nutter Farms Lane on approximately 162.29 acres and zoned M-2 (General Manufacturing District) with text limitations, with the following conditions that:

1. The height of the addition shall not exceed 125 feet in height as submitted.
2. The new addition shall achieve compliance with all other City zoning and development requirements or as approved by City Council.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled*_____

CONDITIONS/MISCELLANEOUS:

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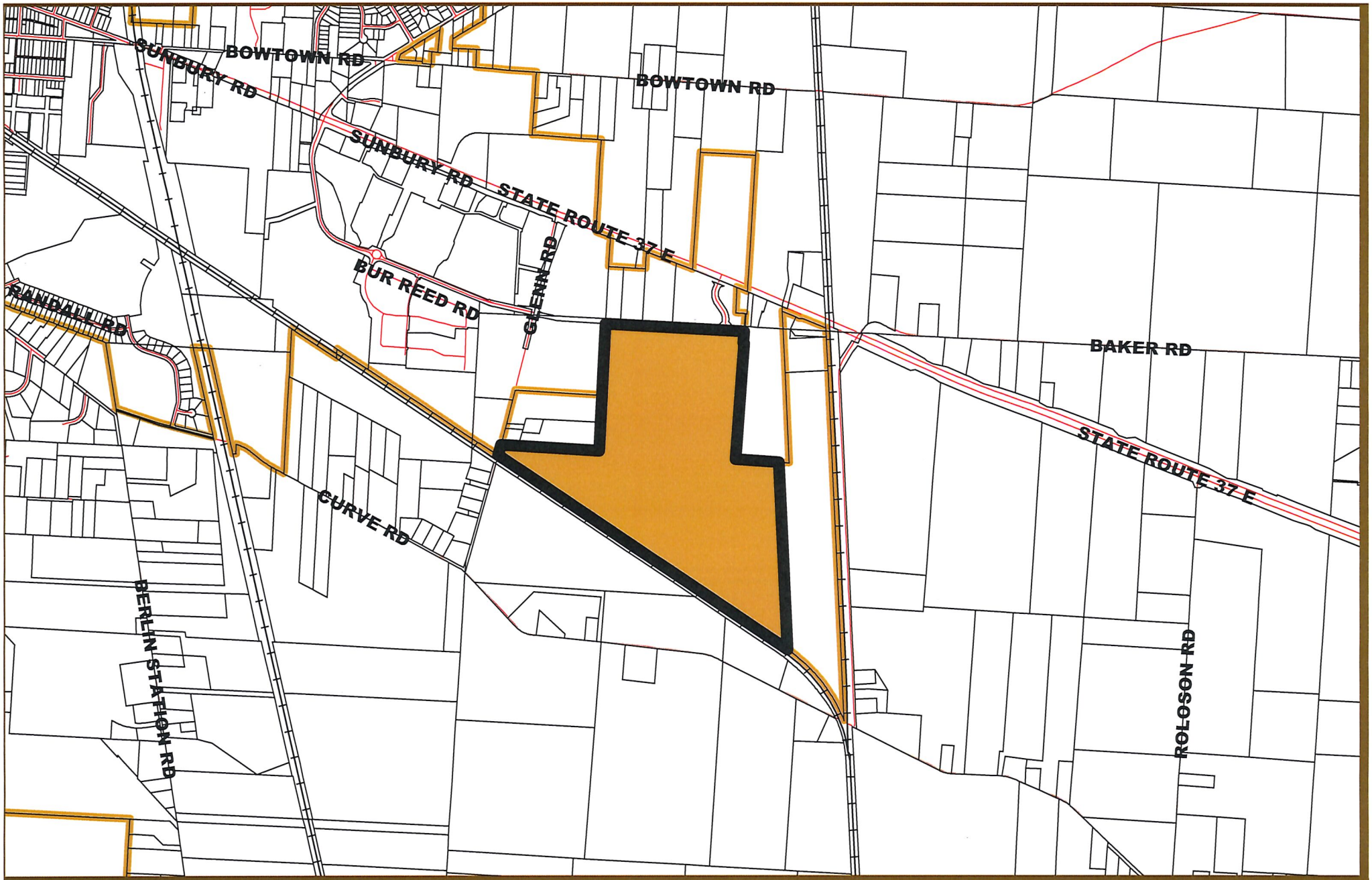
2019-0252
Building Height Variance
Kroger Distribution Center - 2000 Nutter Farms Lane
Aerial (2016) Map

N



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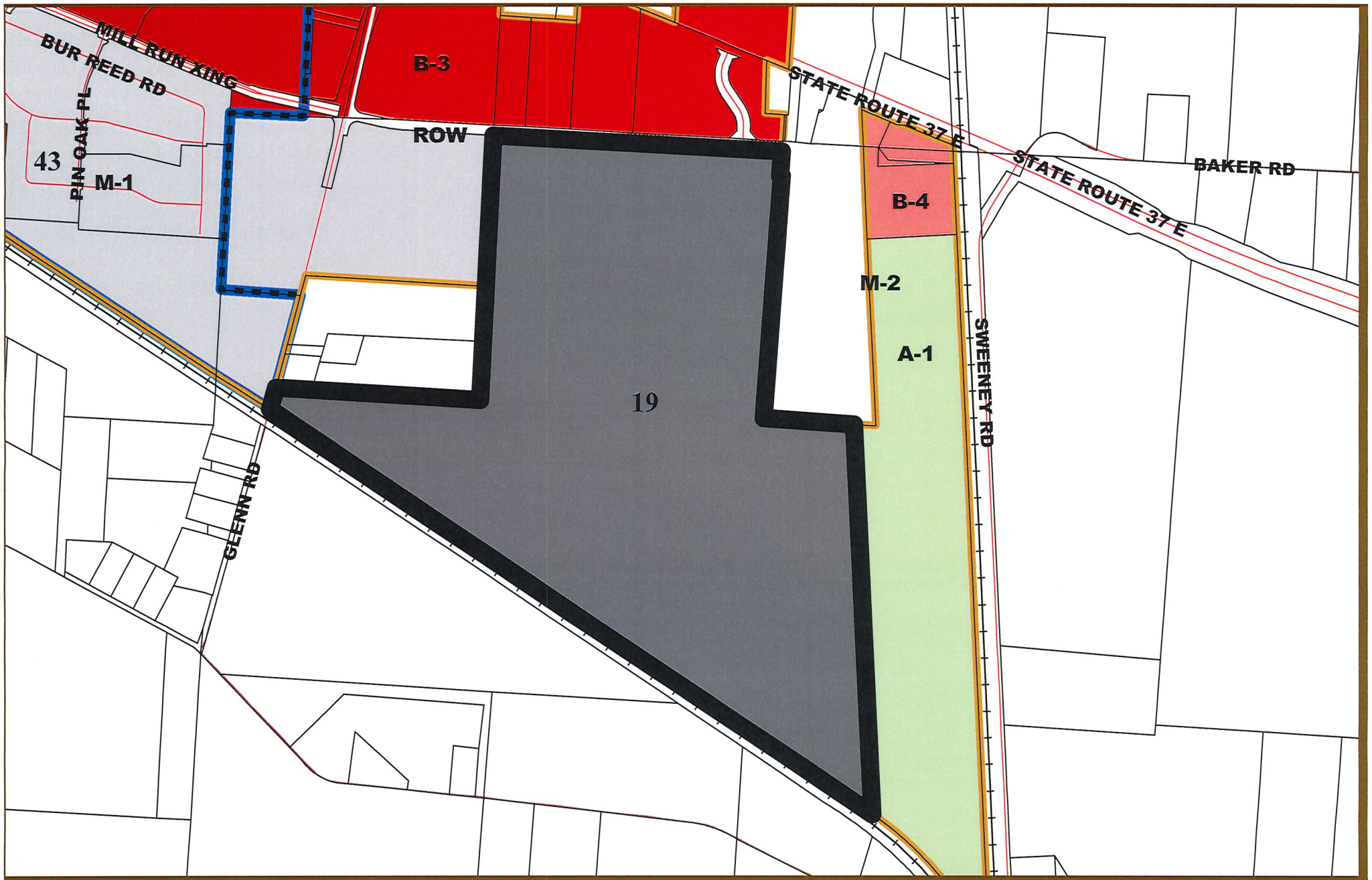
2019-0252
Building Height Variance
Kroger Distribution Center - 2000 Nutter Farms Lane
Location Map

N



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2019-0252
Building Height Variance
Kroger Distribution Center - 2000 Nutter Farms Lane
Zoning Map

N

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

EST 1808 CITY OF DELAWARE OHIO

Project # _____ Case # _____

Planning Commission

- ☐ Amended Final Development Plan
- ☐ Amended Final Subdivision Plat
- ☐ Amended Preliminary Development Plan
- ☐ Amended Preliminary Subdivision Plat
- ☐ Annexation Review
- ☐ Combined Preliminary & Final Development Plan
- ☐ Comprehensive Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use Permit
- ☐ Determination of Similar Use
- ☐ Development Plan Exemption
- ☐ Final Development Plan
- ☐ Final Development Plan Extension
- ☐ Final Subdivision Plat
- ☐ Final Subdivision Plat Extension
- ☐ Floodplain Permit
- ☐ Lot Split
- ☐ Pre-annexation Agreement
- ☐ Preliminary Development Plan
- ☐ Preliminary Dev Plan Extension
- ☐ Preliminary Sub Plat
- ☐ Preliminary Sub Plat Extension
- ☐ Rezoning
- ☐ Subdivision Variance
- ☐ Substitution of a Non- Conforming Use
- ☐ Vacation-Alley
- ☐ Vacation-Easement
- ☐ Vacation-Street

Board of Zoning Appeals

- ☐ Appeal Administrative Decision or Interpretation
- ☐ Conditional Use Permit
- ☐ Substitution of Equal or Less Non-Conforming Use
- ■ Variance

RECEIVED FEB 12 2019 PLANNING & COMMUNITY DEVELOPMENT

Subdivision/Project Name Kroger Great Lakes Distribution Center Expansion Address 2000 Nutter Farms Lane, Delaware Ohio 43015

Acreage 162.29 ac. Square Footage 129,556 s.f. Number of Lots N/A Number of Units N/A

Zoning District/Land Use M-2 Proposed Zoning/Land Use M-2 Parcel # 418220010070000

Applicant Name Michael D. Jones, AIA Architect Contact Person Randy Broome

Applicant Address 8294 Highway 92, Suite 210, Woodstock, GA 30189

Phone 770.928.7120 ext. 264 Fax _____ E-mail rbroome@primusds.com

Owner Name Kroger Company Contact Person Bill Knight

Owner Address 2000 Nutter Farm Lane, Delaware, Ohio 43015

Phone (502) 429-4807 Fax 502-420-6738 E-mail bill.knight@kroger.com

Engineer/Architect/Attorney Bird+Bull Engineering Contact Person Andrew Gardner

Address 3500 Snouffer Road, Columbus Ohio 43235

Phone 614-761-1661 Fax 614-761-1328 E-mail agardner@birdbull.com

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature _____ Owner Printed Name William Knight

Agent Signature _____ Agent Printed Name Randy Broome

Sworn to before me and subscribed in my presence this 11 day of February, 2019.

Notary Stamp

RONDA N. BROWN NOTARY PUBLIC ID # 601363 COMMISSION EXPIRES 6/14/2022 STATE AT LARGE - KENTUCKY

Notary Public

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s/planning/forms

Bird+Bull Engineers & Surveyors

February 15, 2019

Job No.: *18-070 (B+B)*
BZA No.: *TBD*

Variance Statement
Kroger Great Lakes Distribution Center Expansion
2000 Nutter Farms Lane
Delaware, Ohio 43015

The applicant, The Kroger Co, seeks approval of an area variance from the City of Delaware Board of Zoning Appeals (BZA) for their distribution center located at 2000 Nutter Farms Lane in Delaware Ohio. The site is currently located within the M-2 Zoning District. The variance being requested is as follows.

- Per section 1145.05 of the City of Delaware Planning and Zoning Code, the maximum permissible height of structure shall not exceed 50-feet. The applicant is requesting a variance to this code section to construct an automated storage retrieval system (ASRS) on site. The ASRS will consist of a 67,071 s.f. portion of the expansion and extend to a height of 125'. The total proposed expansion area will be 129,568 s.f. with the areas outside of the ASRS meeting the 50' height requirement.

  It should be noted that per City of Delaware Planning and Zoning Code Section 1149.07-b,c, exceptions to the height limitations are permissible appurtenant structures such as cooling towers, grain elevators, or other structures where the manufacturing process requires greater height. All structures above the permitted height shall not occupy more than 25% of the area of the lot and shall be greater than 50-feet from every lot line. While the ASRS is not an appurtenant structure, it is not an occupied space. The tower will be used for storage of dry goods retrieved by an automated system on pallets. The proposed structure will be 256' from the northern property line, 526' from the eastern property and occupy 0.91% of the total site area.

As stated in City Code Section 1128.09, the BZA may authorize in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty. The following factors shall be considered and weighed by the Board, to determine practical difficulty.

A. *Whether the granting of the variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.*

   The existing facility is a Kroger distribution center serving Kroger stores throughout Ohio, Michigan, and Indiana. The use is consistent with the M-2 zoning classification. The proposed addition is for storage of dry goods for distribution to the growing region and does not create a detriment to the public welfare.

B. *Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity,*

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narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions.

No such conditions exist

C. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. Mere loss in value or financial disadvantage to the property owner does not constitute conclusive proof of practical difficulty, there shall be deprivation of beneficial use of land.*

Construction of the ASRS will allow Kroger to remain competitive in the industry while maintaining their current facility. Without the improvements, the current facilities ability to serve the growing region is reduced.

D. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.*

The proposed building will be located 256' from the nearest property line and over 1,900' from the nearest residential dwelling. In addition, the visibility of the proposed structure from the surrounding roadways will be obscured by the existing tree lines, railroad tracks, and various buildings. As such, the adjoining properties will not suffer substantial detriment as a result of this variance.

In addition, the site is located outside of the Delaware Regional Airport overlay district.

E. *Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.*

The proposed variance does not impact the delivery of governmental services to the property or adjacent properties.

F. *Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.*

The property owner initially developed the property with knowledge of the existing height restriction. However, in an effort to stay competitive in the ever changing grocery industry, The Kroger Co is committed to new technology to allow their logistics operation to be more efficient. The installation of the ASRS is one of the technologic innovations and was not anticipated when the original facility was zoned and developed.

G. *Whether special conditions or circumstances exist as a result of actions of the owner.*

No special conditions exist.

H. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance.*

Bird+Bull Engineers & Surveyors

In the ever-changing grocery industry, Kroger must invest in new technology and continue to upgrade and improve their current facility to stay competitive. What makes the ASRS economical is the ability to store vertically and utilize a single automated retrieval system. A lower height building would require a larger footprint and second automated retrieval system. This would more than double the cost of the improvements, making the system non-economical. If Kroger is unable to construct the new system, the current facility would very quickly become obsolete, forcing Kroger to consider other options and other facilities for their logistics operations.

I. *Whether there is evidence of variances granted under similar circumstances.*

None known at this time.

J. *Whether the granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish that purpose.*

The requested 125' building height is necessary to achieve the amount of storage volume required to meet Kroger's projected needs. As such, the height requested is the minimum to accomplish the proposed improvement. Without the variance, there is no benefit to the proposed improvements at this location and Kroger may consider moving such operations to a different facility.

K. *Whether the proposed variance would impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.*

Given the distance from adjacent properties, and the fact that the Kroger Distribution facility is already established and in operation, we do not feel the expansion will impair property values, or endanger the public safety. Nor will the improvements significantly alter the existing site lines of the adjacent properties as the ASRS will only occupy a small portion of the existing land several hundred feet from adjacent properties. US -36 is designed to handle the existing truck traffic from the facility and the expansion will not send additional trucks on to the adjacent roadway system.

L. *Whether the granting of the variance requested would confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.*

No special privilege exists. The requested height variance will apply to the ASRS system only, and not to the existing distribution facility or future improvements to the site.

Respectfully,
Bird+Bull, Inc.

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Bird+Bull Engineers & Surveyors

Andrew A Gardner, P.E., CPESC
Vice President – Director of Private Development

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SITE DEVELOPMENT INFORMATION

ZONING:

PROPERTY OWNER:	THE KROGER CO.
PROPERTY USE:	COMMERCIAL WAREHOUSE
SITE ACREAGE:	162.29 AC.
PARCEL:	418220010070000
COUNTY:	DELAWARE
JURISDICTION:	CITY OF DELAWARE
EXISTING ZONING:	M-2, GENERAL MANUFACTURING DISTRICT
HEIGHT RESTRICTION:	50'

ADJACENT ZONING NORTH:	B-3, COMMUNITY BUSINESS DISTRICT
ADJACENT ZONING SOUTH:	N/A
ADJACENT ZONING EAST:	A-1, AGRICULTURAL DISTRICT
ADJACENT ZONING WEST:	M-1, LIGHT MANUFACTURING DISTRICT

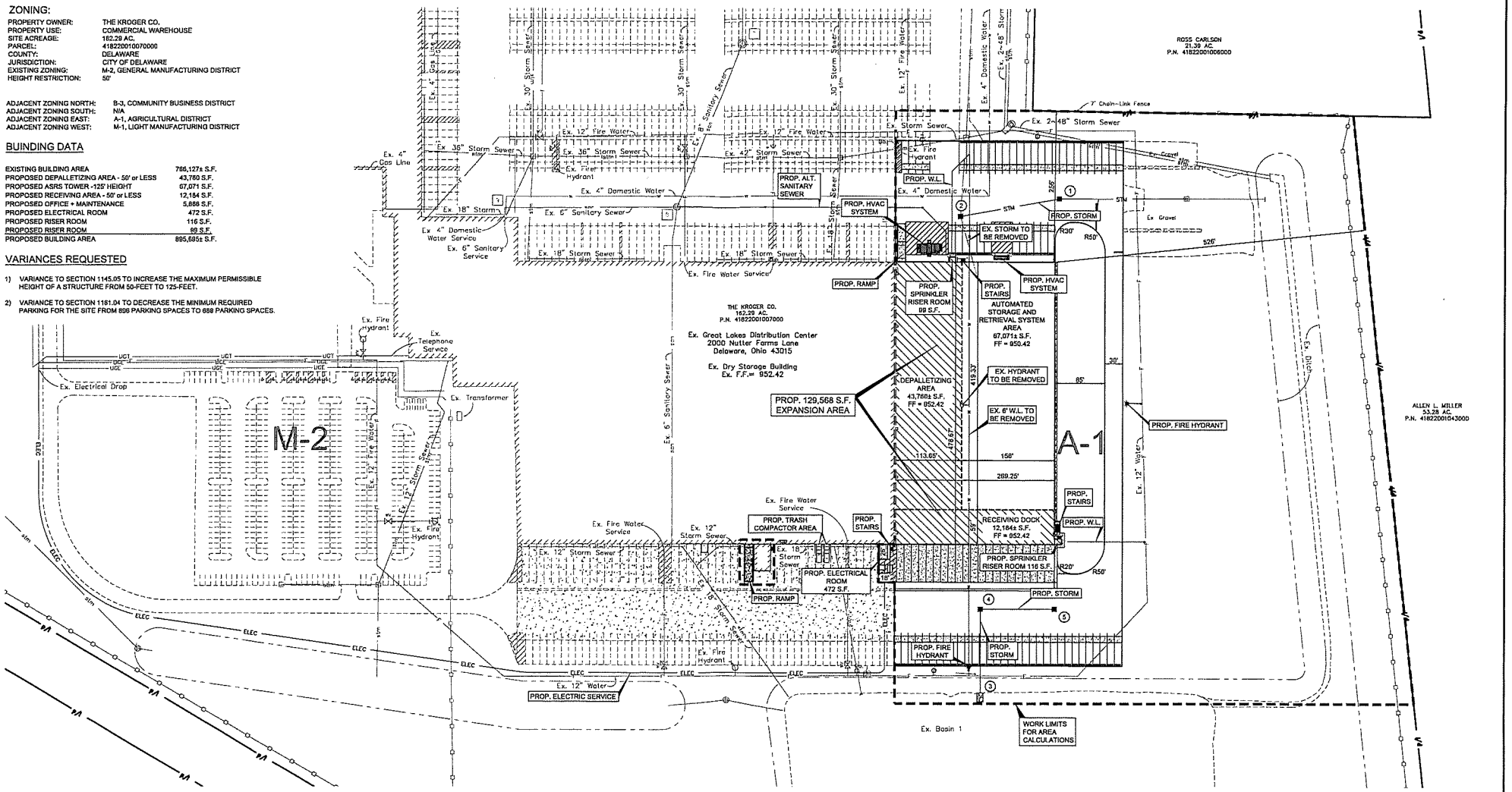
BUINDING DATA

EXISTING BUILDING AREA	786,127± S.F.
PROPOSED DEPALLETIZING AREA - 50' or LESS	43,760 S.F.
PROPOSED ASRS TOWER -125' HEIGHT	67,071 S.F.
PROPOSED RECEIVING AREA - 50' or LESS	12,184 S.F.
PROPOSED OFFICE + MAINTENANCE	5,888 S.F.
PROPOSED ELECTRICAL ROOM	472 S.F.
PROPOSED RISER ROOM	116 S.F.
PROPOSED RISER ROOM	99 S.F.
PROPOSED BUILDING AREA	895,695± S.F.

VARIANCES REQUESTED

1) VARIANCE TO SECTION 1145.05 TO INCREASE THE MAXIMUM PERMISSIBLE HEIGHT OF A STRUCTURE FROM 50-FEET TO 125-FEET.

2) VARIANCE TO SECTION 1161.04 TO DECREASE THE MINIMUM REQUIRED PARKING FOR THE SITE FROM 898 PARKING SPACES TO 668 PARKING SPACES.



ARCHITECT
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WOODSTOCK, GA. 30189
PHONE: (770) 928-7120
EMAIL: TONY PITRONE

OWNER/DEVELOPER
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CINCINNATI, OH. 45202

ENGINEER/SURVEYOR
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PHONE: (614) 761-1661
FAX: (614) 761-1328
CONTACT: ANDREW GARDNER, P.E.
E-MAIL: AGARDNER@BIRDBULL.COM

REFERENCE BENCHMARK
BENCHMARKS WERE DERIVED FROM A VRS OBSERVATION OF MONUMENTS, PID DESIGNATION OF DI1698, CORS_ID OHUN AND ALL OTHER ELEVATION ARE BASED UPON THIS OBSERVATION.

ELEV.: 1,027.454'
(NAVD 88 REFERENCE DATUM)

BENCHMARK #1
NORTH BOLT ON FIRE HYDRANT (SEE DRAWING FOR LOCATION).

ELEV.: 950.08'

BENCHMARK #2
NORTH RIM OF SANITARY MANHOLE (SEE DRAWING FOR LOCATION).

ELEV.: 947.12'

LEGEND

- EXISTING BUILDING
- PROPOSED ASRS TOWER- HEIGHT 125'
- PROPOSED BUILDING EXPANSION AREA TO HAVE A 50' HEIGHT OR LESS.

SITE DATA TABLE

TOTAL SITE AREA	162.29 AC
TOTAL DISTURBED AREA	18.977 AC
PRE-DEVELOPED IMPERVIOUS	3.410 AC.
POST-DEVELOPED IMPERVIOUS	7.771 AC.

SCALE: 1" = 80'
0 80 160 240
GRAPHIC SCALE

Bird+Bull
3500 Snouffer Rd., Ste.225
Columbus, Ohio 43235
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Fax: (614) 761-1328
WWW.BIRDBULL.COM

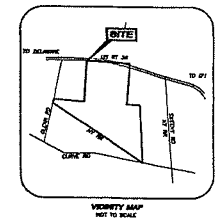
KROGER GREAT LAKES DISTRIBUTION CENTER EXPANSION
2000 NUTTER FARMS LANE
DELAWARE, OH 43015

FINAL DEVELOPMENT PLAN FOR ASRS EXPANSION

SCALE: 1" = 80'			JOB NO. 18-070	C1.5
DWN:SG	CKD:AAG	DATE: 2/11/2019		

DRG. SHT. SZ. 22"x 34"

H:\Jobs\2018\070\CADD\DWG\Design\Construction\PROPOSED SITE PLAN1.dwg 02/12/2019



VICINITY MAP
NOT TO SCALE

SCALE: 1"=200'

LAND DESCRIPTION

Situate in Section 2, Township 4 North, Range 18 West United States Military Lands, City of Delaware and Township of Berlin, County of Delaware, State of Ohio, and being a 63.371 acre tract out of a 115.10 acre tract of land conveyed to Robert J. and Susan J. Davidson by deed of record in Deed Book 636, Page 811 and all of a 99.353 (99.357 acres surveyed) acre tract of land conveyed to Glendel Partners by deed of record in Deed Book 602, Page 630 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Delaware County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows

Beginning at a railroad spike found at the intersection of the north line of the New York Central Railroad and the centerline of Glenn Road (Township Road 83) also being in the Corporation Line of the City of Delaware and being the southwest corner of said 99.353 acre tract,

thence along the centerline of said Glenn Road and a west line of said 99.353 acre tract North fifteen degrees thirty-two minutes fourteen seconds East (N15°32'14"E) for one hundred fifty and 18/100 feet (150.18') to spike found at the northwest corner of said 99.353 acre tract and the southwest corner of a 1.00 acre tract of land conveyed to Rodger Glenn by deed of record in Deed Book 331, Page 291, also being in the north line of Lot 28 and the south line of Lot 29,

thence leaving said centerline along the north line of said 99.353 acre tract and said Lot 28 and the south line of said 1.00 acre tract and the south line a 8.857 acre tract of land conveyed to Glenn Farm Partnership by deed of record in Official Record 84, Page 723 and said Lot 29 South eighty-six degrees twenty minutes three seconds East (S86°20'03"E) for one thousand two hundred twelve and 82/100 feet (1212.82') to a stone found at the southeast corner of said 8.857 acre tract and the southwest corner of said 115.10 acre tract,

thence along the east line of said 8.857 acre tract, the east line of a 8.736 acre tract of land conveyed to Glenn Farm Partnership by deed of record in Official Record 84, Page 723, the east line of a 67.5 acre tract of land conveyed to Nutter Farm, Inc. by deed of record in Deed Book 636, Page 608, and the west line of said 115.10 acre tract North three degrees nineteen minutes forty seconds East (N03°19'40"E) for one thousand six hundred fifty-one and 01/100 feet (1651.01') to a cross set on a stone on the north line of said Lot 29 also being in the north line of Berlin Township and the south line of Brown Township,

thence on a new dividing line across said 115.10 acre tract and along the north line of said Lot 29 and said Berlin Township and the south line of said Brown Township and said Lot 17 South eighty-six degrees forty-eight minutes fifteen seconds East (S86°48'15"E) for one thousand seven hundred twenty-two and 33/100 feet (1722.33') to an iron pin set on a west line of a 23.35 acre tract of land conveyed to Ralph R. and Marie J. Ornstein by deed of record in Deed Book 327, Page 400 and the east line of said 115.10 acre tract also being in said Corporation Line of the City of Delaware,

thence leaving the north line of said Lot 29 and said Berlin Township and the south line of said Brown Township, along a west line of said 23.35 acre tract and an east line of said 115.10 acre tract, also along said Corporation Line of the City of Delaware for the following seven (7) courses

1.) South four degrees thirty-nine minutes thirteen seconds West (S04°39'13"W) for two hundred one and 86/100 feet (201.86') to an iron pin set,

2.) South eighty-five degrees fifty minutes forty-seven seconds East (S85°50'47"E) for sixteen and 34/100 feet (16.34') to an iron pin set being on the east line of said Lot 29,

3.) along the east line of said Lot 29 South four degrees thirty-nine minutes thirteen seconds West (S04°39'13"W) for one thousand four hundred sixty-three and 55/100 feet (1463.55') to an iron pin set at the southwest corner of said 23.35 acre tract and the southeast corner of said 115.10 acre tract, said point also being at the southeast corner of said Lot 29, the northeast corner of said Lot 28, the southwest corner of Lot K, and the northwest corner of Lot M, and in the north line of said 99.353 acre tract,

4.) along the south line of said 23.35 acre tract and the south line of Lot K being the north line of said Lot M, the north line of said 99.353 acre tract South eighty-six degrees twenty minutes three seconds East (S86°20'03"E) for five hundred fifty-two and 70/100 feet (552.70') to an iron pin set marking the northeast corner of said 99.353 acre tract and the northwest corner of a 40.60 acre tract as conveyed to Allen L. Miller by deed of record in Deed Book 336, Page 182,

5.) leaving the north line of said Lot M and the south line of said Lot K along the west line of said 40.60 acre tract and the east line of said 99.353 acre tract South two degrees twenty-nine minutes twenty-three seconds East (S02°29'23"E) for two thousand three hundred thirty-three and 39/100 feet (2333.39') to an iron pipe found in the north line of the New York Central Railroad, being the south west corner of said 40.60 acre tract and the southeast corner of said 99.353 acre tract,

6.) along the north line of said New York Central Railroad and the south line of said 99.353 acre tract on a curve to the left with a radius of one thousand nine hundred sixty and 00/100 feet (1960.00') for an arc distance of thirty-five and 44/100 feet (35.44'), chord bearing North fifty-five degrees forty-two minutes twenty-five seconds West (N55°42'25"W) for thirty-five and 44/100 feet (35.44'), delta angle of said curve being one degree two minutes nine seconds (1°02'09") to an iron pipe found,

7.) continuing along the north line of said New York Central Railroad and the south line of said 99.353 acre tract North fifty-six degrees thirteen minutes thirty seconds West (N56°13'30"W) for four thousand two hundred ninety-five and 71/100 feet (4295.71') to the POINT OF BEGINNING, containing one hundred sixty-four and 728/1000 (164.728) acres, more or less, (being 63.371 acres in Lot 29, 0.119 acres in Lot 27, 67.504 acres in Lot 28 and 31.734 acres in Lot M), subject however to all covenants, conditions, restrictions, reservations, rights-of-way, and easements contained in any instrument of record pertaining to the above described tract of land

This description was prepared from a field survey performed by Woolpert LLP in June 2001, with bearings based upon Ohio State Plane Coordinates (NAD 83) North Zone. All iron pins set are 5/8" iron pins with plastic caps stamped Woolpert LLP

TITLE COMMITMENT NOTES FOR NO. 00-2489-43

#10 – SITE IS SUBJECT TO EASEMENTS AND CURB CUT LOCATION IN ACCORDANCE WITH REZONING APPLICATION NO. 9791 EASEMENTS AND CURB CUTS SHALL TERMINATE UPON SUBSEQUENT REZONING OF THE PROPERTY. DV 636, PAGE 377

#11 – EASEMENT DOES NOT ENTER SITE. LV 8, PAGE 182

#12 – RIGHT-OF-WAY DOES NOT ENTER SITE. DV 191, PAGE 43

#13 – EASEMENT DOES NOT ENTER SITE. DV 302, PAGE 444

#14 – SITE WAS SUBJECT TO A THREE YEAR OIL AND GAS LEASE FOR THE PORTION OF THE SITE LOCATED WITHIN LOT 29. LV 42, PAGE 85

#15 – EASEMENT DOES NOT ENTER SITE. DV 302, PAGE 486

#16 – THE PORTION OF THE SITE WITHIN LOT 28 AND PART OF LOT M IS SUBJECT TO A LETTER OF UNDERSTANDING AND DEVELOPMENT AGREEMENT WHICH REFERS TO PROPOSED SITE IMPROVEMENTS AND EASEMENTS. PLEASE SEE DOCUMENT RECORDED IN OR 31, PAGE 253

#17 – SITE IS SUBJECT TO AN EASEMENT TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY FOR PLACEMENT OF POLES AND GUYS WITHIN THE ROAD RIGHT-OF-WAY. DV 220, PAGE 660

#18 – SITE IS SUBJECT TO A BLANKET EASEMENT, UNSPECIFIED LOCATION, TO DEL-CO WATER COMPANY INC. DV 357, PAGE 417

#19 – SITE IS SUBJECT TO EASEMENT TO SINCLAIR REFINING COMPANY OVER GAS LINES, NO LOCATION OR WIDTH SPECIFIED. SEE SURVEY FOR LOCATION OF GAS LINES, IF ANY. DV 206, PAGE 353

#20 – SITE IS SUBJECT TO EASEMENT TO SOUTHERN OHIO ELECTRIC COMPANY FOR PLACEMENT OF POLES, GUYS, AND ANCHORS WITHIN THE RIGHT-OF-WAY. LV 10, PAGE 20

CERTIFICATION:

THE UNDERSIGNED HEREBY CERTIFIES TO LAWYERS TITLE INSURANCE CORPORATION, THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(A), 7(B)(1), 7(C), 8, 9, 10, 11A, 13, 14, 15 AND 16 OF TABLE A THEREOF, AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION THE UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS OF SURVEY MEASUREMENTS WHICH CONTROL BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

WOOLPERT LLP

STEVEN W. NEWELL
OHIO REGISTERED SURVEYOR NO. 7212

8/13/01
DATE

STATE OF OHIO – STEVEN WAYNE NEWELL – S-7212 – PROFESSIONAL SURVEYOR

REFERENCE DOCUMENTS

DV 602 PG 630
DV 636 PG 182
DV 331 PG 290
DV 84 PG 723
DV 636 PG 608
DV 636 PG 811
DV 327 PG 400
DV 457 PG 879

SURVEY NOTES

TOPOGRAPHIC FEATURES SHOWN HEREON ARE BASED UPON A FIELD SURVEY PERFORMED BY WOOLPERT ON JUNE 2001

THE LAND DEPICTED HEREON IS LOCATED WITHIN ZONE "X" (AREAS AS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN), AS OBTAINED AND SHOWN ON FLOOD INSURANCE RATE MAP PANEL 120, MAP NUMBER 39041C0120 J, WITH EFFECTIVE DATE APRIL 21, 1999.

LOCATION OF UNDERGROUND UTILITY LINES SHOWN HEREON ARE BASED ON FIELD LOCATION OF PHYSICAL STRUCTURES OR BY PLANS PROVIDED BY UTILITY COMPANIES. NO EXCAVATIONS WERE MADE TO VERIFY UNDERGROUND LOCATIONS. UNDERGROUND EXCAVATION WILL NEED TO BE COORDINATED WITH O U P S AT THE TIME OF EXCAVATION

IRON PINS SET ARE 5/8" REBAR, 30" IN LENGTH WITH A PLASTIC PLUG PLACED ON TOP INSCRIBED WITH THE NAME "WOOLPERT LLP", UNLESS OTHERWISE NOTED HEREON

EASEMENTS SHOWN ON THIS PLAN ARE TAKEN FROM TITLE COMMITMENT PROVIDED BY LAWYERS TITLE INSURANCE CORPORATION NO. 01-2188-43, DATED JUNE 22, 2001 AND NO. 00-2489-43, DATED NOVEMBER 16, 2000

SURVEY DATA:

HORIZONTAL DATUM – BASED OHIO STATE PLANE COORDINATES – NORTH ZONE NAD83 (1995)

VERTICAL DATUM – NAVD88

ZONING:

SUBJECT PROPERTY IS CURRENTLY ZONED

LEGEND

Symbol	Description
	FIBER OPTIC LINE
	WATER VALVE
	TELEPHONE
	TELEPHONE POLE
	TELEPHONE AND POWER POLE
	TELEPHONE PEDESTAL
	GAS UTILITY MARKER
	FOUND IRON PIN
	FOUND HIGHWAY MONUMENT
	FOUND IRON PIN WITH CAP
	FOUND IRON PIPE
	FOUND PKNAIL
	FOUND STONE
	FOUND RAILROAD SPIKE
	FOUND RIGHT-OF-WAY MARKER
	SOIL BORING HOLE
	SIGN
	TREE
	PINE TREE

AREA SUMMARIES

CITY OF DELAWARE: 164.728 ACRES

LOT 29	63.371 ACRES
LOT 27	0.119 ACRES
LOT 28	67.504 ACRES
LOT M	31.734 ACRES
TOTAL	164.728 ACRES

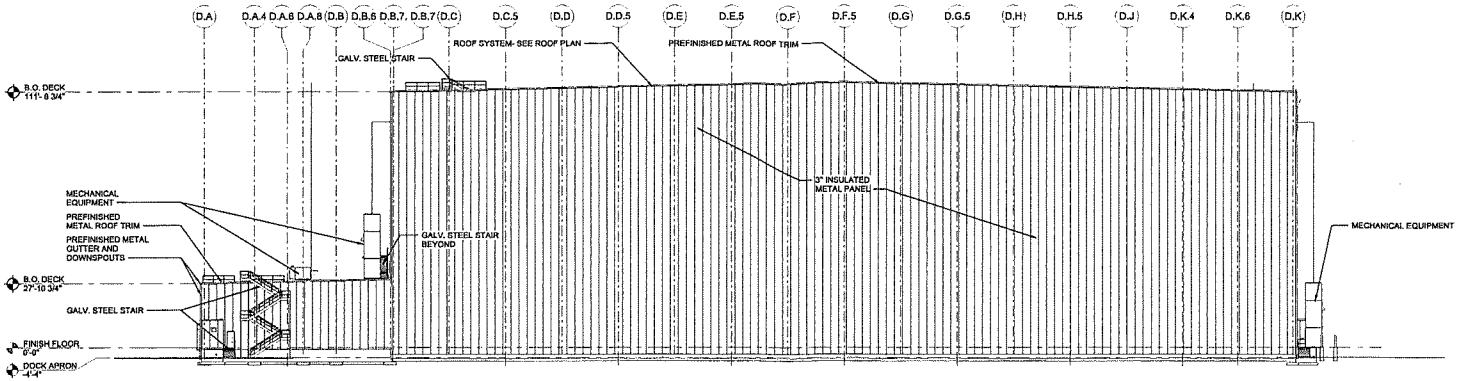
PROJECT No.	No.	DATE	REVISION
DATE 7/16/01	1	8/10	REMOVED MILLER FROM BOUNDARY
SCALE As Shown	2	8/31	ADDED R/W RT 36
DES. SWN			
DR. CTJ			
CKD. DVK			

WOOLPERT LLP
2760 Airport Drive, Suite 140
Columbus, Ohio
43219-2284
614.476.6000
WOOLPERT FAX: 614.476.6225

SAILS DISTRIBUTION CENTER - GLENN ROAD
164.728 ACRES
SECTIONS 2, TOWNSHIP 4 N, RANGE 18 W USML
BERLIN TOWNSHIP AND CITY OF DELAWARE, OHIO

ALTA/ACSM LAND TITLE SURVEY

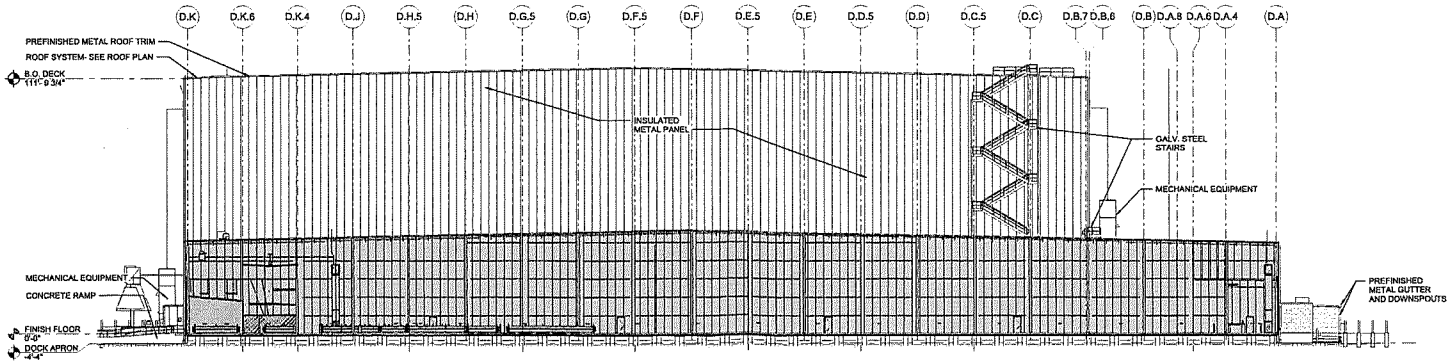
SHEET NO.
1 of 1



1 A2.1 OVERALL EAST ELEVATION

0' 10' 20' 40' 60' 80'

SCALE: 1" = 20'-0"



2 A2.1 OVERALL WEST ELEVATION

0' 10' 20' 40' 60' 80'

SCALE: 1" = 20'-0"

michael d. jones, AIA
architect
8294 Highway 92, Suite 220
Woodstock, GA 30189
tel. 770.575.5790

PRIMUS BUILDERS, INC.
8294 Highway 92, Suite 210
Woodstock, GA 30189
tel. 770.928.7120
www.primusbuilders.com

A Warehouse Expansion For:

CONFIDENTIAL CLIENT

date	description
02/11/2019	ZONING VARIANCE
11/08/2018	ISSUED FOR CA PRICING

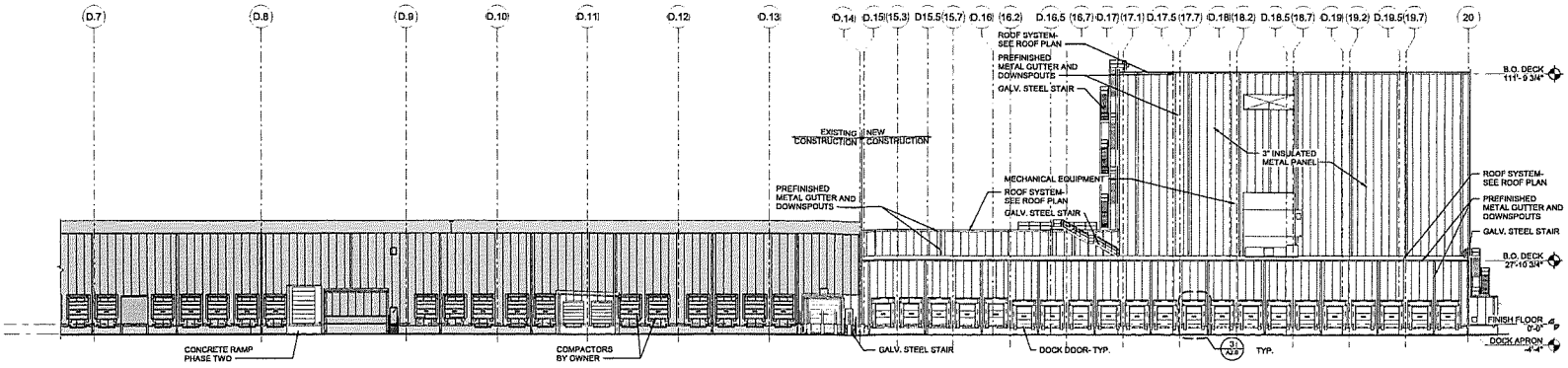
drawing status

project no. 18-032

seal

title
EXTERIOR ELEVATION

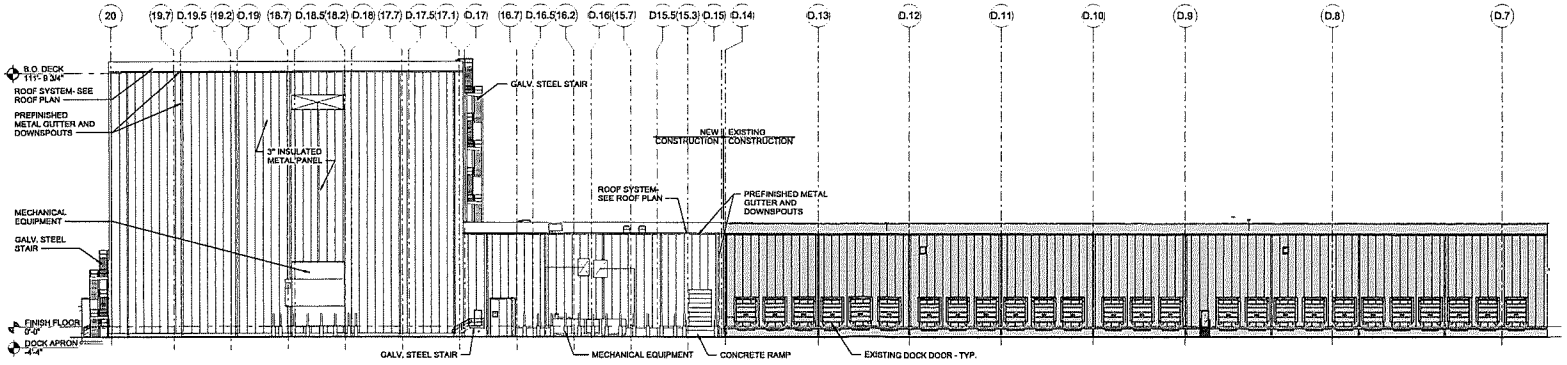
sheet
A2.1



1 A2.0 OVERALL SOUTH ELEVATION

0' 10' 20' 40' 60' 80'

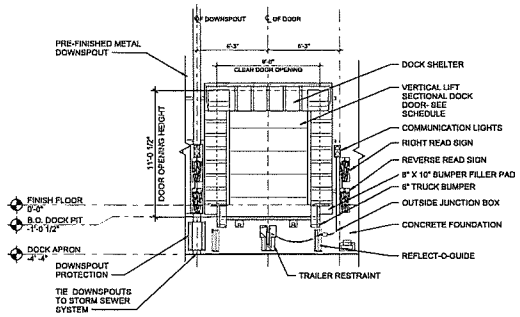
SCALE: 1" = 20'-0"



2 A2.0 OVERALL NORTH ELEVATION

0' 10' 20' 40' 60' 80'

SCALE: 1" = 20'-0"



3 A2.0 ENLARGED DOCK DOOR ELEV. - SHELTER

SCALE: 1/4" = 1'-0"

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A Warehouse Expansion For:

CONFIDENTIAL CLIENT

date	description
02/11/2019	ZONING VARIANCE
11/08/2018	ISSUED FOR CA PRICING

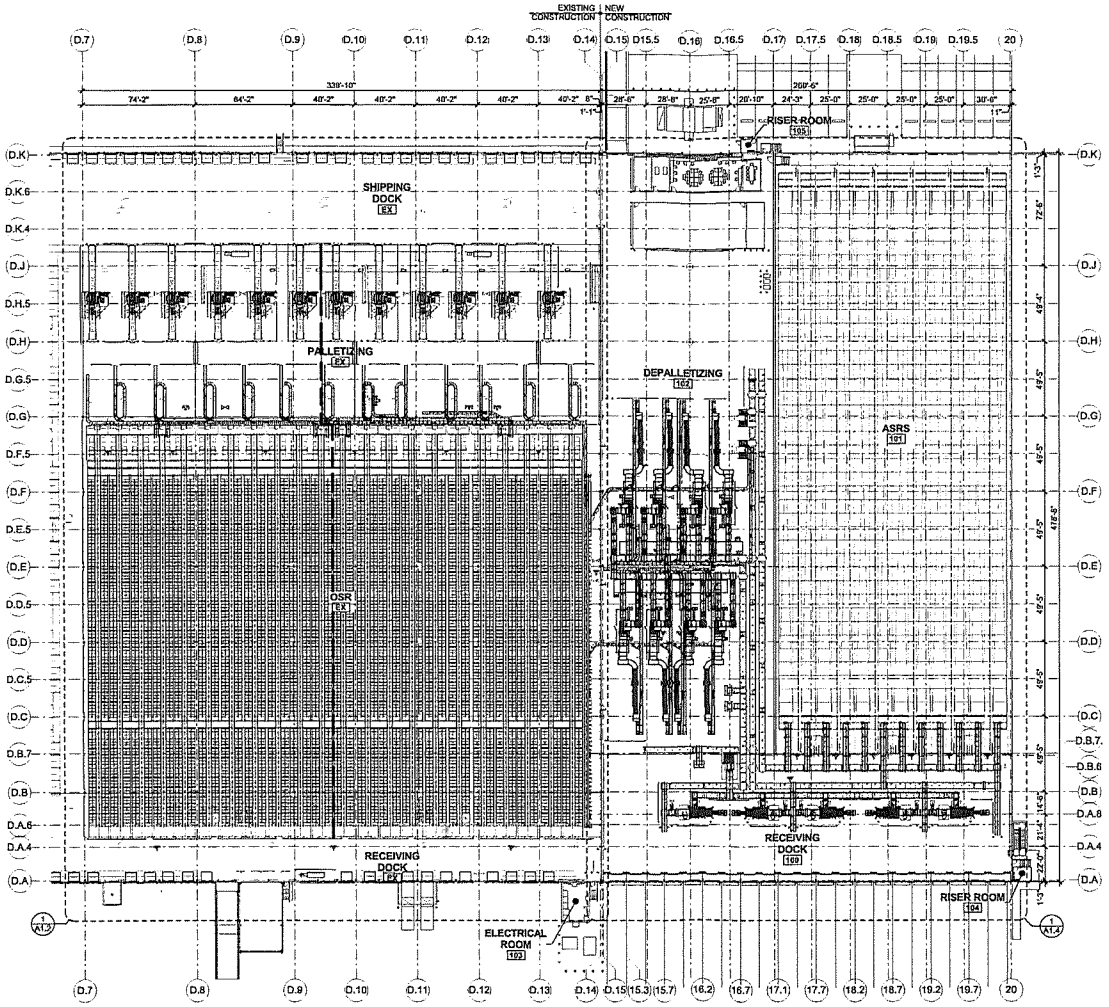
drawing status

project no. 18-032

seal

title
EXTERIOR ELEVATIONS

sheet A2.0



BUILDING AREA SUMMARY

SPACE	AREA
DEPALLETIZING	43,760 SF
ASRS	67,071 SF
RECEIVING DOCK	12,184 SF
OFFICE + MAINTENANACE	5,856 SF
ELECTRICAL ROOM	472 SF
RISER ROOM	116 SF
RISER ROOM	99 SF
	129,558 SF
EXISTING OSR RENOVATION	131,281 SF
EXISTING RECEIVING DOCK	10,050 SF
EXISTING SHIPPING DOCK	21,948 SF
	163,278 SF
GRAND TOTAL	292,946 SF

1 A1.1 PARTIAL FLOOR PLAN

SCALE: 1" = 30'-0"

NORTH

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tel. 770.575.5790

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A Warehouse Expansion For:

CONFIDENTIAL CLIENT

date	description
02/11/2019	ZONING VARIANCE
11/08/2018	ISSUED FOR CA PRICING

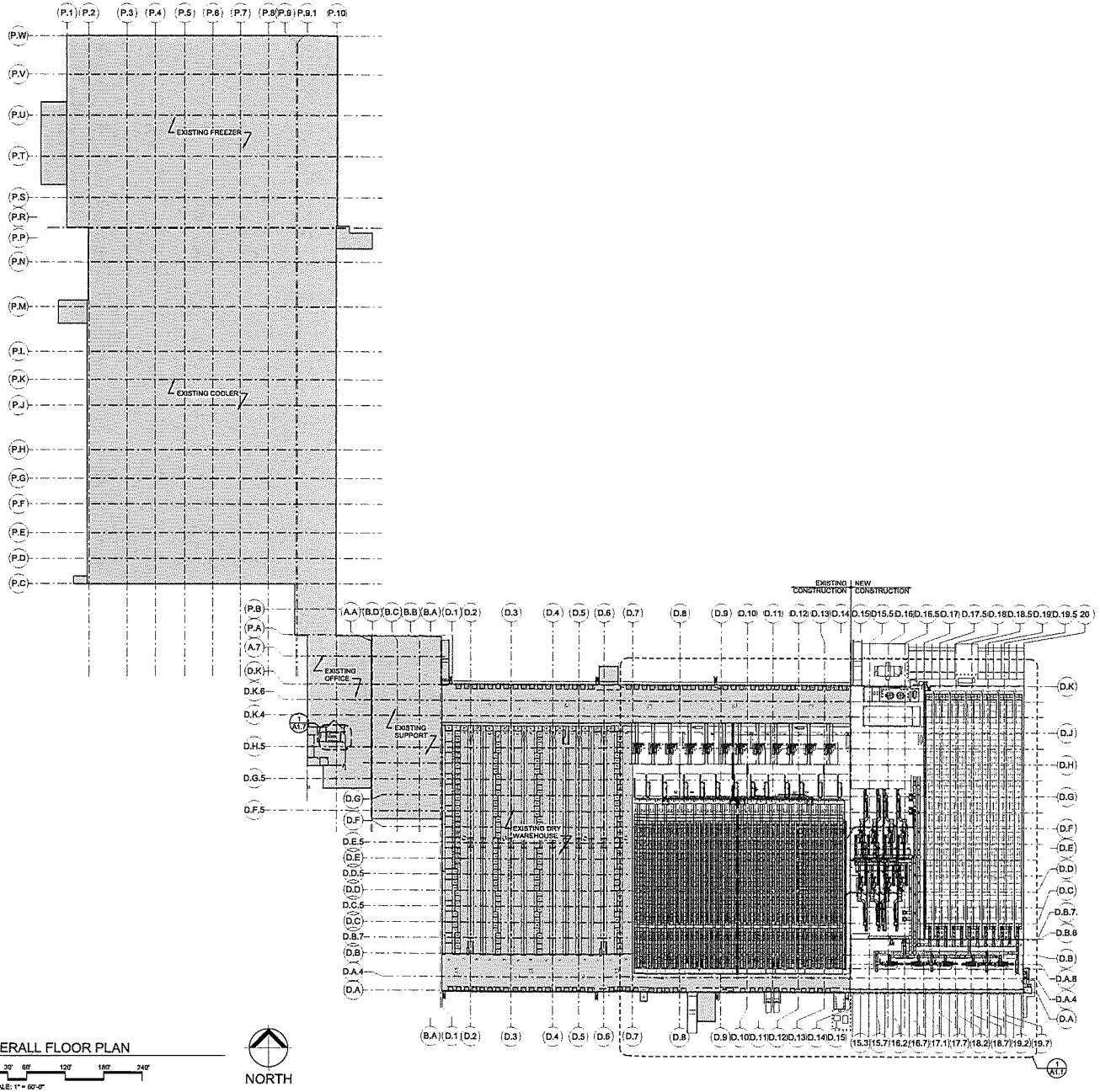
drawing status

project no. 18-032

seal

title
PARTIAL FLOOR PLAN

sheet
A1.1



1 A1.0 OVERALL FLOOR PLAN

0' 30' 60' 120' 180' 240'

SCALE: 1" = 60'-0"

NORTH

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A Warehouse Expansion For:

CONFIDENTIAL CLIENT

date	description
02/11/2019	ZONING VARIANCE
11/05/2018	ISSUED FOR CA PRICING

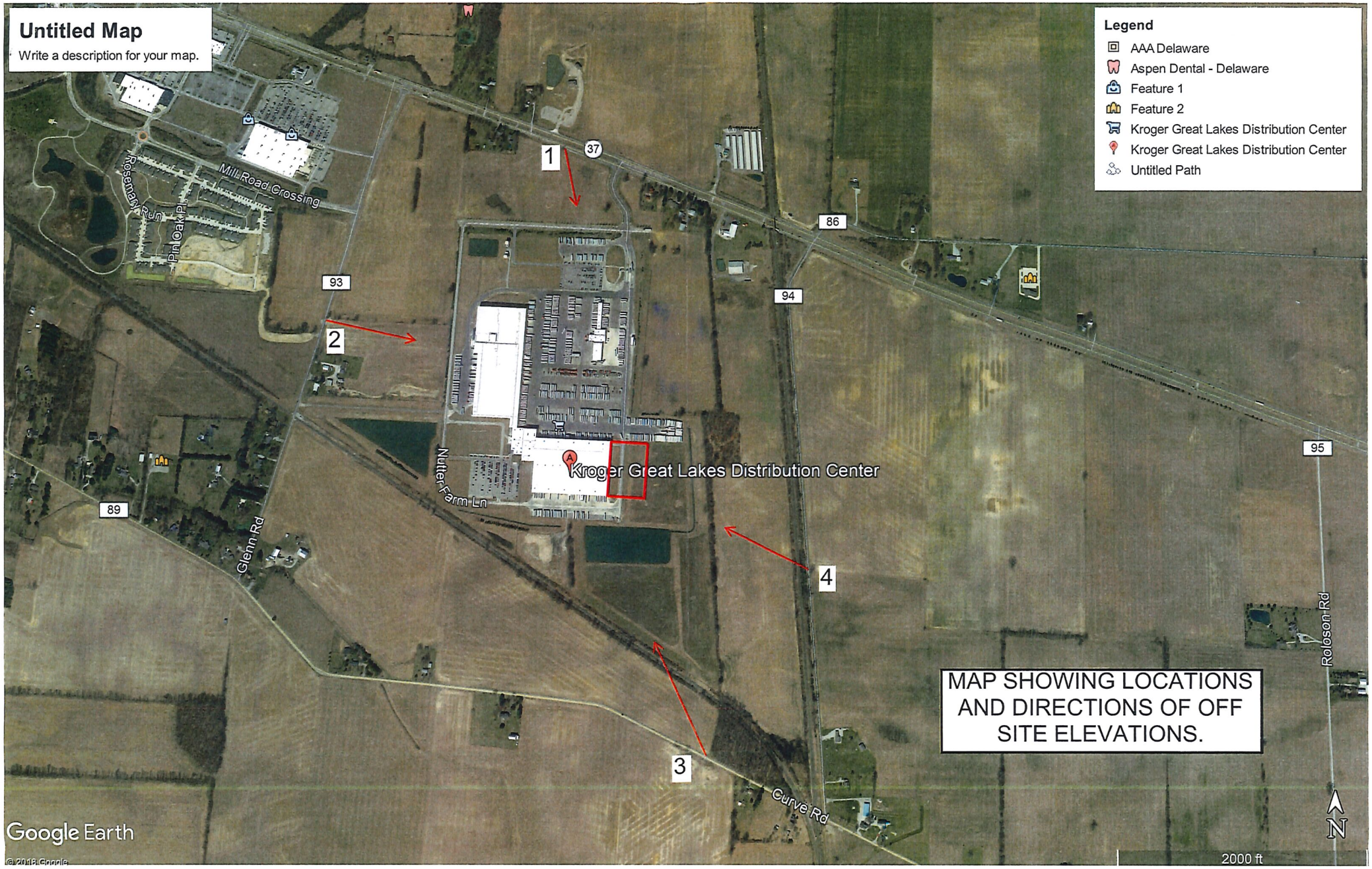
drawing status

project no. 18-032

seal

title
OVERALL FLOOR PLAN

sheet
A1.0


Untitled Map
Write a description for your map.
Legend
AAA Delaware
Aspen Dental - Delaware
Feature 1
Feature 2
Kroger Great Lakes Distribution Center
Kroger Great Lakes Distribution Center
Untitled Path
1
2
3
4
37
86
93
94
95
89
Mill Road Crossing
Rosemary Run
Pin Oak Pl
Nutter Farm Ln
Glenn Rd
Curve Rd
Roloson Rd
Kroger Great Lakes Distribution Center
MAP SHOWING LOCATIONS AND DIRECTIONS OF OFF SITE ELEVATIONS.
Google Earth
2000 ft
N

EST 1808
CITY OF
DELAWARE
OHIO

PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2019-0253
REQUEST: Conditional Use Permit
PROJECT: Major Home Occupation
MEETING DATE: March 13, 2019

APPLICANT/OWNER
Wendy Schiefer
152 Wilder Street
Delaware, Ohio 43015

REQUEST
2019-0253: A request by Wendy Schiefer for approval of a Conditional Use Permit for a Major Home Occupation at 152 Wilder Street on approximately 3.866 acres and zoned R-3 (One-Family Residential District).

PROPERTY LOCATION & DESCRIPTION
The existing house is located at 152 Wilder Street at the corner of Wilder Street and Smith Street, south of Joy Avenue and east of Channing Street. The subject property is zoned R-3 (One-Family Residential District) as are the properties to the north, south, east, and west.

BACKGROUND
The neighborhood surrounding the project area is a well-established, irregularly platted residential neighborhood. The project site is 3.866 acres with an approximately 3,700 square foot home that was constructed in 2015 per the Delaware County Auditor's Office. The plat for this neighborhood was approved in 1852 by City Council and is now fully built-out. A majority of parcels within this neighborhood have an approximate area of 0.2 acres and a few parcels with an area over 1 acre. The project site is the only parcel within this neighborhood that has an area over 3 acres. A railroad adjoins the neighborhood and the subject parcel to the southwest. The applicant is proposing to operate a major home occupation canine obedience training facility at her residence. In addition, the site has been well maintained and there are currently no outstanding building or zoning issues.

STAFF ANALYSIS

- **ZONING: Section 1134.02 Residential District Regulations – Major Home Occupation:** Per Schedule 1134.02 a home occupation use such as a canine obedience training facility in a R-3 zoning district requires Conditional Use Permit approval by the Board of Zoning Appeals according to the procedures set forth in Chapter 1129.
    - Per Chapter 1154.02 of the zoning code, home occupations that may have a noticeable impact on the surrounding residential area, such as a canine obedience training facility, shall achieve compliance with the "Standards for Major Home Occupations" and "General Regulations for All Home Occupations" which both require Conditional Use Permit approval by the Board of Zoning Appeals.
    - Furthermore, a Conditions Use Permit shall achieve compliance with Section 1148.02 "General Criteria for All Conditional Uses".
- **SITE CONFIGURATION:** The approximate 3,700 square foot existing house is located at the corner of Wilder Street and Smith Street. The major home occupation would take place in the existing shed and fenced area to the rear corner of the property. There would be no exterior changes made to this property for the major home occupation. The site has a three car garage and driveway with a parking pad that would provide a minimum of two off-street parking spaces for this use in addition to meeting the minimum parking requirements for the house itself. Private lessons will be mostly held at the client's home, however, there will be some group training at the canine obedience training facility that shall not exceed more than 3 owner/dog teams at any one time. All of the group dog training will be held by appointment between the hours of 9:00am and 8:00pm, Monday-Saturday. The applicant anticipates a maximum of 10 client visits per week and shall not exceed the limit of 8 customers a day. In addition, the applicant indicated that there shall not be any kenneling of dogs, or other animals, on this property.

- **CONDITIONAL USE PERMIT REVIEW**
  - **STANDARDS FOR MAJOR HOME OCCUPATIONS**

    1. Signage as permitted pursuant to Section 1165.05.
       - *There is no signage proposed.*
    2. Two (2) off-street parking spaces shall be provided, unless additional spaces are required by the Board of Zoning Appeals. Required parking shall not be provided in the front yard, except for the driveway (which may be used to fulfill this requirement).
       - *There is an existing three car garage and driveway with a 4 car parking pad that could accommodate the required two off-street parking spaces and the needed 3 client spaces. The canine obedience training facility would only need to accommodate a maximum of three customers at a time which will likely negate the need for any additional parking spaces.*
    3. On-site customer/client contact is limited to one appointment at any time not to exceed eight (8) visits per day, except day care facilities, which may have more than eight (8), if approved by the Board of Zoning Appeals.
       - *The owner is planning on having a maximum of 3 customers at a time with a maximum of 10 customers a week. While this request exceeds the maximum of one appointment at a time allowed, the business plan relies upon the ability to have a group of dogs at the same time in order to teach proper behavior while in a crowd. The existing site conditions not only can accommodate this level of traffic, but also provides sufficient landscaping and setbacks from neighboring residential properties. In addition, the Board might consider some reasonable hours of operation restrictions as well, the applicant proposes hours between 9:00am and 8:00pm, Monday-Saturday.*
    4. Major home occupations are permitted two (2) employees who are not residents of the household and may have additional employees who are not residents of the household, if approved by the Board of Zoning Appeals.
       - *The proposed canine obedience training facility only includes one employee and it would be the owner of the property.*

  - **GENERAL REGULATIONS FOR ALL HOME OCCUPATIONS**

    1. No more than twenty-five percent (25%) of the gross area of such residence may be used for the home occupation (bed-and-breakfast and day care uses are exempt from this provision) and no more than 400 square feet of the residence may be used for the home occupation. No more than 600 square feet of either an attached garage or detached accessory building, but not both, may be used for the home occupation. Due to its nature, day care may be conducted throughout the residence.
       - *The proposed canine obedience training facility will only be within the existing shed (420 square feet) and fenced area, which meets the maximum standards.*
    2. No use shall require either internal or external alterations or involve construction features or use of electrical or mechanical equipment that would result in a lower fire rating of the structure.
       - *The proposal does not include any internal or external alterations, which shall not result in a lower fire rating per the Chief Building Official.*
    3. Except for drop-off activities, the use may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time.
       - *The proposed canine obedience training facility will potentially have up to a maximum of 3 customers at a time. This number of owner/dog teams is a necessity for this business practice in order to facilitate proper interaction between dogs in a group. While this may lead to an excess of 2 vehicles at a time, the existing driveway and parking pad can more than accommodate this level of traffic.*

4. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or by the emission of sounds, noise, vibration, dust, smell, smoke, glare, electrical interference, or any other hazard or nuisance to any greater extent than experienced in an average residential neighborhood.
    - *The proposed canine obedience training facility will be within an existing shed and use an existing fenced area. These existing amenities fit in with the surrounding residential character of the neighborhood. The proposed home occupation could result in the increase of noise from this property, however, the large property provides ample room for the canine obedience training facility to be properly setback from the neighboring properties. In addition, there is a sufficient number of mature trees to provide adequate screening from the proposed use. Other City regulations afford homeowners to have no more than 3 dogs on their property, in their ownership. Thus, if each client only had one dog, there would be 3 total dogs with the home occupation on site at a time. The Board might consider adding a restriction to the total maximum number of dogs with the home occupation allowed on site at any one time.*
5. There shall be no exterior storage, display, use or activity of any kind related to the home occupation.
    - *There will be no exterior storage, display, or activity other than the existing fenced area.*
6. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer trucks are permitted.
    - *The proposed canine obedience training facility is a professional service that will not require deliveries by tractor/trailer trucks.*
7. Storage of combustible or flammable matter, accumulation of rubbish, wastepaper, cartons, or boxes, in excess of normal home activities is prohibited.
    - *The proposed canine obedience training facility will not likely accumulate such matter and/or debris.*
8. The repair, detailing, and/or painting of automobiles, trucks, recreational vehicles, trailers, motorcycles and/or boats are prohibited.
    - *The proposed canine obedience training facility will not include the repair, detailing, or painting of any vehicles.*

- **GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS**

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
    - *The proposed canine obedience training facility will be located within an existing shed and fenced area which appear to be constructed in a manner that would be harmonious with the existing neighborhood.*
2. Will not be detrimental to property values in the immediate vicinity.
    - *The proposed use would not likely be detrimental to property values in the immediate vicinity with recommended staff conditions.*
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
    - *The proposed use would not likely adversely impact adjacent property owners.*
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
    - *The existing driveway would accommodate the proposed use and the regulations on maximum customers would likely prevent an adverse effect on traffic.*
5. Will be properly landscaped in accordance with Chapter 1166.
    - *The proposed use does not require any landscaping.*
6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

- *The proposed use will not likely be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or community.*

7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
   - *The proposed use would not likely impede improvements of the surroundings properties.*
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
   - *The existing utilities, access road, drainage and facilities would be sufficient for the proposed use.*
9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.
   - *The proposed use will not adversely impact traffic when limited to a maximum of 8 customers per day and no more than 3 at any one time.*
10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
    - *The proposed use would not adversely impact the economic welfare of the community.*
11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.
    - *The surrounding residential uses would not create a hardship for the proposed canine obedience training facility.*

CONCLUSION

Staff would support the Conditional Use Permit request, if the adjacent neighbors are not significantly opposed, because the canine obedience training facility appears to substantially achieve compliance with the "Standards for Major Home Occupations, "General Regulations for All Home Occupations" and "General Review Criteria for All Conditional Use Permits" with the recommended staff conditions. The Board should consider adding a condition that no more than 3 dogs are allowed on site at any one time with the home occupation.

STAFF RECOMMENDATION (2019-0253 – CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Wendy Schiefer for a Conditional Use Permit for a Major Home Occupation at 152 Wilder Street on approximately 3.866 acres and zoned R-3 (One-Family Residential District) with the following conditions that:

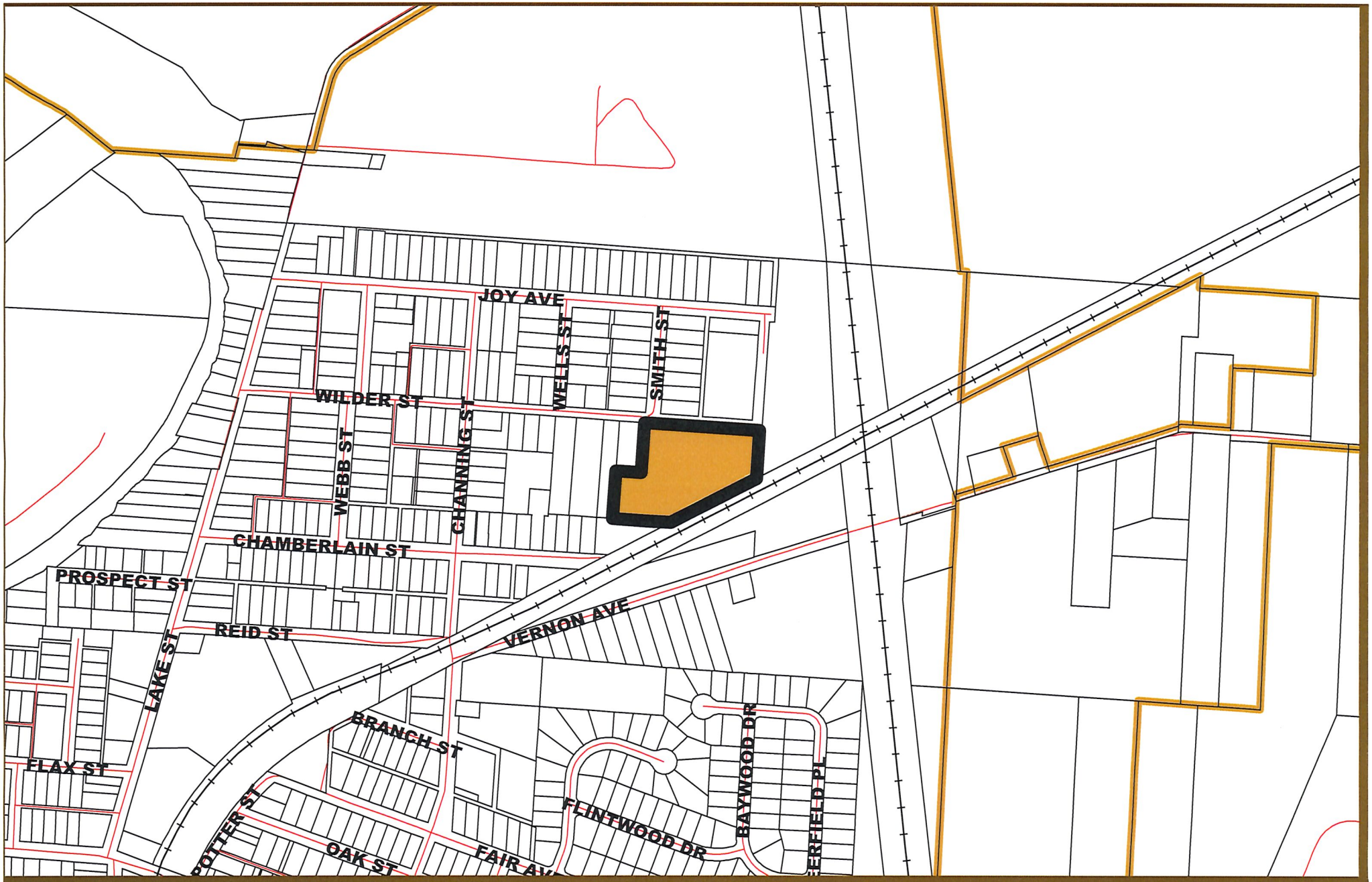
1. No on-site signage or advertising for the canine obedience training facility shall be permitted.
2. There shall be no additional exterior lighting for the canine obedience training facility in excess of the building code and ADA requirements.
3. The subject home occupation shall be limited to a canine obedience training facility only - no other home occupation use shall be permitted.
4. The subject home occupation shall not result in the overnight stay of any animals.
5. The number of canine obedience training facility customers shall not exceed 8 per day and no more than 3 at any one time.
6. The canine obedience training facility shall be limited to training only canines.
7. The existing landscaping shall be maintained in order to provide sufficient screening from the proposed use.
8. There shall be a fire extinguisher at the entrance of the canine obedience training facility per the Fire Department.
9. The Conditional Use Permit shall expire when ownership of the property or business changes.
10. The homeowner's association (if any) shall approve the home occupation request.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled*_____

CONDITIONS/MISCELLANEOUS:

FILE: MAJOR HOME OCCUPATION
ORIGINAL: 03/04/19
REVISED:



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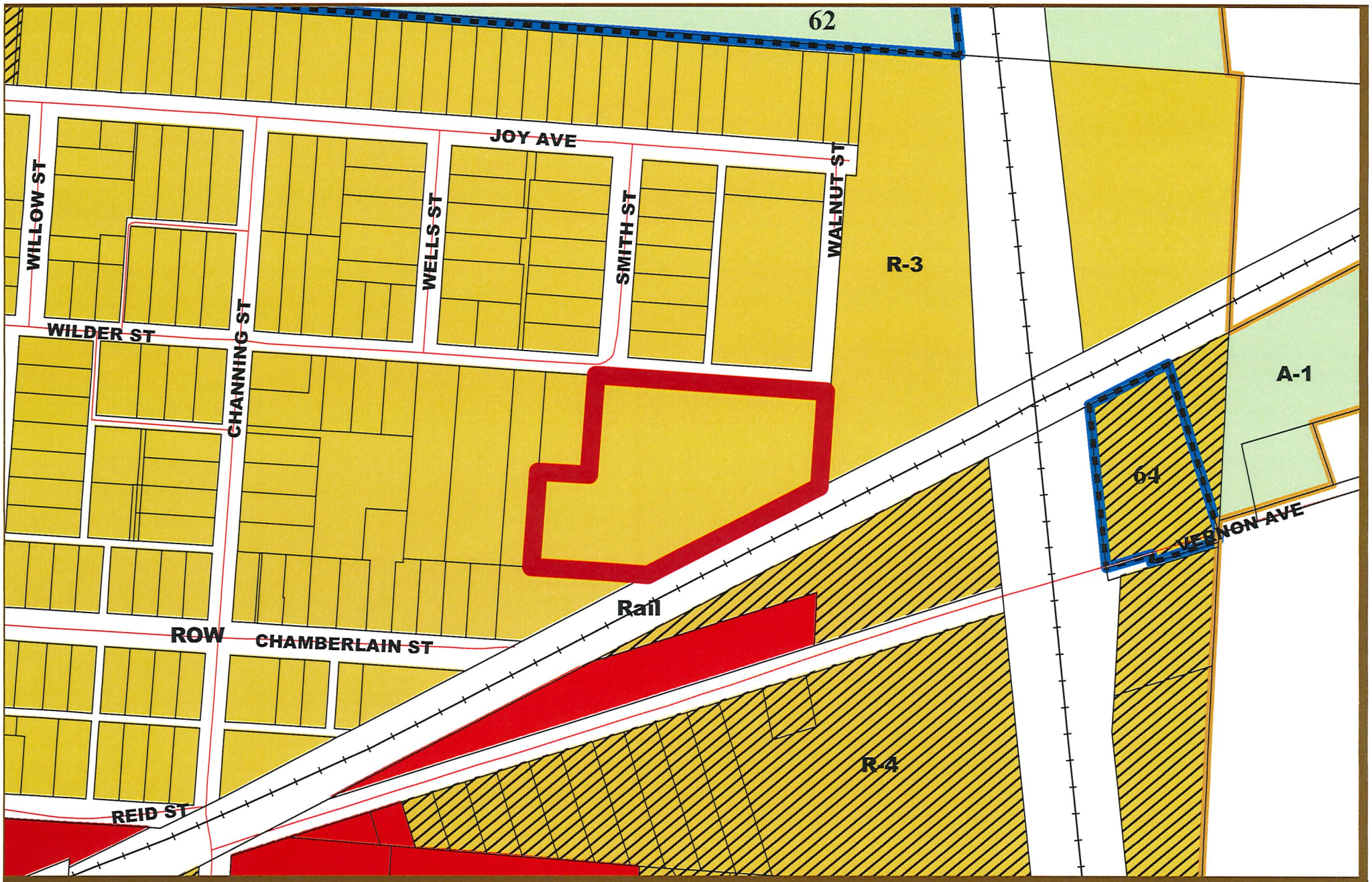
CITY OF
DELAWARE
OHIO

2019-0253
Conditional Use Permit
Major Home Occupation - 152 Wilder Street
Location Map

N



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CITY OF
DELAWARE
OHIO

2019-0253
Conditional Use Permit
Major Home Occupation - 152 Wilder Street
Zoning Map

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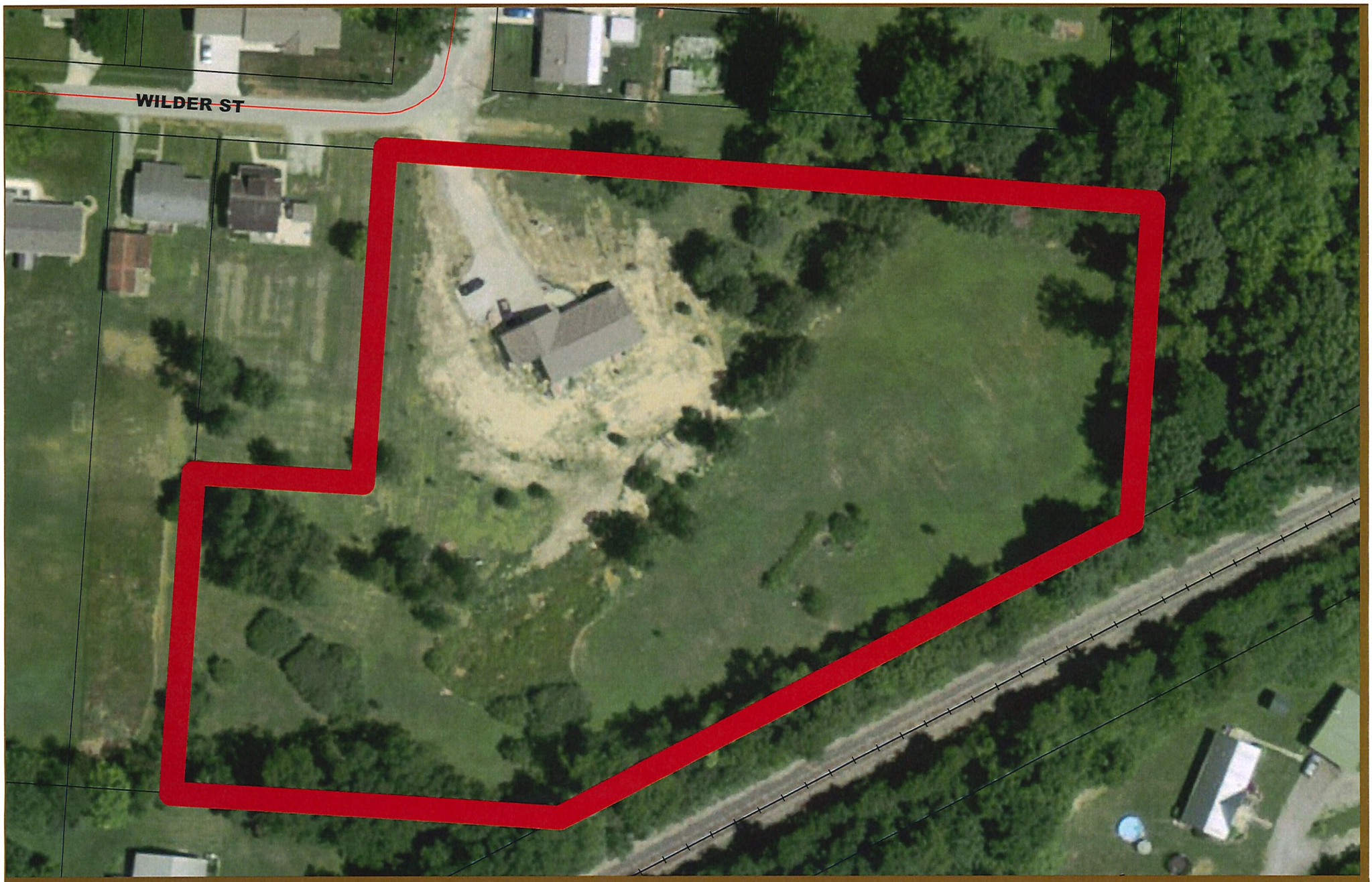

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DELAWARE
OHIO

2019-0253
Conditional Use Permit
Major Home Occupation - 152 Wilder Street
Aerial (2016) Map

N

CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

EST. 1808 CITY OF DELAWARE OHIO

Project # _____ Case # 2019-0253

Planning Commission

- ☐ Amended Final Development Plan
- ☐ Amended Final Subdivision Plat
- ☐ Amended Preliminary Development Plan
- ☐ Amended Preliminary Subdivision Plat
- ☐ Annexation Review
- ☐ Combined Preliminary & Final Development Plan
- ☐ Comprehensive Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use Permit
- ☐ Determination of Similar Use
- ☐ Development Plan Exemption
- ☐ Final Development Plan
- ☐ Final Development Plan Extension
- ☐ Final Subdivision Plat
- ☐ Final Subdivision Plat Extension
- ☐ Floodplain Permit
- ☐ Lot Split
- ☐ Pre-annexation Agreement
- ☐ Preliminary Development Plan
- ☐ Preliminary Dev Plan Extension
- ☐ Preliminary Sub Plat
- ☐ Preliminary Sub Plat Extension
- ☐ Rezoning
- ☐ Subdivision Variance
- ☐ Substitution of a Non- Conforming Use
- ☐ Vacation-Alley
- ☐ Vacation-Easement
- ☐ Vacation-Street

Board of Zoning Appeals

- ☐ Appeal Administrative Decision or Interpretation
- ☒ Conditional Use Permit
- ☐ Substitution of Equal or Less Non-Conforming Use
- ☐ Variance

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Subdivision/Project Name _____ Address _____

Acreage _____ Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # _____

Applicant Name Wendy Schiefer Contact Person Wendy Schiefer

Applicant Address 152 Wilder St Delaware Ohio 43015

Phone 740-404-0270 Fax N/A E-mail wendyschiefer@gmail.com

Owner Name SAME Contact Person _____

Owner Address SAME

Phone _____ Fax _____ E-mail _____

Engineer/Architect/Attorney N/A Contact Person _____

Address _____

Phone _____ Fax _____ E-mail _____

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Wendy Schiefer
Owner Signature

Wendy Schiefer
Owner Printed Name

_____
Agent Signature

_____
Agent Printed Name

Sworn to before me and subscribed in my presence this 13 day of February, 2019.

Notary Stamp: BLAKE ALLARD NOTARY PUBLIC STATE OF OHIO

Notary Public

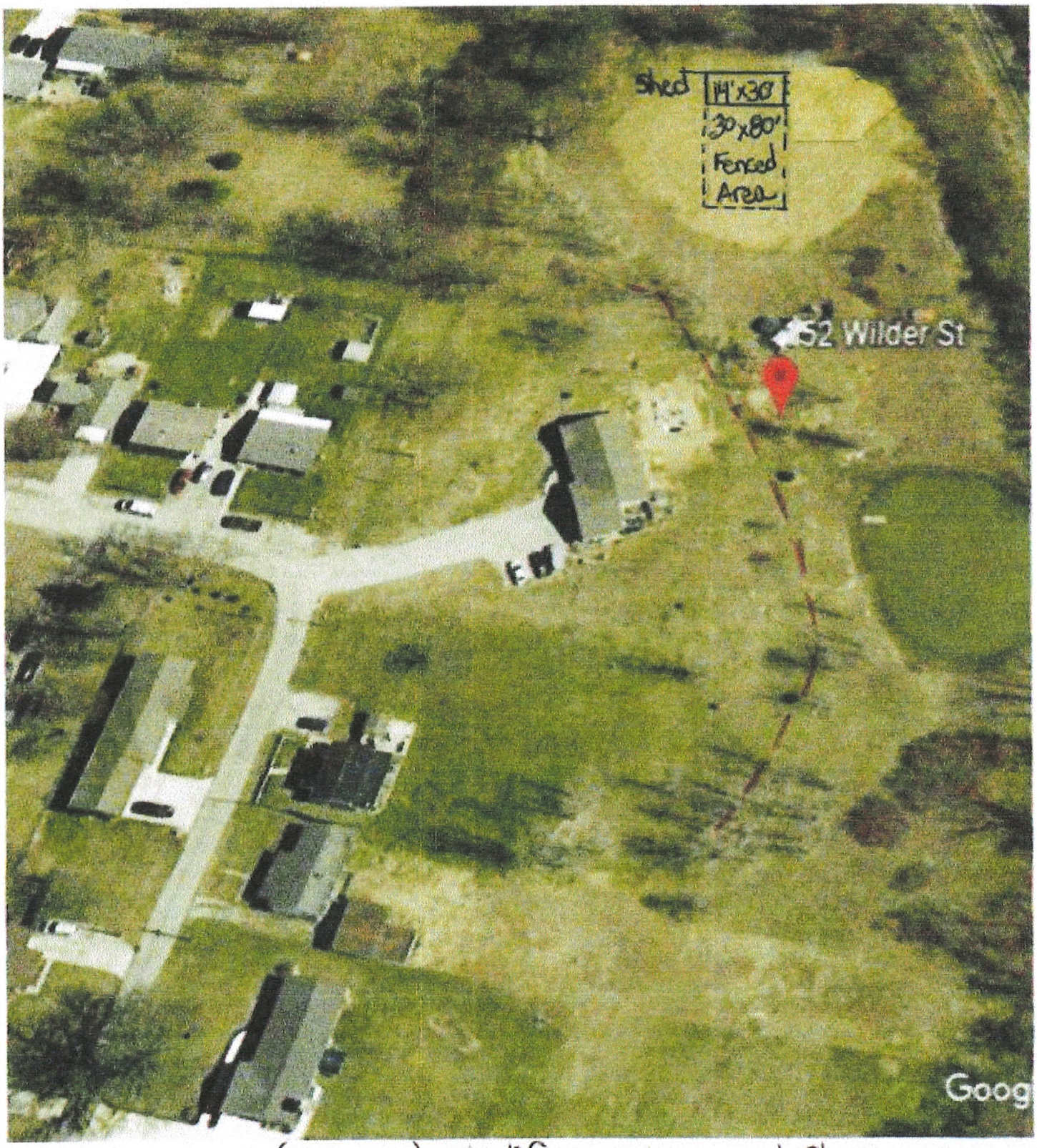
---

s/planning/forms

Angel's Hands LLC
152 Wilder St.
Delaware, Ohio 43015
Wendy Schiefer
740-404-0270
wendyschiefer@gmail.com

My name is Wendy Schiefer, and I live at 152 Wilder Street, on the corner of Wilder Street and Smith Street. I am the owner and sole employee of Angel's Hands LLC. I am a certified Equine and Canine Theraputic Massage therapist as well as a certified Canine Obedience trainer. The massage services I provide are at the clients home or barn. The canine obedience training I hope to provide at the rear of our property inside a large shed with a fenced outdoor area connected to it. I will provide basic obedience training in private lessons and small group classes. It will provide indoor training during bad weather, or if the dog/dogs I am training need a quiet place with little distractions to start learning new behaviors. The fenced area off the near side of the shed is for outdoor play and training. This will be a safe place for training off leash and be secure for dogs to socialize. All my training methods are based on positive rewards. Private lessons will be mostly held at the client's home, but there will be some training here. My group lessons will be small groups of no more than 3 owner/dog teams and will start off here at our facility, with field trips to other parks as the training progresses. Group classes last about an hour, and are provided once per week for 7-8 weeks. All training will be by appointment, between the hours 9:00am and 8:00pm, Monday-Saturday. I will offer Board and Train services, but the boarding of these dogs will be at another location. There will not be any kenneling of dogs in this shed. All parking will be in our driveway and will not interrupt the flow of traffic for the neighborhood. I will not have any exterior display that will indicate a business at my residence. I expect no more that 3 extra cars parked at my residence at any time due to business activity. All services will be by appointment only with no unscheduled public traffic to the residence.

I anticipate less than 10 client visits per week, with a maximum of 3 owner/dog client pairs at the residence at any one time. The following are arial, street views and drawings of shed, and materials for the fence.



(- - - - -) Identifies underground storm sewer

Delaware County Auditor
George Kaitsa

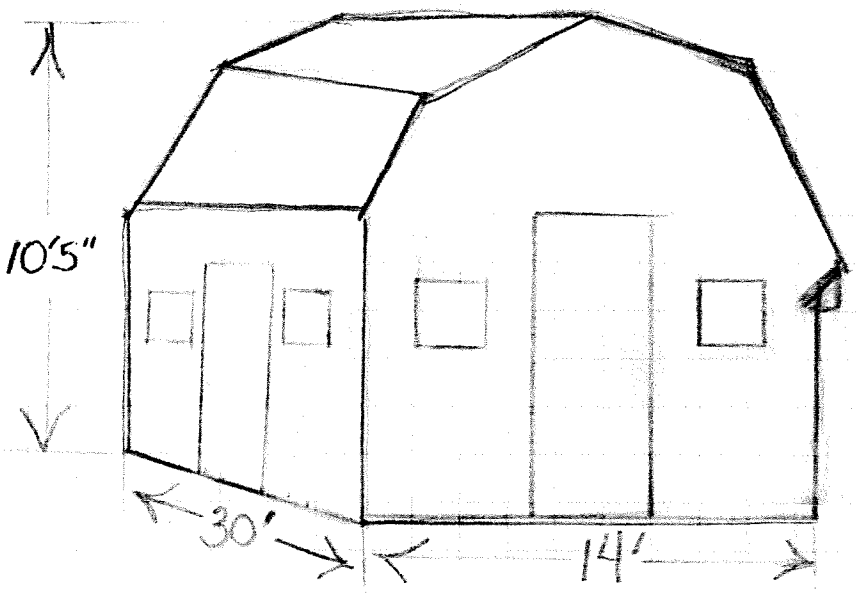
Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy
or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office
Printed on 2/15/2019

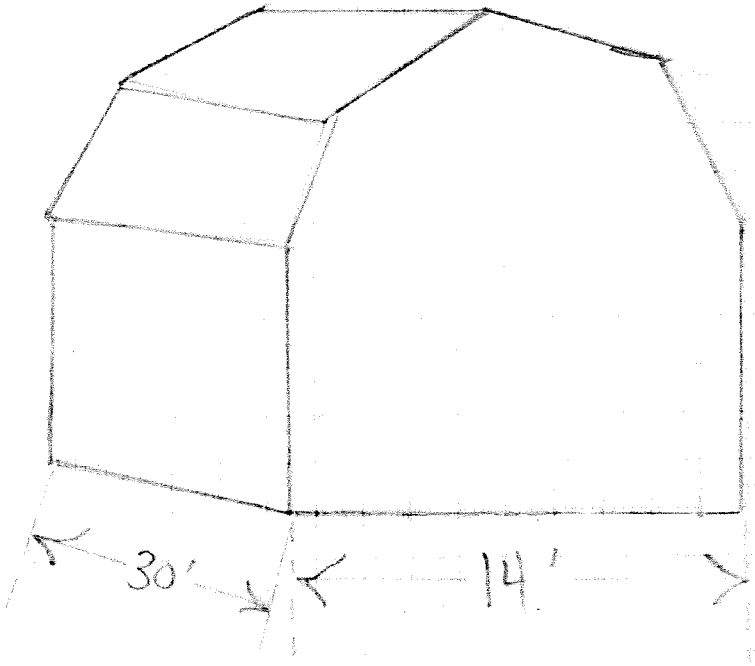
N W E S

0 65 130 260 ft

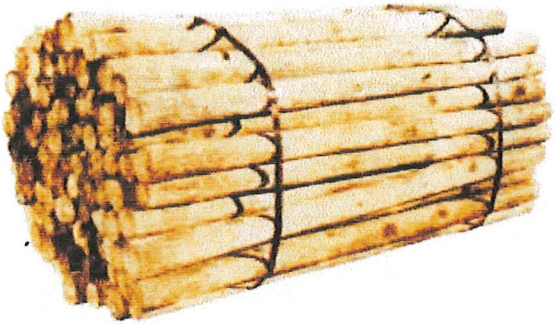
Street view

Street view


10'5"
30'
14'


30'
14'

6' x 100' Welded Wire Fencing



4 x 8 Treated wooden fence posts.

EST 1808
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OHIO

BOARD OF ZONING APPEALS / STAFF REPORT

CASE NUMBERS: 2019-0256
REQUEST: Variance
PROJECT: Food Truck Depot
MEETING DATE: March 13, 2019

APPLICANT/OWNER
The Rockwell Company
59 Potter Street
Delaware, Ohio 43015

REQUEST
2019-0256: A request by The Rockwell Company for approval of variance to Chapter 1149.01 Temporary Uses to allow multiple mobile food vendors for more than 45 calendar days per year at the Food Truck Depot at 59 Potter Street on approximately 1.066 acres and zoned R-4 (General Business District).

PROPERTY LOCATION & DESCRIPTION
The property at 59 Potter Street is zoned B-4 (General Business District) while the properties to the east are zoned B-3 (Community Business District). The properties to north, south and east are railroad right-of-way and are not zoned.

BACKGROUND
The owner purchased the property in 2018 and is proposing to renovate the building and convert the former historic railroad freight depot into a bar/restaurant with a 28 space parking lot and outdoor activities including two volleyball courts. In addition, the owner is proposing parking space for multiple food trucks shown on the plan in designated areas that would provide food service for the bar.

STAFF ANALYSIS

SECTION 1149.01 Temporary Uses – Mobile food vendors may be permitted by the Administrative Review Committee on any non-residential property for up to forty (45) days in a calendar year.

- The subject owner is proposing to house multiple food trucks (including his) on the subject site throughout the year to provide food service for the bar. There could be many different varieties of trucks that come and go throughout the year but the presumption is that there would essentially always be some on the site.

- **VARIANCE REVIEW:** In considering whether or not a Variance shall be granted, the Board of Zoning Appeals is required to consider certain factors to determine if a practical difficulty exists. As listed below, Section 1128.09(c)(1) of the Planning & Zoning Code sets forth these factors. Following each factor in italics is a brief Staff analysis.

  1. Whether the granting of the Variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

     The intent of the mobile food vendor regulation was to restrict their use both to private sites and to be temporary in nature – after all they are mobile and typically subject to move around as opposed to brick and mortar establishments. Because the owner has over one acre of land area and the intent of the bar is for several food trucks to provide food service on a continual basis, the proposed additional food trucks would not be detrimental to the public welfare of the City. The property owner and city staff could go through a complicated administrative process with each truck for each day which would likely result in the same outcome sought in this case for this this unique site, but this would be highly inefficient for both parties.

  2. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions.

     There are not any special conditions of the land except for the site is over one acre and large enough to accommodate several foot trucks. It was also originally developed for the unique freight depot use.

3. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance. Mere loss in value or financial disadvantage to the property owner does not constitute conclusive proof of practical difficulty; there shall be deprivation of beneficial use of land.

   The building was constructed in 1873 per the Delaware County Auditor and the owner would likely covert the existing building to a bar / restaurant establishment with or without the variance therefore the beneficial use of the land would not be deprived.

4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the Variance.

   The site is zoned B-4 (General Business District) which permits the subject bar and food trucks. There are a few existing bars (zoned B-3 Community Business District) located just west of the site on Lake Street and commercial uses just east of site on Potter Street are zoned B-3 (Community Business District). Therefore the essential character of the neighborhood would not be substantially altered nor would the adjoining properties suffer detriment due to the variance. The site needs a creative adaptive re-use or it will continue to sit vacant which would ultimately be detrimental to the neighborhood.

5. Whether the Variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.

   The delivery of governmental services, particularly emergency services, would not be impacted with approval of this Variance.

6. Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.

   The subject site was purchased in 2018 by the current owner and the subject mobile food vendors ordinance was adopted in 2011. The applicant through discussions with City staff during the pre-development meeting process became aware of the food vendors requirements.

7. Whether special conditions or circumstances exist as a result of actions of the owner.

   No special conditions or circumstances occurred because of the actions of the owner.

8. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

   The owner could rotate different food trucks on the subject site to achieve compliance with the City code but would not meet the intent of his business model to base the subject bar establishment on multiple food trucks. Because the owner has over one acre of property he could accommodate several food trucks on the site. The monitoring of the rotation of different food trucks would be an inefficient process for City staff as well.

9. Whether there is evidence of Variances granted under similar circumstances.

   Staff cannot recall approving a variance for multiple food trucks to be essentially permanently occupying a single property.

10. Whether the granting of the Variance is necessary for the reasonable use of the land or building, and the Variance as granted is the minimum Variance that will accomplish that purpose.

    The property is currently zoned B-4 and permits a wide range of uses including a bar/restaurant establishment and will continue to be used as such with or without approval of this Variance. As a result, a Variance is not necessary for the reasonable use of the land.

11. Whether the proposed Variance would impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

    Again because the subject site is zoned B-4 and the properties to the east and west are zoned B-3 with current commercial activities (the properties to north and south are not zoned and owned by the railroad company), the proposed use would not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

12. Whether the granting of the Variance requested would confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

    If the Board finds that the standards for approval of a Variance are met then no special privilege is granted.

CONCLUSION

The proposed variance appears to achieve compliance with the majority of the practical difficulties to justify a variance request. Therefore staff can support the proposed variance request from a practical perspective if the adjacent neighbors do not have a significant opposition to the proposal for the following reasons: 1.) The owner has over one acre of land area and the intent of the bar/restaurant is for several food trucks to provide food service; thus, the proposed additional food trucks would not be detrimental to the public welfare of the City; 2.) The site is zoned B-4 (General Business District) which permits the subject bar/restaurant and food trucks and there are a few existing bars (zoned B-3 Community Business District) located just west of the site on Lake Street and commercial uses just east of site on Potter Street are several commercial uses zoned B-3 (Community Business District). Therefore the essential character of the neighborhood would not be substantially altered nor would the adjoining properties suffer detriment due to the variance; 3.) A bar/restaurant establishment with food trucks providing food service is relatively new concept and trend and, managed correctly, could be no different than a bar with a kitchen providing food service; 4) The Applicant and City could go through an on-going, cumbersome administration food truck by food truck and day by day which could likely achieve compliance with the code, but this would be highly inefficient for both parties and City staff have limited resources with which to do this.

STAFF RECOMMENDATION – VARIANCE (2019-0256)

Staff recommends approval of a request The Rockwell Company for approval of variance to Chapter 1149.01 Temporary Uses to allow multiple mobile food vendors for more than 45 calendar days per year at the Food Truck Depot at 59 Potter Street on approximately 1.066 acres and zoned R-4 (General Business District), with the following conditions that:

1. The food tucks shall only be permitted in the designated areas shown on the site plan and must be maintained and situated in accordance with all other City regulations including building and fire codes.
2. The variance shall run with the current property owner and the Food Truck Depot business only. Should one or either of these change the variance shall become null and void.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled*_____

CONDITIONS/MISCELLANEOUS:

02/14/2019

Re: The Food Truck Depot Project
The Food Truck Depot | 59 Potter St. | Delaware | OH | 43015

Dear BZA Comission,

We are asking for a Variance related to the City of Delaware Code for Food Trucks. The current code provides practical difficulty to our operations at The Food Truck Depot.

Please take into consideration the Variance.

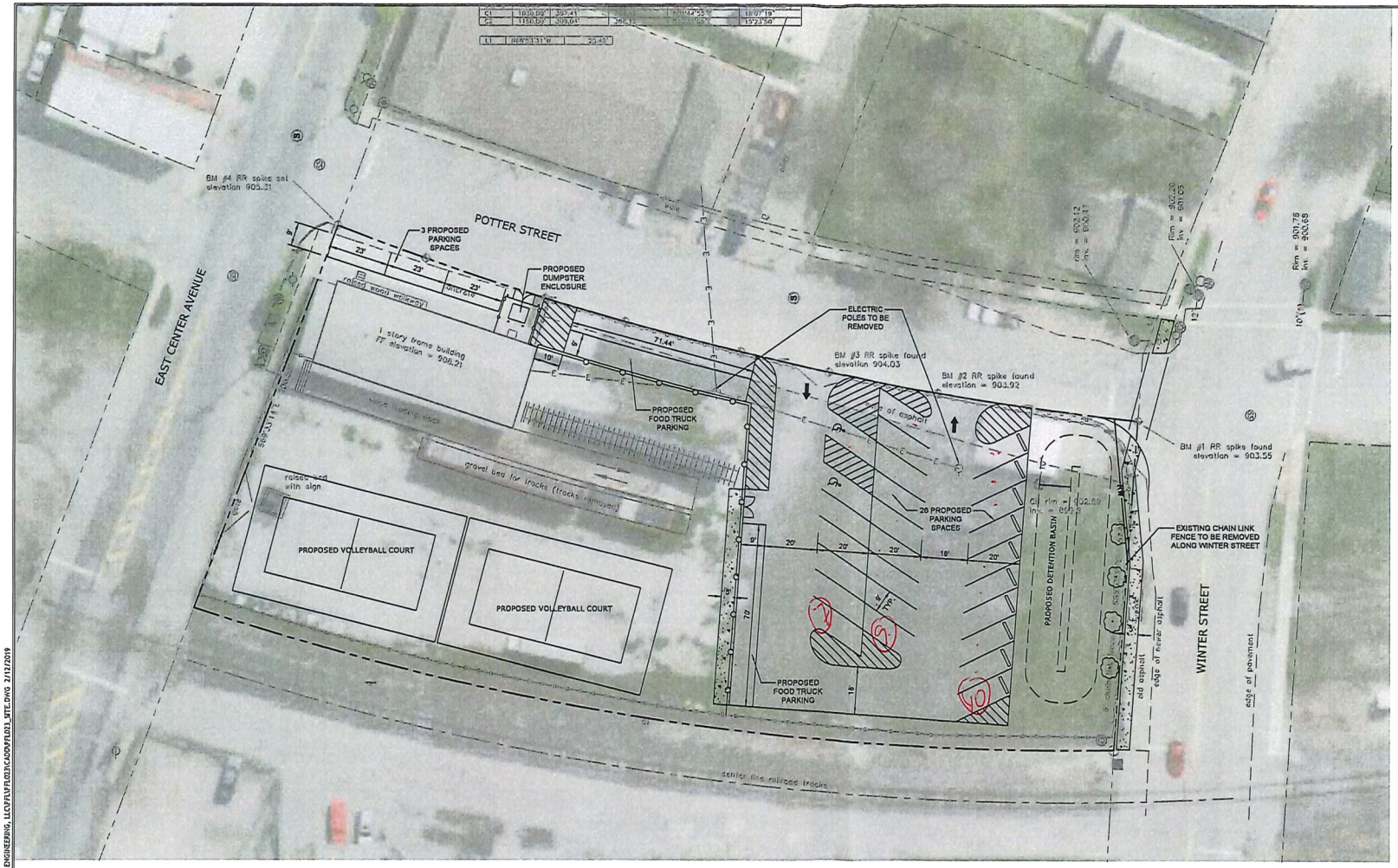
Please email me with any questions.

Thank You!

Paul A. Rockwell

Owner of The Food Truck Depot, LLC

thefoodtruckdepot@gmail.com



SITE PLAN

PAVEMENT LEGEND

- PROPOSED ASPHALT
- PROPOSED CONCRETE

GRAPHIC SCALE

20 10 0 20

(IN FEET)
1 inch = 20 ft.

OHIO Utilities Protection SERVICE
Call Before You Dig
1-800-362-2764
CALL TWO WORKING DAYS BEFORE YOU DIG
(NON MEMBERS MUST BE CALLED DIRECTLY)

elmasian engineering, LLC
P.O. BOX 604
DUBLIN, OH 43002
PH: 614-349-2002
www.elmasian.com

CONCEPT PLAN
FOOD TRUCK DEPOT
59 POTTER ROAD, DELAWARE, OH 43015

DATE	2/12/2019
SCALE	1" = 20'
SHEET NO.	1 OF 1
FILE NO.	PFL023

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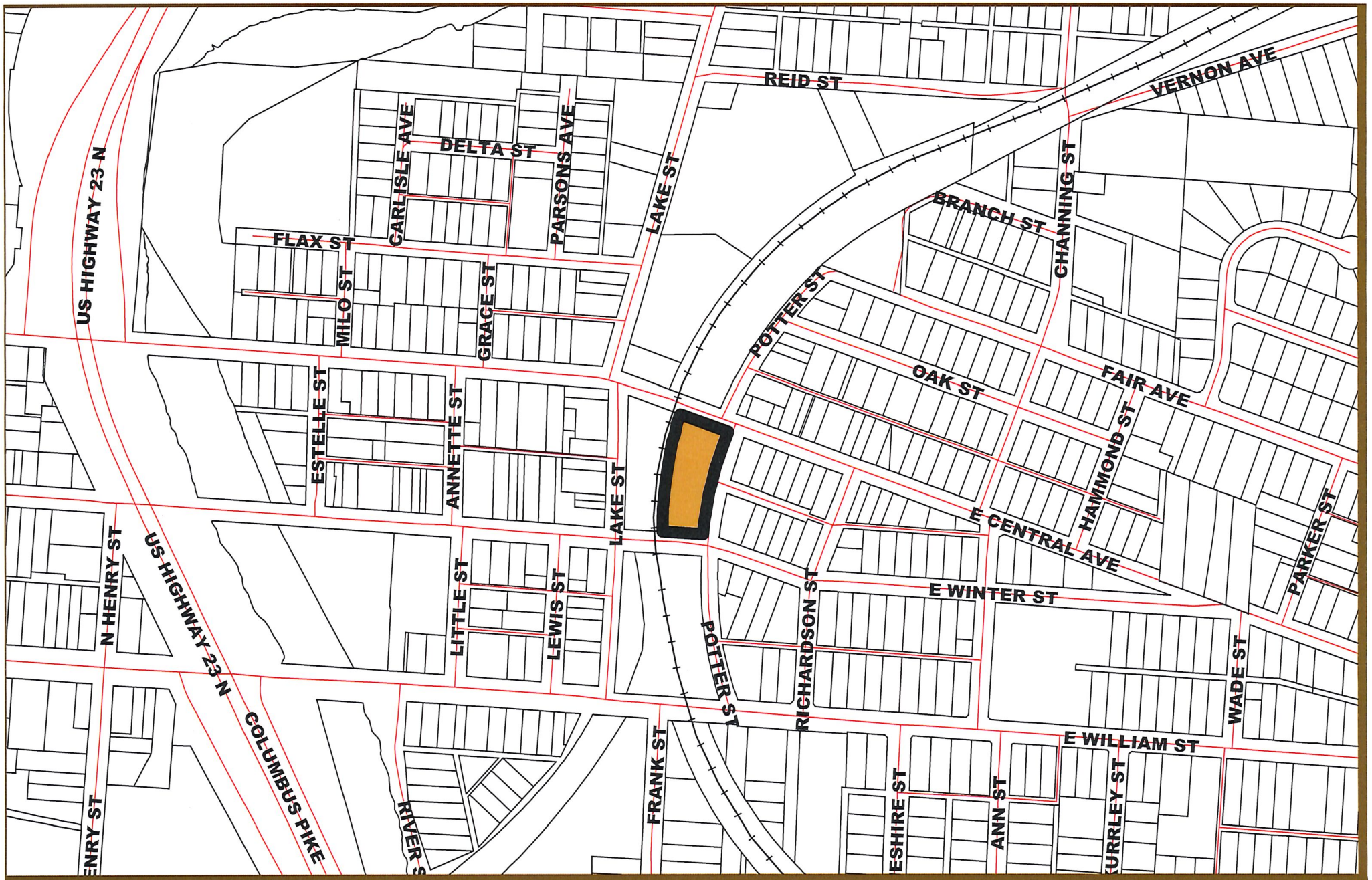

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OHIO

2019-0256
Temporary Use Variance
Food Truck Depot - 59 Potter Street
Location Map

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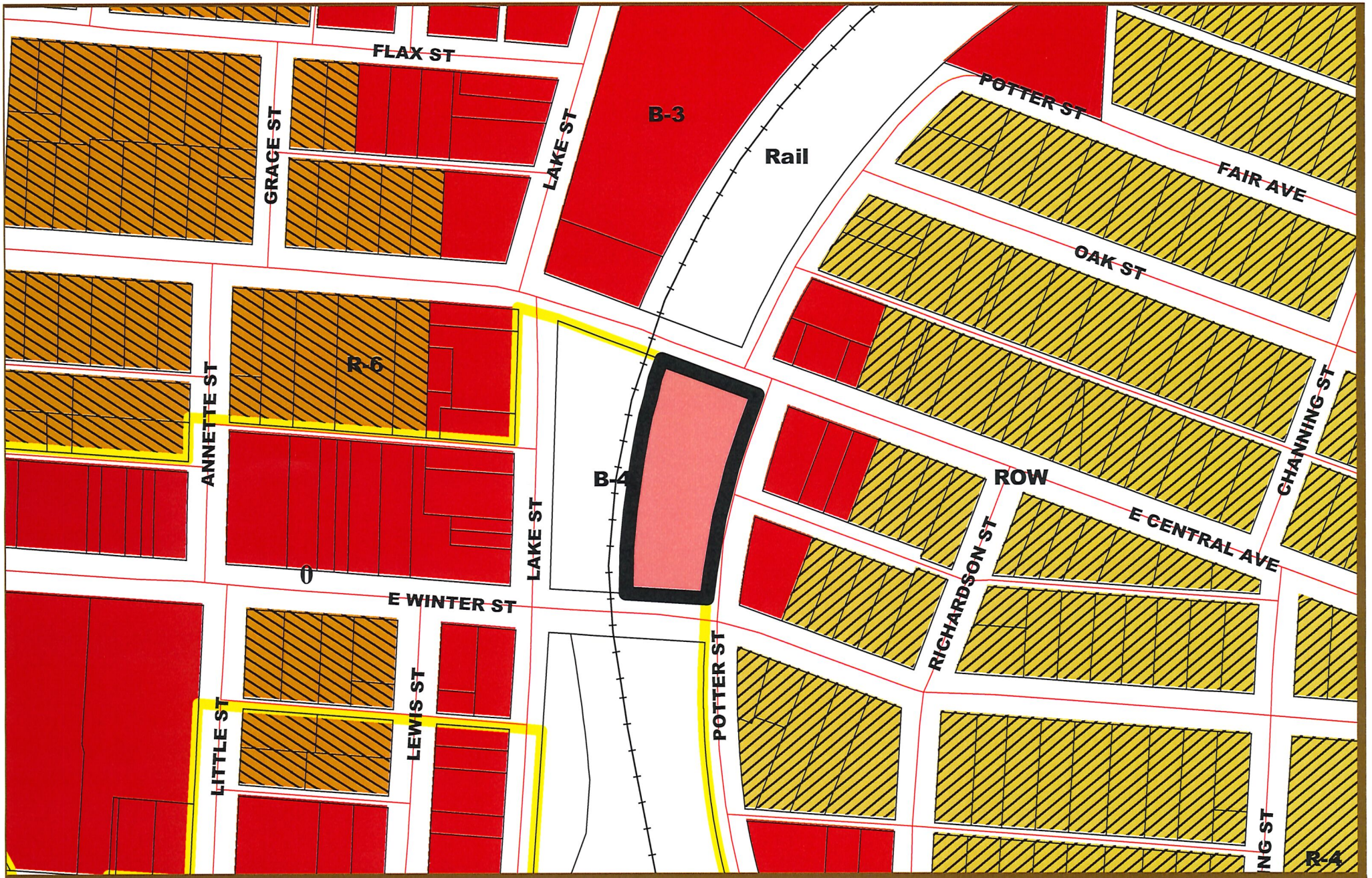

EST 1808
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DELAWARE
OHIO

2019-0256
Temporary Use Variance
Food Truck Depot - 59 Potter Street
Zoning Map

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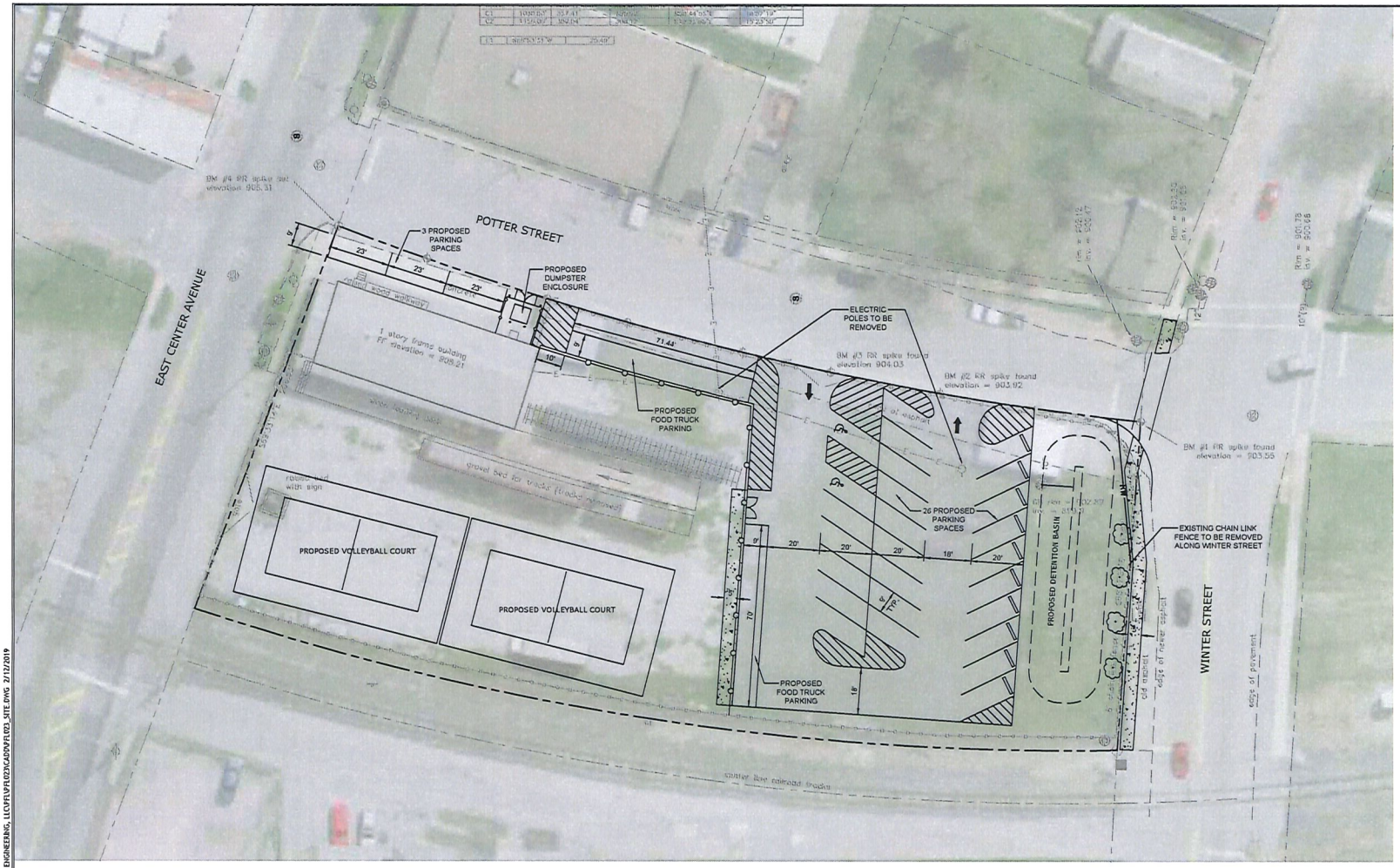
EST 1808
CITY OF
DELAWARE
OHIO

2019-0256
Temporary Use Variance
Food Truck Depot - 59 Potter Street
Aerial (2016) Map

N



PAVEMENT LEGEND

PROPOSED ASPHALT

PROPOSED CONCRETE

SITE PLAN

GRAPHIC SCALE

20 10 0 20

(IN FEET)
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elmasian engineering, LLC
PO BOX 626
PATASKALA, OH 43062
PH: 614-315-2002
WWW.ELMASIAN.COM

CONCEPT PLAN
FOOD TRUCK DEPOT
59 POTTER ROAD, DELAWARE, OH 43015

DATE	2/12/2019
SCALE	1" = 20'
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FILE NO.	PFL023

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CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

EST 1808 CITY OF DELAWARE OHIO

Project # _____ Case # 2019-0256

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Planning Commission

- ☐ Amended Final Development Plan
- ☐ Amended Final Subdivision Plat
- ☐ Amended Preliminary Development Plan
- ☐ Amended Preliminary Subdivision Plat
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- ☐ Floodplain Permit
- ☐ Lot Split
- ☐ Pre-annexation Agreement
- ☐ Preliminary Development Plan
- ☐ Preliminary Dev Plan Extension
- ☐ Preliminary Sub Plat
- ☐ Preliminary Sub Plat Extension
- ☐ Rezoning
- ☐ Sub-division Variance
- ☐ Substitution of a Non-Conforming Use
- ☐ Vacation-Alley
- ☐ Vacation-Easement
- ☐ Vacation-Street

Board of Zoning Appeals

- ☐ Appeal Administrative Decision/Interpretation
- ☐ Conditional Use Permit
- ☐ Substitution of Equal or Less Non-Conforming Use
- ☒ Variance

Subdivision/Project Name The Food Truck Depot Address 59 Potter St Delaware, OH 43015

Acreage 1.066 Square Footage 1,500 Number of Lots 1 Number of Units 1

Zoning District/Land Use ____ Proposed Zoning/Land Use _____ Parcel # 519-431-17-008-000

Applicant Name Michael Fink Contact Person Michael Fink

Applicant Address 10 W. North St Ostrander, OH 43061

Phone 740 815 3703 Fax _____ E-mail riverkinggroupllc@gmail.com

Owner Name Invest In Holmes LLC Contact Person Paul Rockwell

Owner Address 7491 Calhoun Rd Ostrander, OH 43061

Phone 614 374 5352 Fax _____ E-mail paul@paulrockwell.com

Engineer/Architect/Attorney Terry Boutet Contact Person Terry Boutet

Address 20140 Letington Rd Fredericktown, OH 43019

Phone 614 205 7478 Fax _____ E-mail TerryBoutetArchitect@gmail.com

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Owner Signature _____ Owner Printed Name Paul Rockwell

Agent Signature _____ Agent Printed Name _____

Sworn to before me and subscribed in my presence this 14 day of February, 2019.

M. Kelli Fink
Notary Public

NOTARIAL SEAL STATE OF OHIO
M. KELLI FINK
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 12/27/19

Notary Stamp