

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-15

Passed May 1

2001

YEAR

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT FOR A CONDOMINIUM DEVELOPMENT CONTAINING 78 DWELLING UNITS AND A CLUBHOUSE LOCATED AT THE NORTHWEST CORNER OF N. LIBERTY STREET AND SELDOM SEEN ROAD.

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell having recommended approval of the Final Development Plan for Fiori Homes on February 28, 2001, and

WHEREAS, the Final Development Plan having been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell, and

WHEREAS, Council having determined the implementation and approval of the Final Development Plan which is attached hereto and incorporated herein by reference is in the best interest of the residents of the Municipality of Powell.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Final Development Plan for Fiori Homes which is attached hereto and incorporated herein by reference is accepted and approved by the Council of the Municipality of Powell, subject to the following conditions as recommended by the Planning and Zoning Commission:

1. That the applicant meet the requirements of the City Engineer including stormwater retention, easements, right-of-way dedication and utility layout.
2. That the applicant coordinate the required left turn lane on northbound North Liberty Street with the City Engineer and the County Engineer's office.
3. That Section 2.B.1. of the text be changed to reflect the secondary access point to be off of Village Park Drive.
4. That a plat for the property including the dedication of right-of-way be submitted to the Commission for approval.
5. That the sidewalk along Middlebury Way shall be continued to connect with the sidewalks along Village Park Drive and Chenango Drive, assuming it isn't already there.
6. That the developer shall have guidelines to restrict parking to only one side of the private streets and restrict repeat on-street parking.
7. That immediately upon filing of the condominium plat for phase one, the condominium association will maintain all land within the development including all open space and land up to the pavement edge of all adjacent public streets.
8. That the bikepath shall be 8 feet in width.
9. That the developer provide additional mounding and landscaping around the parking lot at the clubhouse.
10. That the two units discussed shall be flipped to break up the elevations (Exhibit 4).
11. Should the City desire, within 5 years, the developer or condominium association shall provide a 15x30 ft. landscape easement between the edge of the road right of way and the pond at the end of the northern section of the fence at the southeastern pond.
12. The building materials are approved as shown.
13. That the fence be continuous along Liberty Road up to the south part of the Powell Place entry.
14. That all elevations which have frontage on Village Park Drive, Seldom Seen Road, and Liberty Road, will consist of no less than 50% of natural materials when considered collectively and no individual unit will have less than 30% natural materials on those frontages.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE RULE SUSPENSION Y N

VOTE ON ORDINANCE 2001-15: Y 6 N 0

This ordinance or resolution has been passed in
three (3) public places as defined in ordinance
dated 4-3-01
on this date 5/1/01

D Nauman
Clerk of Council

Mark F. Klein 5/24/01
Mark F. Klein Date
Mayor

Dawn Nauman 5/24/01
Dawn Nauman Date
Clerk of Council