

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-35

Passed July 17

YEAR 2001

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR BROOKEHILL SENIOR COMMUNITY, 32 CONDOMINIUMS ON 10.4 ACRES LOCATED AT 9158 LIBERTY ROAD AND AMENDING THE ZONING MAP FROM PI, PLANNED INDUSTRIAL DISTRICT AND R, RESIDENCE DISTRICT TO PR, PLANNED RESIDENCE DISTRICT.

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell has recommended approval of a Final Development Plan and Zoning Map Amendment for Brookehill Senior Community on May 23, 2001, and;

WHEREAS, Council having determined to accept the recommendation of the Planning and Zoning Commission and finding that the same 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 Brookehill Senior Community, a copy of which is attached hereto and incorporated herein by reference, is approved and adopted by the Municipality of Powell, subject to the following conditions of the Planning and Zoning Commission:

1. That the City Engineer review and approve all engineering issues related to this development.
2. That the developer install a walkway with steps to connect their walkway with the main pathway at the western portion of the site, subject to the approval of the Director of Development.
3. That the property owner be responsible for payment of all property taxes for the parcel being dedicated to the City for the entire year in which the deed is recorded together with all prior years and any agricultural lands recoupment.
4. That the City reserves the right to install Village Park Drive within the right-of-way as shown on the plans at any point in time in the future.
5. That the condominium regulations be subject to review by Staff.
6. As long as the facades are substantially similar to those as proposed, subject to Staff Review, the applicant can proceed. Otherwise, further submission to the Planning and Zoning Commission is required.

Section 2: That this approval and adoption constitutes an amendment to the Zoning Map for the Municipality of Powell as it relates to the subject premises and amends its classification to PR, Planned Residence District.

Section 3: That a plat of the subject premises shall be recorded within nine months of the date of adoption of this Ordinance and construction shall commence within two years of adoption of this Ordinance or this plan is null and void and the zoning to said property shall revert to its former district zoning unless an application of a time extension is submitted and approved, which approval may be withheld for good cause.

Section 4: That 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 open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 5: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE NO. 2001-35: Y 6 N 0

Mark F. Klein Date

Mark F. Klein Mayor

Dawn Nauman 8710 Date

Dawn Nauman Clerk of Council

This ordinance or resolution has been posted in three (3) public places as defined in ordinance 44-11 dated 4-3-04 on this date 8-10-01.

Dawn Nauman
Clerk of Council