

ORDINANCE 2004-05  
Passed March 2, 2004

**AN ORDINANCE APPROVING THE COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR GRAETER'S ICE CREAM PARLOR AND CITY BBQ RESTAURANT FOR A 5,044 SQ. FT. COMMERCIAL BUILDING LOCATED AT THE NORTHWEST CORNER OF GALLOWAY DRIVE AND POWELL ROAD, AND CHANGING THE ZONING CLASSIFICATION TO PC, PLANNED COMMERCIAL DISTRICT FOR PROPERTY BEING ANNEXED INTO THE CITY OF POWELL**

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell having recommended approval of the Combined Preliminary and Final Development Plan for Graeter's Ice Cream and a Zoning Map Amendment amending the Zoning Classification to PC, Planned Commercial District at their January 15, 2004 meeting, and

WHEREAS, the Final Development Plan and Zoning Map Amendment 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 and Zoning Map Amendment 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 the Graeter's Ice Cream 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 and amended by Council:

1. That the annexation of the property be approved by City Council.
2. That the CEDA Review Committee provide comments to City Council for review as required by the CEDA.
3. That the drainage spillway shown in the center landscape island be shifted to the west so that is located between two parking spaces and usable as a walkway.
4. That the mansard roof have two breaks, with locations to be approved by Staff.
5. That the dumpster enclosure be similar in style to the privacy fence on the east side of the building, include front gates, and be approved by Staff.
6. That Staff review and approve the patio lighting.
7. That the applicant work with Staff and City Council to incorporate a bikepath along Powell Road.
8. That the applicant work with Staff to add plantings around the perimeter of the utility boxes at the southeast corner of the site without disrupting access by the respective utility companies.
9. That the City Engineer review and approve of all engineering aspects of the plan, including utilities, storm water control, and access management.
10. That a comprehensive sign package be submitted to the Planning and Zoning Commission for approval.
11. That the number and type of patio furniture and the patio design including planters be approved by staff.

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.

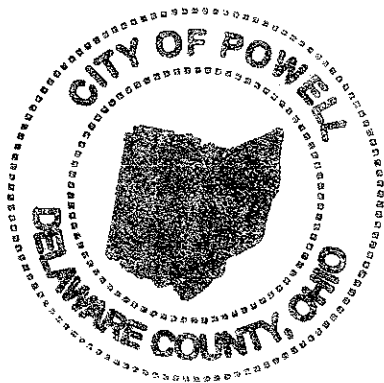
Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULES SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2004-05: Y 7 N 0

Dan Wiencek 3/16/04  
Dan Wiencek Date  
Mayor

Dawn Nauman 3/18/04  
Dawn Nauman Date  
Clerk of Council



This ordinance or resolution has been posted in  
three (3) public places as defined in ordinance  
2004-01 dated 3-2-04  
on this date 3-18-04  
D Nauman  
Clerk of Council