



City of Powell, Ohio

ORDINANCE 2007-03

Adopted February 12, 2007

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR ABBOTSGATE SENIOR APARTMENTS AND AMENDING THE ZONING MAP, REZONING A 4.148 ACRE PARCEL FROM PI, PLANNED INDUSTRIAL DISTRICT TO PR, PLANNED RESIDENCE DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Powell has recommended approval of the Zoning Map Amendment and Combined Preliminary and Final Development Plan for AbbotsGate Senior Apartments at their December 13, 2006 meeting; and

WHEREAS, the Zoning Map Amendment and Combined Preliminary and Final Development Plan has been submitted to Council by the Planning & Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell; and

WHEREAS, Council has determined that the implementation and approval of the Zoning Map Amendment and Combined Preliminary and Final Development Plan, which is attached hereto and incorporated herein by reference, is in the best interest of the residents of the City of Powell;

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

Section 1: That the Zoning Map is hereby amended as follows:

That a 4.148 acre parcel as described in the legal description and survey plat attached hereto as Exhibits A and A-1 and incorporated herein by reference, is rezoned from PI, Planned Industrial District to PR, Planned Residence District.

Section 2: That the Combined Preliminary and Final Development Plan for AbbotsGate Senior Apartments on such 4.148 acre parcel, which is attached hereto as Exhibit B and incorporated herein by reference, is accepted and approved by the Council of the City of Powell, subject to and contingent upon the following conditions as recommended by the Planning and Zoning Commission:

1. The applicant shall submit a revised landscaping plan that provides additional tree plantings that will make the plan comply with City tree replacement requirements. If the replacement is not made on this site it shall be made on the park land to the southwest. The Landscape Plan shall also show the design of the gazebo and is subject to the review and approval of Staff.
2. The applicant shall submit a lighting plan, to be reviewed and approved by Staff, that indicates placement and style of down-light fixtures and a light spread diagram shall be submitted.
3. An easement shall be placed at the area where the main driveway ends toward the east so that if a similar project is proposed on that property, the drives can be integrated together.
4. All easements shall be granted which are necessary for completing the development of the proposal as required by the City Engineer. This includes the existing sidewalk on the property built by the developer at Brookehill. A Fire Access Drive shall be located at the northwest corner of the property.
5. The Final Engineering shall be subject to the requirements set forth by the City Engineer.
6. City Staff shall review and approve restrictions related to ensuring that the "Senior Community" intent is realized by expressly stating that it is a requirement that 80% of the residents shall be aged 55 or older. Any future amendments to those restrictions would require the approval of the City of Powell Planning and Zoning Commission.

Section 3: That all other provisions of Part 11 of the Codified Ordinances and the accompanying Zoning Map shall remain in full force and effect.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

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

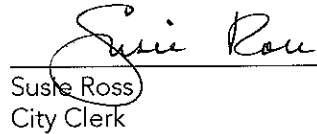
VOTE ON ORDINANCE 2007-03:

Y 7 N 0



Don Grubbs
Mayor

2-19-07
Date



Susie Ross
City Clerk

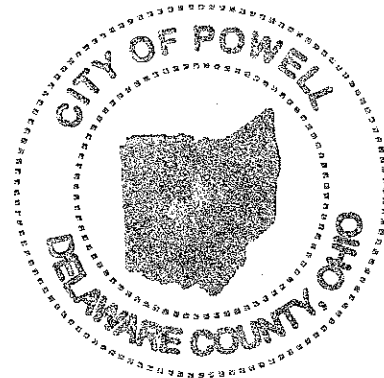
2/19/07
Date

EFFECTIVE DATE: March 14, 2007

This legislation has been posted in accordance with
the City Charter on this date 2/21/07.



Susie D. Ross
Clerk of Council



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek