



City of Powell, Ohio

ORDINANCE 2008-30

Adopted October 21, 2008

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR BENITA LLC FOR A 14,148 SQ. FT. DAY CARE STRUCTURE AND 14,680 SQ. FT. OFFICE STRUCTURE IN THE PC, PLANNED COMMERCIAL DISTRICT, AT THE SOUTHWEST CORNER OF SELDOM SEEN ROAD AND NORTH LIBERTY STREET, BEING 8930 LIBERTY ROAD.

WHEREAS, the Planning and Zoning Commission of the City of Powell has recommended approval of the Final Development Plan for Benita, LLC for a 14,148 sq. ft. day care structure and a 14,680 sq. ft. office structure at the southwest corner of Seldom Seen Road and North Liberty Street, being 8930 Liberty Road; at their August 13, 2008 meeting; and

WHEREAS, the 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 the Commission has recommended its approval; and

WHEREAS, Council hereby finds and determines that the implementation and approval of the Final Development Plan, which is attached hereto as Exhibit "A", 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 Final Development Plan for the southwest corner of Seldom Seen Road and North Liberty Street, being 8930 Liberty Road, which is attached hereto as Exhibit "A" and incorporated herein by reference, is hereby 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:

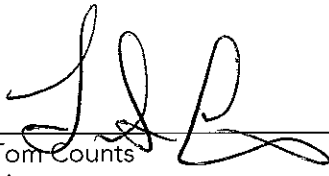
1. That the sidewalk notated by Staff from Liberty Street along the south side of the property entrance shall be completed.
2. That all playground equipment color selection is to be reviewed and approved by Staff and shall be neutral earth tone colors.
3. That the applicant will work with the City Engineer to address all engineering requirements and necessary utility easements.
4. That the applicant shall work with Staff and the Architectural Architect to determine the proper building color selections in order to gain their final approval.
5. That the perimeter or public facing green spaces and landscaped areas shall be irrigated to support season lawn appearance.
6. That the applicant shall find an alternative plant material to substitute for the white pines notated on the landscape plan.

Section 2: 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 City 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 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

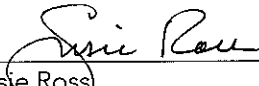
VOTE ON ORDINANCE 2008-30: Y 6

N 0



Tom Counts
Mayor

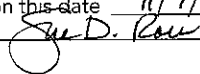
11/1/08
Date



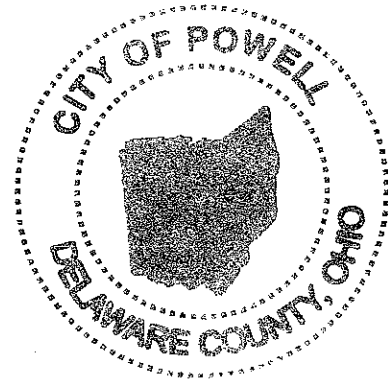
Susie Ross
City Clerk

11/6/08
Date

EFFECTIVE DATE: November 20, 2008

This legislation has been posted in accordance with
the City Charter on this date 11/7/08.


Susie D. Ross City Clerk



City Council

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek