

ORDINANCE NO. 2009-25

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE, CURRENTLY ZONED R-3 RESIDENTIAL AND LOCATED NEAR THE NORTHEAST AND SOUTHEAST CORNERS OF BLUE ASH ROAD AND ALPINE AVENUE, IN THE C-2 PLANNED COMMERCIAL DISTRICT, INCLUDING PARCEL 241 OF BOOK 612, PAGE 60 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS AND PORTIONS OF THE RIGHT-OF-WAY ADJACENT TO THIS PARCEL

WHEREAS, Douglas M. Whittenburg, McClain Heating and Cooling, Inc., on behalf of owner Geraldine C. Gabe, has made application for an amendment to the Zoning District Map affecting Parcel 241, of Book 612 Page 60 of the Hamilton County Auditor's Office records; and

WHEREAS, said property is currently located within the R-3 Residential District, and the applicants have requested the properties be placed within the M-4 Light Industrial District or the C-2 Planned Commercial District; and

WHEREAS, Planning Commission, at its meeting of April 2, 2009, has recommended that the rezoning request for this property be considered for the C-2 Planned Commercial District which would make any future development subject to the approval of Planning Commission as well as City Council; and

WHEREAS, the procedure for consideration of amendments to the District Map is encompassed under Chapter 1127 of the Planning and Zoning Code of the Codified Ordinances of the City of Blue Ash, Ohio; and

WHEREAS, said application consists of one drawing bearing the notation "Ordinance No. 2009-25, July 9, 2009" prepared by the City of Blue Ash; and

WHEREAS, the Planning Commission of the City of Blue Ash, as reflected in the minutes thereof dated April 2, 2009, has recommended approval of said change in zoning designation from R-3 Residential to C-2 Planned Commercial; and

WHEREAS, the area proposed to be rezoned is consistent with the suggested use envisioned by the Land Use Plan map contained within the City of Blue Ash 2003 Comprehensive Plan; and

WHEREAS, notice has been given in conformance with Section 731.22 of the *Ohio Revised Code* via publication in the *Northeast Suburban Life* on April 29 and May 6, 2009; and

WHEREAS, required notice to certain property owners, such requirement defined by the *Ohio Revised Code*, has been provided and administered through the Blue Ash Community Development Office; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on June 11, 2009, and continued on July 9, 2009 to assure receipt of required notice to certain property owners.

Be it ordained by the Council of the City of Blue Ash, Ohio,

SECTION I.

The District Map incorporated in the Codified Ordinances of Blue Ash, Part Eleven - Planning and Zoning Code, Chapter 1141, and thus the boundaries of the Districts as

approved on March 13, 2003, be and hereby are, amended to provide that Book 612, Page 60, Parcel 241 of the Hamilton County Auditor's Office records be placed in the C-2 Planned Commercial District. All provisions of the Comprehensive Zoning Ordinance shall apply to the real estate herein described as if said real estate had originally been placed in the C-2 Planned Commercial District and it is hereby determined that said rezoning will not be detrimental to the public peace, health, safety or general welfare; that the proposed rezoning is consistent with the suggested use envisioned by the Land Use Plan map contained within the City of Blue Ash 2003 Comprehensive Plan; and that is it in the best interest of the City of Blue Ash, Ohio.

SECTION II.

Related information associated with the rezoning request from R-3 to C-2 of this property is depicted and explained on one drawing bearing the notation "Ordinance No. 2009-25, July 9, 2009," prepared by the City of Blue Ash.

SECTION III.

This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 9th day of July, 2009.

Robert J. Buckman, Jr., Mayor

FIRST READING: June 11, 2009

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Mark A. Vander Laan, Solicitor

AGREED TO:

Douglas M. Whittenburg
McClain Heating and Cooling, Inc.

Geraldine C. Gabe, Owner