

ORDINANCE NO. 2009-26

APPROVING A SPECIAL USE PERMIT FOR THE PARK MANOR DEVELOPMENT (NORTH OF COOPER ROAD, EAST OF MONROE AVENUE, AND WEST OF COOPER LANE) UNDER CHAPTER 1149, R-3 RESIDENTIAL DISTRICT, AND CHAPTER 1183, SPECIAL USE REGULATIONS, TO ALLOW A TOWNHOUSE DEVELOPMENT AND ALLOW A CHANGE IN THE DENSITY OF THE RESIDENTIAL DEVELOPMENT FROM A TOTAL OF 71 UNITS CURRENTLY APPROVED TO A MAXIMUM TOTAL OF 91 UNITS

WHEREAS, Richard Arnold of McGill Smith Punshon, Inc., on behalf of owner Robert Sibcy, Park Manor, LLC, has made application for a special use permit for a townhouse development and a change in the density of the Park Manor residential development (north of Cooper Road, east of Monroe Avenue, and west of Cooper Lane from a total of 71 units currently approved to a maximum total of 91 units; and

WHEREAS, authorizing legislation associated with this residential development previously adopted by City Council include Ordinance Nos. 2005-2, 2005-62, and 2008-39; and

WHEREAS, criteria for consideration of a special use permit is encompassed in Chapter 1183 of the Blue Ash Code of Ordinances; and

WHEREAS, the application for this special use application consists of eight (8) plans prepared by McGill Smith Punshon and four (4) architectural drawings prepared by Architects II, bearing the notation "Ordinance No. 2009-26, May 14, 2009"; 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 application and reported in accordance with Section 1183.03 of the Comprehensive Zoning Ordinance; and

WHEREAS, notice has been given via publication in the *Northeast Suburban Life* on April 29, 2009; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on May 14, 2009.

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

SECTION I.

Richard Arnold of McGill Smith Punshon, Inc., on behalf of owner Robert Sibcy, Park Manor, LLC, is hereby granted approval of a special use permit to allow a townhouse development and a change in the density of the Park Manor residential development (north of Cooper Road, east of Monroe Avenue, and west of Cooper Lane) in accordance with the regulations and criteria set forth in Chapters 1149 and 1183 of the Blue Ash Code of Ordinances. The change would result in a change in the density of the residential development from a total of 71 units currently approved to a maximum total of 91 units. This proposed modification would reduce the number of buildings from 12 to ten, but the number of potential units in each of the remaining buildings would increase, resulting in a maximum of 91 units in the development. This special permit use is depicted and explained on eight (8) plans prepared by McGill Smith Punshon and four (4) architectural drawings prepared by Architects II, bearing the notation "Ordinance No. 2009-26, May 14, 2009," and is subject to and specifically includes all conditions, provisions, and restrictions as set forth: (1) in and on said prints; (2) in the minutes of the Planning Commission dated April 2, 2009; and (3) specifically subject to and including the following:

1. Approval of final detailed plans by City Staff and City Engineer.
2. No building shall have more than 2-stories of living space above ground.
3. If any building is proposed to have exterior dimensions greater than specified in this approval, the plan shall be subject to approval by Planning Commission and/or City Council.
4. City staff shall review all proposed buildings for consistency with the existing buildings and with the architectural style and quality depicted in the elevation included in this application (a ten-unit building), and may submit any such building to Planning Commission and/or City Council for approval if any element appears inconsistent.
5. If substantial continued development has not occurred with 24 months of approval, the applicant may be required to return for further review and approval.
6. The driveway widths within the development be made to satisfy the Fire Department requirements.

SECTION II.

It is hereby determined that the use of the land in accordance with the aforementioned development plans will not be detrimental to the public peace, health, safety or general welfare, and that is it in the best interest of the City of Blue Ash, Ohio.

SECTION III.

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

PASSED this 14th day of May, 2009.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Mark A. Vander Laan, Solicitor

AGREED TO:

Richard Arnold
McGill Smith Punshon, Inc.
Applicant

Robert Sibcy
Park Manor, LLC
Owner