

ORDINANCE NO. 2009-43

APPROVING A MAJOR MODIFICATION TO THE "CORNELL OFFICE CENTER" PLANNED DEVELOPMENT (FORMERLY KNOWN AS "SHOPPES OF HAZELWOOD"), LOCATED ON THE SOUTH SIDE OF CORNELL ROAD BETWEEN CENTENNIAL AND KEMPER AVENUES, TO PERMIT SUBDIVISION OF THE EXISTING PARCEL AND CONSTRUCTION OF AN ESTIMATED 4,500 SQUARE FOOT COMMERCIAL BUILDING; AND DECLARING AN EMERGENCY

WHEREAS, Randy Travis of RLT Design, on behalf of owner Stock Loan Services LLC, has made application for a major modification to the "Cornell Office Center" Planned Development (formerly known as "Shoppes of Hazelwood"), to permit subdivision of the existing parcel, and construction of an estimated 4,500 square foot commercial building located on the south side of Cornell Road between Kemper and Centennial Avenues; and

WHEREAS, authorizing legislation associated with this development previously adopted by City Council ("Shoppes of Hazelwood") includes Ordinance No. 2005-45 passed on September 8, 2005; and

WHEREAS, the application for this major modification to the planned development, including subdivision of the existing parcel and construction of an estimated 4,500 square foot commercial building, consists of four (4) prints prepared by RLT Design and one (1) print prepared by McGill Smith Punshon, Inc., bearing the notation "Ordinance No. 2009-43, September 24, 2009"; and

WHEREAS, the Planning Commission of the City of Blue Ash, as reflected in the minutes thereof dated August 3, 2009, has recommended approval of said application and reported in accordance with Chapters 1157 and 1185 of the Comprehensive Zoning Ordinance; and

WHEREAS, notice has been given via publication in the *Northeast Suburban Life* on July 29 and August 5, 2009; and

WHEREAS, notice to appropriate property owners has been provided by the Community Development Office in accordance with the Blue Ash Code of Ordinances and/or Ohio Revised Code requirements; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on September 10, 2009.

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

Randy Travis, RLT Design, on behalf of owner Stock Loan Services LLC, is hereby granted approval of a major modification to the "Cornell Office Center" Planned Development (formerly known as "Shoppes of Hazelwood"), located on the south side of Cornell Road between Centennial and Kemper Avenues, including permission to subdivide the existing parcel and construct an estimated 4,500 square foot commercial building. This approval is in accordance with the regulations and criteria set forth in Chapters 1157 and 1185 of the Blue Ash Code of Ordinances. Details of this approval are included on plans consisting of four (4) prints prepared by RLT Design and one (1) print prepared by McGill Smith Punshon, Inc., bearing the notation "Ordinance No. 2009-43, September 24, 2009", and specifically including all conditions, provisions, and restrictions as set forth: (1) in and on said drawing; (2) in the minutes of the Planning Commission dated August 3, 2009; and (3) specifically subject to and including the following:

1. An 8-foot fence to be installed along the rear of the properties, abutting the adjacent residences, with a location and type subject to staff approval. The fences on both properties shall be the same type, style, and size. The fence behind the proposed new construction shall be installed prior to the beginning of construction; the fence behind the existing building shall be installed as soon as is practical.
2. Approval of the proposed new construction is contingent on a photometric plan that results in zero (0) foot-candles of light onto the adjacent residential lots. The lights on the existing building shall be fully shielded from the abutting residential properties or removed.
3. Landscaping for the entire site, including both properties, shall satisfy the intent of the original landscape plan.
4. Construction shall begin within 12 months of final approval or the project may be required to seek an extension and be subject to further review.

SECTION II.

It is hereby determined that the use of the land in accordance with the aforementioned 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 is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City of Blue Ash; the reason for the emergency being the desire to allow this development to move forward, while weather permits, to provide immediate renewal of the property and to improve the maintenance of the property for the benefit of citizens' health, safety, and welfare. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 24th day of September, 2009.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Mark A. Vander Laan, Solicitor

AGREED TO:

Deanna Banner
Stock Loan Services

Rick Grinstead
R&D Enterprises, Inc.