

ORDINANCE NO. 2010-29

APPROVING A DEVELOPMENT PLAN UNDER CHAPTERS 1157 AND 1185 OF THE CODIFIED ORDINANCES FOR CONSTRUCTION OF A NEW CITY BARBEQUE RESTAURANT AT THE SOUTHWEST CORNER OF GLENDALE-MILFORD/PFEIFFER AND KENWOOD ROADS WITHIN THE C-2 PLANNED COMMERCIAL DISTRICT, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ROMBES RESTAURANT AND FORMER JIFFY LUBE)

WHEREAS, Don Feibel of City Barbeque has made application for planned development approval for the construction of a new City Barbeque restaurant at the southwest corner of Glendale-Milford/Pfeiffer and Kenwood Roads in the C-2 Planned Commercial District (currently the site of Rombes Restaurant and the former Jiffy Lube); and

WHEREAS, the procedure for consideration of planned districts is encompassed under Chapters 1157 and 1185 of the Planning and Zoning Code of the Codified Ordinances of the City of Blue Ash, Ohio; and

WHEREAS, details of this development plan are included on four (4) prints prepared by Bayer Becker, bearing the notation "Ordinance No. 2010-29, July 8, 2010"; and

WHEREAS, the Planning Commission of the City of Blue Ash, as reflected in the minutes thereof dated June 3, 2010, has recommended approval of said development plan in accordance with Section 1185 of the Planning and Zoning Code; and

WHEREAS, notice has been given via publication in the *Northeast Suburban Life-Press* on June 23, 2010; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on July 8, 2010.

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

SECTION I.

Don Feibel of City Barbeque restaurant is hereby granted approval of a development plan for the construction of a new City Barbeque restaurant at the southwest corner of Glendale-Milford/Pfeiffer and Kenwood Roads in the C-2 Planned Commercial District (currently the site of Rombes Restaurant and the former Jiffy Lube) in accordance with the regulations and criteria as set forth in Chapters 1157 and 1185 of the Planning and Zoning Code of the Codified Ordinances of the City of Blue Ash, Ohio. Details of this development plan are included on four (4) prints bearing the notation "Ordinance No. 2010-29, July 8, 2010", 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 June 3, 2010; and (3) specifically subject to and including the following:

1. All building code provisions and other design elements be approved by City Staff
2. Cross access easements be recorded to provide legal access to the Kenwood and Glendale Milford driveways for both the existing multi-tenant building and the proposed new restaurant
3. The driveway at the south edge of the development be widened to provide for a 2-lane exit

4. A right-in driveway at the location of the existing Rombes driveway be permitted (as shown on a diagram submitted to the Commission at this meeting) unless the City Engineer finds that such driveway would be a significant danger or problem for the traffic in on Kenwood Road and in the intersection with Glendale Milford and Pfeiffer Roads
5. An easement be provided to ensure that the ground sign for the adjacent use is available to that property
6. A Building Permit Application be submitted for the development within one year of approval
7. Further consideration of the architectural treatment of the south side of the building, with details to be worked out with City Staff
8. That no lit signs be permitted on the south side of the building
9. The buffer on the south side of the lot, abutting the residential district, be vegetative rather than hardscape

SECTION II.

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

PASSED this 8th day of July, 2010.

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Mark F. Weber, Mayor

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Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

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Mark A. Vander Laan, Solicitor

AGREED TO:

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Don Feibel, City Barbeque