

ORDINANCE NO. 47-2023

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTY LOCATED AT 501 EAST KEMPER ROAD AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN AND THE FINAL DEVELOPMENT PLAN FOR THE PROPERTY

WHEREAS, a Chick-fil-A restaurant is currently being operated on Hamilton County Parcel No. 059900200106 which is zoned Planned Unit Development and the restaurant seeks to consolidate adjacent Hamilton County Parcel No. 059900200135 with the existing parcel to expand their operations; and

WHEREAS, the parcel to be consolidated is currently zoned Support Services District (SS); and

WHEREAS, on November 14, 2023, the Planning Commission met and considered a modification of the existing Planned Unit Development (PUD) for the real property located at 501 East Kemper Road and an amendment to the zoning map of the City of Springdale for a portion of the consolidated parcel involving a total of 2.27 acres (the "Property") (the "Application"); and

WHEREAS, the Application sought to rezone a portion of the Property from Support Services District (SS) to Planned Unit Development (PUD) to allow for the expansion of the business to an adjacent lot for the construction of an additional drive-thru and a lot for additional parking; and

WHEREAS, as provided for in Section 153.255(G) of the Springdale Code of Ordinances, the applicant combined the application with the Preliminary Development Plan and the Final Development Plan associated with the Property; and

WHEREAS, the City of Springdale Planning Commission, in considering the Application, recommended approval of the major modification and a zone change for the Property from Support Services District (SS) to Planned Unit Development (PUD) and recommended approval of the Preliminary Development Plan and the Final Development Plan; and

WHEREAS, on December 20, 2023 after proper notice having been given, Council of the City of Springdale held a public hearing to consider the proposed change in zoning from Support Services District (SS) to Planned Unit Development (PUD) and the proposed development plan; and

WHEREAS, upon conclusion of the public hearing, the Council of the City of Springdale considered, in an open meeting, the proposed amendment to the City of Springdale Zoning Map and the recommendation of the Planning Commission to change the zoning of 501 East Kemper Road from Support Services District (SS) to Planned Unit Development (PUD) and the proposed development plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, Ohio, _____ members elected thereto concurring:

Section 1. The recommendation of the City of Springdale Planning Commission with regard to the major modification to the current Planned Unit Development (PUD) at 501 East Kemper Road is hereby approved and the amendment to the City of Springdale Zoning Map is granted such that the zoning for the consolidated parcel at 501 East Kemper Road is hereby changed from Support Services District (SS) to Planned Unit Development (PUD).

Section 2. The request to approve the Preliminary Development Plan and the Final Development Plan for the property located at 501 East Kemper Road, which have been reviewed

and approved by the Planning Commission in accordance with the exhibits listed and described in Exhibit “A”, which is incorporated herein by reference, is hereby approved, subject to the conditions of the Planning Commission, and any other conditions or modifications imposed by Council including:

- a. Staff, City Engineer and City Planner’s recommendations and considerations contained in their reports shall apply; and
- b. As a PUD, his shall include Staff, Law Director and City’s approval of covenants as necessary as it pertains to the project; and
- c. All lighting and re-lamping of the existing fixtures shall conform to existing City codes. Special lighting fixture conditions regarding the canopy: Canopy lighting shall be reduced to a medium use from two to ten max illumination; and
- d. Special landscaping conditions to include, allowing landscaping to be placed in the public right of way as it is illustrated which shall be maintained by Chick-fil-A, and this shall be reviewed and approved by City staff. This shall be by permit only and is not an easement; and
- e. Additional trees and landscaping in the public right of way as illustrated by the applicant to be reviewed and approved by City staff and shall be by permit with the City and is not an easement; and
- f. The existing structure is not to change; and
- g. All other zoning code regulations and conditions shall remain in effect and any change to these conditions shall constitute a change in the approved plans. Such changes would require approval from the Springdale Planning Commission.

Section 3. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect on the earliest date allowed by law.

Passed this ____ day of December, 2023.

Attest:

Clerk of Council

President of Council

Approved:

Mayor

Date