

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
ORDINANCE 14-24

AN ORDINANCE APPROVING THE B-JAY'S DRIVE THRU PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAN, AND FINAL PLAN FOR A PORTION OF PARCELS ID# B02 00119 0004 AND B02 00119 0005 LOCATED IN THE NATIONAL ROAD AND FOLEY DRIVE PUD OVERLAY

WHEREAS, Council has adopted a Planned Unit Development (PUD) Overlay for the "National Road and Foley Drive Area" as set forth in City of Vandalia Ordinance 12-02; and

WHEREAS, the properties at 771-777 E. National Rd., being Parcels # B02 00119 0004 and B02 00119 0005, (the "Property") are located in the National Road and Foley Drive Area PUD; and

WHEREAS, the structures on the Property were destroyed by tornado and the property owner has proposed changes to a portion of the Property that include, but are not limited to, a new structure with different building areas, new plan boundaries, and new location of structures on the Property, and in particular a proposed B-Jay's Drive Thru on a portion of the Property (the "PUD Preliminary Plan"); and

WHEREAS, the proposed changes constitute a Major Modification of the PUD for the Property and pursuant to Vandalia Code section 1273.07 requires, among other things, a new PUD Preliminary Plan to be approved; and

WHEREAS, if the PUD Preliminary Plan is approved by Council, the property owner intends proceed with a final development plan with respect to the B-Jay's Drive Thru substantially as depicted on the PUD Preliminary Plan; and

WHEREAS, the Planning Commission has held a public hearing and recommended approval of the PUD Preliminary Plan, with the notation that all items required for a Final Development Plan have been submitted to and reviewed by Planning Commission with the Preliminary Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The PUD Preliminary Plan for B-Jay's Drive Thru in the Foley Drive and National Road Area PUD Overlay, which was prepared by Burkhart Engineering and dated June 23, 2014, and titled "Site Development Plans for B-JAY'S DRIVE THRU, 771 National Road (U.S. 40) Vandalia Ohio", along with the building elevations, submitted therein, stamped "APPROVED MAY 27, 2014 CITY OF VANDALIA PLANNING COMMISSION", copies of which are available for inspection at the City Manager's office, is hereby approved subject to the following:

- a. Note 8 of the General Notes on the June 23, 2014 Site Development Plan shall be re-written to read, "the parking lot surface shall be repaved in its entirety".
- b. All signage shall comply with 1282.09. The proposed sign shown on Sheet C-3 under "Sign Detail", shall be changed to a monument sign, pursuant to 1282.08(b)(1).

Section 2. The approval of the PUD Preliminary Plan herein is for the B-JAY'S DRIVE THRU portion of the Property only and not for any development on the remaining portions of the Property.

Section 3. Pursuant to the City's home rule powers as set forth in the Constitution of the State of Ohio, the laws of the State of Ohio, and Article I of the City of Vandalia Charter, Council hereby expressly waives the requirement for a Final Development Plan, and approves the PUD Preliminary Plan as the Final PUD Plan for the B-Jay's Drive Thru expressly waiving any procedural deficiencies relative to approval process of the Final PUD Plan set forth in chapter 1273 of the Vandalia Codified Ordinances. Such action being taken by council under the unique and special circumstances of this particular situation which includes but is not limited to; (i) the City initiating the original Preliminary PUD plan for the National Road and Foley Drive Area overlay as the then existing configuration of buildings and land use; (ii) a tornado destroying the existing use causing the property owner to have to submit a new Preliminary Plan; (iii) the length of time involved in approval of the plan due in part to the applicants desire to obtain additional land to make better use of the property; and (iv) the final approval of the adjacent and related property's PUD Plan.

Section 4. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 23rd day of June, 2014.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Jon Crusey
Clerk of Council