

ORDINANCE NO. 38-2019

**ACCEPTING THE RECOMMENDATION OF THE VILLAGE OF FAIRFAX PLANNING
COMMISSION TO APPROVE A PLANNED UNIT DEVELOPMENT FOR 6219
WOOSTER PIKE IN THE VILLAGE OF FAIRFAX**

WHEREAS, the property ("Property") at 6219 Wooster Pike in the Village of Fairfax ("Village") is under contract for sale to Homes By Coach subject to the satisfaction of future contingencies, including the establishment of a Planned Unit Development ("PUD") for the Property; and

WHEREAS, the Property is used currently for a warehouse and garage; and

WHEREAS, Homes by Coach intends to develop the Property for mixed commercial and residential use, including approximately 35-38 townhomes, adding important stock to the Village's residential base; and

WHEREAS, the Property is currently zoned "E - Business Mixed Use" and "F - Business Mixed Density Residential - Office," with an Architectural Review Overlay District; and

WHEREAS, pursuant to Section 18.2 of the Village Zoning Code, Homes by Coach and the Village have been in consultation as to the request to establish a PUD for the Property; and

WHEREAS, pursuant to the request for a PUD, Homes by Coach requested a zone change from the current zoning to "E - Business Mixed Use" and "F - Business Mixed Density Residential - Office," with a PUD overlay; and

WHEREAS, pursuant to Section 18.2 of the Village Zoning Code, Homes by Coach submitted a Concept Plan with its request for the proposed PUD and accompanying zone change; and

WHEREAS, the Concept Plan, incorporated herein by reference, is on file with the Clerk-Treasurer and has been available for public inspection for at least thirty days; and

WHEREAS, on June 12, 2019, July 30, 2019, and August 6, 2019, the Village Planning Commission met in public session to discuss the proposed PUD, Concept Plan, and zone change, including holding a public hearing, and the minutes of all three meetings are on file with the Clerk-Treasurer and have been available for public inspection for at least thirty days; and

WHEREAS, after due consideration, including public comment, the Village Planning Commission voted unanimously to recommend the Concept Plan and accompanying zone change and forward its report and recommendation to the Council

of the Village of Fairfax (“Council”) for consideration pursuant to Chapter 18 of the Village Zoning Code; and

WHEREAS, having received the Planning Commission’s report and recommendation and, further, having conducted an independent review, this Council hereby finds and determines that the Concept Plan meets the specified “Conditions of Approval” set forth in Section 18.3 of the Village Zoning Code, with the additional special conditions that: (1) all streets within the PUD be private and maintained by Homes by Coach or its assignee; and (2) Homes by Coach or its assignee conduct or otherwise arrange for all garbage and recycling collection within the PUD; and

WHEREAS, the Concept Plan contains the items required by, and otherwise complies with, Section 18.2 of the Village Zoning Code; and

WHEREAS, the proposed development of the Property as reflected on the Concept Plan is a desirable use of the Property compared to the current use and alternative uses allowed by the Zoning Code; and

WHEREAS, given market conditions, a PUD is necessary and appropriate to accommodate desirable development of the Property; and

WHEREAS, the text of this ordinance has been on public display in the office of the Clerk-Treasurer for at least thirty days; and

WHEREAS, this Council held a public hearing on the approval of the Concept Plan; and

WHEREAS, prior to holding a public hearing, all required notices of the hearing were published and mailed in accordance with law; and

WHEREAS, development of the Property is still subject to the Village’s review and approval of detailed site development plans under Chapter 18 of the Village Zoning Code and any other applicable provision of the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Fairfax, State of Ohio, that:

SECTION I: The Concept Plan is hereby approved subject to the conditions that: (1) all streets within the PUD be private and maintained by Homes by Coach or its assignee; and (2) Homes by Coach or its assignee conduct or otherwise arrange for all garbage and recycling collection within the PUD.

SECTION II: The Zoning Map attached hereto as Exhibit A, reflecting the PUD overlay, is hereby adopted and the PUD overlay is hereby placed over the Property within the “E - Business Mixed Use” and “F - Business Mixed Density Residential - Office” zones.

SECTION III: This ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this ___ day of _____, 2019.

Mayor

ATTEST:

Clerk-Treasurer

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 38-2019 passed at the meeting of the Council of the Village of Fairfax held on the ___ day of _____, 2019.

Clerk-Treasurer