

A RESOLUTION

BY: MRS. HILTON

NO. 1798

REVERSING THE PLANNING COMMISSION'S JANUARY 7, 2015, DENIAL OF A SPECIAL USE REQUEST FOR THE PLANNED DEVELOPMENT AT THE SOUTHEAST CORNER OF OAKWOOD AVENUE AND IRVING AVENUE, AND GRANTING THE SAME WITH CONDITIONS.

WHEREAS, on May 3, 2010, Council passed Ordinance No. 4701 to approve the Major Site Development Plan submitted by Routsong Realty, Ltd., for a Planned Development at the southeast corner of Oakwood and Irving Avenues (the "Routsong development"); and

WHEREAS, the Routsong development is located within the Neighborhood Business District, which, among other things, restricts operating hours to 7:00 a.m. through 9:00 p.m. unless special use approval is granted to extend the same; and

WHEREAS, a coffee shop known as Saxbys Coffee ("Saxbys") is a tenant for the Routsong development, and Routsong Realty, Ltd. has submitted an application for a special use approval to allow Saxbys to open at 6:00 a.m. daily; and

WHEREAS, Saxbys occupies the southernmost space in the Routsong development, which includes a drive-thru, and the earlier opening time requested by Routsong Realty, Ltd., would apply equally to Saxbys on-premises and drive-thru operations; and

WHEREAS, a public hearing on the matter was held by the Planning Commission on January 7, 2015, with the applicant and members of the public being afforded notice and an opportunity to be heard concerning the proposed special use; and

WHEREAS, having carefully considered the matter, the Planning Commission, by a vote of 5-0, denied the special use as presented by the applicant; and

WHEREAS, pursuant to Section 1004.5(C), the applicant has appealed the Planning Commission's denial to Council, and Council has held a public hearing upon the appeal, with the applicant and members of the public being afforded notice and an opportunity to be heard concerning the proposed special use;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Based on the evidence presented, and pursuant to the deliberations of Council, it is hereby found and determined that the proposed special use, namely, to allow Saxbys Coffee to open at 6:00 a.m., is consistent with the 2004 Comprehensive Plan and meets all applicable standards for special uses set forth in Oakwood Zoning Ordinance Section 1004.6, provided that the following conditions are met with respect to such operation:

- 1) The applicant having voluntarily withdrawn his request as it pertains to Saturdays and Sundays, the 6:00 a.m. opening time will apply Monday through Friday only.
- 2) Approval shall terminate 1 year from the date of adoption of this resolution, subject to a request for permanent approval as a new special use request.

SECTION II.

Based on the findings set forth in Section I, the January 7, 2015, decision of the Planning Commission to deny the special use submitted by Routsong Realty, Ltd., is hereby reversed. The application for a Special Use for a Planned Development, as filed by Routsong Realty, Ltd., is hereby approved, subject to all conditions set forth in Section I.

SECTION III.

Consistent with Sections I and II, above, Saxbys Coffee shall be permitted to operate between the hours of 6:00 a.m. and 9:00 pm. daily.

SECTION IV.

In addition to the conditions set forth herein, the Special Use approved herein shall remain subject to all requirements for special uses set forth in Chapter 1004 of the Oakwood Zoning Ordinance, and remains subject to all determinations, conditions and restrictions set forth in the original Planned Development approval legislation, adopted May 3, 2010, as Ordinance No. 4701.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION VI.

This resolution shall be and remain in effect upon its passage.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 2nd day of March, 2015.



Mayor William D. Duncan

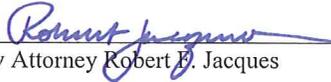
ATTEST:



Clerk of Council

TO THE CLERK:

No publication is required.



City Attorney Robert B. Jacques