

ORDINANCE NO. 3 , 2014

AN ORDINANCE REZONING LOTS ON MONTGOMERY ROAD FROM O-OFFICE BUSINESS DISTRICT TO OC-OFFICE COMMERCIAL DISTRICT

WHEREAS, an application was made by the property owner at 9201 Montgomery Road, Montgomery, Ohio to rezone property currently zoned for the O-Office Business District to permit limited retail use by either rezoning the current property to a commercial Business District, redefining the O-Office Business District to permit commercial uses, or creating a new district; and

WHEREAS, after multiple meetings between the property owner and Staff, and after review by the Planning Commission, the Planning Commission has recommended creating a new Business District with limited retail to be entitled the OC-Office Commercial District to permit low intensity retail uses within such district ; and

WHEREAS, City Council has accepted such recommendation from the Planning Commission's separately enacting legislation to create an OC-Office Commercial District; and

WHEREAS, the Planning Commission has recommended upon the creation of the OC-Office Commercial District that properties at 9157, 9201 and 9200 Montgomery Road currently zoned within the O-Office Business District be rezoned to the new district; and

WHEREAS, Council did hold a public hearing on such recommended rezoning of these parcels on December 18, 2013; and

WHEREAS, after such public hearing, and after reviewing the recommendation of the Planning Commission, Council does concur in the Planning Commission recommendation to rezone such properties into the newly created district.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Properties currently located at 9157 and 9201 Montgomery Road fronting Montgomery Road, respectively Auditor's Parcel Numbers 603-0003-0076 and 603-0003-0098, at the intersection near Kennedy Lane, and 9200 Montgomery Road, being Auditor's Parcel Number 603-0004-0128, all as depicted on the plat as Schedule A attached hereto and more particularly described in Schedule B attached hereto, all of which are currently located in the O-Office Business District shall be rezoned to the OC-Office Commercial District upon the creation of the new district.

SECTION 2. The Community Development Director is hereby directed to make a change in the zoning map to reflect this new zone and the boundary for such zones as modified.

SECTION 3. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: March 5, 2014

ATTEST: Connie M. Gaylor
Susan J. Hamm, Clerk of Council

By: Connie M. Gaylor, Acting Clerk of Council

Todd A. Steinbrink
Todd A. Steinbrink, Mayor

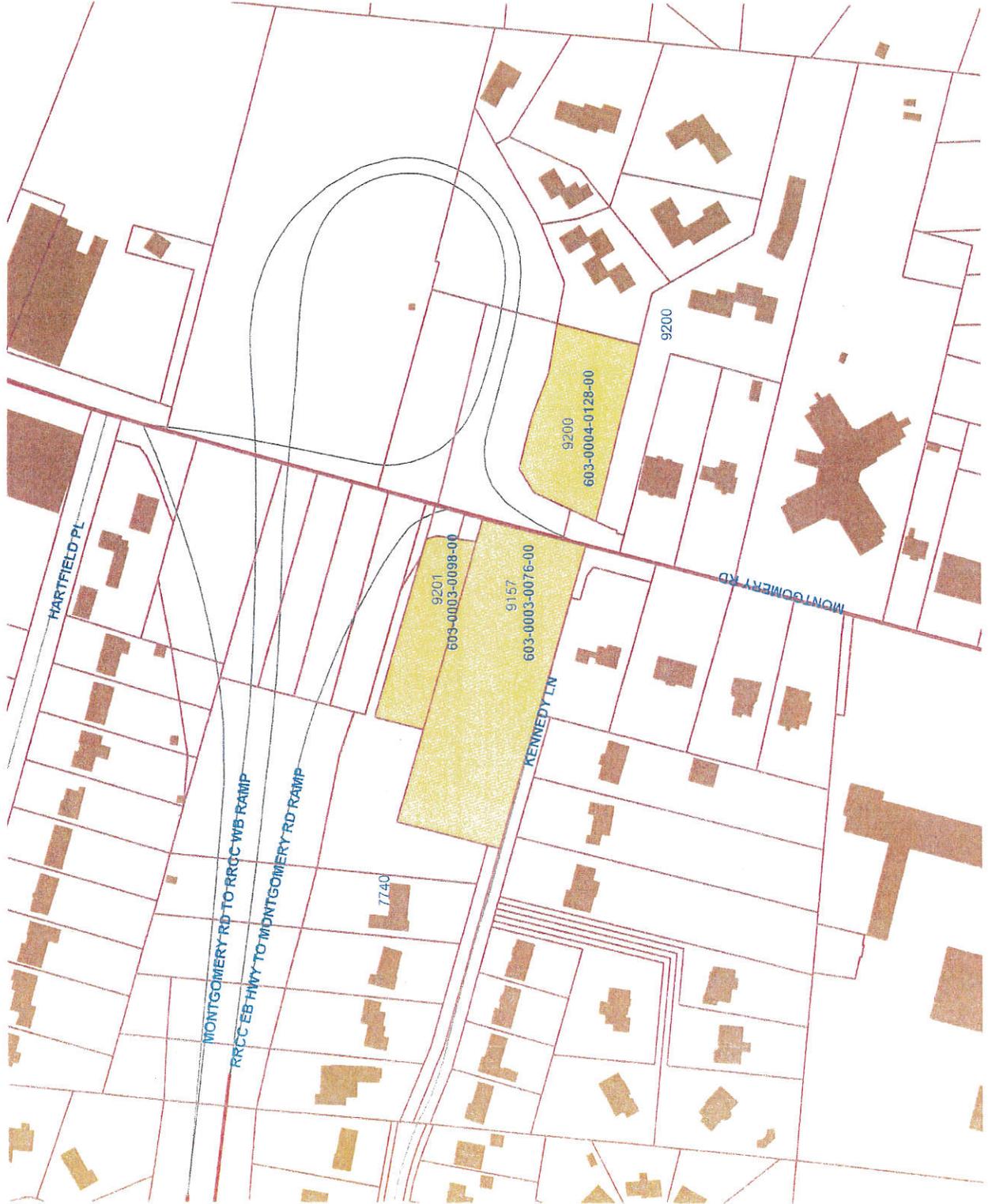
APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

SCHEDULE "A"



Parcels included in Proposed Rezone to 'OC' - Office Commercial



Parcels included in proposed rezone to 'OC' are highlighted in yellow

SCHEDULE B

9157 Montgomery Road

Situated in Section 3, Township 4, Entire Range 1, Miami Purchase, Sycamore Township, Village of Montgomery, Hamilton County, Ohio, being part of Lot 1 of the James Kennedy Estate as recorded in Plat Book 5, page 177½, Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the Southeast Corner of said Lot 1 at the intersection of the Center lines of Kennedy Lane (a 30 ft. in width roadway) and the Montgomery Road (a 60 ft. in width roadway); thence North 78° 45' West five hundred four and 15/100 (504.15) ft. along the Center line of Kennedy Lane to a spike; thence North 9° 12' East – one hundred seventy-one and 57/100 (171.57) ft. to a Cross Cut in concrete base maintaining a post and passing over an iron pipe on the north side of Kennedy Lane at 15 ft.; thence South 78° 45' East – five hundred four and 15/100 (504.15) ft. to the Center line of Montgomery Road passing over an iron pipe on the West line of said road at 474.13 ft.; thence South 9° 12' West – one hundred seventy-one and 57/100 (171.57) ft. along the Center line of Montgomery Road to the place of beginning. Containing 1.985 acres. Subject to all legal highways.

Auditor's Parcel No.: 603-0003-0076

9201 Montgomery Road

Situated in the Village of Montgomery, Sycamore Township, Hamilton County, State of Ohio, Section 3, Town 4, Entire Range 1, and being a part of Lot 1 of the James Kennedy Estate as recorded in Plat Book 5, Page 117-½ of the Hamilton County Recorder's Plat Records and being more particularly described as follows:

Commencing at the northeasterly corner of said Lot 1, said corner being a point in the centerline of Montgomery Road; thence South 14° 07' 13" West along the centerline of Montgomery Road a distance of 256.22 feet to a point; thence North 73° 49' 47" West a distance of 56.04 feet to a point, which point is Grantor's northeasterly corner and the place of beginning; thence South 14° 20' 41" East a distance of 18.88 feet to a point; thence South 7° 52' 32" West a distance of 64.34 feet to a point; thence North 78° 45' West a distance of 309.97 feet to Grantor's southwesterly corner; thence North 9° 12' East 80 feet to Grantor's northwesterly corner; thence South 78° 45' East 293.96 feet along Grantor's northerly line to the place of beginning.

Together with the non-exclusive easement, as set forth in Deed Book 3899, Page 743, of the Hamilton County, Ohio, Records, for ingress and egress and driveway purposes in connection with the use of the Dominant Estate by Grantees for residential and office purposes over the following described real estate:

Situate in Section 3, Town 4, Entire Range 1, Miami Purchase, Sycamore Township, Village of Montgomery, Hamilton County, Ohio, located on Lot No. 1 of the James Kennedy Estate as recorded in Plat Book 5, Page 177-½, Hamilton County, Ohio, Recorder's Office and more particularly described as follows:

Commencing at a point in the center line of Kennedy Lane, said point lying North 78° 45' West, 323.13 feet from the intersection of said center line with the center line of Montgomery Road, thence North 11° 15' East, 171.33 feet to a point; thence South 78° 45' East, 25 feet to a point; thence South 11° 15' West, 171.33 feet to the center line of Kennedy Lane; thence North 78° 45' West along said center line 25 feet to the place of beginning.

Auditor's Parcel No.: 603-0003-0098

9200 Montgomery Road

Situated in the City of Montgomery, in Section 3, Town 4, Entire Range 1, Miami Purchase, Sycamore Township, Hamilton County, Ohio, being parts of Lots 3 and 4 of Finley's Estate, Case No. 29000, Common Pleas Court, plat of said lots recorded in Book 42, Page 154 of the mutilated records, Hamilton County Clerk's Office, described as follows:

Commencing in the center line of Montgomery Road, at the southwest corner of said Lot 4, thence North 14° 07' 13" East, along the center line of Montgomery Road, a distance of 200.00 feet; thence South 75° 45' 47" East, a distance of 38.00 feet to the easterly line of the limited access highway known as Ronald Reagan Highway, formerly known as Cross County Highway No. 453-C; thence along the easterly line of Ronald Reagan Highway, North 14° 07' 13" East, a distance of 10.83 feet and North 22° 05' 27" East, a distance of 26.20 feet to the place of beginning; thence along the easterly and southerly line of Ronald Reagan Highway as so designated in the Hamilton County Commissioner's Resolution of April 7, 1965, North 22° 05' 27" East, a distance of 24.29 feet, North 25° 25' 46" East, a distance of 83.55 feet, North 55° 25' 43" East, a distance of 43.93 feet, South 77° 13' 39" East, a distance of 85.02 feet, South 66° 47' 23" East, a distance of 75.95 feet and South 79° 49' 30" East, a distance of 79.81 feet; thence South 14° 07' 13" West, a distance of 135.07 feet; thence North 75° 45' 47" West, a distance of 288.37 feet to the place of beginning.

Auditor's Parcel No.: 603-0004-0128