

ORDINANCE NO. 2024-21

**APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN AT 7433-7449
MONTGOMERY ROAD PER THE VILLAGE OF SILVERTON CODE § 153.400 to
153.999 (PMUD) PLANNED MIXED-USE DISTRICT**

WHEREAS, the Village Council established the Planned Mixed Use District zoning classification to permit and encourage the orderly, cooperative, and flexible development and expansion of land uses by adopting Ordinance 15-3490 on December 10, 2015; and

WHEREAS, Jeffrey R. Anderson Real Estate, Inc. applied for Stage I review of a Planned Mixed Use District zoning amendment on April 19, 2024, for these properties. The Village Planning Commission reviewed and approved the Stage I submittal at their meeting on May 22, 2024; and

WHEREAS, Jeffrey R. Anderson Real Estate, Inc. applied for Stage II review of a Planned Mixed Use District zoning submittal on June 7, 2024, for these properties; and

WHEREAS, the Village Planning Commission conducted a public hearing on the Stage II Preliminary Development Plan on July 17, 2024; and

WHEREAS, after considering all of the factors set forth in the Municipal Code of Ordinances, the comments made during the public hearing, and the documents submitted into the record, the Planning Commission voted to recommend approval of JRA's Stage II PMUD Application, subject to the waivers and conditions set forth in a PMUD Development Agreement as agreed to by JRA, and as set forth in the minutes of the Planning Commission meeting dated July 17, 2024; and

WHEREAS, Village Council conducted a public hearing on the Planning Commission's recommendation to approve, subject to the waivers and conditions noted, JRA's Phase II Stage II PUD on August 15, 2024; and

WHEREAS, Village Council considered all of the factors set forth in the Code of Ordinances and the comments made and documents submitted into the record during the public hearing on August 15, 2024, the comments made during the public hearing before Planning Commission on January 9, 2024, the record of proceedings from the Planning Commission, the materials submitted by JRA as part of its Stage II PMUD Application, and the PMUD Development Agreement as agreed to by JRA; and

WHEREAS, after considering all of these factors and applying the standards promulgated in Section 153.403(C), Village Council hereby finds the Stage II Concept Development Plan submitted by JRA subject only to the expressed waivers in the PMUD Development Agreement and the conditions set forth by the Planning Commission, meet the standards articulated in the Zoning Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SILVERTON, OHIO, THAT:

SECTION I. The Preliminary Stage II Concept Development Plan, attached hereto and made a part hereof as Exhibit "B", is hereby approved.

SECTION II. The PMUD Development Agreement and its waivers and conditions, attached hereto and made a part hereof as Exhibit "C", shall govern the development of and the uses allowed on the Project site, in addition to future improvements and operational modifications as proposed. For any proposed deviations or modifications from the provisions found in

the

PMUD Development Agreement and First Amendment, JRA must follow the procedures outlined in §153.404 (H).

SECTION III.

The PMUD Development Agreement and First Amendment shall be fully executed and recorded at the Hamilton County Recorder's Office before issuing a zoning permit for this Project. The applicant shall take the necessary steps to fully execute and record the PMUD Development Agreement before submission of the Stage III plans.


SECTION IV.

This Ordinance shall be effective at the earliest time provided by law.

First Reading: August 15, 2024

Second Reading: September 5, 2024

Passed this 5th day of September, 2024.



John A. Smith, Mayor



Jack Cameron, Village Manager

Approved as to form:



Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 2024-21 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing

Sept 6, 2024.



Meredith L. George, Clerk of Council