

**CITY OF ENGLEWOOD
IN
MONTGOMERY COUNTY, OHIO**

ORDINANCE: 22-15

PASSED: NOVEMBER 22, 2022

AN ORDINANCE: APPROVING ZONING FOR AN S-PUD MAJOR MODIFICATION AT 825 UNION BOULEVARD

WHEREAS, a concept plan has been submitted by Driven Brands, to operate a Take Five Oil Change facility, for the property at 825 Union Boulevard, currently zoned S-PUD; and **WHEREAS**, said property currently lies within a “S-PUD” zoning district, and a proper application has been filed for modification to that “S-PUD;” and

WHEREAS, a site development plan has been submitted in support of S-PUD zoning; has been judged conditionally adequate by reference to Section 1264.03(e), “Required Contents ...”, of the Zoning Code; and both City Council and the Administrative Board for Planning and Zoning Appeals have made required findings of fact called for by Section 1264.03(h) of said Zoning Code; and

WHEREAS, notifications of public hearings on matters outlined herein were advertised in a newspaper of general circulation and were mailed to all property owners within 200 feet of the subject property; and

WHEREAS, this proposal has received a recommendation for conditional approval from the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF MONTGOMERY, STATE OF OHIO, AS FOLLOWS:

SECTION I That the “S-PUD” application and site development plan for Driven Brands for the development of a Take Five Oil Change facility at 825 Union Boulevard, be herewith conditionally approved.

SECTION II That any redevelopment of the subject site, pursuant to such approvals, occurs only if:

- a) Final landscaping and screening plans shall be approved by staff before the issuance of building permits. Parking shall meet the standards for individual land uses, as is presently codified by Section 1266.05 (c) of the Zoning Code.
- b) Site development plans are reviewed and approved by the City’s consulting civil and traffic engineers.
- c) All building elevations are constructed of a minimum 65% standard brick, with the balance utilizing a combination of stone or stucco, as proposed by the applicant and are judged by staff to be complementary to adjacent land uses and in compliance with city requirements.
- d) Building shall be no larger than 1,500 square feet with a maximum of two service bays.

e) Signage shall comply with the requirements of the C-3 zoning, limited to 2 signs per business.

f) All review and permit fees normally collected, all sureties normally posted, and all other actions and/or arrangements called for by applicable sections of the Codified Ordinances of the City of Englewood, be accomplished by the developer(s).

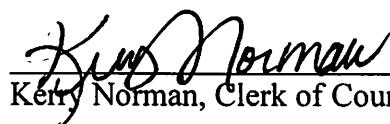
SECTION III The applicant is further approved to make minor site design modifications to provide for improved traffic movements if determined necessary by the City's consulting traffic or civil engineer.

SECTION IV It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were taken in open meetings of this council, and that all deliberations of this council, and of any committees, that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements.

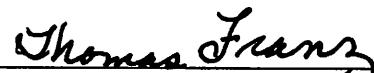
SECTION V That this ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED this 22nd day of November 2022.

ATTEST:



Kerry Norman, Clerk of Council



Thomas Franz, Mayor

C E R T I F I C A T E

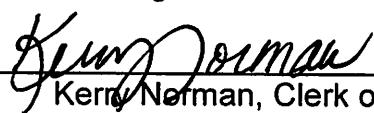
I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. WITNESS my signature this 22nd day of November, 2022.



Kerry Norman, Clerk of Council

CERTIFICATE OF POSTING

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing ORDINANCE was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman, Clerk of Council