



Ordinance No. 8 20 21

ORDINANCE DENYING THE PRELIMINARY AND FINAL PLANS SUBMITTED ON BEHALF OF POND REALTY COMPANY FOR A PLANNED UNIT DEVELOPMENT IN THE GENERAL BUSINESS DISTRICT (GBD-PUD) FOR THE 3.35-ACRE ASSEMBLAGE OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MONTGOMERY ROAD AND LEXINGTON AVENUE, INCLUDING REAL PROPERTY IDENTIFIED ON THE HAMILTON COUNTY AUDITOR'S RECORDS AS PARCELS MONTGOMERY ROAD (651-0054-130 (& -131), 3732 MONTGOMERY ROAD (651-0057-0053 & -0054), MONTGOMERY ROAD (651-0054-132), AND A PORTION OF PARCEL (651-0057-0055), (0056, 0057, 0058, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, AND 0068)

WHEREAS, the Planning Commission for the City of Norwood met on October 7, 2020, to conduct a public hearing and to consider preliminary and final plans for a planned unit development (PUD) submitted on behalf of Pond Realty Company in the General Business District with a PUD overlay (GBD-PUD) for the 3.35-acre assemblage of real property located on the southeast corner of Montgomery Road and Lexington Avenue, including real property identified on the Hamilton County Auditor's Records as parcels Montgomery Road (651-0054-130 (& 131), 3732 Montgomery Road (651-0057-0053 & -0054), Montgomery Road (651-0054-132), and a portion of parcel (651-0057-0055), (0056, 0057, 0058, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, and 0068); and

WHEREAS, the Planning Commission voted to recommend to the Norwood City Council that the preliminary and final plans for the GBD-PUD referred to above be approved as to the 3.35-acre assemblage of real property more fully described in Exhibit B;

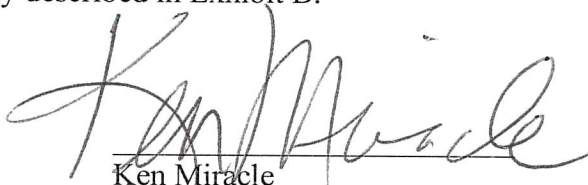
WHEREAS, this Council has held a public hearing on March 9, 2021 (postponed from January 26, 2021 at the applicant's request), as required by Section 713.12 of the Ohio Revised Code; now therefore,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. This Council hereby denies the recommendation of the Planning Commission, attached hereto as Exhibit A, to approve the preliminary and finals plans submitted on behalf of the Pond Realty Company for the General Business District – Planned Unit Development (GBD-PUD) for the 3.35-acre assemblage of real property described in Exhibit B.

PASSED

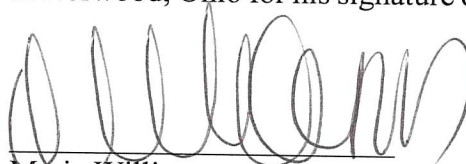
3-9-21
Date


Ken Miracle
President of Council

Ordinance Denying the Preliminary and Finals Plans submitted on behalf of Pond Realty Company as to the 3.35 Acre Site at the S.E. corner of Montgomery Road and Lexington Avenue

ATTEST:

regular Maria Williams, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular special meeting of Norwood City Council on the 9th day of March, 2021 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 9th day of March, 2021.



Maria Williams
Clerk of Council

APPROVED _____

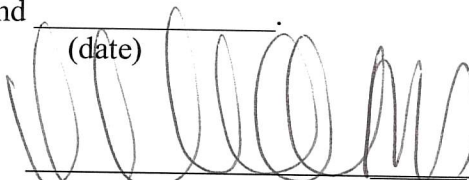
Date

Victor Schneider
Mayor

CERTIFICATION OF PUBLICATION:

Maria Williams, the dully appointed Clerk of Council, attests that this ordinance was published in the

_____ on _____ and _____
(Name of Newspaper) (date) (date)



Maria Williams
Clerk of Council

1st Reading _____
Date

2nd Reading _____
Date

3rd Reading _____
Date

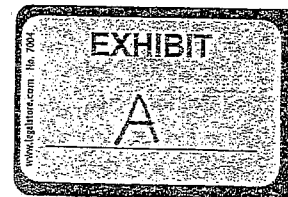
All 3 Readings 3-9-21
Date

Tabled _____
Date

Vetoed _____
Date

Ordinance Denying the Preliminary and Finals Plans submitted on behalf of Pond Realty Company as to the 3.35 Acre Site at the S.E. corner of Montgomery Road and Lexington Avenue

Interoffice Memorandum
City of Norwood, Ohio



To: City Council
From: Planning Commission
Date: October 8, 2020
RE: Volkswagen automobile dealership on the South side of Lexington Avenue
at Montgomery Road
Copy: Law Department
File

On October 7, 2020 the Norwood Planning Commission held a public hearing reviewing Peter A. Saba and Thomas E. Tepe, Jr. representing Pond Realty Company submitting both the preliminary and final plans for a planned unit development of 3.35 acres for the proposed removal of requirements as set forth in section 3 of Ordinance 28-2014 and Chapter 1155 seeking to modify and remove the prohibited uses set forth in Section 2. B. Automotive Service and Repair and Section 2.H. Sale of New Motor Vehicles in Ordinance 28-2014. For property located on the southeast corner of Montgomery Road and Lexington Avenue addresses including real property identified on the Hamilton County Auditor's web site as parcels Montgomery Road, 651-0054-130 (& 131); 3732 Montgomery Road 651-0057-0053 (& 54; Montgomery Road 651-0054-132); and a portion of parcel 651-0057-0055, (0056, 0057, 0058, 0059, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, and 0068) only for a Volkswagen automobile dealership.

Planning Commission voted to allow the amendment of the application to add sections 2A & 2E. Planning Commission also voted to pass the PUD application on to Council for further review.

Per Section 1155.14 of the Norwood Zoning Code, the recommendations of the Planning Commission are to be forwarded to the Norwood City Council for public hearings and final action. It is requested that a Public Hearing be set no earlier than 30 days from the receipt of this memorandum.

Legal Description

Description: City of Cincinnati Land
Part of Wasson Way Trail
Parcel - 0.2696 Ac.

Location: City of Cincinnati
Hamilton County, Ohio

Situated in, Section 3, Town 3, Fractional Range 2, Between the Miami's, Mill Creek Township, The City of Cincinnati, Hamilton County, Ohio being part of the lands of City of Cincinnati as recorded in Official Record 13259, Page 1793 of the Hamilton County Recorder's Office containing 0.2696 acre and being further described as follows:

Commencing at the intersection of the southerly right of way line of Lexington Avenue (60') and the westerly right of way line of Regent Avenue (60'), also being the northeast corner of Lot 31 Cleneay's Subdivision as recorded in Plat Book 9, Page 10; thence, South 06° 06' 00" West, 151.85 feet to a found 5/8" iron pin with cap at the southeast corner of Pond Realty Company as recorded in O.R. 13547, Page 764, being on the northerly Corporation line for the City of Cincinnati; thence, along the southerly line of said Cleneay's Subdivision and said Corporation line, North 83° 52' 29" West, 670.09 feet to a set 5/8" iron pin with cap and the True Point of Beginning;

thence, from the True point of Beginning, and leaving said Cleneay's Subdivision line and said Corporation line with a new division line through said City of Cincinnati land the next four courses:
South 05° 42' 39" West, 11.82 feet to a set 5/8" iron pin with cap;

thence, North 84° 17' 21" West, 673.11 feet to a set 5/8" iron pin with cap;

thence, North 83° 37' 37" West, 130.99 feet to a set 5/8" iron pin with cap;

thence, North 06° 07' 31" East, 16.13 feet to a set 5/8" iron pin with cap on the south line of said Cleneay's Subdivision, and said Corporation Line;

thence, along said Pond Realty Company line, said Corporation line, and south line of said Cleneay's Subdivision, South 83° 52' 29" East, 804.00 feet to the True Point of Beginning containing 0.2696 acre, more or less and subject to all easements and rights of way of record.

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001, Subsection (B)(1) Ohio Revised Code, and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed, or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

All set iron pins are 5/8" x 30" with ID caps "Bayer Becker"

The above description was prepared from a survey made on May 24, 2019 under the direction of Terry W. Cook, Professional Surveyor #7950 in the State of Ohio.

Tract V: Auditor's Parcel No. 651-0057-0055

All that certain piece or parcel of land situated in Section 3, Township 3, Fractional Range 2, Millcreek Township, in the City of Norwood, County of Hamilton and State of Ohio and being the rear 50 feet off of Lots 4 and 5 on Cleneay's Subdivision of Sunnyside recorded in Plat Book 9, Page 10, in the Recorders Office of the Hamilton County, Ohio, and more particularly described as follows:

Beginning at a point on the northern line of the right of way of the Norfolk and Western Railway 40 feet distant northwardly from and at right angles to a point on the centerline of said right of way about 400 feet distance westwardly from Mile Post 4 as measured from Cincinnati; said point of beginning being also on the dividing line between lots 5 and 6 of Cleneay's Subdivision aforesaid; thence northwardly along said dividing line between said lots 5 and 6, 50 feet to a point; thence westwardly through lots 4 and 5 of said subdivision and parallel with said northern line of the right of way and 50 feet distant northwardly therefrom 100 feet to the northeast corner of Lot 1 of said subdivision; thence southwardly along the dividing line between Lots 4 and 1 of said subdivision 50 feet to a point on the said northern line of said right of way; thence eastwardly along said line of rights of way 100 feet to the place of beginning, being 50 feet of the extreme south end of lots 4 and 5 of Cleneay's Subdivision containing .115 acres, more or less.

Auditor's Parcel No. 651-0054-0130

Situate in the City of Norwood, Section 3, Township 3, Fractional Range 2, Miami Purchase, Millcreek Township, Hamilton County, Ohio:

BEGINNING at a point on the south side of Lexington Avenue as shown in Plat Book No. 6, Page 150, Hamilton County, Ohio, Plat Records; which point is distant fourteen hundred (1400) feet west of the southwest corner of Lexington and Regent Avenues, which point is also the northeast corner of Lot No. three (3) of Cleneay's Subdivision of Sunny Side as recorded in Plat Book No. 9, Page 10, Hamilton County Plat Records; thence west along the south side of said Lexington Avenue 121.75 feet to a point on the east side of Montgomery Pike; thence southwardly along the east side of said Montgomery Pike 58.04 feet to a point; thence east on a line parallel with said Lexington Avenue 151.22 feet to a point and thence north 50 feet to the south side of said Lexington Avenue, the place of beginning, being all of Lot No. 3 of Cleneay's Subdivision of Sunny Side as recorded in Plat Book No. 9, Page 10, Hamilton County, Ohio, Plat Records; EXCEPTING from the foregoing lot or parcel of land a strip of ground five (5) feet in width off the west and thereof, heretofore conveyed to the Village of Norwood at Deed Book 856, Page 93.

Auditor's Parcel No. 651-0057-0053. 54 cons.

Situate in Section 3, Town 5, Fractional Range 2, of the Miami Purchase, Millcreek Township, Norwood, Hamilton County, Ohio, and being the north one hundred (100) feet of Lots four (4) and five (5) of Cleneay's Subdivision of Sunnyside, as shown on the plat recorded in the Recorder's Office of Hamilton County, Ohio, in Plat Book 9, Page 10, and said parts of said lots herein conveyed being bounded and described as follows:

BEGINNING in a point in the south line of Lexington Avenue thirteen hundred (1300) feet west of the southwest corner of Lexington and Regent Avenues; thence west on the south line of Lexington Avenue one hundred (100) feet to a point; thence southwardly at right angles to Lexington Avenue one hundred (100) feet to a point in the line of the premises of the Norfolk & Western Railway Company; thence east with said Railway property and parallel with Lexington Avenue one hundred (100) feet to a point; thence north at right angles to said Lexington Avenue one hundred (100) feet to the place of beginning.

Auditor's Parcel No. 651-0054-0131:

Situate in the City of Norwood, Hamilton County, Ohio, in Section 3, Millcreek Township, and more particularly described as follows:

Beginning at a point in the easterly line of Montgomery Avenue, said point being sixty-nine and 62/100 (69.62) feet southwardly from the intersection of the south line of Lexington Avenue with the easterly line of Montgomery Avenue and eleven and 58/100 (11.58) feet southwardly

from the northwest corner of Lot No. 2, of Cleneay Sunnyside Subdivision; thence running eastwardly along the line parallel to the north line of Lot No. 2, and ten (10) feet south of this line one hundred and fifty-one and 51/100 (151.51) feet is the east line of Lot No. 2; thence running southwardly along the said east line of Lot No. 2, forty (40) feet to the southeast corner of Lot No. 2; thence running westwardly along the south line of Lot No. 2, one hundred and seventy-five and 06/100 (175.06) feet to the easterly line of Montgomery Avenue; thence running northwardly along said easterly line of Montgomery Avenue forty-six and 46/100 (46.46) feet to the place of beginning, being a strip forty (40) feet in width off the south side of Lot No. 2, of Cleneay Sunnyside Subdivision.

Also the following described real estate, situated in the City of Norwood, Hamilton County, Ohio, in Section 3, Millcreek Township and more particularly described as follows:

Beginning at the northeast corner of Lot No. 2, of Cleneay Sunnyside Subdivision; thence running westwardly along the north line of Lot No. 2, of Cleneay Sunnyside Subdivision a distance of sixty-eight (68) feet is a point in the north line of said Lot No. 2; thence southwardly at right angles to the north line of said Lot No. 2, a distance of ten (10) feet to a point; thence eastwardly parallel with the north line of said Lot No. 2, and at a distance of ten (10) feet therefrom sixty-eight (68) feet to a point in the east line of said Lot No. 2; thence northwardly along the west line of said Lot No. 2, a distance of ten (10) feet to the place of beginning.

Auditor's Parcel No. 651-0054-0131:

Situated in the City of Norwood, Hamilton County, Ohio, in Section 3, Township 3, Fractional Range 2, Miami Purchase, Millcreek Township, and more particularly described as follows:

Beginning at a point in the east line of Montgomery Pike fifty-eight and four hundredths (58.04) feet south of Lexington Avenue said point being the northwest corner of Lot 2, as shown on the plat of Cleneay Subdivision of Sunnyside, North Walnut Hills, said plat being made by Joseph S. and G.W.B. Cleneay, and recorded in Plat Book 9, Page 10, of the Records of Hamilton County, Ohio; thence eastwardly along the north line of Lot 2, a distance of seventy-seven and sixty-two hundredths (77.62) feet to a point in the north line of said Lot 2; thence southwardly a distance of ten (10) feet on a line perpendicular to said north line of said Lot 2, to a stake; thence westwardly on a line parallel to the north line of said Lot 2, a distance of eighty-three and fifty-one hundredths (83.51) feet to the east line of Montgomery Pike; thence northwardly along the east line of Montgomery Avenue eleven and fifty-eight hundredths (11.58) feet to the northwest corner of said Lot 2, the place of beginning.

The aforesaid Tract VII, Parcel I and II being all of Lot 2 of Cleneay's Subdivision of Sunnyside as recorded in Plat Book 9, Page 10 except the west five (5) feet thereof deeded to the Village of Norwood for sidewalk purposes at Deed Book 848, Page 329.