

**ORDINANCE NO. 2011 - 13**

**APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A GAS STATION AND CONVENIENCE STORE ON A B-2 ZONED PROPERTY LOCATED AT THE NORTHWEST CORNER OF BETHANY ROAD AND MASON-MONTGOMERY ROAD (BETHANY GREEN CIRCLE)**

WHEREAS, the Planning Commission has reviewed the request for a Conditional Use Permit to allow a gas station and convenience store on a B-2 zoned property located at the northwest corner of Bethany Road and Mason-Montgomery Road; and

WHEREAS, the Planning Commission's motion to approve the Conditional Use Permit to allow a gas station and convenience store on a B-2 zoned property located at the northwest corner of Bethany Road and Mason-Montgomery Road was approved by a vote of 5 to 0; and

WHEREAS, the City expects that the developer shall consult with adjoining homeowners to agree upon as much as practical the means of mitigating potential impacts to their homes of vehicle headlights, as vehicles enter or leave the business property; and

WHEREAS, the City expects that the developer shall make a good faith effort to work with the adjoining homeowners to resolve each of these areas of concern.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, four members elected thereto concurring:

Section 1. That a Conditional Use Permit is issued to allow gas station and convenience store on a B-2 zoned property located at the northwest corner of Bethany Road and Mason-Montgomery Road, subject to the following conditions:

Hours of Operation: Hours of operation shall be limited to 6:00 AM to 11:00 PM.

Appearance: Require the façade of the building to be brick or decorative stone on all sides, no siding of any type. Require all canopy columns to be finished in either brick or decorative stone. Limit signage to one "ground mounted" sign. No building or canopy mounted signage. The trash dumpster shall be housed in a brick or stone walled enclosure.

Visual Buffer: The developer will provide irrigated landscape screening in the form of a raised berm with a fence approved by City Code, deciduous and evergreen trees, and shrubs of a size and density to provide an essentially opaque screen between the business and the residences on the western property line. The south and east facing property sides of the property shall be landscaped to provide as much visual buffer as practical to the neighboring homes.

Noise: The installation and/or use of outdoor speaker systems for non-emergency use is prohibited. Existing residential noise limits will remain in force on all residential property. Routine dumpster service is limited to between the hours of 9:00 AM and 6:00 PM.

Lighting: Prohibit direct light from any source on the premises from shining beyond the property line at ground level. During hours of non-operation, the overall

lighting of the site must be reduced to reasonable levels as needed to provide for security and safety on the premises.

**Traffic:** The Bethany Green developer shall bear the expense of providing additional roadway improvements as determined by the City to be necessary as the result of this project, including the possibility of additional turn lanes. The City shall determine turn lane requirements and whether such improvements are needed at this time, or as part of the future planned improvements.

**Smells/Fumes:** Existing Ohio and Federal EPA regulations relating to refueling operations will be enforced. All trash, garbage and refuse shall be held in a closed dumpster and the business owner shall contract with a trash service to ensure that the dumpster is emptied daily on days when the business is operating. Developer shall also install enhanced vapor recovery equipment.

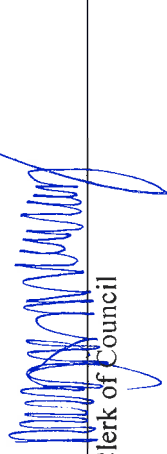
**Stormwater:** Surface water runoff will be handled in accordance with existing Federal and Ohio EPA guidelines and the Mason Stormwater Utility.

Section 2. That the tract of land proposed for the Conditional Use Permit is more particularly described in the attached Exhibit "A", which is incorporated herein by reference.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 12<sup>th</sup> day of September, 2011.

Attest:

  
Clerk of Council

  
Mayor